August 2024

Picture of Royal Exhibition Building and Carlton Gardens****

General Permit Exemptions

Royal Exhibition Building and Carlton Gardens, (H1501). Photo Credit: Visit Victoria

August 2024

General Permit Exemptions

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# General exemptions do not require a permit or an application for a permit exemption

## What are general exemptions?

General exemptions apply to all places and objects included in the Victorian Heritage Register (VHR), and allow certain works and activities to proceed without a permit or an application for a permit exemption.

Established under s.92(1) of the [*Heritage Act 2017* (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007), general exemptions are designed to ensure that everyday management, maintenance and upkeep of registered places and objects can take place without having to apply for approvals from Heritage Victoria. Works and activities covered by general exemptions must not harm the fabric to the extent that it harms the heritage significance of the registered place or object, and should positively contribute to its management.

## How to use general exemptions

### Check the Victorian Heritage Database

Check the [is my place heritage listed?](https://www.heritage.vic.gov.au/heritage-listings/is-my-place-heritage-listed) interactive map to find out if a place or object is included in the VHR.

### Check specific exemptions

Before undertaking works or activities in accordance with general exemptions, it is important to understand if specific exemptions apply to the registered place or object, and if so, whether they conflict with works or activities permitted by general exemptions.

Exemptions specific to a place or object identify works or activities that are exempt from the requirement for a permit and are established at the time of the place or object’s inclusion in the VHR. These activities and works may be recommended by the Executive Director under section 38 and determined by the Heritage Council of Victoria under section 49(3) of the [*Heritage Act 2017* (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)*.* Additionally, an application may be submitted to the Executive Director under s.92(3) of the [*Heritage Act 2017* (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)for a permit exemption relating to ongoing works or activities specific to a registered place or object.

To find out if specific exemptions apply, look it up in the [is my place heritage listed?](https://www.heritage.vic.gov.au/heritage-listings/is-my-place-heritage-listed) interactive map and navigate to its Victorian Heritage Database listing. Click on ‘additional place information’ and ‘permit exemptions’ to view specific exemptions.

### Check if general exemptions apply

Please read this document carefully and in full prior to works or activities commencing.

The **Guidelines** and **General Conditions** set out in **Part A** of this document apply to all general exemptions, and must be complied with at all times. **Part B** sets out categories of works or activities covered by general exemptions, including conditions applicable to each category as a whole, and conditions specific to individually exempted works or activities.

It is the responsibility of the owner or manager of a registered place or object to ensure all works or activities are compliant with the requirements set out in this document.

Please refer to our [website](https://www.heritage.vic.gov.au/permits-and-approvals/heritage-permit-exemptions) for further guidance.

#### When general exemptions conflict with specific exemptions

If there is an inconsistency between specific exemptions and works or activities permitted by general exemptions, then **specific exemptions prevail**.

Works cannot be undertaken in accordance with general exemptions if they contravene the permit exemptions specific to the registered place or object.

### Engage suitably qualified practitioners

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

Some works or activities permitted by general exemptions will require the expertise of a heritage professional, such as a heritage architect, heritage consultant or a local council heritage advisor. Other activities may require the involvement of tradespeople with different specialised skills and experience, such as electricians or plumbers.

Please consult the [Victorian Heritage Services Directory](https://www.heritageservicesdirectory.com.au/) to find a heritage service provider.

### Notify Heritage Victoria where required

#### Required notifications

Some general exemptions require the proponent to notify Heritage Victoria of certain works and activities. In such cases, notification can be lodged using [Heritage DESK](https://application-hub.app.planning.vic.gov.au/hv/).

#### Disclose use of general exemptions in Heritage DESK (optional)

Owners and managers of registered places and objects are encouraged to keep records of works and activities completed under general exemptions. This is not, however, mandatory.

Works and activities undertaken in accordance with general exemptions can be disclosed in [Heritage DESK](https://application-hub.app.planning.vic.gov.au/hv/).

#### Unexpected issues and finds

If previously hidden or inaccessible fabric relevant to the registered place or object’s cultural heritage significance is uncovered while undertaking works or activities in accordance with general exemptions, all works must stop, and Heritage Victoria (or the appropriate relevant authority) must be notified.

Examples of this might include the discovery of historical archaeological remains, previously concealed features such as cellars or decorative paint schemes, or potentially dangerous material such as historic munitions.

Please refer closely to the **General conditions** below for guidance as to who should be notified and when, based on the type of previously hidden material identified.

# Part A: Guidelines and general conditions

The following guidelines, general conditions and definitions apply to all general exemptions established in accordance with section 92(1) of the [*Heritage Act 2017 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)

## Guidelines

1. General exemptions apply only to registered places and objects included in the **Victorian Heritage Register**, and places and objects subject to an interim protection order under section 143 of the [*Heritage Act 2017 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)
2. General exemptions do not apply to archaeological sites included in the Victorian Heritage Inventory, that are not also included in the **Victorian Heritage Register**. Approvals under Part 6 of the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) will be required for any works or activities to Victorian Heritage Inventory sites.
3. General exemptions are self-assessed. A **proponent** is responsible for ensuring that all proposed works or activities fall within the definition of works or activities permitted by general exemptions, and that all relevant conditions are complied with.
4. Any technical notes and guidance referred to in this document are intended to be used as a reference resource only, unless otherwise specified.
5. Works or activities that do not fit strictly within the general exemptions categories in **Part B** of this document require approval under Part 5 of the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)*.*
6. In accordance with section 92(6) of the [*Heritage Act 2017 (Vic),*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) the Heritage Council may, on the recommendation of the **Executive Director**, amend or revoke general exemptions in accordance with section 92(1) of the *Heritage Act 2017* (Vic).
7. Where there is an inconsistency between general exemptions established in accordance with section 92(1) of the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)and permit exemptions specific to the registered place or object established in accordance with either section 49(3) or section 92(3) of the *Heritage Act 2017* (Vic)exemptions specific to the registered place or object will prevail to the extent of any inconsistency.
8. Where there is an inconsistency between general exemptions established under section 92(1) of the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)and the contents of a permit issued under Part 5 of the *Heritage Act 2017* (Vic)the permit will prevail to the extent of any inconsistency.
9. In general exemptions, words have the same meaning as in the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)*,* unless otherwise indicated. Where there is an inconsistency between general exemptions and the *Heritage Act 2017* (Vic), the *Heritage Act 2017* (Vic)will prevail to the extent of any inconsistency.
10. Nothing in general exemptions obviates the responsibility of a **proponent** to obtain the consent of the owner of the registered place or object, or if the registered place or object is situated on Crown Land the land manager as defined in the [*Crown Land (Reserves) Act 1978 (Vic),*](https://www.legislation.vic.gov.au/in-force/acts/crown-land-reserves-act-1978/131)prior to undertaking works or activities in accordance with general exemptions.
11. If a Cultural Heritage Management Plan in accordance with the [*Aboriginal Heritage Act 2006 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/027) is required for the proposed works or activities, general exemptions will apply only if the Cultural Heritage Management Plan has been approved prior to works or activities commencing. Where there is an inconsistency between general exemptions and a Cultural Heritage Management Plan for the proposed works and activities, Heritage Victoria must be [contacted](https://www.heritage.vic.gov.au/about-us/contact-us) for advice on the appropriate approval pathway.
12. General exemptions do not constitute approvals, authorisations or exemptions under any other legislation, Local Government, State Government or Commonwealth Government requirements, including but not limited to the [*Planning and Environment Act 1987 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/planning-and-environment-act-1987/156), the [*Aboriginal Heritage Act 2006 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/027)*,* *Traditional Owner Settlement Act 2010* (Vic), *Native Title Act 1993* (Cth) and the [*Environment Protection and Biodiversity Conservation Act 1999 (Cth)*](https://www.legislation.gov.au/C2004A00485/latest/text)*.* Nothing in this declaration exempts owners or their agents from the responsibility to obtain relevant planning, building or environmental approvals from the responsible authority where applicable.
13. Where a registered place or object included in the Victorian Heritage Register is on public land which is subject to a Land Use Activity Agreement under the [*Traditional Owner Settlement Act 2010 (Vic),*](https://www.legislation.vic.gov.au/in-force/acts/traditional-owner-settlement-act-2010/026) or a Native Title determination under the [*Native Title Act 1993 (Cth)*](https://www.legislation.gov.au/C2004A04665/latest/text)*,* proponents may have additional obligations to notify, consult with or attain the agreement of the relevant Traditional Owner Group entity. In some cases this may include the payment of community benefits or compensation to the recognised Traditional Owners. General exemptions do not exempt proponents from these obligations.
14. Care should be taken when working with heritage buildings and objects, as historic **fabric** may contain dangerous and poisonous materials (for example lead paint and asbestos). Appropriate personal protective equipment should be worn at all times. If you are unsure, seek advice from a qualified heritage architect, heritage consultant or local Council heritage advisor.
15. The presence of unsafe materials (for example asbestos, lead paint etc) at a registered place or object does not automatically exempt remedial works or activities in accordance with this category. Approvals under Part 5 of the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) must be obtained to undertake works or activities that are not expressly exempted below*.*

## General conditions

1. All works or activities permitted under general exemptions must be planned and carried out in a manner which prevents harm to the registered place or object. Harm includes moving, removing or damaging any part of the registered place or object that contributes to its **cultural heritage significance.**
2. Works or activities carried out under general exemptions must be undertaken with reasonable care, skill and diligence. Some works or activities will require specialist advice or expertise in conserving heritage places and objects.
3. If during the carrying out of works or activities in accordance with general exemptions original or previously hidden or inaccessible details of the registered place are revealed relating to its **cultural heritage significance**, including but not limited to **historical archaeological remains**, such as features, deposits or artefacts, then works must cease immediately in the area of the discovery and Heritage Victoria [contacted](https://www.heritage.vic.gov.au/about-us/contact-us) as soon as possible for direction.
4. If during the carrying out of works or activities in accordance with general exemptions any Aboriginal cultural heritage is discovered or exposed at any time, all works must cease and the Secretary (as defined in the [*Aboriginal Heritage Act 2006 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/027)*)* must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006* (Vic).
5. If during the carrying out of works or activities in accordance with general exemptions any munitions or other potentially explosive artefacts are discovered, Victoria Police is to be immediately alerted and the site is to be immediately cleared of all personnel.
6. If during the carrying out of works or activities in accordance with general exemptions any suspected human remains are found the works or activities must cease. The remains must be left in place and protected from harm or damage. Victoria Police and the State Coroner’s Office must be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the State Emergency Control Centre must be immediately notified on 1300 888 544, and, as required under s.17(3)(b) of the [*Aboriginal Heritage Act 2006 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006/027)*,* all details about the location and nature of the human remains must be provided to the Secretary (as defined in the *Aboriginal Heritage Act 2006* (Vic)).

## Definitions

**Adaptation** means changes made to a registered place or object to suit the existing **use**, or a proposed use.

**Agricultural operations** means works or activities undertaken in order to produce processed and unprocessed agricultural products. These products may include grains and flours, fresh and processed fruits and vegetables, meat and animal products, dairy products, horticultural products, natural fibres, sugar and wine.

**Blue plaque** means a blue plaque specifically issued by the Heritage Council of Victoria to an owner of a place or object included in the Victoria Heritage Register. More information relating to blue plaques is available from the [Heritage Council](https://heritagecouncil.vic.gov.au/get-involved/order-a-blue-plaque/).

**Cultural heritage significance** has the same meaning as in the [*Heritage Act 2017 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/004)

**Emergency** has the same meaning as in the [*Emergency Management Act 2013 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/emergency-management-act-2013/020)*.*

**Executive Director** has the same meaning as in the [[*Heritage Act 2017 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/004)](https://delwpvicgovau-my.sharepoint.com/personal/megan_rowland_delwp_vic_gov_au/Documents/HV%20work%202019-2020/MR%20RRIF%202021-22/2.%20Drafting/RRIF%20drafting/FINAL%20REVIEW/Heritage%20Act%202017%20(Vic).)

**Early or original** elements relate to **fabric** associated with the initial construction, or subsequent notable construction phase, of the registered place or object, or with events in the history of the registered place or object that contributes to its **cultural heritage significance**.

**Fabric**means all the physical material of the registered place or object, including elements, fixtures, landscape features, and subsurface artefacts, features and deposits.

**Formative and reduction pruning** is the removal of a tree or shrub’s material (for example leaves or branches) with an aim to maintain the tree/shrub’s size, improve its health, shape, flowering or fruiting, and/or protect its longevity of life. Formative pruning should involve the removal of as little material as possible to achieve the intended purpose. In accordance with **general exemptions**, formative pruning of trees must not exceed 20% of the tree’s canopy within a period of one calendar year.

**General exemptions** means categories of works or activities which may be undertaken in relation to a registered place, registered object, or class of registered place or registered object, without a permit under Part 5 of the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/004), as set out by section 92(1) of the *Heritage Act 2017* (Vic).

**Grave cut** means the extent of earth excavated when creating a burial plot.

**Grave furniture** means any above-ground fabric associated with a burial, that is not a **grave marker**, such as ornaments, vases, tiles, kerbings, railings, and fences.

**Grave goods** means subsurface elements of a burial (excluding human remains), including coffins and items buried with the deceased.

**Grave marker** means **fabric** indicating a place of burial, such as headstones, footstones, sculpture, monuments, engraved stone, timber crosses and the like, and associated supportive structures such as plinths and pedestals.

**Ground-surface masonry** means any brickwork, tiling, pavers, terrazzo, or elements paved with concrete, asphalt and the like, situated at ground level and located within the extent of registration for a registered place or object. Ground-surface masonry may relate to paths, driveways, mosaics, plinths, foundations, paved surfaces and flooring, or to individual pieces of masonry (for example a single bluestone paver), situated in both interior and exterior locations.

**Hardstand surface** means an area paved in durable material such as concrete or asphalt. Hardstand surfaces are able to bear heavy loads, such as machinery, vehicles or large structures, with minimal or no impact to **fabric**.

**Harm** includes altering, moving, removing, damaging or impacting any part of the registered place or object that contributes to its **cultural heritage significance.**

**Historical archaeological remains** has the same meaning as “archaeological site” in the [*Heritage Act 2017 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/004)All historical archaeological sites in Victoria are protected by the *Heritage Act 2017* (Vic), and an approval is needed from the **Executive Director** for their damage or disturbance. Archaeological sites are defined as:

* containing an artefact, deposit or feature that is at least 75 years old; and
* providing information about past activity; and
* needing archaeological methods to reveal information about the settlement, development or use of the place; and
* not being associated only with Aboriginal occupation of the place.

Note: archaeological remains are often buried or concealed and may not be visible at ground level. See General Condition 3 in relation to the management of unexpected finds.

**Interment** has the same meaning as in the [*Cemeteries and Crematoria Act 2003 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/cemeteries-and-crematoria-act-2003/037)*.*

**Landscape** means the natural and/or designed layout, topographic and geographic features, form, materials and components associated with an exterior setting of cultural heritage significance. Landscapes can be of **cultural heritage significance** in their own right or may provide an important setting and curtilage to places and objects of **cultural heritage significance**.

**Landscape character type** means a distinct, identifiable and consistent pattern of elements within a **landscape** (for example, colour, form, topography, components, species of vegetation etc). **Landscape features** that are described as being “sympathetic” to their surrounding landscape character type would match or resemble the surrounding landscape in texture, material, colour and/or form (for example a playground colour palette using greens and browns to match surrounding vegetation, or a **seasonal floral display** containing specimens consistent with other surrounding plantings etc.).

**Landscape features** means the individual natural and designed components of a **landscape**. Natural landscape features may include such elements as geographical materials, topography, contours and vegetation of the area that have not been planted, designed, arranged, constructed or installed by human activity. Designed landscape features relate to modifications made by human activity, including but not limited to planted features such as trees, vegetation and garden beds; built elements such as paths, paving, pergolas, fences, and gates; ornamental features such as lakes, ponds, sculpture, artworks, monuments, memorials and fountains; infrastructural features such as drinking taps, outdoor furniture, waste management infrastructure, bollards and bicycle racks; and recreational features such as playgrounds and sporting courts.

**Maintenance** means upkeep or continuous protective care without causing any damage to the existing fabric and elements, or the introduction of new materials. Maintenance is not removal or replacement of existing material, or the introduction of new types of material.

**Non-fixed fabric** means any registered object, object integral or element/s of a registered place that are portable and not fixed to the place.

**Noxious weed** has the same meaning as in the [*Catchment and Land Protection Act 1994 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/catchment-and-land-protection-act-1994/072)*.*

**Obscure** means:

* concealing, hiding, covering, **early or original** **fabric**,
* keeping **early or original** **fabric,** from being easily seen or understood (eg: dividing walls may obscure the spatial volume).

**Pandemic declaration** has the same meaning as in the [*Public Health and Wellbeing Act 2008 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/064)

**Penetration** means a localised piercing into or through **fabric.** It is not cutting into, cutting off, notching, slotting or chasing.

**Proponent** means the owner, or person acting with the consent of the owner, of a registered place or object proposing to use **general exemptions**.

**Public and operational lighting** means lighting required for the public operation of a registered place, such as street lighting, lighting located in rail corridors, and lighting required to illuminate a sporting ground. In some cases, public and operational lighting may contribute to the **cultural heritage significance** of a registered place (for example the Melbourne Cricket Ground [H1928]; Princes Bridge [H1447]).

**Public Cemetery** has the same meaning as in the [*Cemeteries and Crematoria Act 2003 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/cemeteries-and-crematoria-act-2003/037)*.* A list of public cemeteries located in Victoria is available [here](https://www.health.vic.gov.au/cemeteries-and-crematoria/cemetery-search).

**Qualified arborist** means a person suitably experienced and competent in arboriculture, having obtained the minimum required qualification of Australian Qualification Framework (AQF) Level 5, Diploma of Horticulture (Arboriculture).

**Rail corridor** means the land on which a tram or train rail is built; comprising all property between property fences, and if the area is not fenced, everywhere 15 metres either side of the outermost rails.

**Railway jewellery** means rail fittings and fixtures that join lengths of rails and attach rail to sleepers such as dog spikes, resilient fastenings, spring fastening spikes, screw spikes, sleeper plates, fish plates, and anchors. Does not include overhead fixtures.

**Refurbishment** means changes made to a registered place for any reason (for example aesthetic, comfort, modernisation). It is not adaptation which is primarily informed by use, and it is not repair which involves returning deteriorated or damaged fabric to a serviceable condition with a minimal degree of change. Early refurbishments may contribute to the cultural heritage significance of the place.

**Remedial pruning** means, in accordance with *Australian standard* *Pruning of amenity trees AS 4373-2007*, the removal of damaged, diseased or lopped branches back to undamaged tissue in order to induce the protection of shoots from latent or adventitious buds, from which a new crown will be established. Unlike **formative and reduction pruning**, a canopy removal limit does not apply to **remedial pruning** works and activitieseligible under **general exemptions**.

**Repair** means the works or activities involved in returning deteriorated or damaged **fabric** to a serviceable condition, with any change to fabric limited to the minimum amount necessary. Repair may involve the replacement of fabric on a like-for-like basis, or in some cases the introduction of new materials which complement, are compatible with, and do not degrade, abutting viable fabric. Repair works and activities must maximise the conservation of the registered place or object.

**Resurfacing** means the application of a new layer of material onto an existing surface, using matching materials, to create a new surface (for example resurfacing an asphalt road with a fresh layer of asphalt). It excludes any grading change as part of the resurfacing process.

**Road reserve** means the public land upon which public roads, pathways, and roadsides are located. It does not include driveways or roads situated on private land. In the context of a **road reserve**, the terms **public road**, **pathway**, and **roadside** all have the same meaning as in the [*Road Management Act 2004 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/road-management-act-2004/065)*.*

**Seasonal floral display** means a garden bed with a demonstrated tradition of being changed on a seasonal basis using annual or other varieties of bedding plants. Several places included in the Victorian Heritage Register contain traditionally seasonal floral displays which contribute to the **cultural heritage significance** of the registered place or object, such as such as the Floral Clock within [Domain Parklands [H2304]](https://vhd.heritagecouncil.vic.gov.au/places/165951), the [Fitzroy Gardens [H1834]](https://vhd.heritagecouncil.vic.gov.au/places/4703) and the [Ballarat Botanical Gardens [H2252]](https://vhd.heritagecouncil.vic.gov.au/places/1761).

**Soft landscaping** means areas of a **landscape** comprising soft, natural materials such as vegetation (for example turf, moss and other ground-cover plants and garden beds), soil, mulch and the like, which have not been affected by the introduction of new, hard surfaces and materials such as concrete, asphalt, stones, paving and the like.

**Spot application** means the confined application of a material or substance to a specific element of a registered place or object, without impacting any other surrounding element (for example the direct application of herbicide onto a singular noxious weed, ensuring that no other surrounding plant is sprayed with the herbicide).

**State of emergency** has the same meaning as in the [*Public Health and Wellbeing Act 2008 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/064)

**Stockpile site** means a storage area and/or facility within a **road reserve** used to store building and road resurfacing materials (for example asphalt, gravel, building rubble and the like). Such areas are also known as “laydown areas”.

**Structural root zone** means, in accordance with Australian standard *Protection of Trees on Development Sites AS 4970-2009*, the circular area around the base of a tree, comprising woody root growth and soil cohesion, required for the tree’s stability in the ground. This zone considers a tree’s structural stability only, not the root zone required for a tree’s health and viability, which typically comprises a larger area.

**Surface-mounted** means any element, fixture, service or fitting which is directly fixed to the **fabric** of the registered place or object. It is not an element, fixture, service or fitting which is located beneath the place’s floor or ground surface (for example underground cabling and pipes etc).

**Surface patina** means the processes or evidence of surface use and aging. This might include organic growths or signs of wear on stone surfaces over time, or colour and/or lustre changes to metal surfaces as a result of touch or oxidisation.

**Tree protection zone** means, in accordance with Australian standard *Protection of Trees on Development Sites AS 4970-2009*, a specified area above and below ground and at a given distance from the trunk set aside for the protection of a tree’s roots and crown to provide for the viability and stability of a tree to be retained where it is potentially subject to damage by development.

**Upgrade** means the replacement of existing elements of a registered place or object, such as plumbing and electrical services, with new elements of the same type, and in the same location, to improve operation or purpose. Upgrade is not the installation of new elements in new locations.

**Use** means the functions of a registered place or object, including the activities and traditional and customary practices that may occur at, or are dependent on, the registered place or object.

**Victorian Heritage Inventory (VHI)** contains known archaeological sites and has the same meaning as ‘Heritage Inventory’ in the [*Heritage Act 2017 (Vic)*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)*.* Search the VHI using the [Victorian Heritage Database.](https://vhd.heritagecouncil.vic.gov.au/)

**Victorian Heritage Register (VHR)** contains state significant cultural heritage places and objects and has the same meaning as ‘Heritage Register’ in [*Heritage Act 2017 (Vic).*](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) Search the VHR using the [Victorian Heritage Database](https://vhd.heritagecouncil.vic.gov.au/).

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# Part B: Exempt works and activities

## 1. Maintenance and cleaning

|  |  |
| --- | --- |
| Exemption | Exemption conditions |
| * 1. Works or activities associated with the maintenance of a registered place or object to maintain its condition or operation, such as the testing/lubrication/tuning of machinery or moving mechanisms. | 1. **Fabric** must not be damaged or removed during the undertaking of works and activities. 2. New materials must not be introduced. |
| * 1. Resecuring loose elements of the registered place or object, including: * roofs * timber work * fixtures * decorative features. | 1. Loose elements of the registered place or object must be resecured in the original manner. |
| * 1. Cleaning of exterior masonry and painted surfaces in good condition, including: * pre-cleaning * testing activities * removal of surface deposits and organic growths. | 1. When brushing, this must be with the use of dry brushing using a soft, natural bristle brush, or vacuuming at low-medium pressure with a brush attachment. Wire brushes must not be used. 2. When washing with water, this must be at a low pressure (to a maximum of 300 psi at the surface being cleaned) using neutral detergents and gentle brushing and scrubbing. 3. Works or activities requiring intervention beyond water and neutral detergents are not exempt. 4. **Surface patina** important to the cultural heritage significance of the registered place or object must be preserved during maintenance and cleaning. 5. Removal of graffiti is not allowed under this exemption. |
| * 1. Testing of materials and techniques for the removal of graffiti. | 1. Full removal of graffiti is not allowed under this exemption. The test area must be less than 10 x 10 cm. 2. Testing must strictly comply with the standards, guidance and methodologies set out by [*Heritage Victoria Graffiti Removal and Protection Guidance*](https://www.heritage.vic.gov.au/resource-library/general-documents/Guidance-relating-to-the-management-of-graffiti-at-heritage-places.pdf)*.* 3. Once testing has concluded, the results must be submitted to Heritage Victoria as part of a permit exemption application for the full removal of the graffiti. The application must be approved prior to any further works. |
| * 1. Painting of previously painted surfaces to cover graffiti and test application of graffiti prevention barriers. | 1. Must strictly comply with the standards, guidance and methodologies set out by [*Heritage Victoria Graffiti Removal and Protection Guidance*](https://www.heritage.vic.gov.au/resource-library/general-documents/Guidance-relating-to-the-management-of-graffiti-at-heritage-places.pdf)*.* 2. Any repainting works and activities must comply with the requirements and conditions of **Category 3. Painting and wallpapering.** 3. Removal of graffiti is not allowed under this exemption. |
| * 1. Graffiti removal from buildings or structures that have been constructed at the place following its inclusion in the Victorian Heritage Register, providing a permit was issued for that construction. | 1. The construction or erection of the building or structure at the registered place must have been undertaken with an approval issued under Part 5 of the [Heritage Act 2017 (Vic) or corresponding previous law.](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) 2. Graffiti removal activities must not damage, remove or disturb early or original fabric, including landscape features such as historical planting schemes, paths and ground-surface masonry, other built structures (including interiors and exterior elements), or historical archaeological remains. 3. Works or activities must maximise protection of **early or original fabric** associated with the registered place. |
| * 1. Clearing of water collection and discharge, including: * water tanks * roof water * storm water elements such as drains, pipes, culverts and gutters. | 1. Any clearing activities impacting vegetation and landscaping at the registered place must comply with the requirements and conditions of **Category 9. Vegetation and landscape management.** |
| * 1. Installation of traps and physical barriers, such as mesh and physical termite hindrances at registered places to enable management of pests and small vermin such as termites, rabbits, possums, rats and mice | 1. Must be located in a discreet area, with materials selected to be, fully reversible and with minimal visual impact. 2. Installation of physical coating on the stumps of buildings/structures for the purpose of termite control must be undertaken by a tradesperson experienced in its application. 3. Barriers installed onto buildings/structures must be installed using existing fixing points and **penetrations** where possible. 4. Where existing penetrations cannot be used, new **penetrations** must be limited to the minimum amount required and to the following locations:  * non-original elements/structures of the registered place erected or installed after the place was included in the Victorian Heritage Register, or * early or original fabric in good condition, limited to smooth render or plaster surfaces, timber boarding with a painted finish, and in mortar and grout joints. In such locations, new penetrations must use the smallest available non-expanding nails/screws required to fulfil the purpose of the procedure.  1. Must comply with the requirements and conditions of **Category 9. Vegetation and landscape management (exemption 9.8)** when installing barriers and traps near to, or directly onto, trees and vegetation. |
| Useful resources  *[Achieving high quality building conservation outcomes](https://delwp2-search.squiz.cloud/s/redirect?collection=delwp-meta&url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0020%2F505253%2FAchieving-high-quality-building-conservation-outcomes.pdf&index_url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0020%2F505253%2FAchieving-high-quality-building-conservation-outcomes.pdf&auth=53snhj9K33YexYi3LwOtqQ&profile=DELWP2020&rank=1&query=Achieving+high+quality+building+conservation+outcomes+%7CZ%3A%22%24%2B%2B+Heritage+%24%2B%2B%22)*  *[Minimum standards for maintenance and repair of heritage places](https://delwp2-search.squiz.cloud/s/redirect?collection=delwp-meta&url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0020%2F505244%2FDTP_Minimum-standards-for-maintenance-and-repair-of-heritage-places.pdf&index_url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0020%2F505244%2FDTP_Minimum-standards-for-maintenance-and-repair-of-heritage-places.pdf&auth=H6Xv%2BOBHjhH6d1LVVf%2Fqew&profile=DELWP2020&rank=1&query=Minimum+standards+for+maintenance+and+repair+of+heritage+places+%7CZ%3A%22%24%2B%2B+Heritage+%24%2B%2B%22)*  *[Preparing a maintenance plan](https://delwp2-search.squiz.cloud/s/redirect?collection=delwp-meta&url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0022%2F505264%2FPreparing-a-maintenance-plan.pdf&index_url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0022%2F505264%2FPreparing-a-maintenance-plan.pdf&auth=bMPSaKiwf6wnXLOfUs3G2g&profile=DELWP2020&rank=1&query=Preparing+a+maintenance+plan+%7CZ%3A%22%24%2B%2B+Heritage+%24%2B%2B%22)*  *[Inspection schedule](https://delwp2-search.squiz.cloud/s/redirect?collection=delwp-meta&url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0019%2F505261%2FInspection-schedule.pdf&index_url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0019%2F505261%2FInspection-schedule.pdf&auth=SA0gwk%2FnARA9Xvzf%2FxzZOw&profile=DELWP2020&rank=1&query=Inspection+schedule+%7CZ%3A%22%24%2B%2B+Heritage+%24%2B%2B%22)*  [*Cleaning masonry*](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0021/505254/Cleaning-masonry.pdf)  [*Heritage Victoria Graffiti Removal and Protection Guidance*](https://www.heritage.vic.gov.au/resource-library/general-documents/Guidance-relating-to-the-management-of-graffiti-at-heritage-places.pdf) |  |

## 2. Minor repairs

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category | 1. All works or activities must maximise protection and retention of **early or original fabric** associated with the registered place or object and the conservation of existing details and elements. 2. Works or activities must not exacerbate the decay offabric due to chemical incompatibility of new materials, obscure fabric or limit access to such fabric for future maintenance. 3. 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. 4. This category must not allow the cumulative replacement of large amounts or a high proportion of the type of fabric being repaired. Works and activities must be limited to the minimum required to achieve the purpose of the procedure. |
| Exemptions | **Exemption conditions** |
| * 1. Refixing, patching and/or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance. | 1. Must match the existing fabric in appearance, including colour, material and method of fixing. 2. There must be no restumping works and activities to buildings/structures. |
| * 1. Repair of door and window furniture, including: * hinges * locks * knobsets * sash lifts. | 1. **Early or original** elements must be retained in the original position. |
| * 1. Repairs to existing masonry and mortar, including: * repointing * salt attack and rising damp remediation. | 1. Works or activities must strictly comply with the standards, guidance and methodologies set out by [*Heritage Technical Code 1:2020 Lime mortars for the repair of masonry*](https://delwp2-search.squiz.cloud/s/redirect?collection=delwp-meta&url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0020%2F505262%2FLime-mortars-for-the-repair-of-masonry.pdf&index_url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0020%2F505262%2FLime-mortars-for-the-repair-of-masonry.pdf&auth=KQ3E2OJP%2BhlB7bfPqlQuWw&profile=DELWP2020&rank=1&query=Lime+mortars+for+the+repair+of+masonry+%7CZ%3A%22%24%2B%2B+Heritage+%24%2B%2B%22)*,* [*Heritage Technical Code 2:2020 Repointing with lime* *mortars*](https://delwp2-search.squiz.cloud/s/redirect?collection=delwp-meta&url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0025%2F505267%2FRepointing-with-lime-mortars.pdf&index_url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0025%2F505267%2FRepointing-with-lime-mortars.pdf&auth=8hvIfy7UbWN%2Bu2NaAhXywA&profile=DELWP2020&rank=1&query=Repointing+with+lime+mortars+%7CZ%3A%22%24%2B%2B+Heritage+%24%2B%2B%22) and [*Technical Guide 2008: Salt attack and rising damp*](https://delwp2-search.squiz.cloud/s/redirect?collection=delwp-meta&url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0026%2F505268%2FSalt-attack-and-rising-damp.pdf&index_url=https%3A%2F%2Fwww.heritage.vic.gov.au%2F__data%2Fassets%2Fpdf_file%2F0026%2F505268%2FSalt-attack-and-rising-damp.pdf&auth=eyfB8W1yAYvCUocv5sGGNA&profile=DELWP2020&rank=1&query=Salt+attack+and+rising+damp+%7CZ%3A%22%24%2B%2B+Heritage+%24%2B%2B%22) as applicable, including but not limited to the requirement that expert advice from a heritage architect, heritage consultant or local Council heritage advisor be obtained in specified circumstances. |
| * 1. Repair and replacement of existing non-original smooth plasterboard walls and ceilings. | 1. Plasterboard must not be installed in new locations. 2. Replacement materials must match existing in profile. 3. There must be no works or activities to plaster decorative features, such as cornices or ceiling roses. |
| * 1. Repairs to water collection and discharge goods, including: * water tanks * roof and storm water elements such as drains, pipes and gutters. | 1. Must match original elements in material, fixings and profile, or as modified to provide effective waterproofing and storm-proofing. 2. Materials must be selected to avoid corrosion. |
| * 1. Repairs to fencing. | 1. Must match the existing fabric in appearance, height, material and method of fixing. 2. Any structural stabilisation works or activities to masonry fencing/walling must comply with the requirements and conditions of **Category 9. Vegetation and landscape management (exemption 7.2).** 3. Any erection of temporary fencing required to secure the registered place or object, must comply with the requirements and conditions of **Category 7. Safety and security (exemption 7.7).** |
| * 1. Repairs to roofing. | 1. Must match existing fabric in material, appearance and techniques used. 2. Must not introduce new modern roofing materials, such as Colorbond. |

**Useful Resources**

[***Lime mortars for the repair of masonry***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0020/505262/Lime-mortars-for-the-repair-of-masonry.pdf)

[***Repointing with lime mortars***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0025/505267/Repointing-with-lime-mortars.pdf)

[***Salt attack and rising damp***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0026/505268/Salt-attack-and-rising-damp.pdf)

[***Achieving high quality building conservation outcomes***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0020/505253/Achieving-high-quality-building-conservation-outcomes.pdf)

[***Victorian stucco***](https://www.heritage.vic.gov.au/__data/assets/word_doc/0020/505271/Victorian-stucco.doc)

[***Repair of tongue and groove floorboards***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0023/505265/Repair-of-tongue-and-groove-floorboards.pdf)

[***Timber repairs***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0019/505270/Timber-repairs.pdf)

[***Metalwork***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0021/505263/Metalwork.pdf)

[***Slating tiling and roof plumbing***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0027/505269/Slating-tiling-and-roof-plumbing.pdf)

## 3. Painting and wallpapering

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| Exemptions | Exemption conditions |
| * 1. Painting of previously painted internal and external surfaces, including: * walls * ceilings * fences * weatherboards * cast iron work * other elements, excluding floors. | 1. Must use the same colour, finish and product type. The replacement of unavailable or dangerous product types (i.e. lead paint) with new products is not exempt. 2. There must be no works or activities to areas/elements containing:  * murals * artworks * specialist paint techniques such as graining, marbling, stencilling, hand-painting * existing signage/signwriting * surfaces that are papered, unpainted, oiled or varnished. * **early or original** plain coloured schemes  1. There must be no works or activities to reconstructed historic paint finishes, schemes or signage previously reinstated in accordance with an approval issued under Part 5 of the [Heritage Act 2017 (Vic](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007)) or corresponding previous law. 2. Works or activities must not remove all evidence of earlier paint finishes or schemes. 3. Works must stop if decorative paint schemes, such as stencilling, become visible while undertaking works or activities. 4. New paint must be compatible with, and not cause damage to, earlier paint layers. |
| * 1. Removal of paint from originally unpainted or oiled surfaces including ceilings, joinery, doors, architraves and skirtings. | 1. Must use non‐abrasive and non-caustic methods only. 2. Once paint removal works or activities are complete, refinishing of the surface to its historic original finish is exempt. 3. Must be guided by expert advice from a heritage architect, heritage consultant or local Council heritage advisor. |
| * 1. Applying wallpaper to internal walls. | 1. Must not remove or conceal evidence of the building’s **early or original** paint scheme, or other decorative scheme. 2. There must be no removal of existing wallpaper and wall coverings. |

**Useful resources**

[***Metalwork***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0021/505263/Metalwork.pdf)

[***New South Wales Heritage Office Maintenance Series: 7.2 Paint Finishes***](https://www.environment.nsw.gov.au/research-and-publications/publications-search/heritage-maintenance-paint-finishes)

## 4. Internal fitouts

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Works or activities must be limited to internal elements of a registered place that have been **refurbished**, or areas that have been added to the place, since the place was included in the Victorian Heritage Register. 2. There must be no works or activities to internal elements of the place that have been reinstated in accordance with an approval issued by the **Executive Director** under Part 5 of the [Heritage Act 2017 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) or corresponding previous law. 3. Works or activities must not damage **early or original fabric** associated with the registered place, such as windows, architraves, ceilings and cornices, or fittings such as lights, light switches, fans, pull cords, push buttons or power outlets. 4. The requirements and conditions of **Categories 2. Minor repairs, 3. Painting and wallpapering, 6. Services** and **11. Signage** do not apply to works or activities permitted by this category, unless expressly specified below (for example **exemption 4.2**). |
| Exemptions | **Exemption conditions** |
| * 1. Alterations to interior areas that have been previously refurbished, including: * the upgrade of previously modernised spaces including bathrooms, kitchens, laundries, and toilets. * the replacement of existing appliances, fixtures and associated wiring and plumbing. | 1. There must be no works or activities to the exterior of buildings within the registered place. 2. There must be no works or activities to structural elements of the registered place. 3. There must be no construction of new extensions or additions to the registered place (excluding the installation of new internal partition walls, as specified by **exemption 4.3**). |
| * 1. New interior fitouts of internal areas that have previously been adapted for current use, limited to the removal, replacement and installation of: * shelving * display units * furnishings * lighting and services * floor coverings * wall finishes. | 1. There must be no works or activities to the exterior of buildings within the registered place. 2. Works or activities must not damage or remove **early or original fabric**, including walls, floors, fittings, fixtures or ceilings. 3. The replacement of any existing advertising, promotional or commercial signage at the registered place must comply with the requirements and conditions of **Category 11. Signage**. 4. Only applies to areas that were adapted in accordance with an approval issued by the **Executive Director** under Part 5 of the [Heritage Act 2017 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) or corresponding previous law, or adapted prior to inclusion on the VHR. |
| * 1. Installation of new internal partitions and walls. | 1. Must not **obscure early or original fabric**, and must be set away from window openings. |
| * 1. Alterations to interiors of new buildings or structures that have been constructed at the place following its inclusion in the VHR providing a permit was issued for that construction, including: * the upgrade of spaces including bathrooms, kitchens, laundries, and toilets. * the replacement of existing or installation of new appliances, fixtures, services, EV chargers and the like and associated wiring and plumbing. | 1. There must be no works or activities to the exterior of the building or structure within the registered place. 2. There must be no works or activities to structural elements of the registered place. 3. There must be no construction of new extensions or additions to the registered place 4. Only applies to new buildings or structures that were constructed in accordance with an approval issued by the **Executive Director** under Part 5 of the [*Heritage Act 2017* (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) or corresponding previous law. |

**Useful resources**

[***Achieving high quality building conservation outcomes***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0020/505253/Achieving-high-quality-building-conservation-outcomes.pdf)

## 5. Testing, survey and exploration

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Plant and equipment access must use existing paths and access routes only. Existing paths and access routes must not be damaged, widened, deepened or extended. 2. Any temporary fencing installed during activities must comply with the requirements and conditions of **Category 7. Safety and security (exemption 7.7).** 3. Works or activities must not harm **early or original fabric** associated with the registered place or object, including **historical archaeological remains**, and including paths and **ground-surface masonry**, built structures, historic signage. 4. Must comply with **Category 9. Vegetation and landscape** **management** if activities have the potential to harm vegetation and **landscape features**. 5. Any area(s) impacted by works or activities must be fully remediated to its previous condition within 28 calendar days of works or activities being completed. Any repairs to fabric must comply with the requirements and conditions of **Category 2. Minor repairs.** |
| Exemptions | **Exemption conditions** |
| * 1. Environmental assessment activities at registered places, including: * geotechnical testing * soil and mineral testing/sampling. | 1. Boreholes and all associated equipment and machinery must be located at least five metres from **fabric**, including **historical archaeological remains**. 2. If it is not possible to determine the location of **fabric**, advice must be obtained from a historical archaeologist, heritage architect, heritage consultant or local Council heritage advisor with expertise relevant to the subject site type. 3. Boreholes must not exceed 400 millimetres in diameter. 4. Must not undertake testing using open trenches. 5. Soil or mineral samples removed from the registered place must be limited to the minimum necessary to achieve the purpose of the procedure. |
| * 1. Fabric assessment activities at registered places, including asbestos, wood, mortar and lead paint sampling to determine earlier decorative schemes and paint types. | 1. Must be guided by expert advice from a heritage architect, heritage consultant or local Council heritage advisor with experience in that field. 2. Samples removed must be limited to the minimum necessary to achieve the purpose of the procedure. 3. Samples must be taken from a discreet location to minimise visual impact. |
| * 1. Structural assessment activities at registered places, including: * activities required to expose and evaluate footings * temporary removal of floorboards, associated skirtings and flexible floor coverings to access sub-floor areas * hand auguring. | 1. Exposed footings must be backfilled within 10 business days of works and activities being completed. 2. Floorboards, skirtings and floor coverings must be removed intact and without cutting. 3. There must be no removal of floor tiles. 4. Boreholes must not exceed 400 millimetres in diameter. 5. Removed **fabric** must be returned to its original location within 14 calendar days of works or activities being completed. |

## 6. Services

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Works or activities must be limited to existing services. Services must not be installed in new locations. 2. There must be no works or activities to **early or original** services. 3. Any replacement and **upgraded** services must not exacerbate the decay of **fabric**, **obscure** fabric or limit access to such fabric for future **maintenance**. 4. Any area(s) impacted by works or activities must be fully remediated to its previous condition within 28 calendar days of works or activities being completed. Any **repairs** to fabric must comply with the requirements and conditions of **Category 2. Minor repairs**. 5. Works must not be located in an area which contains **historical archaeological remains**. |
| Exemptions | **Exemption conditions** |
| * 1. Maintenance, repair, replacement, upgrade and removal of existing surface-mounted and subfloor services and utilities, limited to: * fire detection and prevention systems * video surveillance and alarm systems * heating units and systems * air-conditioning units and systems * hot water systems * public address systems and speakers * ventilation systems * plumbing (water and gas), drainage and pipework * electrical wiring and cabling * telecommunications wiring and cabling * antennae, satellite dishes and aerials * usage meters. | 1. **Early or original** services, systems and utilities must be retained in the original position. 2. Upgraded/replacement services must match existing in location, number and scale 3. Must use existing routes, conduits, voids and mounts. 4. Existing **penetrations** must be used where possible. in the first instance. 5. Where existing **penetrations** cannot be used, new **penetrations** must be limited to the minimum amount required and the following locations:  * non-original elements/structures of the registered place erected or installed after the registered place was included in the **Victorian Heritage Register**, or * **early or original** **fabric** in good condition, limited to smooth render or plaster surfaces, timber boarding with a painted finish, and in mortar and grout joints. In such locations, new **penetrations** must use the smallest available non-expanding nails/screws required to fulfil the purpose of the procedure.  1. Works or activities must not involve chasing or cutting into early or original fabric. 2. If wiring original to the registered place was carried in timber conduits then the conduits and unused original wiring must be retained in the original position. 3. Access to subfloor areas must comply with the requirements and conditions of **Category 5. Testing, survey and exploration (exemption 5.3)**. |
| * 1. Maintenance, repair, replacement and upgrade of existing surface-mounted electrical fittings, limited to: * fans and lights * power boards, circuit breakers and safety switches * points, controls and switches * digital screens. | 1. Location, number and scale of **upgraded**/replacement fittings must remain the same. 2. **Early or original** fittings such as lights, light switches, fans, pull cords, push buttons or power outlets must be retained in the original position. 3. Works or activities to digital screens must be limited to hardware previously installed in accordance with an approval issued under Part 5 of the [Heritage Act 2017 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) or corresponding previous law. 4. Replacement and upgraded fittings must use existing routes, conduits, voids, and mounts. 5. Must use existing **penetrations** where possible. New **penetrations** must be limited to the following locations:  * non-original elements/structures of the registered place erected or installed after the registered place was included in the **Victorian Heritage Register**, or * early or original **fabric** in good condition, limited to smooth render or plaster surfaces, timber boarding with a painted finish, and in mortar and grout joints. In such locations, new **penetrations** must use the smallest available non-expanding nails/screws required to fulfil the purpose of the procedure. |
| * 1. Maintenance, repair, replacement, upgrade and removal of existing subsurface services and utilities, limited to: * plumbing (water and gas), drainage and pipework * electrical wiring and cabling * telecommunications wiring and cabling * subsurface watering systems * combined service routes. | 1. Access must be through existing service trenches only (without expanding the trench in any way), using open trenching. 2. Existing service trenches must not be widened or deepened during the carrying out of works and activities. 3. Replacement services must match existing in location and alignment, and must not exceed the size and footprint of existing services. 4. Must not remove or disturb **ground-surface masonry** or **historical archaeological remains** associated with the registered place. 5. **Early or original** services (for example, historic watering systems and associated fixtures) must be retained in the original position. 6. Must comply with **Category 9. Vegetation and landscape management** if works or activities have the potential to harm vegetation and **landscape features**. |
| * 1. Maintenance, repair, upgrade and replacement of existing * power poles * powerlines * overhead wiring * public and operational lighting * infrastructure associated with the elements listed above (for example, transformers, ground stays or anchor rods, earth cables). | 1. There must be no works to **early or original** power poles, lamp posts, lighting structures and elements, stanchions or upstands, or to any such elements included in the **Victorian Heritage Register** in their own right. 2. Must match existing in location, number, material, form, detail and colour, and must not exceed existing elements in size and footprint. 3. Must not **obscure** existing viewlines from/to the registered place. |
| * 1. Maintenance and repair of existing lift services, including: * cabins and shafts * travelators * escalators. | 1. Must comply with the requirements and conditions of **Category 1. Maintenance and cleaning** and **Category 2. Minor repairs**. |
| * 1. Installation, removal or replacement of bulk insulation. | 1. Access must be through existing openings, such as manholes, vents or existing points of damage. There must be no new openings into **early or original fabric**. 2. There must be no removal of existing flooring materials, such as floorboards and tiles. |

## 7. Safety and security

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| Exemptions | Exemption conditions |
| * 1. The remedial pruning or removal of dead or dangerous trees to maintain safety if the tree presents an immediate risk of personal injury or damage to property. | 1. Must comply with the requirements and conditions of **Category 9. Vegetation and landscape management (exemptions 9.5 and 9.6).** |
| * 1. Works or activities required to secure, weatherproof and make safe buildings and structures, including: * removal of broken clear glass * temporary shuttering of windows * installation of temporary structural propping * covering of holes/openings * removal of loose façade material. | 1. Introduced materials (such as propping, shuttering, covering of holes and openings) must be reversible. 2. Every attempt must be made to retain as much **fabric** as possible. 3. Installation of any temporary structural propping must be supervised by a structural engineer, heritage architect, heritage consultant or local Council heritage advisor. 4. The **Executive Director** must be [notified](https://application-hub.app.planning.vic.gov.au/hv?_ga=2.46566503.1782556068.1669771358-311682259.1669007059) within 5 business days of any temporary structural propping installed in accordance with this exemption. 5. Any temporary shuttering of windows, and any temporary structural propping must be removed within 90 business days of works or activities commencing |
| * 1. Maintenance, testing, repair, replacement, upgrade or removal of existing surface-mounted equipment, fittings, signage and services required to ensure public or occupant safety at registered places, limited to: * surveillance, alarm and fire detection/control services * fire hydrants * emergency lights * illuminated exit signs * emergency telephones * portable fire extinguishers * movable stairs and ramps * stair nosings * hand rails * tactile ground surface or hand rail indicators * first aid equipment such as defibrillators. | 1. Works or activities must be limited to existing equipment, fittings, signage and services. New safety equipment, fittings, signage and services must not be installed in new locations. 2. Any works or activities impacting services and utilities must comply with the requirements and conditions of **Category 6. Services.** 3. Any works or activities impacting signage must comply with the requirements and conditions of **Category 11. Signage.** 4. Any works or activities impacting **landscape features** must comply with the requirements and conditions of **Category 9. Vegetation and landscape management.** 5. Existing **penetrations** must be used where possible. 6. Where existing **penetrations** cannot be used, new **penetrations** must be limited to the minimum amount required and to the following locations:  * non-original elements/structures of the registered place erected or installed after the registered place was included in the **Victorian Heritage Register**, or * **early or original fabric** in good condition, limited to smooth render or plaster surfaces, timber boarding with a painted finish, and in mortar and grout joints. In such locations, new **penetrations** must use the smallest available non-expanding nails/screws required to fulfil the purpose of the procedure.  1. Works or activities must not involve chasing or cutting into **early or original fabric**. 2. Replacement elements must match existing in location, and must not exceed existing elements in size and footprint. 3. Wiring must be concealed and only be installed in existing service routes, cavities, voids, subfloor or ceiling spaces. |
| * 1. Installation of new window and door locks. | 1. **Early or original** window and door locks, handles or other furniture must be retained in the original position. 2. Where new components are visible, they must be the smallest of the type available to fulfil the required purpose, and installed in a discreet location to minimise visual impact. |
| * 1. Temporary relocation of non-fixed fabric within its registered address to ensure its security and conservation. | 1. Must only occur if retention in its current location would cause damage, deterioration or threaten its conservation. 2. Every attempt must be made to ensure its safety and security during relocation. 3. Where its location is part of its **cultural heritage significance**, it must be returned to that location when safe to do so. 4. The **Executive Director** must be [notified](https://application-hub.app.planning.vic.gov.au/hv?_ga=2.46566503.1782556068.1669771358-311682259.1669007059) within 10 business days of the relocation occurring in accordance with this exemption. Notification must include a record of what has been relocated, how it has been stored and details of the temporary location. |
| * 1. Temporary relocation of non-fixed fabric to a location outside its registered address in the event of an emergency. | 1. Must only occur if retention in its current registered address would cause damage, deterioration or threaten its conservation. 2. Every attempt must be made to ensure its safety and security during relocation. 3. Where its location is part of its **cultural heritage significance**, it must be returned to that location when safe to do so. 4. The **Executive Director** must be [notified](https://application-hub.app.planning.vic.gov.au/hv?_ga=2.46566503.1782556068.1669771358-311682259.1669007059) within 45 business days of the relocation occurring in accordance with this exemption. Notification must include a record of what has been relocated, how it has been stored and the address where the items are located. |
| * 1. Installation of temporary security fencing, scaffolding or hoardings to secure public safety or prevent unauthorised access. | 1. Fragile ground surfaces such as turf and **ground-surface masonry** (excluding concrete and asphalt) must be protected from temporary structures and associated installation activities, such as with the use of sleepers, boards, track matting or other ground protection. 2. Works or activities within **tree protection zones** are exempt only if undertaken in accordance with a Tree Protection Management Plan prepared by a **qualified arborist**. 3. In tree protection zones the method of fixing security fencing, scaffoldings or hoardings to the ground must be in accordance with advice provided by the Tree Protection Management Plan as required at **condition b)** above. 4. The **Executive Director** must be [notified](https://application-hub.app.planning.vic.gov.au/hv?_ga=2.46566503.1782556068.1669771358-311682259.1669007059) within 5 business days of works or activities commencing in accordance with this exemption. 5. Must be removed within 45 business days of installation. 6. Any area(s) impacted by works or activities must be fully remediated to its previous condition within 28 calendar days of works or activities being completed. Any repairs to **fabric** must comply with the requirements and conditions of **Category 2. Minor repairs.** |
| * 1. Maintenance, repair and replacement of existing landslip and erosion control measures, including: * rock netting * rock armour * gabion walls * retaining walls * geo fabric * soil nails * batter stabilisation. | 1. Replacement elements must match existing in material and location, and must not exceed existing elements in size and footprint. 2. Must not be installed in new locations. |
| * 1. Maintenance, testing, repair, replacement and upgrade of existing flood warning systems, including: * flood markers * access control boom gates * emergency exit gates * warning beacons. | 1. Must not be installed in new locations. 2. Replacement and **upgraded** elements must match existing in appearance and location, and must not exceed existing elements in size and footprint. 3. Works or activities must not involve chasing, cutting or new **penetrations** into **early or original fabric**. 4. Any subsurface works or activities must comply with the requirements and conditions of **Category 6. Services (exemption 6.3).** |
| * 1. Installation of equipment and fittings necessary to comply with public health requirements in the event of a pandemic declaration or a state of emergency. | 1. All works or activities must be reversible. 2. Any exposed cabling must be enclosed in a conduit, painted to match existing abutting fabric. Any painting of existing abutting fabric must comply with the requirements and conditions of **Category 3. Painting and wallpapering**. 3. New fittings and equipment must be the smallest available of the type required to fulfil the intended purpose, and must be positioned in a discreet location to minimise visual impact. 4. Any area(s) impacted by works or activities must be fully remediated to its previous condition within 28 calendar days of works or activities being completed. Any **repairs** to **fabric** must comply with the requirements and conditions of **Category 2. Minor repairs**. |

**Useful resources**

[***Heritage Victoria, Disasters and heritage – getting prepared and recovery***](https://www.heritage.vic.gov.au/protecting-our-heritage/disasters-and-heritage)

[***Australia ICOMOS Heritage Toolkit***](https://australia.icomos.org/resources/australia-icomos-heritage-toolkit/)

[***Emergency Management Act 2013 (Vic)***](https://www.legislation.vic.gov.au/in-force/acts/emergency-management-act-2013/021)

***[Public Health and Wellbeing Act 2008 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043)***

## 8. Cemeteries and burial sites

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. All works or activities must be in accordance with the [Cemeteries and Crematoria Act 2003 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/cemeteries-and-crematoria-act-2003/037). 2. Works or activities must not harm human remains or existing **fabric** associated with the registered place or object, including graves, **grave cuts**, **grave markers**, monuments, **grave furniture**, **grave goods**, **landscape features** such as historical planting schemes, paths and **ground-surface masonry**, built structures (including interior and exterior elements), historic signage or **historical archaeological remains** associated with the place. |
| Exemptions | **Exemption conditions** |
| PUBLIC CEMETERIES |  |
| * 1. Burial, interment and exhumation works and activities within public cemeteries, including: * Creation of new burial plots. * burials and interments in new and existing plots. | 1. New burial plots must not be located within a **structural root zone** or **tree protection zone.** 2. Exhumation works or activities must be in accordance with the requirements of the [Cemeteries and Crematoria Act 2003 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/cemeteries-and-crematoria-act-2003/037) and [Coroners Act 2008 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/coroners-act-2008/042) and any other legislation as applicable. |
| * 1. Erection of new grave markers, monuments and associated grave furniture to new burial plots within public cemeteries. | 1. New grave markers, monuments and associated grave furniture must not be located within a **structural root zone** or **tree protection zone**. 2. Must not exceed 2 metres in height above natural ground level. 3. Must not be fixed to or cut into existing **fabric**. 4. There must be no erection of new above-ground internment structures, including but not limited to rotundas and mausolea. |
| * 1. New inscriptions and additions to existing graves, grave markers or monuments located within public cemeteries. | 1. There must be no works to graves, **grave markers** or monuments individually identified in the statement of significance for the registered place, or those included in the **Victorian Heritage Register** in their own right. 2. New inscriptions must match existing in method of application (for example, if existing inscriptions were hand cut using hand tools, new inscriptions must also be hand cut using hand tools). 3. Must match existing inscriptions in typeface, letter size and font. 4. Must not remove or **obscure** existing inscriptions or decorative features. 5. New additions must not exacerbate the decay of **early or original fabric** due to chemical incompatibility of new materials or limit access to such fabric for future **maintenance**. |
| ALL CEMETERIES AND BURIAL SITES |  |
| * 1. Repair to existing monuments and structures associated with the interment of human remains, such as headstones, footstones, grave markers, monuments, and associated grave furniture such as iron railings, enclosures and fences. | 1. Must comply with the requirements and conditions of **Category 2. Minor repairs**. 2. Must be guided by expert advice from a suitably qualified materials conservator, heritage architect, conservation stonemason, heritage consultant or local Council heritage advisor. 3. Any ground disturbance works or activities must be guided by expert advice provided by a qualified archaeologist. 4. Any stabilisation works must comply with the requirements and conditions of **Category 7. Safety and security (exemption 7.2)**. 5. Any repainting works or activities (for example, to iron railings/fences) must comply with the requirements and conditions of **Category 3. Painting and wallpapering**. |
| * 1. Re-blacking, re-leading or re-gilding of existing inscriptions on monuments or structures associated with the interment of human remains, such as headstones, grave markers, and monuments. | 1. Must be guided by expert advice from a suitably qualified materials conservator, heritage architect, heritage consultant or local Council heritage advisor. 2. Must only be carried out to maintain condition and legibility. 3. Must match existing colour, materials and method of application used. 4. Care must be taken to ensure that paint remains within previously cut letters and not stain or travel into surrounding stone. 5. Must not involve re-cutting of existing inscriptions. |
| * 1. Care and management of vegetation. | 1. Must comply with the requirements and conditions of **Category 9. Vegetation and landscape management.** |
| * 1. Maintenance, repair and management of hard landscape elements, including roads, paths, access routes, drainage systems, fences and gates. | 1. Must comply with the requirements and conditions of **Category 2. Minor repairs** and **Category 9. Vegetation and landscape management**. |
| * 1. Maintenance, repair, upgrade and replacement of existing signage. | 1. Works or activities to signage and signposts must comply with the requirements and conditions of **Category 11. Signage (exemption 11.1)**. |
| * 1. The erection of temporary structures associated with ceremonies and events. | 1. Must comply with the requirements and conditions of **Category 10. Temporary events and structures**. |

**Useful resources**

[***Cemeteries and Crematoria Act 2003 (Vic).***](https://www.legislation.vic.gov.au/in-force/acts/cemeteries-and-crematoria-act-2003/037)

[***National Trust of Australia (NSW) Guidelines for Cemetery Conservation***](https://www.nationaltrust.org.au/wp-content/uploads/2015/09/cemetery_conservation_guide.pdf)

***[List of public cemeteries](https://www.health.vic.gov.au/public-health/cemeteries-and-crematoria)***

## 9. Vegetation and landscape management

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Works or activities must not alter the layout, contours, plant species or other **landscape features** or views of the registered place, unless an exemption expressly allows it (for example **exemption 9.6**). 2. Works or activities must not harm early or original fabric associated with the registered place or object, including paths and **ground-surface masonry**, built structures, historic signage or **historical archaeological remains**. 3. Plant and equipment access must use existing paths and access routes. Existing paths and access routes must not be damaged, widened or extended during the carrying out of works and activities. 4. Any works or activities undertaken in a **tree protection zone** or **structural root zone** must comply with Australian standard Protection of trees on development sites AS 4970-2009. |
| Exemptions | **Exemption conditions** |
| VEGETATION |  |
| * 1. Gardening activities, including: * mowing * slashing * mulching * fertilising * removal of dead or diseased plants (excluding trees) * Updating seasonal floral displays * replanting of existing garden beds * disease and pest control * maintenance to care for existing plants. * Remediation of grassed areas including aerating, scarification, top dressing, over seeding and fertilising. | 1. Replanted specimens must be sympathetic with the **landscape character type** of the registered place. 2. Any invasive method of disease or pest control (for example tree injection) must be undertaken by a **qualified arborist**. |
| * 1. Removal of tree seedlings and suckers. | 1. Herbicide must not be used. |
| * 1. Removal of environmental and noxious weeds. | 1. There must be no removal of established or historic specimens associated with the registered place’s historic plantings, such as hawthorn hedges, willow trees or agapanthus. 2. Chemical herbicide must be applied using **spot application** only, and must not come into contact with built structures and designed landscape features. Chemical herbicide must not be applied in any other manner, including spraying. |
| * 1. Management and maintenance of trees, including: * formative and reduction pruning (excluding remedial pruning) * installation and removal of above-ground tree cabling, cobra-bracing and propping * removal of deadwood. | 1. Pruning of vegetation must not exceed 20% of the tree canopy within one calendar year, regardless of regrowth. 2. Pruning activities must not adversely affect the health of the tree and must be in accordance with Australian standard Pruning of amenity trees AS 4373-2007. 3. Above-ground tree cabling works, cobra-bracing and propping works or activities must be undertaken by a **qualified arborist**. |
| * 1. Remedial pruning of trees that have been assessed by a qualified arborist as presenting an immediate risk of personal injury or damage to property. | 1. Must be supervised by a **qualified arborist**. 2. Must be limited to the minimum amount necessary to achieve the purpose of the procedure. 3. The **Executive Director** must be notified within 5 business days of works occurring, upon which tree replacement may be required. |
| * 1. Removal of trees that have been assessed in a written report prepared by a qualified arborist as being dead, dangerous or beyond curative repair, prior to the tree removal works or activities commencing. | 1. Must be supervised by a qualified arborist. 2. The **Executive Director** must be [notified](https://application-hub.app.planning.vic.gov.au/hv?_ga=2.46566503.1782556068.1669771358-311682259.1669007059) within 5 business days of works occurring, upon which tree replacement may be required. 3. There must be no ground disturbance works associated with tree removal in areas where the land contains historical archaeological remains associated with the registered place. In such cases, tree removal must cease at ground level. |
| * 1. Replanting of previously lost or removed trees. | 1. Replanted species must be selected on a like-for-like basis. |
| * 1. Maintenance, installation and removal of physical barriers or traps to enable vegetation protection and management of small vermin and pests such as rats, rabbits, mice and possums. | 1. Barriers and traps must not penetrate the plant or tree (must not be nailed or screwed into plant or tree tissue), unless as guided by a **qualified arborist**. 2. Barriers and traps must be maintained to ensure the ongoing health of vegetation. 3. Must comply with the requirements and conditions of **Category 1. Maintenance and cleaning (exemption 1.6)**. |
| * 1. Maintenance, repair, replacement and upgrade of existing watering systems. | 1. Must comply with requirements and conditions of **Category 6. Services (exemption 6.3)**. |
| * 1. Removal of fallen trees, tree limbs and associated debris from ground level following storms. | 1. Standing storm-damaged trees should be assessed by a **qualified arborist**. Any subsequent remedial pruning or removal of still-standing trees must comply with the requirements and conditions of **exemption 9.5** and **exemption 9.6**. 2. The **Executive Director** must be notified within 5 business days of works occurring, upon which tree replacement may be required. 3. There must be no ground disturbance associated with tree, tree limb or associated debris removal in areas where the land contains **historical archaeological remains** associated with the registered place. In such cases, trees, tree limbs and associated debris should be lifted off the ground and carried away. Tree parts must not be dragged across the ground. 4. Any plant or machinery that is used in the removal of trees, tree limbs or associated debris must avoid substantial surface or sub-surface disturbance in any location which contains **historical archaeological remains**. |

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| LANDSCAPE |  |
| * 1. Maintenance, repair and resurfacing, of existing hard landscaping, including: * carparks and driveways * paving, paths and access routes * waste and materials storage * steps, kerbs, channels and edgings. | 1. Must match existing materials, form, design and method of fixing, and must not exceed existing in scale and footprint. 2. Must not alter alignment, width or grade. 3. Any subsurface works or activities must comply with the requirements and conditions of **Category 6. Services (exemption 6.3)** and not be in an area that contains historical archaeological remains. 4. **Resurfacing** works or activities must be limited to existing concrete, gravel or asphalt surfaces only. 5. **Resurfacing** works or activities must use matching materials (for example an asphalt path may only be resurfaced with asphalt). Brick, bluestone, tiled, terrazzo or similar hard landscaping must not be resurfaced with concrete, asphalt, gravel or any other newly introduced materials. |
| * 1. Maintenance and repair of existing landscape elements, including: * fountains * drinking taps * gates, fences and turnstiles * outdoor furniture and seating * monuments and memorials. | 1. Must comply with the requirements and conditions of **Category 1. Maintenance and cleaning**, **Category 2. Minor repairs** and **Category 3. Painting and wallpapering.** |
| * 1. Maintenance, repair, upgrade and replacement of existing landscape elements, limited to: * signage, including line marking * bollards * bicycle racks * lighting * rubbish and recycling bins * fixed sporting equipment and structures (for example basketball hoops, cricket nets etc). | 1. Replacement and upgraded elements must match existing in location, number, material, appearance, alignment design and depth of footings, and must not exceed existing elements in size and footprint. 2. **Early or original** landscape elements (for example historical lighting fixtures and signage) must not be replaced or upgraded. 3. Works or activities to signage and signposts must comply with the requirements and conditions of **Category 11. Signage (exemption 11.1)**. 4. Works or activities to lighting must comply with the requirements and conditions of **Category 6. Services**. 5. Must not be installed in new locations. |
| * 1. Maintenance and repair of existing play equipment to meet the following Australian standards: * Playground equipment for parks, schools and domestic use AS 1924 * Playgrounds - Guide to siting and to installation and maintenance of equipment AS 2155. | 1. Must match existing form, colour and design, and must not exceed existing in scale and footprint. |
| * 1. Replacement of playground surfaces to meet the requirements of Australian standard Playground surfacing - Specifications, requirements and test method AS 4422. | 1. Must not expand existing footprint of playground. 2. Colour of replacement surface must be sympathetic to existing **landscape character** of the registered place. |

**Useful resources**

***[Electricity Safety Act 1998 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/electricity-safety-act-1998/083)***

***[Road Management Act 2004 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/road-management-act-2004/065)***

***[Catchment and Land Protection Act 1994 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/catchment-and-land-protection-act-1994/072)***

*Playground equipment for parks, schools and domestic use AS 1924*

*Playgrounds - Guide to siting and to installation and maintenance of equipment AS 2155*

*Playground surfacing - Specifications, requirements and test method AS 4422*

*Protection of trees on development sites AS 4970-2009.*

*Pruning of amenity trees AS 4373-2007*

[***Heritage Gardens***](https://www.heritage.vic.gov.au/__data/assets/pdf_file/0018/505260/Heritage-gardens.pdf)

## 10. Temporary events and structures

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Works or activities must be entirely reversible, and not damage, remove or disturb **early or original fabric**, including **landscape features** such as historical planting schemes, paths and **ground-surface masonry**, built structures (including interiors and exterior elements), or **historical archaeological remains.** 2. Temporary structures and associated elements must be freestanding and not involve new **penetrations** into or fixings to early or original fabric. 3. There must be no subfloor/subsurface/excavation works or activities. 4. Any access to subfloor or subsurface utilities must comply with the requirement and conditions of **Category 6. Services (exemptions 6.1 and 6.3).** 5. Cabling and associated service conduits must not be fixed to early or original fabric. 6. Outdoor temporary structures must not be positioned within a **structural root zone**, or within two metres of garden beds. 7. Works or activities within **tree protection zones** must be in accordance with a Tree Protection Management Plan prepared by a **qualified arborist**. 8. In tree protection zones the method of fixing temporary outdoor structures to the ground must be in accordance with advice provided by the Tree Protection Management Plan as required at **condition g)** above. 9. Plant and equipment access must use existing paths and access routes where possible. Existing paths and access routes must not be damaged, widened or extended. 10. Tree canopy and fragile surfaces such as turf, **soft landscaping**, timber flooring and **ground-surface masonry** (excluding concrete or asphalt), must be protected from temporary structures and associated installation activities (for example the use of sleepers, boards, track matting or other ground protection). Vehicles must not use access routes through floorboarded, decked or tiled locations. 11. All works or activities must comply with the internal and external engineering and loading requirements of the registered place. 12. Temporary events and structures must be removed within 21 calendar days inclusive of bump in and bump out, with no further structures erected in the same location for a period of 7 calendar days for hard stand surfaces, or 14 calendar days for turf surfaces, unless otherwise specified in general exemptions. 13. This category cannot be used to permit more than 6 individual temporary events in the same location within a period of one calendar year, unless in accordance with the requirements of **condition n)** below. 14. **Conditions l) and m)** above do not apply to events spanning no more than three calendar days at a time inclusive of bump in and bump out, and with a rest period of no less than 5 calendar days in between events (for example, regular weekend markets). 15. Any area(s) impacted by works or activities must be fully remediated to its previous condition within 28 calendar days of removal of temporary structures. Any **repairs** to **fabric** must comply with the requirements and conditions of **Category 2. Minor repairs**. |
| Exemptions | **Exemption conditions** |
| OUTDOOR AREAS |  |
| * 1. The installation of temporary structures, such as marquees, tents, market stalls, display cases and furniture, gazebos, and shipping containers. |  |
| * 1. The installation of temporary freestanding services associated with events, including generators and associated service cabling. |  |
| * 1. The installation of temporary freestanding audio-visual and broadcasting equipment, including temporary staging, flooring, rigging, screens, speakers, lighting and associated infrastructure. |  |
| * 1. The erection of temporary freestanding scaffolding towers, projectors and infrastructure associated with lightshows and projections onto, or into airspace within the extent of registration of registered places and objects. |  |
| * 1. The installation of temporary freestanding artworks. |  |
| * 1. The installation of freestanding temporary recreation and entertainment facilities, equipment and structures, such as jumping castles, amusement rides, and sporting equipment. |  |
| * 1. The installation of temporary decorations, such as decorative lights, bunting, tinsel, cut floral arrangements, freestanding garden beds and the like. | 1. Any works or activities involving the attachment of temporary decorations to trees must be guided by a Tree Protection Management Plan as prepared by a **qualified arborist**. |
| * 1. The installation of equipment and infrastructure associated with firework, laser and drone displays. |  |
| * 1. The parking, installation and operation of temporary micro-tenancies, such as food trucks and coffee carts. |  |
| * 1. The installation of temporary furniture, including tables, desks, chairs, umbrellas and the like. |  |
| * 1. Installation of temporary portable toilets. |  |
| * 1. Installation of temporary operational, promotional, directional and wayfinding signage. | 1. Must comply with the requirements and conditions of **Category 11. Signage (exemption 11.2)**. |
| * 1. Installation of temporary surveillance systems. |  |
| * 1. The erection of freestanding fencing structures associated with temporary events. | 1. The erection of hoarding or scaffolding to restrict access to temporary events must strictly comply with the requirements and conditions of **Category 7. Safety and security (exemption 7.7)**. 2. **Category 7. Safety and security (exemption 7.7 condition e)** applies to this exemption. |
| INTERIOR AREAS |  |
| * 1. The installation of temporary structures, such as marquees, tents, market stalls, display cases and furniture, gazebos, and shipping containers. | 1. Shipping containers must not be installed in interior locations. 2. Food preparation equipment and infrastructure (for example foodtrucks, friers, steamers, hobs, coffee machines etc) must not be installed in interior locations. |
| * 1. Installation of freestanding audio-visual and broadcasting equipment, including temporary staging, flooring, rigging, screens, speakers, lighting and associated infrastructure. |  |
| * 1. Installation of freestanding temporary recreation and entertainment facilities, equipment and structures, such as jumping castles and sporting equipment. |  |
| * 1. The installation of temporary decorations, such as decorative lights, bunting, tinsel, cut floral arrangements and the like. |  |
| * 1. Installation of temporary furniture, including tables, desks, chairs and the like. |  |
| * 1. Installation of temporary operational, promotional, directional and wayfinding signage. | 1. Must comply with the requirements and conditions of **Category 11. Signage (exemption 11.2)**. |
| * 1. Installation of temporary surveillance systems. |  |

## 11. Signage

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Works or activities must be fully reversible and must not damage, remove or disturb **early or original fabric** including **landscape features** such as historical planting schemes, paths and **ground-surface masonry**, built structures (including interiors and exterior elements), or **historical archaeological remains**. 2. There must be no works or activities to signage included in the **Victorian Heritage Register** in their own right, nor to early or original timber, metal, painted and enamel signage and associated elements. 3. There must be no works or activities to illuminated signage, including their installation, relocation, removal, replacement or **upgrade**. 4. New signs, artworks or murals must not be painted onto existing fabric. 5. Temporary, replacement and new signage must be consistent in the use of format, text, logos, themes and other display materials associated with the registered place or object. 6. Temporary, replacement and new signage must not **obscure** early or original fabric or limit access to such fabric for future **maintenance**. 7. Any works or activities to advertising, promotional or commercial signage must be solely for providing information about current or forthcoming activities associated with the registered place or object, or relating to a business located on the premises. Commercial products being sold by any such business (for example brands of drinks and food) must not be advertised. 8. Works or activities must not involve new **penetrations** into fabric, unless an exemption expressly allows it (for example **exemption 11.3)**. 9. Any area(s) impacted by installation, replacement and/or removal works or activities must be fully remediated to its previous condition within 28 calendar days of works or activities being completed. Any repairs to fabric must comply with the requirements and conditions of Category 2. Minor repairs. |
| Exemptions | **Exemption conditions** |
| * 1. Removal and replacement of, or updating of text to, existing directional, interpretive, promotional or public information signage, and associated components such as mounts and signposts. | 1. Must match existing in location, material, method of fixing, and depth of footings, and must not exceed existing elements in size and footprint. 2. Installation of new or additional signage and associated hardware at the registered place is not permitted by this exemption. 3. Any works or activities to hardware associated with digital screens must comply with the conditions and requirements of **Category 6. Services (exemption 6.2).** 4. If signage was originally fixed using adhesive, replacement signage must be fixed using non-acetic (neutral cure) silicone adhesive. |
| * 1. Installation of temporary directional, construction or public information signage, limited to: * freestanding signage located on hardstand surfaces * removable decals to exterior hardstand surfaces, excluding glass * signage fixed to temporary structures erected in accordance with general exemptions. | 1. Must not include the installation of new advertising, promotional or commercial signage. 2. Must be no larger than A1 in size. 3. Freestanding and decal signage must not be installed in the same location for more than three months within a period of one calendar year. 4. Signage fixed to temporary structures must be removed in accordance with the requirements and conditions of the relevant exemption allowing the erection of the structure (for example signage fixed to temporary fencing erected in accordance **with Category 7. Safety and security (exemption 7.7)** must be removed within 45 business days). |
| * 1. Installation of blue plaques, including: * Fixing of blue plaques to the fabric of a registered place * Installation of plaque mounts/posts within the extent of registration for a registered place or object, in exterior locations. | 1. Blue plaques must be issued by the Heritage Council of Victoria, in accordance with the prescribed form. 2. Must be positioned within the registered extent of the registered place or object, and in a location which optimises public visibility. Plaques must be positioned between 900mm and 1600mm from ground or floor level. 3. Fixing to the **fabric** of a registered object is not permitted by this exemption. 4. Fixing to the fabric of a registered place must be in accordance with the methodology outlined in **condition e)**, and must not be fixed to any areas/elements containing:  * murals * artworks * specialist paint techniques such as graining, marbling, stencilling, hand-painting * existing signage/signwriting * surfaces that are papered, unpainted, oiled or varnished * trees or vegetation.  1. The method of direct fixing of a blue plaque to fabric at a registered place must be limited to one of the following:  * the use of existing **penetrations** * the use of new **penetrations** into, or the use of adhesive onto, a non-original structure erected or installed after the place was included in the **Victorian Heritage Register** * the use of non-acetic (neutral cure) silicone adhesive on **early or original** fabric in good condition, limited to render or plaster surfaces, timber boarding with a painted finish, or masonry surfaces * the use of new **penetrations** into early or original fabric in good condition, limited to render or plaster surfaces, timber boarding with a painted finish, or the mortar and grout joints of masonry surfaces. In such locations, the minimum amount of **penetrations** required must be used, nails/screws used must be non-expanding, and the smallest available required to fulfil the purpose of the procedure.  1. New plaque mounts/posts installed in outdoor locations must not be positioned in a **tree protection zone**, or within two metres of early or original fabric, including **landscape features** and **historical archaeological remains**. |
| * 1. Installation and removal of temporary real estate board signage and associated attachments at a registered place indicating that the place is for sale or lease. | 1. Stickers and decals must not be fixed to any part of the registered place unless directly fixed to the real estate board signage. 2. Fixing to the **fabric** of a registered place must be in accordance with the methodology outlined in **condition c)**, and must not be fixed to any areas/elements containing:  * murals * artworks * specialist paint techniques such as graining, marbling, stencilling, hand-painting * existing signage/signwriting * surfaces that are papered, unpainted, oiled or varnished * trees or vegetation.  1. The method of direct fixing to fabric at a registered place must be limited to one of the following:  * the use of existing **penetrations** * the use of new **penetrations** into a non-original structure erected or installed after the registered place was included in the **Victorian Heritage Register** * the use of new **penetrations** into **early or original** **fabric** in good condition, limited to render or plaster surfaces, timber boarding with a painted finish, or the mortar and grout joints of masonry surfaces. In such locations, the minimum amount of penetrations required must be used, nails/screws used must be non-expanding, and the smallest available required to fulfil the purpose of the procedure  1. Real estate board signage and all associated attachments must be removed within 21 days of sale or letting. 2. Must not be installed for more than three months within one calendar year. |

## 12. Transport operations (rail and road)

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Works or activities must not damage, remove or disturb **early or original fabric** associated with the registered place or object, including paths and **ground-surface masonry**, built structures, historical elements such as lighting, furniture, signage, signalling equipment, or **historical archaeological remains**. 2. Must comply with **Category 9. Vegetation and landscape management** if works or activities have the potential to harm vegetation and **landscaping features** at the registered place. 3. Any area(s) impacted by works or activities must be fully remediated to its previous condition within 28 calendar days of works or activities being completed. Any **repairs** to fabric must comply with the requirements and conditions of **Category 2. Minor repairs.** |
| Exemptions | **Exemption conditions** |
| RAIL |  |
| * 1. Cleaning and replacement of track ballast and sub-ballast material including tamping works. | 1. Sub-ballast material includes material above the natural ground surface only. Material below the natural ground surface must not be disturbed. |
| * 1. Maintenance, upgrade and replacement of existing tram and train rail tracks, including tracks, and railway jewellery. | 1. Rail tracks outside the existing **rail corridor** must not be realigned. |
| * 1. Maintenance and replacement of existing sleepers in tram and train rail corridors. | 1. Upgraded and replacement sleepers must match existing in materials used. |
| * 1. Relevelling and slewing of ballasted and unballasted tram and train rail tracks. | 1. Must not affect existing platforms, buildings, or the layout of associated tram or train rail stations. 2. Does not include the removal of sidings or buffer stops. 3. Does not include realignment of rail tracks outside the existing **rail corridor.** 4. Works or activities to unballasted rail tracks must comply with the conditions of **exemption 12.25.** |
| * 1. Maintenance, upgrade and replacement of existing drainage along tram and train rail corridors. | 1. Any subsurface works or activities must comply with the requirements and conditions of **Category 6. Services (exemption 6.3).** 2. Improvement works must not involve ground disturbance works beyond the extent of previous disturbance associated with existing drainage. |
| * 1. Maintenance, upgrade, repair and replacement of existing overhead wiring along tram and train rail corridors. | 1. Must comply with the requirements and conditions of **Category 6. Services (exemption 6.4)**. |
| * 1. Formative and reduction pruning of trees in rail corridors required to comply with electrical line clearance works and activities in accordance with the [Electricity Safety Act 1998 (Vic).](https://www.legislation.vic.gov.au/in-force/acts/electricity-safety-act-1998/083) | 1. **Exemption 9.4, condition a)** does not apply to this exemption. 2. Works or activities must be limited to the minimum amount necessary to achieve the purpose of the procedure. 3. Must not adversely affect the health of the tree and must be in accordance with Australian standard Pruning of amenity trees AS 4373-2007. |
| * 1. Installation, maintenance, repair, removal, upgrade and replacement of train and tram operational and safety signage in rail corridors. | 1. Requirements and conditions of **Category 11. Signage** do not apply. 2. Does not include works or activities to advertising, promotional or commercial signage. 3. Does not include works or activities to:  * signage located on train and tram platforms * signage located in or on trams and trains included in the **Victorian Heritage Register** in their own right. |
| * 1. Installation and removal of temporary rail safety infrastructure within rail corridors, including: * signalling equipment * safety signage * lighting * safety barriers * security fencing * scaffolding. | 1. Must be freestanding and not involve new **penetrations** into or fixing to **fabric**. 2. The conditions and requirements of **Category 7. Safety and security (exemption 7.7)** do not apply to this exemption. 3. Must be removed within 12 months of installation. |
| * 1. Maintenance, repair, removal, upgrade and replacement of existing public information signage associated with tram and train use, including: * directional signage * informational signage * identification signage * regulatory signage * digital display screens. | 1. Must comply with requirement and conditions of **Category 11. Signage (exemption 11.1).** 2. Does not apply to advertising, promotional or commercial signage. |
| * 1. Maintenance, removal and replacement of existing advertising, promotional and commercial signage previously installed in accordance with an approval issued under part 5 of the [Heritage Act 2017 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) or corresponding previous law at rail stations, stops and platforms. | 1. Must comply with requirement and conditions of **Category 11. Signage (exemption 11.1).** 2. Any works or activities to digital screens must comply with the requirements and conditions of **Category 6. Services (exemption 6.2).** |
| * 1. Maintenance, removal, upgrade and replacement of surface-mounted contemporary passenger control and convenience services previously installed in accordance with an approval issued under Part 5 of the [Heritage Act 2017 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) or corresponding previous law at rail stations, stops and platforms, including: * ticket machines * passenger control gates * vending machines * Automatic Teller Machines (ATMs) * parcel lockers * public telephones * bike racks/lockers * rubbish and recycling bins * drinking fountains. | 1. Must comply with the requirements and conditions of **Category 6. Services (exemption 6.1).** |
| * 1. Maintenance, repair, upgrade and replacement of existing public and operational lighting at rail stations, stops and platforms, and within rail corridors. | 1. Must comply with the requirements and conditions of **Category 6. Services (exemption 6.4)**. |
| * 1. Repair, upgrade and replacement of existing communications and control systems required for train and tram operations at rail station, stops and platforms, and within rail corridors, including: * signalling equipment * emergency telephones * communications cupboards * train detection and wayside devices * combined service routes. | 1. Must comply with the requirements and conditions of **Category 6. Services (6.1)**. |
| * 1. Resurfacing of the existing bitumen, concrete or asphalt surfaces of tram or train rail platforms. | 1. Must not include works or activities to coping on rail platforms. 2. Must not include works or activities to brick or stone fascia in track pits. 3. Any works to remove or manage graffiti must comply with the requirements and conditions of **Category 1. Maintenance and cleaning (exemptions 1.3 and 1.4).** |
| * 1. Dismantling and removal of prefabricated office/storage/temporary construction depot facilities. | 1. Works or activities must be limited to prefabricated and temporary structures and facilities erected after the registered place was included in the **Victorian Heritage Register.** 2. Any works or activities involving the dismantling of services must comply with the requirements and conditions of **Category 6. Services.** |
| * 1. Maintenance, removal, upgrade or replacement of track lubricators. | 1. Must not introduce new track lubricators in new locations. |
| ROAD |  |
| * 1. Maintenance, upgrade and replacement of existing drainage within road reserves, including: * open drains * culverts * kerb and channel * drainage pits | 1. Any subsurface works or activities must comply with the requirements and conditions of **Category 6. Services (exemption 6.3)**. 2. Improvement works must not involve ground disturbance works beyond the level of previous disturbance associated with existing drainage. 3. There must be no works or activities to brick, bluestone and other masonry paths, driveways, kerbs and channels. |
| * 1. Operation of existing stockpile sites within road reserves. | 1. Any access to existing subsurface utilities must comply with the requirements and conditions of **Category 6. Services (exemption 6.3)**. |
| * 1. Installation, maintenance, removal, upgrade, and replacement of traffic signage within road reserves, including: * regulatory signs * warning signs * freeway and guide signs * tourist and service signs * street signs * signs displaying parking information * kilometre posts * survey pegs | 1. The requirements and conditions of **Category 11. Signage** do not apply to this exemption. 2. Must not include works and activities to kilometre posts and mile markers included in the **Victorian Heritage Register** in their own right. 3. Must not remove, relocate, replace or install any advertising, promotional or commercial signage. |
| * 1. Road markings and delineation works or activities within road reserves, including the installation, removal and replacement of: * Road and line markings * Audio Tactical Line Marking (ATLM) * cycle lanes * raised reflective pavement markers. | 1. Road markings must not be installed on brick, bluestone and other masonry paths, driveways, kerbs and channels. 2. Must be undertaken by, or with the approval of, the relevant public authority or local municipal Council. |
| * 1. Maintenance, repair, upgrade and replacement of existing road safety infrastructure within road reserves, including: * traffic signalling * street-lights * gantries * safety barriers. | 1. Any subsurface works or activities must comply with the requirements and conditions of **Category 6. Services (exemption 6.3)**. 2. Replacement and upgraded elements must match existing in location and must not exceed existing elements in scale and footprint. |
| * 1. Installation and removal of temporary road safety infrastructure within road reserves, including: * traffic signalling * traffic signage * lighting * safety barriers * security fencing * vehicle crossovers * scaffolding. | 1. Must be freestanding and not involve new **penetrations** into or fixings to **fabric** associated with the registered place. 2. The conditions and requirements of **Category 7. Safety and security (exemption 7.7)** do not apply to this exemption. 3. Must be removed after a maximum period of 6 months. |
| * 1. Maintenance, repair, upgrade and replacement of existing road safety services within road reserves, including: * fire hydrants * speed cameras * emergency telephones. | 1. Any subsurface works or activities must comply with the requirements and conditions **of Category 6. Services (exemption 6.3)**. 2. Must be undertaken by, or with the approval of, the relevant public authority or local municipal Council. 3. Replacement and **upgraded** elements must match existing in location, and must not exceed existing elements in size or footprint. 4. Services must not be installed in new locations. |
| * 1. Maintenance, repair, upgrade and replacement of existing street furniture within road reserves previously installed in accordance with an approval issued under Part 5 of the [Heritage Act 2017 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/heritage-act-2017/007) or corresponding previous law, limited to: * bicycle racks * drinking fountains * public seating * street furniture associated with bus and tram stops * parking meters * rubbish and recycling bins. | 1. Any subsurface works or activities must comply with the requirements and conditions of **Category 6. Services (exemption 6.3)**. 2. Must be undertaken by, or with the approval of, the relevant public authority or local municipal Council. 3. Replacement and upgraded elements much match existing in scale and location. 4. Must not include works or activities to street furniture included in the **Victorian Heritage Register** in its own right. 5. Street furniture must not be installed in new locations. |
| * 1. Resurfacing of the following existing elements: * asphalt and concrete roadways * gravel and sealed roadways * unsealed roadways * paths * driveways * kerbs * channels * speed bumps * sealed shoulders * gravel shoulders * pedestrian refuges * splitter islands. | 1. There must be no works or activities to brick, bluestone and other masonry paths, driveways, kerbs and channels. 2. Must use matching materials only (for example an asphalt roadway may only be resurfaced with asphalt). 3. Must not alter alignment, width or grade. |

**Useful resources**

***[Electricity Safety Act 1998 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/electricity-safety-act-1998/083)***

***[Road Management Act 2004 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/road-management-act-2004/065)***

## 13. Agricultural operations

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. New structures, facilities and services must not be installed in new locations unless an exemption expressly allows it (for example **exemption 13.4**). 2. Works or activities must not harm **early or original fabric** associated with the registered place, including **landscape features**, built structures, historic signage or **historical archaeological remains**. |
| Exemptions | **Exemption conditions** |
| * 1. Works or activities associated with existing agricultural operations at a registered place, such as: * management of livestock, such as shearing, grazing and stock rotation including the use of portable fencing * cropping and harvesting activities * production activities (for example dairying, wine production, grain milling and the like). |  |
| * 1. Maintenance and repair of all existing structures, equipment and infrastructure required for the continuation of existing agricultural operations at a registered place | 1. Must comply with the requirements and conditions of **Category 1. Maintenance and cleaning** and **Category 2. Minor repairs**. 2. Any painting works or activities must comply with the requirements and conditions of **Category 3. Painting and wallpapering**. |
| * 1. Replacement, upgrade and removal of existing structures required for the continuation of existing agricultural operations at a registered place, that were erected or installed after the registered place was included in the Victorian Heritage Register, limited to: * sheds * animal enclosures and accommodation (for example kennels, aviaries, poultry sheds etc.) * paddock fences and gates * troughs * open water channels * above-ground water tanks and associated irrigation infrastructure. | 1. Replacement structures must not exceed the height, scale, and footprint of existing structure. 2. Must comply with the requirements and conditions of **Category 9. Vegetation and landscape management**. 3. Materials and form of replaced or upgraded structures must be sympathetic to the **landscape character type** of the registered place. 4. Does not apply to property perimeter fences and gates. 5. Works to water channels must be undertaken by, or with the approval of, the relevant public authority. |
| * 1. Erection of new permanent fencing required for the continuation of existing agricultural operations at a registered place, limited to star picket and wire fencing. | 1. Must not remove evidence of **early or original** fence layouts. 2. Must comply with the requirements and conditions of **Category 9. Vegetation and landscape management (exemption 9.0).** |

## 14. Traditional owners’ rights

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|  | Category conditions |
| 1. These conditions apply to all works and activities exempted by this category. | 1. Traditional owners’ rights must be recognised in either a current Recognition and Settlement Agreement (RSA) under the [Traditional Owner Settlement Act 2010 (Vic)](https://www.legislation.vic.gov.au/in-force/acts/traditional-owner-settlement-act-2010/026) or by a determination under the [Native Title Act 1993 (Cth)](https://www.legislation.gov.au/C2004A04665/latest/text). |
| Exemptions | **Exemption conditions** |
| * 1. Works or activities associated with the exercise of recognised traditional owners’ rights by traditional owners at a registered place, including: * Ability to access and use land * Fishing * Hunting * Collection and use of natural resources * Collection and use of water * Camping * Conducting cultural and spiritual activities * Protecting places and areas of importance. | 1. Works or activities must be planned and carried out in a manner which prevents **harm** to the registered place or object. **Harm** includes altering, moving, removing or damaging any part of the registered place or object that contributes to its **cultural heritage significance.** |