

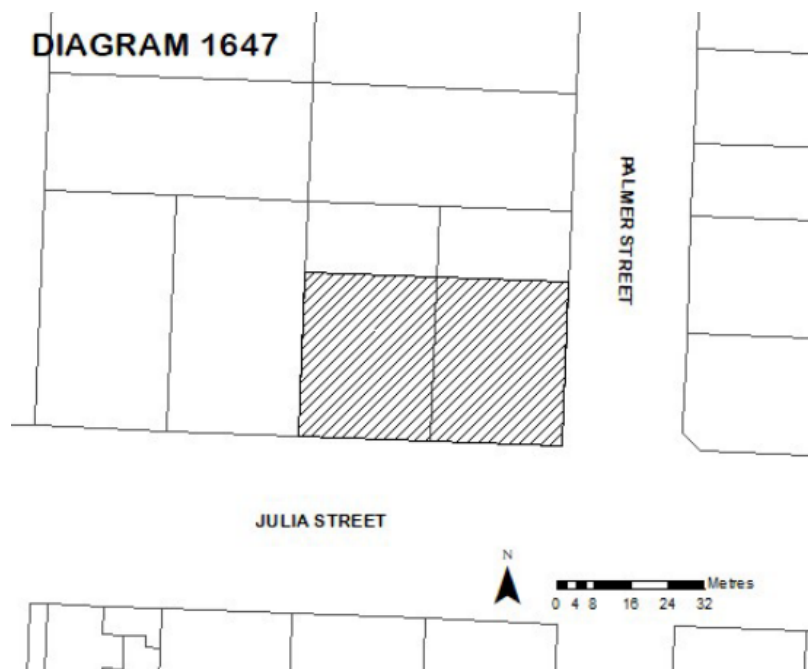
HERITAGE COUNCIL DETERMINATION

Determination Date	6 June 2024
Place/Object Name	Portland National School ('the Place')
Location	45 Palmer Street, Portland, Gunditjmara Country
VHR Number	H1647
Category	Registered Place

Determination

The Heritage Council of Victoria determined on 6 June 2024 that, in accordance with section 62 of the *Heritage Act 2017* (Vic) ('the Act'), the above Place is to be amended in the Victorian Heritage Register ('VHR') by:

- including additional land, so as to comprise **all** of the place shown hatched on Diagram 1647 being that part of Allotments 1 & 20, Section 18B, Township of Portland extending from Julia Street to a point two metres beyond the northern most wall of the school building;



- determining categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') in accordance with the **Annexure 1**.

The Heritage Council also determined to:

- amend the reasons why the Place is included in the VHR based on the Heritage Council criteria, specifically Criterion A and Criterion D.

Background

The cultural heritage significance of the Portland Primary School was recognised when it was included in the Register of Government Buildings in 1982. Its State-level cultural heritage significance was confirmed in 1998, when it was transferred to the Victorian Heritage Register.

On 30 January 2024, the Executive Director made and accepted an application to amend the registration of the place to ensure it is consistent with current practices under the Act.

Basis of Recommendation

The Executive Director recommended that the Heritage Council amend this registration in accordance with sub-sections 40(4)(c) (i) and (ii) of the Act. Reasons for this recommendation were set out in a Recommendation report received by the Heritage Council, in relation to both sub-sections being:

- If any of the land were developed, there is potential for the development to impact upon the school building and substantially reduce the State-level cultural heritage significance of the place.
- The land proposed for inclusion both is and has been used in conjunction with the Former Portland National School for over 165 years.
- The inclusion of additional land will ensure that all change is managed through an approvals process which is consistent across the entirety of this place and would provide certainty for all parties.
- The current extent is limited to the footprint of the Former National School building, and is insufficient to protect, conserve and allow for a proper understanding of the Former Portland National School.
- Including an area of land around the building will enable potential change immediately adjacent to the building (for example, new additions) to be managed under an approvals process.
- Inclusion of an area of land around the building will also enable works that could potentially impact on the conservation of the building, such as drainage and paving, to be managed under an approvals process.

Submissions

No public or authority submissions were received by the Heritage Council in relation to this matter.

Heritage Council's findings

The Heritage Council accepts the Executive Director's Recommendation and the rationale provided in the Recommendation.

The amendment to include additional land to the current Registration responds to the specific circumstances of the site, including the presence of a school building to the north which is within a Heritage Overlay. The amended extent of Registration will not overlap or conflict with that Overlay.

The additional land will provide for the conservation, protection and management of the Place.

The reasons why the Place is included in the Register are also accepted to be amended in accordance with the Recommendation.

The proposed categories of works or activities which may be carried out in relation to the place for which a permit is not required (specific permit exemptions) would not harm the cultural heritage significance of the place (section 49(3)(a) of the Act).



Professor Philip Goad
Chair, Heritage Council of Victoria

ANNEXURE 1 – PERMIT EXEMPTIONS

The categories of works or activities which may be carried out in relation to the Place for which a permit is not required ('permit exemptions') to be included, pursuant to section 49(3)(a) of the *Heritage Act 2017* (Vic) as follows:

Introduction

A [heritage permit](#) is required for all works and activities undertaken in relation to VHR places and objects. Certain works and activities are [exempt from a heritage permit](#), if the proposed works will not harm the cultural heritage significance of the heritage place or object.

Permit Policy

It is recommended that a Conservation Management Plan is utilised to manage the place/object type in a manner which respects its cultural heritage significance.

Permit Exemptions

General Exemptions

General exemptions apply to all places and objects included in the VHR. General exemptions have been designed to allow everyday activities, maintenance and changes to your property, which do not harm its cultural heritage significance, to proceed without the need to obtain approvals under the Act.

Specific exemptions may also apply to your registered place or object. If applicable, these are listed below. Specific exemptions are tailored to the conservation and management needs of an individual registered place or object and set out works and activities that are exempt from the requirements of a permit. Specific exemptions prevail if they conflict with general exemptions.

Find out more about heritage permit exemptions [here](#)

Specific Exemptions

The works and activities below are not considered to cause harm to the cultural heritage significance of the Former Portland National School subject to the following guidelines and conditions:

Guidelines

1. Where there is an inconsistency between permit exemptions specific to the registered place or object ('specific exemptions') established in accordance with either section 49(3) or section 92(3) of the Act and general exemptions established in accordance with section 92(1) of the Act specific exemptions will prevail to the extent of any inconsistency.
2. In specific exemptions, words have the same meaning as in the Act, unless otherwise indicated. Where there is an inconsistency between specific exemptions and the Act, the Act will prevail to the extent of any inconsistency.
3. Nothing in specific 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*, prior to undertaking works or activities in accordance with specific exemptions.
4. If a Cultural Heritage Management Plan in accordance with the *Aboriginal Heritage Act 2006* is required for works covered by specific exemptions, specific 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 specific exemptions and a Cultural Heritage Management Plan for the relevant works and activities, Heritage Victoria must be contacted for advice on the appropriate approval pathway.
5. Specific 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*, the *Aboriginal Heritage Act 2006*, and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). 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.
6. 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.

7. 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* must be obtained to undertake works or activities that are not expressly exempted by the below specific exemptions.
8. All works should be informed by a Conservation Management Plan prepared for the place or object. The Executive Director is not bound by any Conservation Management Plan and permits still must be obtained for works suggested in any Conservation Management Plan.

Conditions

1. All works or activities permitted under specific 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. If during the carrying out of works or activities in accordance with specific 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 and Heritage Victoria notified as soon as possible.
3. If during the carrying out of works or activities in accordance with specific 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*) must be contacted immediately to ascertain requirements under the *Aboriginal Heritage Act 2006*.
4. If during the carrying out of works or activities in accordance with specific 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.
5. If during the carrying out of works or activities in accordance with specific 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*, 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*).

Exempt works and activities

1. Landscape/ outdoor areas
 - a) Installation and replacement of shade sail fabric and supporting structure.
 - b) Replacement of playground equipment and outdoor furniture in the same location.
 - c) Pruning of all trees to ensure safety.
 - d) Removal, replacement and installation of new ground surfacing treatments (for example, asphalt, safety matting) provided it is not within five metres of significant buildings.