



Your Home and Climate Related Damage

Q: My home has been damaged by weather or climate. What are the first things I should do?

A: Stay safe and avoid any unsafe structures. Photograph any damage and record what is damaged or lost. If possible, contact your insurer before starting clean-up or repairs.

Q: What permits might I need to repair, demolish, or rebuild my home?

A: You will **likely** need a **building permit** for construction, demolition, or removal of a building used as a home. Before applying for a building permit, you may choose to appoint a registered building surveyor, building practitioner, endorsed building engineer or architect to apply for the permit on your behalf.

You **may** also need a **planning permit** for land use or development (construction works) if your local planning scheme requires one for your land or the proposed works. Check with your local Council for guidance on whether a planning permit is required.

Q: Are there any exemptions to obtaining a building or planning permit to repair, demolish, or rebuild my home?

A: A building permit will not be required if the building works are carried out under a building order or an emergency order (and the order does not specifically require a building permit to be obtained).

If your principal place of residence has been destroyed by a climate event (i.e., fire, flood, wind, storm), there is an exemption from obtaining building and planning permits for constructing temporary accommodation.

Minor works and routine maintenance to restore an existing building usually do not require a planning permit unless specifically required by a local planning scheme.

Q: How do I know if I need a planning permit?

A: Whether a planning permit is required depends on where your home is located and the planning controls that apply to it.

Generally, any works to homes in heritage areas or subject to climate risks will require a planning permit for most demolition, repair or rebuild works.

Allied Justice

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Q: What rules apply to the exemptions for temporary accommodation?

A: A planning permit is not required for the construction and use of a building for temporary accommodation if your principal place of residence was damaged or destroyed in a bushfire, provided the following requirements are met:

- the temporary accommodation is on the same land as your damaged or destroyed residence, or on neighbouring land you also own;
- there must be an all-weather access road to the temporary accommodation;
- the temporary accommodation must be connected to reticulated sewerage (if available), potable water supply, and electricity (or suitable alternatives);
- The use of the land for the temporary accommodation does not continue beyond 3 years from its commencement.

In addition, the temporary accommodation:

- must be completed within 18 months of the date the principal residence was damaged or destroyed; and
- the combined gross floor area of all temporary accommodation must not exceed 60 square metres unless you have specific consent from your local Council.

As this exemption applies only to temporary accommodation, you may need a permit to use the land for a dwelling within three years of construction, to use the rebuilt temporary accommodation permanently as your home.

To rely on this exemption, you must first provide information about the proposed temporary accommodation and its location to your local Council.

Other general tips

- Communicate in writing and keep copies of notices, reports, follow-ups and invoices.
- Use a qualified tradesperson and retain compliance certificates.
- Consider contacting your local Council or seeking advice from Allied Justice before you begin any work.

This fact sheet applies only to Victoria.

This material does not replace legal advice. Laws can change. If you are unsure, seek advice from Allied Justice.

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