

Transitional provisions in the updated Bushfire Management Overlay



Will I need a planning permit under the updated Bushfire Management Overlay?

The Bushfire Management Overlay (BMO) has been updated and maps all areas in Victoria with the potential to be affected by extreme bushfires.

The BMO has been applied to land to ensure that future development appropriately assesses and manages bushfire risk.

A planning permit is required for most construction activity on land in the BMO, including building or extending a home. The requirements apply from the day that the BMO maps are updated.

In most cases, existing planning permits won't be affected if the BMO was applied after the permit was issued.

However, the current bushfire protection requirements must be met if you want to amend an existing planning permit or extend the expiry date. Updated planning approval is therefore required in these circumstances.

Where a building permit for a single house has been issued without previously requiring a planning permit, a new planning permit may not be required.

The table overleaf outlines some typical scenarios, your next steps, and some facts for each situation.

For more information visit www.planning.vic.gov.au/bmo. Please contact your local council for specific advice about your property or an existing permit.

Scenario	Next Steps	Facts
I have lodged a planning permit application, but it hasn't been decided yet.	<ul style="list-style-type: none"> The council will contact you if they need more information, or to advise you of the next steps; or You can contact the council to ask how they intend to proceed. 	<ul style="list-style-type: none"> The extreme bushfire hazard was already present on the land, potentially affecting development via the Building Act and regulations. The council needs to consider bushfire hazard and risk when assessing your application. If bushfire hazard wasn't already addressed as part of the application, the council may ask you for further information and refer the application to the CFA for comment.
I have lodged a building permit application, but a permit hasn't been issued yet.	<ul style="list-style-type: none"> Check with your council if you need to apply for a planning permit. 	<ul style="list-style-type: none"> A planning permit may now be required before a building permit can be issued. There are some planning permit exemptions. Your council can advise you about these.
I have an existing planning permit to build on my land.	<ul style="list-style-type: none"> Check that your current planning permit allows the construction of all the buildings you intend to build. 	<ul style="list-style-type: none"> If a planning permit has already been issued for buildings and works or subdivision no additional planning approval is required. The BMO requirements will apply if you want to amend the permit or extend the expiry date.
I want to amend an existing planning permit.	<ul style="list-style-type: none"> Contact the council to discuss the changes you want to make to the planning permit. 	<ul style="list-style-type: none"> You may need to lodge an application to amend the existing permit. Alternatively if the change is minor council can, at its discretion, assess changes with a less formal approach. Whichever process is used council will need to consider bushfire hazard and risk.
I want to extend an existing planning permit that is about to expire.	<ul style="list-style-type: none"> Ask the council what information is required with your request to extend the expiry of the planning permit. 	<ul style="list-style-type: none"> Council needs to consider bushfire hazard and risk when deciding whether to extend the permit.
I have a building permit to build a house, and I didn't need a planning permit. Do I need a planning permit now?	<ul style="list-style-type: none"> Manage the vegetation as set out in the Bushfire Attack Level Assessment in your building permit documentation. Provide a static water supply in a tank of: <ul style="list-style-type: none"> 2500 litres on lots less than 500 square metres. 5000 litres on lots of 500 square metres or more. 	<ul style="list-style-type: none"> A planning permit is not required for a dwelling or dependent persons unit with a current building permit on land now included in the BMO, provided: <ul style="list-style-type: none"> vegetation is managed in accordance with the Bushfire Attack Level Assessment undertaken at the time the building permit was issued; and a static water supply is available. Vegetation management and water supply must be to the council's satisfaction.

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