

Frequently Asked Questions

Making temporary accommodation easier for homeowners – Clause 52.07

When you've lost your home to bushfire, getting temporary housing in place quickly can be a vital step towards recovery.

Clause 52.07 of the planning scheme allows people to set up temporary housing on their land without a planning permit – though there are still some requirements.

Does this apply to me?

If your home was destroyed or damaged by a bushfire you can use the exemption to build temporary accommodation without a permit – if it's on the same property as the destroyed or damaged home.

Does it apply if I wouldn't normally need a planning permit?

No. If you wouldn't normally need a planning permit you don't need to use clause 52.07.

Does it apply to holiday homes?

No, the exemption can only be used by people who have lost their principal place of residence, on the same land as the property they lost.

I rent my principal place of residence. Can my landlord use Clause 52.07 to provide temporary accommodation for me?

Yes. Your landlord will need to comply with the requirements of Clause 52.07 and discuss with the local council.

Laws apply to rental agreements in the event of a disaster. For more information visit the Consumer Affairs website: <https://www.consumer.vic.gov.au/resources-and-tools/advice-in-a-disaster/renting>

What other approvals do I need?

If you're in a Bushfire Management Overlay, Erosion Management Overlay or Heritage Overlay, your council may need to approve the development before you start (including the construction of any building, any works you plan and the removal of vegetation).

This only applies if what you're planning would normally need a permit.

What kinds of accommodation does it cover?

The clause applies to all types of accommodation, including dwellings and dependent person's units. The combined gross floor area of all buildings cannot be more than 60 square metres.

What information do I need to give to my council?

If you are eligible for the exemption, before you start building you need to tell your council:

- What temporary accommodation you are planning
- What you intend to use it for
- Where you will be building it – the address, title to or plan of the land, or any combination of the three

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How long do I have to build or install temporary accommodation using the exemption?

Any temporary accommodation must be completed within 18 months of your home being damaged or destroyed.

How long can I live in the temporary accommodation without a planning permit?

The exemption only applies for three years so that people move into safer permanent accommodation sooner. Three years is generally enough time to move through the rebuilding process, and to reconstruct your home.

What if I need to stay in the temporary accommodation for longer than three years?

After 3 years you must bring your temporary accommodation in line with the requirements of the planning scheme or have moved into permanent accommodation. You cannot continue to use your land for temporary accommodation under clause 52.07 and will have to make other arrangements.

How big can the accommodation be?

Temporary accommodation must not be larger than 60 square metres. This is because the accommodation is only for a limited time and is not intended to replace safer, permanent accommodation.

What if I need more space?

Then you'll need written approval from your council. Contact your council to find out what their requirements are for this.

Does there need to be road access to my property?

Yes, your temporary accommodation must have road access with an all-weather surface and be large enough to be used by emergency vehicles.

Can I build a road if there isn't access?

Yes, but you may need your council's permission to do build the accessway, including for any work outside of your property boundary.

You may need a planning permit to remove, destroy or lop vegetation to build the road.

Does the accommodation need to be connected to sewerage?

Yes.

If you have a septic tank, that's okay - if it has been approved by your council.

You can also install a septic tank if you haven't had one before – with council approval.

Contact your council or the Environment Protection Authority for more information on septic tank rules and regulations.

Does it need to be connected to the electricity grid?

Yes. If you have a generator that's probably okay too - check with your council to see what alternative energy sources are acceptable.

Does it need to be connected to the water mains?

Temporary accommodation must have a supply of potable water.

That could be the mains, but a rainwater tank connected to your roof, or a nearby stream, bore or well could also be okay – check with your council to see what's acceptable in your area, or if any other requirements apply.

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Can I cut back vegetation to build temporary accommodation under this exemption?

No. This exemption doesn't cover removing vegetation to build temporary accommodation.

Temporary accommodation should be sited in cleared areas where possible. If you can't avoid removing native vegetation, you should speak to your council about whether you need a planning permit.

What if I need to cut back vegetation to remove my damaged or destroyed home from the site?

It's okay to cut back or remove vegetation to enable the removal of buildings, equipment or other material that was damaged or destroyed by a bushfire within 3 years of the bushfire.

You can also remove up to 4 metres of vegetation along a fence to repair or reconstruct the fence within 3 years of the bushfire.

Who can I contact for more information?

- Bushfire Recovery Victoria (BRV) at <https://www.vic.gov.au/bushfire-recovery-victoria>
- Your council will be able to tell you who your relevant floodplain management authority is or see <https://www.water.vic.gov.au/waterways-and-catchments/ourcatchments/catchment-management-framework>
- Find out what overlays apply to your property by creating a Planning Property Report at: planning.vic.gov.au or <https://mapshare.vic.gov.au/vicplan/>
- You can check who your council is at: <https://knowyourcouncil.vic.gov.au/>
- VicEmergency at <http://emergency.vic.gov.au/relief-andrecovery/661>
- Department of Environment, Land, Water and Planning (DELWP) at <https://www2.delwp.vic.gov.au/>

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