

Building permit exemption for construction of temporary emergency accommodation

Emergency Accommodation Factsheet
August 2020

This document provides information about a new building exemption for using temporary accommodation while reconstructing a home after a bushfire or other major emergency.

The Building Regulations 2018 have been amended to allow landowners who have lost their homes because of a major emergency to construct and occupy temporary accommodation on site while their permanent home is rebuilt.

These changes complement the new requirements contained in Clause 52.07 of the Victoria Planning Provisions. Together they ensure a landowner who has lost their primary residence is exempt from the obligation to apply for either a planning or a building permit to use temporary accommodation. Further information about the changes to the Victoria Planning Provisions can be accessed here:

https://www.planning.vic.gov.au/data/assets/pdf_file/0022/455080/Planning-permit-exemptions-for-bushfire-recovery.pdf

Exemption from building permit

Constructing a new home normally requires the landowner to apply for a building permit. This is required even if the building is only intended for temporary use.

The new exemption allows landowners who have lost their home in a major emergency, such as the 2019/2020 bushfires, to construct and occupy temporary accommodation – an emergency accommodation building – on site while their permanent home is rebuilt, without applying for a building permit.

You can benefit from the exemption if the following requirements are met:

- Your primary residence was lost or rendered uninhabitable in a major emergency such as a bushfire, flood or storm.
- The residence was a single detached dwelling, not an apartment block, residence above a shop or similar.
- The emergency accommodation building is installed on the same property as the permanent residence.
- You intend to occupy the emergency accommodation building while your permanent home is rebuilt.
- The emergency accommodation building has a floor area no larger than 60m².

What type of buildings can be used as emergency accommodation buildings?

Any type of building can be used as an emergency accommodation building provided it complies with the requirements included in the Building Regulations, including mandatory standards for health and safety and a floor area no larger than 60m².

For example, an existing building could be repurposed to into a temporary home, or a prefabricated building could be installed on the property.

Does the emergency accommodation building need to meet the same construction standards as a normal house?

No. However, the emergency accommodation building must meet certain essential standards for health and safety including:

- Structural integrity, protection against rising damp and weather proofing.
- Connection to a reliable source of drinking water.
- Connection to a reliable electricity supply.
- Connection to a sewer or appropriate waste disposal system.

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Landowners must notify their local council before they move in.

The council must be notified either before building work commences on the emergency accommodation building or at least 14 days before the landowner moves in, whichever comes first. Contact your local council to learn more about how this can be done.

Moving into an emergency accommodation building without notifying the council is an offence punishable by a maximum fine of 10 penalty units (\$1652.20 F/Y 2020/2021) or an on-the-spot fine of 2 penalty units (\$330.44 F/Y 2020/2021).

An emergency accommodation building may only be occupied for up to 3 years.

Because the building is only required to comply with a more limited set of construction standards, it is not a substitute for a permanent home.

If a landowner wishes to continue occupying an emergency accommodation building after 3 years, the building must be retrofitted to comply with all relevant requirements in the *Building Act 1993*, the Building Regulations 2018 and the National Construction Code.

The Municipal Building Surveyor (MBS) from the local council may inspect the emergency accommodation building to check it meets essential standards for health and safety.

To ensure that emergency accommodation buildings are safe and compliant, the MBS may choose to carry out an inspection. The Building Regulations 2018 allow them to do this at any time, both before and during the occupation of the emergency accommodation building.

If the MBS believes that the emergency accommodation building fails to comply with the essential standards for health and safety, the landowner may be given an opportunity to rectify the non-compliance.

The MBS will provide the landowner with a written description of the non-compliance and specify a time period during which the non-compliance must be rectified.

However, if the MBS determines that the emergency accommodation building poses a significant risk, they may choose to issue a building notice or order.

Further information about building notices and orders can be accessed here:

https://www.vba.vic.gov.au/data/assets/pdf_file/0010/99370/PN-25-Notices-and-Orders.pdf

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