

Frequently Asked Questions: Can I stay on my land until I rebuild?

Yes – Victorian Building and Planning laws include **emergency provisions** that allow landowners to live on their property in temporary accommodation while they rebuild after a bushfire or other major emergency.

Below is a summary of what you **can** and **cannot** do, and the approvals you may need.

Building permit requirements after an emergency

Under the Building Act and associated regulations:

- You **need a building permit** to rebuild your home (any size).
- You usually **need a building permit** to demolish a home of any size, and to demolish sheds larger than **40 m²**, unless Council's Municipal Building Surveyor has issued an **emergency order**.
- You must appoint a **registered building surveyor** for any works that require a permit.

Temporary Emergency Accommodation (Building Permit Exemption)

Landowners who lose their home in a major emergency (bushfire, flood, storm) may construct and occupy a temporary accommodation building without a building permit if all requirements of Clause 52.07 are met.

Key requirements

- Your main home was destroyed or is uninhabitable.
- The temporary building is on the same property.
- It is under 60 m² in floor area.
- It meets minimum health and safety standards, including:
 - structural soundness
 - sanitary facilities
 - drinking water
 - electricity

Do I need to tell Council?

Yes.

You must notify Council and arrange an inspection with the Municipal Building Surveyor at least 14 days before you construct or occupy the temporary accommodation.

Working together for a healthy, connected shire

What information do I need to provide?

- Property details
- A simple site plan
- How long you expect to use the temporary accommodation

Do I need a building permit?

Not if you meet all of the above requirements and the building complies with safety and service standards. If you are unsure, please check with your private building surveyor or Council's building department.

What services must the building have?

It must be connected to:

- Drinking water
- Electricity
- Sewerage or an approved septic system

How long can I live in the temporary accommodation?

Up to three years. After that, the building must fully comply with the Building Act and Regulations. Council may be able to approve an extension of time.

Building permit requirements

You WILL need a building permit for:

- Rebuilding a permanent home
- Most permanent structures, unless exempt under emergency provisions

You MAY NOT need a building permit for:

- Temporary emergency accommodation less than 60m² if all exemption requirements met.

Planning permit requirements

You WILL need a planning permit for:

- Rebuilding permanent structures (Clause 52.07 **does not** apply to permanent homes)
- Works in special overlay areas (heritage, flood, landslip, bushfire, etc.)

You MAY NOT need a planning permit for:

- Temporary accommodation subject to Clause 52.07).
- Some recovery works such as fencing or provision of essential materials (Clause 52.07).

The **Mount Alexander Planning Scheme** applies across the shire.



Location, size and access requirements

- Temporary accommodation must be on the same property as your damaged home.
- Maximum floor area is 60 m², unless Council approves a larger size.
- Access must be via an all-weather road suitable for emergency vehicles.

Wastewater requirements

Your temporary accommodation must be connected to:

- Town sewerage OR
- An onsite wastewater system that meets:
 - *Environment Protection Act 2017*
 - *Environment Protection Regulations 2021*

The temporary accommodation must have:

- A safe drinking water supply, and
- A reliable electricity supply.

Local Laws (during emergency recovery)

- Camping must not cause environmental harm, noise issues, or safety risks.
- You cannot charge rent or run a business from the temporary structure.
- Temporary structures must be movable (e.g., caravan, tiny house on wheels, tent).
- Contact Council's Public and Environmental Health team for wastewater connection advice.

Environmental Health – Wastewater systems after a bushfire

Bushfires often damage onsite wastewater systems – especially plastic tanks.

Recommended actions:

- Have your system inspected by a licensed plumber or qualified technician.
- Do not use damaged systems until repaired or replaced.
- Do not modify or pump out your system without professional advice.

Any alteration or replacement of a wastewater system requires a Council permit under the Environment Protection Act 2017.

For advice or permits, phone Council's Public & Environmental Health team: 5471 1700

Need More Information?

Emergency Recovery Victoria hotline:
1800 560 760 (9 am – 5 pm)