

# Rebuilding in bushfire-affected areas

## Post-fire information



Council is committed to helping individuals and the community to rebuild in the wake of the Black Saturday bushfires. This fact sheet is intended to provide advice to property owners about what is required to enable the rebuilding of bushfire affected properties in the Shire of Nillumbik.

### Introducing Council's Bushfire Rebuilding Team

Council has a Bushfire Rebuilding Team which offers professional advice to assist you in obtaining the approvals for constructing replacement buildings.

The Bushfire Rebuilding Team provides a 'one-stop shop' for advice about all approvals associated with planning, building and wastewater treatment and disposal. To offer this service, the team includes town planners, building surveyors, development engineers, environmental health officers, and environmental planners. The officers involved in these meetings with residents will also assess the applications lodged with Council.

If you are ready to start the rebuilding process, please contact the Statutory Planning Unit on 9433 3343. You will be asked to provide your details. Following this, a member of the Bushfire Rebuilding Team will contact you to arrange a time to meet.

We are committed to processing applications for bushfire affected properties as efficiently and promptly as possible.

### What approvals do I need before I start rebuilding?

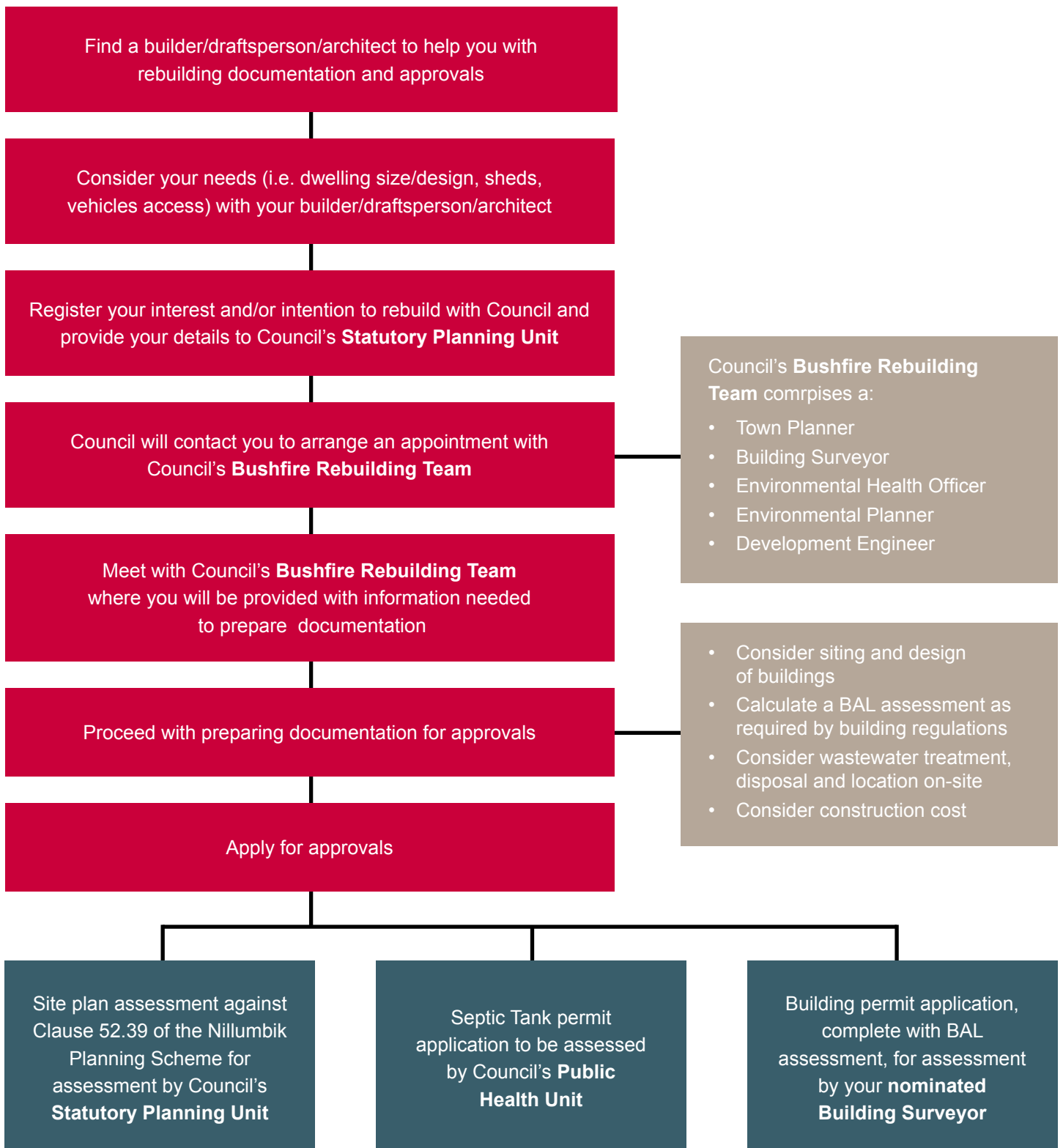
In order to rebuild, various permits or consents must first be obtained. These are:

- 1. A Site Plan Approval** – this replaces the need for a planning permit on bushfire affected properties, (refer to 'Site Plan Approval' section below).
- 2. A Septic Permit** – where the development will generate wastewater, a septic permit will be required before the issuing of a building permit.
- 3. A Building Permit** – under the building legislation all building projects require a building permit (with the exception of small developments such as a 10 square metre shed).

Please note that these requirements apply to the redevelopment of permanent buildings on your property, and do not apply to temporary accommodation. Information about temporary accommodation is available from Council's post-bushfire advice sheet *Temporary accommodation on fire-affected properties* which is available from the Civic Centre or can be downloaded from the bushfire recovery pages of the website [www.nillumbik.vic.gov.au](http://www.nillumbik.vic.gov.au).

## The bushfire rebuilding approvals process

The flow chart below outlines the recommended process for obtaining approvals for rebuilding on bushfire-affected properties.



## Site Plan approval (to satisfy the Planning Scheme requirements)

On 14 May 2009, the Victorian Government introduced Clause 52.39 (2009 Bushfire – Replacement Buildings) to the Nillumbik Planning Scheme to simplify the process of rebuilding in bushfire-affected areas. These provisions apply to dwellings (and associated outbuildings such as garages and sheds), dependent persons' units, and buildings associated with agriculture.

If one of these types of buildings was damaged or destroyed by the February 2009 bushfires, Clause 52.39 allows them to be replaced and used without having to comply with the normal requirements of the Planning Scheme, including any requirement to obtain a planning permit (unless your property is affected by a Heritage Overlay).

However, specific conditions must be met before construction can begin, including a Site Plan being submitted to and approved by Council.

The preparation and approval of a Site Plan enables Council to assess the location of the replacement building/s on the property and provide advice on whether adjustments to its location on the property will achieve a better outcome. Rebuilding must then be undertaken in accordance with the approved Site Plan.

The Site Plan is a simple plan which must show the following information:

- property boundaries
- the location of any damaged or destroyed building
- the proposed location of the replacement building
- existing and proposed access to the property
- any vegetation to be removed, destroyed or lopped to enable the rebuilding (including vehicle access, water storage and wastewater treatment) to take place
- the location and dimensions of the vehicle access
- the location and storage of water for drinking and fire fighting purposes.
- the location of the wastewater treatment system if wastewater is being treated on-site

In addition to obtaining an approved Site Plan, the following conditions must be met, in accordance with the Planning Scheme:

- the land must not be used for more than the number of dwellings or dependent persons' units that were damaged or destroyed
- the removal, destruction or lopping of vegetation to enable the maintenance of a building must not exceed 10 metres beyond the building



- access to the dwelling or dependent person's unit must be provided via an all weather road with dimensions adequate to accommodate emergency vehicles
- the dwelling or dependent person's unit must be connected to a reticulated sewerage system or if not available, the wastewater must be managed to the satisfaction of the responsible authority
- the dwelling or dependent person's unit must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes
- the dwelling or dependent person's unit must be connected to a reticulated electricity supply or have an alternative energy source
- A building must be constructed of materials that are non-reflective and of muted tones.

We recommend you contact our Statutory Planning Unit to arrange a meeting with Council's Bushfire Rebuilding Team to clarify the requirements and discuss your individual requirements.

In addition to the above, please note the following:

- to meet the new permit exemptions, the Site Plan must be submitted to Council by 30 April 2012 (after this date normal planning permit requirements will apply)
- there are no fees associated with obtaining a Site Plan approval
- you may still require a planning permit to remove vegetation if you are clearing greater than 10 metres from the approved buildings
- if your property abuts a road in a Road Zone (managed by VicRoads), you may still require a planning permit if you want to alter the existing access or create a new access point onto your property

- the redevelopment as shown on the approved Site Plan must start within two years of the date of the approved plan, and must be completed within two years of the start of building . You may apply to Council to have these timeframes extended within three months of the expiry date.

## Obtaining a septic permit

In order to obtain a septic permit, a septic system must meet the performance standards set by the Environment Protection Authority (EPA). If the redevelopment generates wastewater, a permit to install/alter a system must be issued before a Building Permit can be granted.

For further information, we recommend you arrange a meeting with our Bushfire Rebuilding Team to clarify these requirements.

In order to successfully obtain an approved Site Plan (under the Planning Scheme requirements) and/or a Septic Tank Permit, redevelopment on sites with significant development constraints (i.e. lots heavily constrained by vegetation and/or steep topography, or lots located close to waterways) may be required to demonstrate that effluent disposal can be achieved on these sites with minimal disruption to the environment. In these particular instances, a Land Capability Assessment (LCA) may be required to be submitted to Council. The Bushfire Rebuilding Team will be able to identify when an LCA is required when you meet with them to discuss your rebuilding plans. For further information concerning LCAs, please contact the Public Health Unit on 9433 3340.

## Obtaining a building permit

In order to obtain a building permit, it is now mandatory to determine the Bushfire Attack Level (BAL) for each individual property which dictates the level of protection required for new buildings, additions and alterations to buildings.

The BAL of a particular property must be determined by a person who is independent from the process of issuing a building permit, therefore it cannot be determined by the building surveyor issuing the building permit. The Bushfire Rebuilding Team can offer further advice. Otherwise, please refer to Nillumbik Environmental Building Surveyors' (NEBS) building permit fact sheet entitled 'Bushfire Recovery

Initiative', visit the Building Commission website at [www.buildingcommission.com.au](http://www.buildingcommission.com.au) or contact the Building Unit (NEBS) on 9433 3343. Please note that NEBS is unable to undertake BAL assessments.

## Do I have to rebuild in the same location?

In most cases, you will be able to rebuild in the same location. However, before submitting your Site Plan for approval, you will be encouraged to consider alternative locations on your property will achieve a better outcome in relation to bushfire risk.

For properties with particular characteristics that contribute to greater risk from bushfire, Council will encourage you to seek advice from the CFA directly. The CFA provides information and advice about how to site dwellings to reduce bushfire risk and other bushfire risk management actions. This information is available on the CFA website at [www.cfa.vic.gov.au](http://www.cfa.vic.gov.au) . Alternatively, you can contact the CFA on 9262 8444.

If you propose a different location, it is important that you provide a written explanation (accompanying your Site Plan) stating why you have chosen the alternative location.

## Can I remove vegetation when I rebuild?

Clause 52.39 of the Planning Scheme allows vegetation to be removed to enable the construction, use and maintenance of a replacement building. Vegetation beyond 10 metres of the building/s cannot be removed for maintenance of the building. However, other planning permit exemptions in the Planning Scheme for vegetation removal continue to be available to you. Contact Council's Statutory Planning Unit to clarify these requirements.

**This advice sheet is to be used as a general guide only. Council has made all reasonable effort to ensure the information provided in this series is true and accurate. However, it is recommended that readers seek professional advice before acting or making decisions on the basis of this information. For any questions or clarification, please contact Council's Planning and Building Services on 9433 3343.**

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