PLANNING PERMITS

A planning permit is a legal document that allows certain use or development on land. The document includes conditions that must be met and a set of plans with an expiry date. Depending on the location of your property and the planning controls that apply, you may require a planning permit to rebuild.

To determine if you require a planning permit you can contact your local council. Your local council is generally responsible for assessing permit applications. If your proposed development requires a planning permit, it must be issued before you can obtain a building permit.

The Victorian Government has introduced new controls to streamline the planning permit assessment process to support people to rebuild after a bushfire. While the permit process may be streamlined, you may still need to submit a planning permit application to the local council.

Preparing your planning permit application

You will need to prepare assessments to inform the proposed design of your house or building in your planning permit application. While you may wish to engage a planning consultant to prepare your application, the Community Recovery Hub can guide you through the process.

The information, assessments and requirements will vary depending on the features of your property and what planning controls apply to the land. You may need to:

- Undertake a site analysis: Prepare a site description and plan that shows the features of the site and surrounding area.
- Prepare sketch plans: Prepare plans of your proposal, taking into consideration the features identified by your site analysis and technical reports.
- Talk to your neighbours: Formal notice to neighbours does not apply to rebuilding a house destroyed by bushfire.
- Review and finalise your plans: Incorporate any suggested changes that you think are reasonable and have your plans professionally drafted ready to submit.

A completed application form, together with the supporting documentation and plans, can be submitted with your local council.

For further information visit www.planning.vic.gov.au or visit www.brv.vic.gov.au for a direct link to the page.

BUILDING PERMITS

To rebuild a house impacted by a bushfire, you will need a building permit.

Building permits are legal documents certifying that a building complies with the building regulations. A building permit is a written approval by a private or municipal building surveyor. It allows the building work to be undertaken according to the approved plans, specifications and other relevant documentation.

Having a building permit provides you with protection by ensuring:

- building practitioners who are working on your project are registered and carry the required insurance
- adequate documentation is prepared so the construction can be carried out correctly and according to building legislation
- key stages of the work are independently inspected
- your building is suitable for occupation.

A building permit will specify that either an occupancy permit or a certificate of final inspection is required on completion of the building work.

Applying for a building permit

Before applying for a building permit, you must appoint a registered building surveyor. You apply for a building permit through your building surveyor. The building surveyor will assess your application and issue the permit.

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Only the owner of the land or their agent may appoint a building surveyor. By law, your builder cannot appoint the building surveyor.

Most building permits are issued by private building surveyors. To find a private building surveyor in your area, go to www.vba.vic.gov.au/find.

Alternatively, you may wish to approach the municipal building surveyor employed by your local council. Before making an application, you should contact your municipal building surveyor to discuss the project.

A building permit cannot be issued until a relevant planning permit (if required) is obtained. To apply for a building permit, you need to:

- submit at least three copies of the drawings, specifications and allotment plans, along with the completed application form and other prescribed information;
- pay the building permit levy yourself or through a person authorised to do so.

Builders and building contracts

Registered building practitioners: If you are rebuilding your house, you’ll need to use a registered domestic building practitioner if the work is worth more than $10,000 (including materials and labour).

Owner-builders: You may wish to rebuild your home as an owner-builder, where you will be responsible for carrying out the work on your own land. If the value of the work you will be doing is over $16,000, you will need to obtain a certificate of consent from the Victorian Building Authority (VBA) to do this. For more information, visit the VBA website.

Building contracts: If you hire a contractor to rebuild your home, you and your building practitioner are required to have a major domestic building contract if the work is valued at more than $10,000 including materials and labour involves more than one type of work (e.g. is not just tiling).

The contract must meet the requirements of the Domestic Building Contracts Act 1995. Visit the Consumer Affairs Victoria website for information and advice about domestic building contracts.