

How do I identify a temporary building?

Transportable building

Transportable buildings are pre-fabricated buildings delivered on site by truck. Usually they are delivered complete but they can also be in sections, and do not require any further fitting out. They comply with the definition of a temporary building (outlined earlier) and do not require a building permit.

Caravan or motor home

Caravans, motor homes or the like do not require a building permit. However, you may need permission from your local Council for its temporary occupation on site. If a caravan or motor home does not have cooking, sanitary and washing facilities, they will need to be provided on site. The latter two can be in the form of portable toilet and shower or through the use of an existing or purpose built freestanding structure less than 10m² in floor area and not constructed of masonry.

You will need to ensure that electricity, water and gas supply (if any) and a sewerage/septic system is available on site before occupying a caravan or motor home as temporary accommodation. They should also be fitted with smoke detectors.

Advice should be sought from your local Council planning department about these matters.

Tent

A tent is not a desirable option for temporary accommodation. A building permit is not required for tents and enquiries should be directed to the health department of your local Council as tents are often not permitted on site for long or medium term accommodation purposes.

Shed or garage

A building permit is not required for a new freestanding shed or garage if it is not more than 10m² in floor area, not of masonry construction and no more than 3 metres in overall height. If situated within 1 metre of a boundary, it must be no more than 2.4 metres high.

Sheds and garages (new or existing) are considered non-habitable buildings, which means they cannot normally be lived in. However, in the current circumstances, you should talk to your local Council about your need for temporary accommodation.

Any building being occupied should be safe for occupation and provide, or have direct access to, the necessary facilities to ensure the health, safety and well-being of the occupants is not compromised and the necessary amenities are provided. Adequate cooking, bathing, toilet and laundry facilities are required as well as a smoke alarm.

Bushfire Building Advice Line 1300 360 320



Building Commission (9am – 5pm Monday to Friday)

Need more information?

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What you need to know about

Temporary homes and buildings in bushfire affected areas



Overview for ...Property Owners

As people in fire affected areas return to their properties to begin rebuilding their lives and their homes and other buildings, many may like to make use of temporary accommodation to live on their property until their new home is built.

It is important to ensure the site is cleaned up properly and meets the standards required under the State and Federal government program and that State and local government requirements are followed in safely setting up a temporary building on your property. It is best to consult an arborist to assess fire damaged trees on your property that may pose a risk to you or any temporary structures.

The Victorian Government is committed to reducing red-tape so the process of returning home and rebuilding can happen as quickly and safely as possible.

The Building Commission has produced this guide to ensure there is a good understanding by property owners, building practitioners, Councils and Municipal Building Surveyors (MBSs) of what a temporary building is and what is involved in ensuring that temporary buildings comply with Victoria's planning and building legislation and council local laws, and more importantly, that the building is safe to occupy.

A recent change to the planning schemes of all councils has removed the need for a planning permit for temporary accommodation used in the bushfire recovery. Exemptions are given for:

- Works related to bushfire recovery;
- Demolition or removal of a building, construction of a building and other works relating to recovery from a bushfire after 1 January 2009; and
- Temporary accommodation and land used to accommodate people for a limited or specified period, or for uses directly associated with bushfire recovery up to 31 March 2011.

The construction of a temporary building or works must be completed before 31 March 2010.

What is a temporary building?

Temporary buildings in Victoria do not require a building permit and are exempt from all parts of the *Building Regulations 2006* (*the Regulations*) provided specified minimum requirements are met.

A range of structures are considered temporary buildings. Generally, temporary buildings are not caravans for example, so it is important to ask your local Council about what it classifies as temporary accommodation. The following outline should help you understand what a temporary building is:

Temporary building (used for accommodation purposes)

A temporary building is one that:

- Is easily transportable and able to be removed from a site within 24 hours;
- Does not have permanent footings, but could have above ground concrete blocks, concrete pads, screw piles, or similar;
- Will only be used for a maximum of 18 months, or until rebuilding is complete, after which it must be removed from the site. If this is not possible, you should talk to your local Council MBS;
- Contains or have access to, the following minimum facilities:
 - Toilet;
 - Clothes washing facilities;
 - Bath or shower; and
 - A kitchen sink and facilities for the preparation and cooking of food;
- Has adequate natural light and sufficient ventilation;
- Has safe access by way of steps or a ramp;
- Has a smoke detector directly outside each bedroom; and
- Is structurally adequate for the 18 months.

A building permit is not required to erect or place a temporary building on an allotment while a new house is being constructed. However, it is important to check with your local Council whether it has any requirements regarding the siting of a temporary building.

Temporary buildings must be removed after occupation of the new home constructed on site or within 18 months, whichever occurs earlier. If this is not possible, you should talk to your local Council's MBS.

Electricity and gas supply (if any) must be reconnected to the site and a sewerage/septic system must be provided on site prior to the temporary building being occupied. Plumbing and electrical compliance certificates will be required for these works from a licensed plumber and electrician respectively.

In this and in the case of other temporary buildings, your local Council's health department must give its approval to install, connect to, or alter a septic system.

...Municipal Building Surveyors

Municipal Building Surveyors (MBSs) have a pivotal role in the building process, including temporary buildings. In addition to assisting property owners, the Building Commission has produced this guideline to provide Council MBSs with a consistent approach in applying the *Building Act 1993 (the Act)* and its subordinate legislation and Schedule 8 of *the Regulations*, particularly relating to the construction or placement of temporary buildings on allotments affected by bushfires in Victoria.

With the State Government committed to reducing red-tape to assist people affected by the bushfires to re-build, it is highly desirable that affected Councils take a consistent approach in applying *the Act* to ensure that the health, safety and amenity of the occupants is not unreasonably compromised.

The adoption or use of this guideline may require a policy decision by Councils. It is suggested MBSs consult with their management regarding this matter. It is also important to understand any local law requirements particular to your Council.

What the legislation says:

Section 16 of the *Building Act 1993* states:

16. Building permit required

- (1) A person must not carry out building work unless a building permit in respect of the work has been issued and is in force under this *Act* and the work is carried out in accordance with this *Act*, the building regulations and the permit.
- (2) Sub-section (1) does not apply to building work exempted by or under this *Act* or the regulations.

Regulations 1801 and 1802 of *the Regulations* exempt certain buildings and building work specified in the table of Schedule 8 from the requirements of building and occupancy permits as well as certain regulations specified in relation to them.

Item 7 in the table of Schedule 8 of *the Regulations* states:

Item	Description of building or building work exempted from building permit and occupancy permit	Building regulations that building or building work exempted from
7	Temporary structures other than those to which regulation 1104 applies.	All Parts

Setting up temporary buildings on your property

A temporary building does not require a building permit and is exempt from all parts of *the Regulations* provided the following minimum requirements are met:

The definition of a temporary building

A temporary building is one that:

- Is only intended to be located on a site temporarily, ie. a maximum of 18 months or until rebuilding is complete, which ever occurs earlier, after which it must be removed. If this is not possible, you should talk to your local Council's MBS;
- Is easily transportable and able to be removed within 24 hours; and
- Does not have permanent footings. The ground support may be via a proprietary or engineer designed system, such as above ground concrete blocks, masonry pads, screw piles etc.

Health and amenity considerations

(when used for accommodation purposes)

A temporary building must:

- Contain or have access to, the following minimum facilities:
 - A closet pan (toilet);
 - Clothes washing facilities;
 - A bath or shower; and
 - Food preparation and cooking facilities;
- Have adequate natural light and sufficient ventilation;
- Have safe access to it by way of steps or a ramp;
- Have a smoke alarm; and
- Be structurally adequate for 18 months.

As these buildings are temporary, providing stormwater drainage is generally not considered necessary. Therefore, they should be located so that stormwater runoff does not enter or pond under them, or discharge off-site. Depending on where they are located and how close they are to buildings on adjoining allotments, it may be necessary to use overland stormwater discharge to direct runoff away from adjoining allotments and the temporary building itself. Soakage pits may provide an appropriate alternative.

Under local laws, Councils often require permits, so check with your Council first.

Siting of the temporary building

The most appropriate location of each temporary building will obviously depend on a variety of factors. These include:

- The natural slope of the land;
- Vehicular access to the temporary building;
- Existing or retained vegetation; and
- Access to services such as water, sewerage/septic, telephone, electricity, etc.

Accordingly, the siting of each temporary building will depend on site conditions. A Council's MBS, in consultation with the owners of the allotment, may wish to provide guidance to ensure the best outcome is achieved. However, the following locations should be avoided:

- Within one metre of the side or rear boundaries;
- Over easements;
- Over or within close proximity of any septic tanks, or drainage inlet pits;
- Near fire affected or unstable trees that could potentially pose a risk to the health and safety of the occupants of the building; and
- Near other fire damaged building/s or structure/s on the allotment that could potentially pose a risk to the health and safety of the occupants. It is recommended that temporary occupation of the site not occur until site clean up is complete. The setback of the temporary building from other fire damaged buildings or structures will depend on factors such as risk of collapse or debris (including potentially hazardous materials such as asbestos).

Inspections

To ensure an appropriate level of health, safety and amenity for temporary buildings installed, your Council may wish to conduct an inspection. This would give Council the opportunity to provide on-site advice to the occupants and to highlight any areas of concern or deficiency. However, this may need to be done on a case-by-case basis.

Other considerations

Some Councils may have other requirements regarding the placement and allowable time period for temporary buildings, so property owners should contact their local Council.

MBSs work closely with other Council departments, particularly health, local laws and planning. This should ensure that any additional requirements or permits that may apply to temporary buildings in their municipality are resolved prior to applying the guidelines.

