



## Amendment VC83 – Bushfire protection

# Community fire refuge and private bushfire shelter exemptions

This advisory note provides detail about the new planning permit exemptions for buildings and works associated with a community fire refuge and a private bushfire shelter.

### Introduction

Amendment VC83 introduced clause 52.48 Bushfire protection: exemptions. The new exemptions relating to community fire refuges and private bushfire shelters can be found at sub clauses 52.48-3 and 52.48-4 of the *Victoria Planning Provisions* and all planning schemes.

### Private bushfire shelter

#### What does the new exemption do?

Clause 52.48-4 exempts any requirement in the planning scheme relating to the construction of a building or the construction or carrying out of works associated with a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2006), provided the total area of all buildings and works does not exceed 30 square metres.

### Does the exemption apply everywhere?

**No.** The exemption **does not** apply to land in the Urban Floodway Zone, Erosion Management Overlay, Floodway Overlay, Land Subject to Inundation Overlay, Special Building Overlay or Heritage Overlay. In these areas normal planning permit requirements continue to apply.

To find out what zone land is in or if an overlay applies to a property:

- obtain a Planning Property Report at [www.land.vic.gov.au](http://www.land.vic.gov.au)
- download the PlanningVIC: Planning Property Report app for iPad and iPhone via [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning)
- use the online mapping tool Planning Maps Online at [www.land.vic.gov.au](http://www.land.vic.gov.au)
- view the relevant planning scheme maps at [www.dpcd.vic.gov.au/planning/planningschemes](http://www.dpcd.vic.gov.au/planning/planningschemes)
- contact your local council.

The planning permit exemption also **does not** apply to land in the Shire of Yarra Ranges. For more information about the planning requirements for private bushfire shelters in the Shire of Yarra Ranges contact the council on 1300 368 333.



### Does the exemption apply to vegetation removal?

**No.** The exemption does not apply to the removal, destruction or lopping of vegetation. If vegetation is required to be removed to enable buildings and works associated with a private bushfire shelter a planning permit may be required. However, existing planning permit exemptions for vegetation removal continue to apply.

### What is a private bushfire shelter?

Regulation 115 of the Building Regulations 2006 defines a private bushfire shelter as a building that may, as a last resort, provide shelter for occupants from the immediate life threatening effects of a bushfire event.

A building permit must be obtained for a Class 10c building, a building being a private bushfire shelter. Buildings and works must not commence until a building permit has been issued for a private bushfire shelter. A building permit can only be issued if the private bushfire shelter is in association with a Class 1 building.

A private bushfire shelter must comply with the performance requirements set out in the Building Regulations including safe access and egress and a tenable environment within the shelter for the period of occupancy.

The performance requirements are met if the private bushfire shelter is designed and constructed in accordance with the *Performance Standard for Private Bushfire Shelters 2010 (Part 1)*, Australian Building Codes Board.

To obtain a building permit for a private bushfire shelter a landowner must either:

- purchase a shelter which has been accredited by the Building Regulations Advisory Committee as meeting the performance requirements in the regulations; or
- apply to the Building Appeals Board for a determination that the non-accredited bushfire shelter complies with the regulations; or
- obtain certification from a fire safety engineer who did not design the shelter to satisfy a building surveyor that a non-accredited bushfire shelter meets the requirements of the regulations; or

- rely on a Certificate of Conformity issued by the Australian Building Codes Board which states that the alternative solution complies with that performance requirement.

More information about the regulation and accreditation of private bushfire shelters is available from the Building Commission website at [www.buildingcommission.com.au](http://www.buildingcommission.com.au).

### Community fire refuge

#### What does the new exemption do?

Clause 52.48-3 exempts any requirement in the planning scheme relating to the construction of a building or the construction or carrying out of works associated with a community fire refuge in accordance with the Building Regulations 2006.

#### Where does the exemption apply?

The planning permit exemption applies to all land, except land in the Shire of Yarra Ranges. For more information about the planning requirements for community fire refuges in the Shire of Yarra Ranges contact the council on 1300 368 333.

### Does the exemption apply to vegetation removal?

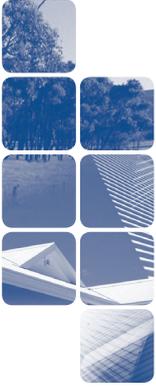
**No.** The exemption **does not** apply to the removal, destruction or lopping of vegetation. If vegetation is required to be removed to enable buildings and works associated with a community fire refuge a planning permit may be required. However, existing planning permit exemptions for vegetation removal continue to apply.

### What is a community fire refuge?

Regulation 115A of the Building Regulations 2006 defines a community fire refuge as a building, or part of a building, to be used by the public for short-term shelter from a fire front during a bushfire event.

A building permit must be obtained for a Class 9d building, a building being a community fire refuge. Buildings and works must not commence until a building permit has been issued for a community fire refuge.

A community fire refuge must comply with the performance requirements set out in the Building Regulations including safe access and egress and a tenable environment within the shelter for the period of occupancy.



## More information

More information about the new bushfire provisions introduced by Amendment VC83 is provided in:

[Advisory note 39 – Bushfire protection: Vegetation exemption](#)

[Advisory note 40 – Bushfire protection: Bushfire planning provisions](#)

[Practice note 64 – Local planning for bushfire protection](#)

[Practice note 65 – Bushfire Management Overlay and bushfire protection: planning requirements](#)

More bushfire related information is available at [www.dpcd.vic.gov.au/planning/bushfire](http://www.dpcd.vic.gov.au/planning/bushfire)

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