



Disaster and Emergency Recovery Local Planning Policy

Version 1

Scheme Provisions:

Other References:

Shire of Northampton Local
Planning Scheme No. 10
Shire of Northampton Local
Planning Scheme No. 11
Planning and Development Act
2005

Special procedural considerations:

RESPONSIBILITY	Chief Executive Officer as per the Delegations Policy and Register.		
ADOPTION	21 May 2021	Final Approval	

1. CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations). This Policy may be cited as Disaster and Emergency Recovery Local Planning Policy.

2. INTRODUCTION

The Shire of Northampton is primarily responsible for implementing its local planning framework post disaster to ensure that the community recovers as quickly as possible.

This policy aims to build on day-to-day exemptions in the local planning framework to ensure that development can occur quickly and adapt to the needs of the community. This includes the flexibility to provide emergency accommodation for people and workers directly affected or engaged during the recovery process.

3. INTENT

The intent of this policy is to:

- 3.1 To facilitate development and/or works which builds community resilience and minimises economic impacts; and
- 3.2 To provide the community with the ability to easily reconstruct damaged buildings and/or structures.

4. OBJECTIVES

The objectives of this policy are to:

- 4.1 Facilitate development in appropriate locations which is required as a direct result of a disaster or emergency.
- 4.2 Ensure development in appropriate locations that minimise land use conflict and is not detrimental to the amenity of adjoining owners and occupiers.
- 4.3 Support development that is capable of being serviced to an appropriate standard, relevant to the permanent or temporary nature of the proposal.

5. POLICY STATEMENT

5.1 Definitions

"Disaster" – An occurrence which disrupts the normal conditions of existence and exceeds the capacity of the affected community to deal with it.

"Emergency" – A situation in which extraordinary measures need to be taken in order to avoid or address a disaster.

"Emergency Accommodation" – A temporary structure used to accommodate people who are impacted and have homes made uninhabitable or people who are engaged to assist during an emergency or disaster in the community. The structures may include outbuildings, caravans, modular and transportable houses, dongas or other structures as determined by the local government.

“Emergency Works” – Works that are urgently necessary for any of the following: public safety, the maintenance of essential services or the protection of the environment.

“Heritage-Protected Place” – As defined in the *Planning and Development (Local Planning Schemes) Regulations 2015*, typically a place on the State or Local Heritage List or in a heritage area defined by the Scheme maps.

“Incidental Domestic Structures” – A structure that is associated with but incidental to a Single House or Grouped Dwelling and includes outbuildings, external fixtures, boundary walls, fences, patios, pergolas, verandahs, decks, garages, carports, swimming pools and shade sails.

“Single House” – A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

“Incidental Emergency Works and Uses” – A land use and associated structures that are temporarily erected to assist with or in response to a disaster or emergency. An Incidental Emergency Land Use may include shelters, food trucks, pop-shops, temporary offices and medical tents or any other land uses considered appropriate by the local government but does not include Emergency Accommodation.

6. General Application of the Policy

- 6.1 This policy applies to all land within the Shire of Northampton affected by an emergency disaster.
- 6.2 This policy is effective from 21 May 2021 and may be amended or revoked at the discretion of the local government.
- 6.3 For the life of this policy, the Chief Executive will have delegation to issue exemption notices in accordance with Delegation Register TPO1 Town Planning.

7 Policy Provisions

7.1 Exemptions

- 7.1.1 Development Approval is not required in all zones and reserves for development listed in Table 1 subject to compliance with the relevant conditions, procedure and clauses 7.2 below. These are to be read in conjunction with clause 61 of the deemed provisions of the Regulations.
- 7.1.2 The exemptions in Table 1 do not apply to lots within Special Control Areas, Heritage-Protected Places or Bushfire Prone Areas with ratings of BAL-40 or BAL-FZ.

7.2 Emergency Accommodation

- 7.2.1 The local government will consider granting an exemption letter for no more than one Emergency Accommodation structure on one lot (such as outbuildings, repurposed or second-hand dwellings, caravans/motorhomes and granny flats) that meet the following criteria:

- Will be removed within 12 months, or a time otherwise agreed by the local government;
- Is not obstructing an access way;
- Will have minimal impact on the amenity of adjoining properties;
- Is setback a minimum of 1.0m from the rear and side boundaries and setback from the front boundary in accordance with either the standard requirement in the Local Planning Scheme or Residential Design Codes, where it is possible to do so; and
- Will have potable water, effluent disposal system and electricity provided.

7.2.2 Where a proposal does not comply with clause 7.3 or a proposal under 7.5, the Shire will consider a proposal for Emergency Accommodation, as a Use Not Listed under Clause 18(4) of the Scheme and require development approval.

7.2.3 The local government may consider granting temporary Development Approval for more than one temporary Emergency Accommodation structure across one or more lots (such as transportable/demountable buildings and dongas) that meets the following criteria:

- Will be removed within twelve (12) months, or a time otherwise approved by the local government;
- Is located on land that has been identified as suitable by the Shire;
- Is setback a minimum of 1.0m from the rear and side boundaries and setback from the front boundary in accordance with either the standard requirement in the Local Planning Scheme or Residential Design Codes, where it is possible to do so;
- Will have minimal impact on the amenity of adjoining properties; and
- Will have potable water, effluent disposal system and electricity provided.

7.3 Other/General

7.3.1 Land owner permission must be obtained prior to use or development of land.

7.3.2 There are no application fees associated with applying for a temporary Development Approval or an exemption letter.

7.3.3 Incidental Emergency Works and Uses and associated structures, Emergency Accommodation and Temporary Signage must cease and be removed before the expiry date specified in the exemption letter or Temporary Development Approval. If approval is sought for a longer period, then development approval is required under clause 7.4 of this policy.

7.3.4 Any structures or land uses specified in clause 7.6 which are not removed after the expiry date or do not obtain Development Approval following expiry of the policy, is considered to be illegal development under clause 214 of the *Planning and Development Act 2005*.

7.3.5 Exemption notices and temporary development approvals under this policy does not constitute approval under any other legislation, including building, health and heritage.

Table 1 – Exempt Development During Disasters and Emergencies

Type of development	Conditions	Procedure
Demolition or removal of any building or structure	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • The proponent is to notify the local government in writing within 7 days of commencing works, including details of proposed works, location and estimated timeframe.
Incidental Emergency Land Uses	<ul style="list-style-type: none"> • No permanent buildings or structures permitted; and • Cannot exist for longer than 12 months. • Subject to clauses 7 of this policy 	<ul style="list-style-type: none"> • The proponent is to obtain an exemption letter from the local government, see Planning Exemption Letter.
Emergency Accommodation	<ul style="list-style-type: none"> • Subject to clauses 7.2 of this policy. 	<ul style="list-style-type: none"> • For one or less Emergency Accommodation structure, the proponent is to obtain a Planning Exemption Letter from the local government. • For more than one Emergency Accommodation, the proponent is to obtain temporary Development Approval from the local government.
Emergency Works	<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • The proponent is to notify the local government in writing prior to the commencement of works.
Partial or full reconstruction of an existing Single House on Residential/Special Residential zoned land	<ul style="list-style-type: none"> • If compliant with a previous development approval; or • If compliant with the deemed-to-comply provisions of the Residential Design Codes. 	<ul style="list-style-type: none"> • None, proceed to building permit stage.
Incidental Domestic Structures	<ul style="list-style-type: none"> • If compliant with a previous development approval; or • If compliant with the deemed-to-comply provisions of the Residential Design Codes; 	<ul style="list-style-type: none"> • None, proceed to building permit stage.
Partial or full reconstruction of an existing Single House on Rural, Rural Residential/	<ul style="list-style-type: none"> • If compliant with a previous development approval; or 	<ul style="list-style-type: none"> • None, proceed to building permit stage.

Special Rural/Rural Smallholdings zoned land	<ul style="list-style-type: none"> • If site and development requirements in the Scheme are met. 	
Partial or full reconstruction of: <ul style="list-style-type: none"> • Grouped dwellings; • Short stay accommodation; • Tourist accommodation; • Workforce accommodation; or • Commercial buildings. 	<ul style="list-style-type: none"> • If compliant with a previous development approval. 	<ul style="list-style-type: none"> • None, proceed to building permit stage.
Solar panels on the roof of a building	<ul style="list-style-type: none"> • If located on the roof. 	<ul style="list-style-type: none"> • None.
Temporary Signage	<ul style="list-style-type: none"> • Is in place for less than 12 months; and • The sign is not erected or installed within 1.5m of any part of a crossover or street truncation. 	<ul style="list-style-type: none"> • The proponent is to obtain an exemption letter from the local government, see Planning Exemption Letter.