

EMERGENCY TEMPORARY ACCOMMODATION - CYCLONE SEROJA



7 May 2021

Information Sheet – Planning Exemption

Live Document

FURTHER INFORMATION

Shire of Northampton's Information Sheet – Cyclone Seroja Recovery (2021)
Repairing and Rebuilding houses damaged by Tropical Seroja – Cyclone Testing Station, James Cook
University

<https://www.northampton.wa.gov.au/documents/cyclone-seroja>

INTRODUCTION

This information is aimed at guiding the provision of emergency accommodation on a temporary basis within the townsites of Kalbarri and Northampton as a result of the impacts of Cyclone Seroja in April 2021. The Shire of Northampton considers issuing an exemption for temporary works for a period of twelve (12) months under the Local Planning Scheme to be the most efficient and responsive mechanism to facilitate the provision of temporary accommodation immediately to those landowners who have lost homes or for construction workers involved in rebuilding and recovery works.

1.0 PLANNING EXEMPTION FOR TEMPORARY WORKS

In emergency situations, Clause 61(1) of the 'Deemed Provisions' of the *Planning and Development (Local Planning Scheme) Regulations 2015* permits local governments to issue a temporary exemption from the need to obtain development (planning) approval. An 'exemption' is not an approval but a temporary relaxation of requirements which is permitted for a maximum period of twelve (12) months. At the end of the twelve months, the exemption ceases and the structures will be required to be removed. Alternatively, should the owner want to retain the development on site then an Application for Development Approval will be required. The proposed development will be assessed against the normal planning framework and in some cases approval will not be granted.

2.0 GENERAL INFORMATION

A request for a Planning Exemption for emergency temporary accommodation must be made to the Shire of Northampton and will be considered on a case-by-case basis. The following provisions shall apply:

- 2.1 Applications for temporary accommodation will only be considered in respect of the landowners having lost a home and for workers involved in construction activity as a consequence of Cyclone Seroja.
- 2.2 The only forms of temporary accommodation to be considered shall be a caravan, a transportable dwelling or an outbuilding that shall be connected to an on-site effluent disposal system to the approval of the Shire's Health Officer.

- 2.3 Upon receipt and approval of supporting information, a Planning Exemption Letter for placement of the temporary accommodation on a lot will be issued for those applications exempt from obtaining development (planning) approval according to *Clause 61(1) of the deemed provisions of the Planning and Development Act 2015*.
- 2.4 Upon issuance of Planning Exemption letter, all applications shall require consideration by the Building and Health departments of the Shire of Northampton.
- 2.5 Location of accommodation structures on the lot shall not impact on access or egress to the site and shall not be placed within the primary street setback area.
- 2.5 Exemption for temporary accommodation shall be granted for a period not exceeding twelve (12) months with the commencement of any period deemed to commence from the date of issue of the Planning Exemption letter.
- 2.6 Prior to the granting of temporary works exemption for accommodation structures the applicant is to provide a Statutory Declaration (as attached) in which it is acknowledged that the exemption shall not exceed a period of twelve (12) months with the accommodation structure being vacated and removed at the expiration of that time.
- 2.7 The temporary works exemption will be issued to the applicant and is NOT transferrable to any other person or to any other land parcel, without further application and approval of the Shire of Northampton.
- 2.8 If there is a further need for accommodation structures after the initial exemption period of twelve (12) months, it is the responsibility of the applicant to submit a Development Application in good time before expiration of the exemption period. The Shire of Northampton will not automatically re-issue exemption approvals.
- 2.9 Should substantiated ongoing complaints be received in relation to this exempted temporary works, the Shire of Northampton reserves the right to review and/or revoke the Exemption;
- 2.10 The Applicant is required to indemnify and keep indemnified the Shire, its servants and agents against any claim or proceeding (and any cost and expenses incurred as a result) that may be made or brought by any person or corporation against the Shire, its servants and agents arising out of the exemption approval for temporary accommodation or temporary storage.

3.0 PLANNING REQUIREMENTS

In many cases, people will not need to apply for development approval for temporary accommodation (as per normal) as this requirement meets a form of exemption that local governments can apply if the structures are compliant with the Residential Design Codes, Local Planning Schemes and the Planning and Development Act 2005. However, exemptions will not apply to properties located within Special Control Areas, Heritage protected places and those located within Bushfire prone areas with ratings >BAL-40/BAL-FZ.

Outbuilding

An outbuilding used for temporary accommodation would not be approved on a vacant Residential zoned lot without a building permit being approved for a single house. Due to the impacts of Cyclone Seroja, an exemption for a maximum period of twelve (12) months may be considered for those landowners who have lost homes on their land.

- An application to reside in an existing outbuilding must include a Structural Engineer's report verifying the existing structure is suitable for temporary accommodation purposes.
- An application to construct a new outbuilding for temporary accommodation purposes is required to be designed to habitation standards. Should the outbuilding be proposed to remain as a permanent

structure after expiry of the exemption period, the development must comply with relevant Planning Legislation and Policy. (For example, an outbuilding on a vacant Residential zoned lot would not be approved if there is no building permit approved for a single house and it does not meet provisions within the Shire's Local Planning Policy *Outbuildings*). Therefore, if the applicant wishes to retain the outbuilding on the lot after the expiry of the exemption period, refitting it to remove components that make it habitable may be required. The following information shall be included in exemption application documentation:

- Site Plan showing location of proposed structure together with plans and elevations of proposed dwelling.
- Statutory Declaration acknowledging conditions of planning exemption for temporary structure.

Repurposed or Second-hand dwelling

The use of repurposed or second-hand dwellings for permanent residential accommodation purposes in the form of a single dwelling must comply with the Residential Design Codes of Western Australia and meet the provisions of the Shire's Local Planning Policy *Repurposed and Second-hand Dwellings*. Due to the impacts of Cyclone Seroja, an exemption for a maximum period of twelve (12) months may be considered for those landowners who have lost homes or have uninhabitable homes due to damage sustained. Should the applicant wish to construct another single dwelling on the lot, then the temporary accommodation would be required to be removed. The following information shall be included in exemption application documentation:

- Site Plan showing location of proposed structure together with plans and elevations of proposed dwelling.
- Photos must be submitted that clearly illustrate the condition and appearance of the entire building.
- Statutory Declaration acknowledging conditions of planning exemption for temporary accommodation.

Caravan/Motorhome

The use of caravans for temporary accommodation purposes in residential areas (even located within an outbuilding) in Residential zoned areas is not permitted, however due to the impacts of Cyclone Seroja, an exemption for a maximum period of twelve (12) months may be considered for those landowners who have lost homes on their land or have uninhabitable homes due to damage sustained. Caravans will not be granted approval on a long-term permanent basis. The proposed location of the caravan on the lot must be to the approval of the local government.

In accordance with *Part 2, Regulation 11 of Caravan Parks and Camping Ground Regulations 1997*, applicants will also be required to apply to the Minister if they wish to camp on the lot for longer than three (3) months in any twelve (12) month period.

The following information shall be included in planning exemption application documentation to the Shire:

- Site plan showing proposed location of caravan on the lot.
- Caravan type and dimensions.
- Photos showing appearance of caravan/motorhome.
- Statutory Declaration acknowledging conditions of planning exemption for temporary placement of caravan.

Ancillary Accommodation

Ancillary accommodation (sometimes referred to as a 'Granny Flat') is an "additional dwelling" and is 'ancillary' or 'secondary' to the main house on the property. Applications are considered after the completion of the main dwelling or where the main dwelling and the ancillary accommodation are built concurrently. In instances where an ancillary dwelling is proposed to be constructed to accommodate a landowner due to the impacts of Cyclone Seroja and prior to the re-construction of a single dwelling, an exemption for a maximum of twelve (12) months may be considered for those landowners who have lost homes. Should the ancillary dwelling be proposed to remain as a permanent structure after expiry of

the exemption period, the development must comply with relevant Planning Legislation and Policy. (For example, an ancillary dwelling on a vacant Residential zoned lot would not be approved if there is no building permit granted for a single house and it does not comply with all other *Residential Design Code of WA* provisions and the Shire's Local Planning Policy *Ancillary Accommodation*). Therefore, if the applicant wishes to retain the ancillary dwelling on the lot after the expiry of the exemption period, it must comply with all R-Code provisions such as maximum plot ratio area of 70m², lot boundary setbacks and so on. The following information shall be included in exemption application documentation:

- Site Plan showing location of proposed structure together with plans and elevations of proposed ancillary dwelling.
- Statutory Declaration acknowledging conditions of planning exemption for temporary structure.

Please note – Exemption for development approval for temporary accommodation and storage will be issued for a maximum period of 12 months and at the end of the 12 month exemption period the landowner will need to apply for an Application for Development Approval. Approval may or may not be granted based on compliance with relevant Planning Legislation and Policy. Further information is available by contacting the Shire's Planning Officer, Michelle Allen, via email to cdo@northampton.wa.gov.au or by phone to 0899 341202.

Planning Exemption Application Form can be found within this Information Sheet and on the Shire's website at www.northampton.wa.gov.au.

4.0 NEXT STEPS

(To assist applicants, this section provides general advice only and further clarification from the Shire's Building and Health Officers should be sought by the applicant.)

Upon issuance of a Planning Exemption letter, all applications shall require consideration by the Building and Health Departments of the Shire of Northampton.

BUILDING REQUIREMENTS

Due to the nature of the cyclone and subsequent damage incurred, the Shire of Northampton considers that all applications for temporary accommodation will require a building application. To facilitate timely application processes, the following matters should be considered as part of the building application.

Site authorisation

Authorisation from the relevant authority that the site is safe and cleared from any known hazards and suitable for installation of a structure for temporary accommodation purposes shall be provided to the Shire as part of the building application.

- Copy of authorisation from the relevant authority that the site is safe and cleared from any known hazards and suitable for installation of a transportable dwelling for temporary accommodation or a shipping container for storage purposes shall be provided as part of the building application.
- All structures must have appropriate foundations and structural support to ensure that they are safe and stable and be in a location approved by the Shire. Where possible, it shall be located at least 2 metres clear of any sewer main and a suitable distance from each lot boundary. It must not be installed over any easement and shall not affect the means of egress from the location in an emergency. It shall be installed so that roof water is disposed of without causing a nuisance to adjoining owners.
- For temporary accommodation structures, ability for connection to mains power is to be verified by a qualified electrician. The use of a generator upon the approved land parcel will be permitted during power outages and when the on-site power source is not accessible. At all other times, the applicant shall utilise the power source provided.
- Temporary accommodation structures must meet minimum standards including structural wind loading requirements that apply to permanent buildings; adequate fire safety standards, such as smoke alarms and emergency exits and applicants must apply pest, dust and noise mitigation measures.

Further information is available by contacting the Shire's Consultant Building Surveyor, Chadwick Barron, via email to building@northampton.wa.gov.au or by phone to 0429 341201.

HEALTH REQUIREMENTS

The following matters should be considered.

- A potable water supply shall be available upon the approved land parcel, to the approval of the local government. (For example, a caravan will be required to have a reservoir for water or a bottled water supply.)
- Detailed plan to include location of effluent disposal system and ablution facilities (toilet, shower, laundry, kitchen sink).

Further information is available by contacting the Shire's Environmental Health Officer, Wendy Dallywater, via email to eho@northampton.wa.gov.au or by phone to 0429341228.

ENQUIRIES

Enquiries may be directed to the Shire of Northampton Planning Officer on 93341202, via email to cdo@northampton.wa.gov.au, or in person at the Shire Offices during office hours, Monday – Friday.

****Disclaimer**** - this information sheet is a guide only. Verification with original Local Laws, Acts, the Shire's Local Planning Scheme and other relevant documents is recommended for detailed references. The Shire of Northampton accepts no responsibility for errors or omissions.



PLANNING EXEMPTION FORM

TEMPORARY ACCOMMODATION

OWNER DETAILS:

Name: _____ Phone: _____

Lot No. _____ Street No. _____ Street: _____

Suburb: _____ Postcode: _____

Postal Address (if different): _____

LOCATION OF PROPOSED DEVELOPMENT:

Lot No. _____ Street No. _____ Street: _____

Suburb: _____ Postcode: _____

TYPE OF DEVELOPMENT (tick relevant):

- Outbuilding for temporary accommodation – New or Existing
- Outbuilding for storage – New or Existing
- Repurposed transportable dwelling for temporary accommodation
- Secondhand transportable dwelling for temporary accommodation
- Caravan
- Other (please describe) _____

ACCOMMODATION DETAILS (ie - number of occupants, size of van etc.) -

POTABLE AND WASTEWATER DETAILS Give details of type of effluent disposal system (ie Caravan – water reservoir available on caravan or bottled water supply)

REASON FOR APPLICATION -

SUPPORTING INFORMATION

- Site Plan – showing proposed location of temporary structure on lot, existing structures on lot if remaining, street names, lot numbers, north point, location of effluent disposal system and ablution facilities.
- Plans of dwelling (including floor plan, elevations and sizes)
- Photos - of repurposed/second-hand dwelling, caravan etc.
- Structural Engineer’s Report (for existing structures – outbuilding etc.)
- Statutory Declaration

Signature: _____ Date: _____

Exemption for development approval for temporary works will issued for a maximum period of 12 months, however at the end of the 12 month exemption period the landowner will need to apply for an Application for Development Approval and approval may or may not be granted based on compliance with relevant Planning Legislation and Policy.

WESTERN AUSTRALIA
Oaths, Affidavits and Statutory Declarations Act 2005
STATUTORY DECLARATION

File Ref: 5.1.8 (Property Ref: A_____) E/A 2021-_____

PROPOSED TEMPORARY ACCOMMODATION – Planning Exemption

I/We: _____

Address: _____

Occupation: _____

Sincerely declare as follows –

1. I am the registered landowner or entitled to be the registered proprietor of the land situated at _____ which is more particularly described as:

Lot _____ on Plan/Diagram (*circle applicable*) being the whole of the land in Certificate of Title Volume Folio (“the land”).
2. I have applied to the Shire of Northampton (“the Shire”) for planning exemption to provide temporary accommodation for a period not exceeding twelve (12) months on the land following after which I shall cease to occupy and use the temporary accommodation.
3. The Shire may grant an exemption approval for me to reside in temporary accommodation for a period not exceeding twelve (12) months commencing on _____ and expiring on, _____ subject to various conditions.
4. I acknowledge that should a further need for temporary accommodation or temporary storage be required after expiry of the exemption period, I shall submit a development application for temporary accommodation to the Shire in good time before expiration of the exemption period being _____. Should approval for a further term not be granted by the Shire, I shall cease to occupy the temporary accommodation and remove the structure/s from the land.

5. I am aware that it is on the basis of my above declarations that the Shire may grant exemption approval of my application to occupy the temporary accommodation and that in the event I occupy the temporary accommodation otherwise than in accordance with the terms of my exemption approval, that I may be prosecuted by the Shire and that the statements I have made in this statutory declaration may be tendered in evidence against me.

SCHEDULE

(Description of temporary accommodation)

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005* at:

Place: _____

In the State of Western Australia this _____ day of _____ 20 _____

Signature of Declarant

Signature of Declarant

In the presence of:

Signature of Witness

In the presence of:

Signature of Witness

Name of Authorised Witness &
Qualification

Name of Authorised Witness &
Qualification