



New South Wales

State Environmental Planning Policy Amendment (Disaster Recovery) 2022

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

State Environmental Planning Policy Amendment (Disaster Recovery) 2022

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1 Name of Policy

This Policy is *State Environmental Planning Policy Amendment (Disaster Recovery) 2022*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Repeal of Policy

This Policy is repealed at the beginning of the day following the day on which this Policy commences.

Schedule 1 Amendment of State Environmental Planning Policy (Housing) 2021

Chapter 3, Part 10

Insert after Chapter 3, Part 9—

Part 10 Temporary emergency accommodation

134 Aims of Part

The aims of this Part are to—

- (a) facilitate temporary emergency accommodation in suitable locations for persons who have been displaced as a result of a natural disaster, and
- (b) ensure that temporary emergency accommodation has access to essential facilities and services.

135 Development consent not required for temporary emergency accommodation

- (1) Development for the purposes of caravan parks or camping grounds may be carried out without development consent if all of the following apply—
 - (a) the caravan park or camping ground will only be used to provide temporary emergency accommodation to persons who have been displaced as a result of a natural disaster,
 - (b) the development is carried out by or on behalf of a public authority,
 - (c) the development is carried out within 5 years of the natural disaster occurring,
 - (d) the development is carried out on land that—
 - (i) is supplied with water and electricity, and
 - (ii) is provided with sewerage and drainage services, and
 - (iii) has access to communal amenities,
 - (e) each moveable dwelling or tent, annexe or other similar portable and lightweight temporary shelter is—
 - (i) installed or placed on the land in a way that does not adversely impact the amenity of the land or the health and safety of persons occupying the caravan park or camping ground, including by mitigating the risk of fire, and
 - (ii) removed from the land within 5 years of being installed or placed on the land.
- (2) Part 9 does not apply to development specified in this section.

Schedule 2 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

[1] Clause 2.25 Specified development

Omit “bush fire” wherever occurring. Insert instead “natural disaster”.

[2] Clause 2.25(b)

Omit “in”. Insert instead “is”.

[3] Clause 2.30AA

Omit the clause. Insert instead—

2.30AA Specified development

The repair of damage to a building or structure caused by either or both of the following is development specified for this code—

- (a) a natural disaster,
- (b) an event that constitutes a significant and widespread danger to life or property in an area declared by an order under the *State Emergency and Rescue Management Act 1989*, section 33 to be an area where a state of emergency exists.

[4] Clause 2.30AB Development standards

Insert “natural disaster or of the” after “the” in clause 2.30AB(a).

[5] Part 2, Division 1, Subdivision 36A, heading

Omit “bush fire”. Insert instead “natural disaster”.

[6] Clause 2.72A

Omit the clause. Insert instead—

2.72A Specified development

The installation and temporary use of a shipping container for storage purposes on a lot is development specified for this code if—

- (a) a building on the lot has been significantly damaged by a natural disaster, or
- (b) the lot is in an area declared by an order under the *State Emergency and Rescue Management Act 1989*, section 33 to be an area where a state of emergency exists.

[7] Clause 2.72B Development standards

Insert “natural disaster or of the” after “the” in clause 2.72B(a).

[8] Clause 2.72B(l) and (m)

Insert at the end of clause 2.72B(k)—

, and

- (l) not be on a flood control lot, and
- (m) if in a residential zone—be behind the front building line.