

Environmental Planning and Assessment (COVID-19 Development—Temporary Housing) Order 2021

I, Rob Stokes, the Minister for Planning and Public Spaces, make this Order under section 10.17 of the *Environmental Planning and Assessment Act 1979*.

I am satisfied the Order is necessary to protect the health, safety, and welfare of members of the public during the COVID-19 pandemic. I have also consulted with the Minister for Health and Medical Research in relation to the making of this Order.



The Hon. Rob Stokes, MP
Minister for Planning and Public Spaces

Dated: 31/8/2021

Explanatory note

The object of this Order is to enable the erection and use of temporary housing on certain land in the Central Darling Shire local government area to provide accommodation to persons affected by the COVID-19 pandemic.

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Environmental Planning and Assessment (COVID-19 Development—Temporary Housing) Order 2021

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Order

This Order is the *Environmental Planning and Assessment (COVID-19 Development—Temporary Housing) Order 2021*.

2 Commencement

This Order commences on the day it is published in the Gazette and remains in force until the end of the *prescribed period*.

3 Definitions

(1) In this Order—

the Act means the *Environmental Planning and Assessment Act 1979*.

the Regulation means the *Environmental Planning and Assessment Regulation 2000*.

prescribed period has the meaning that it has in section 10.17 of the Act.

temporary housing means a habitable dwelling and associated amenities used on a temporary basis for the purpose of providing a place of temporary accommodation for persons affected by the COVID-19 pandemic.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Notes included in this Order do not form part of this Order.

4 Relationship with orders under the *Public Health Act 2010*

To the extent that this Order is inconsistent with an order under Part 2 of the *Public Health Act 2010*, the order under that Part prevails.

Part 2 Development permitted by the Order

5 Development authorised by this Order

The development specified in this Order may be carried out without the need for any approval under the Act if it complies with the conditions specified for the development.

6 Temporary housing

- (1) This clause applies to the following land in the Central Darling Shire local government area:
 - (a) Lot 1/S24/DP759091, 38 Adams Street, Wilcannia
 - (b) Lot 7/S34/DP759091, 5-7 James Street, Wilcannia
 - (c) Lot 1/DP908682, 14 Hood Street, Wilcannia
- (2) The erection of *temporary housing* provided by or on behalf of a public authority is development specified for this Order.
- (3) The use of land for the purposes described in subclause (2) is also development specified for this Order.
- (4) The conditions specified for the development are that the *temporary housing* must—
 - (a) have appropriate foundations and structural support to ensure that it is stable and otherwise safe and suitable for habitation,
 - (b) be fitted with a smoke alarm in accordance with Division 7A of the Regulation,
 - (c) be maintained in a healthy and safe condition,
 - (d) not affect the means of egress from any other building on the land in an emergency,
 - (e) not be installed over any easement,
 - (f) have appropriate access to water and sewerage services,
 - (g) be removed and the use must cease within 2 months after:
 - a. the end of the *prescribed period*, or
 - b. the repeal of this Order if this Order is repealed before the end of the prescribed period.

7 Suspension of regulatory instruments

An approval under section 68 of the *Local Government Act 1993* is not required for development authorised by this Order.