

# Supplementary Agenda Ordinary (Planning) Meeting

Thursday, 12 May 2022



**BYRON**  
SHIRE  
COUNCIL

# Supplementary Agenda Ordinary (Planning) Meeting

held at Conference Room, Station Street, Mullumbimby  
commencing at 11.00am

Public access relating to items on this agenda can be made between 11:00am and 11:30am on the day of the meeting. Requests for public access should be made to the General Manager or Mayor no later than 12:00 midday on the day prior to the meeting.

A handwritten signature in black ink, appearing to read "Mark Arnold".

**Mark Arnold**  
**General Manager**

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## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

**Remoteness** – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

**Relatives, Partners** - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

**No Interest in the Matter** - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

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## RECORDING OF VOTING ON PLANNING MATTERS

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### Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
- (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

**BYRON SHIRE COUNCIL**  
**BUSINESS OF ORDINARY (PLANNING) MEETING**

**15. LATE REPORTS**

- 15.1 Endorsement of Integrated Planning and Reporting documents for public exhibition: Delivery Program, Operational Plan, Budget, and Revenue Policy ... 6
- 15.2 Temporary accommodation leases between Council and Resilience NSW..... 19

***Councillors are encouraged to ask questions regarding any item on the business paper to the appropriate Director prior to the meeting. Any suggested amendments to the recommendations should be provided to Councillor Support prior to the meeting to allow the changes to be typed and presented on the overhead projector at the meeting.***

**LATE REPORTS**

5 **Report No. 15.1      Endorsement of Integrated Planning and Reporting documents for public exhibition: Delivery Program, Operational Plan, Budget, and Revenue Policy**

**Directorate:** Corporate and Community Services

10 **Report Author:** Heather Sills, Corporate Planning and Improvement Coordinator  
James Brickley, Manager Finance

**File No:** I2022/400

**Summary:**

15 Following an election, each new Council must adopt their suite of Integrated Planning and Reporting (IPR) documents by 30 June the following year. The preparation of these documents is regulated under the Integrated Planning and Reporting Framework requirements legislated by the *Local Government Act 1993* (Sections 402 to 406).

The Integrated Planning and Reporting (IPR) Framework includes:

- 20
- 10 year **Community Strategic Plan** reflecting the aspirations, needs, and priorities of the local community
  - The **Resourcing Strategy**, addressing sustainable long term financial, asset management and workforce planning;
  - A four year **Delivery Program** outlining Council's activities planned for council term
  - Annual **Operational Plan** consisting of actions identified to be undertaken each year to meet the Delivery Program commitments; together with the related budget, statement of revenue policy, and fees and charges.
- 25

30 At its Ordinary Meeting on 24 February 2022, Council endorsed the public exhibition of the *Byron Shire Community Strategic Plan 2032* (CSP) and an engagement strategy for the review of the Delivery Program 2022-26. Council has subsequently developed a draft Delivery Program 2022-26 and Operational Plan 2022/23 based on the strategic priorities in the CSP.

**RECOMMENDATION:**

- 5 1. That the following draft Integrated Planning and Reporting documents be placed on public exhibition for a period of 28 days:
- a) Delivery Program 2022-26 (Attachment 1 E2022/19411)
  - b) Operational Plan 2022/23 (Attachment 2 E2022/41016) and associated Budget (Attachment 3 E2022/41016), Statement of Revenue Policy, and Fees and Charges (Attachment 4 E2022/412563)
- 10 2. That an Extraordinary Meeting be held on 30 June 2022 to adopt the final documents, giving due consideration to any submissions received during the public exhibition period.

15 **Attachments:**

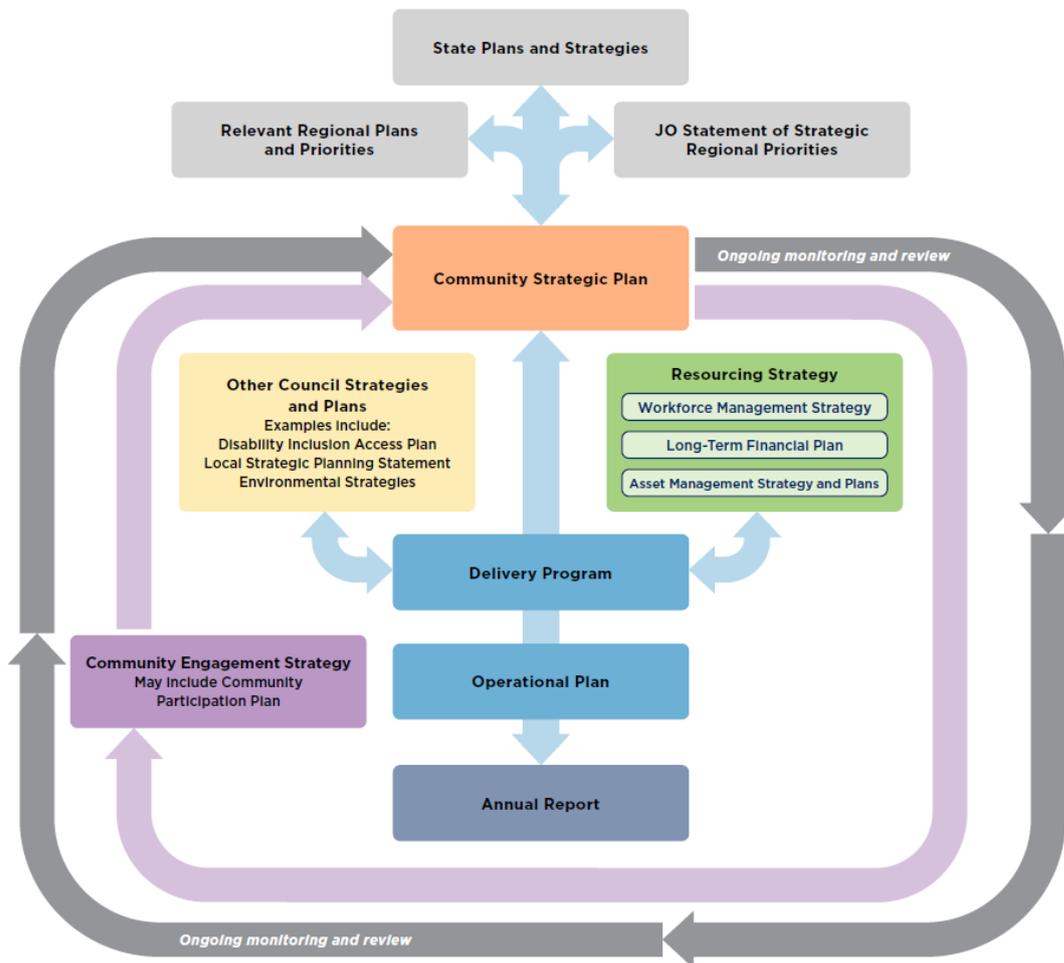
- 1 Draft Delivery Program 2022-26, E2022/19411 
- 2 Draft Operational Plan 2022/23, E2022/41016 
- 3 Draft 2022-2023 Detailed Budget Estimates for Public Exhibition, E2022/41032 
- 20 4 Draft 2022/2023 Statement of Revenue Policy including Fees and Charges for public exhibition, E2022/41253 

### Report

5 All councils in NSW use the IP&R framework to guide their planning and reporting activities. The Community Strategic Plan, the Delivery Program and the Operational Plan form part of the Integrated Planning and Reporting Framework which is a requirement under the *Local Government Act 1993*.

### Overview of Integrated Planning and Reporting

The diagram below is extracted from the IPR Guidelines and highlights the relationship and hierarchy of the strategies and plans, each relevant section is explained in more detail.



10

### Community Strategic Plan

Leading the Council's planning hierarchy, the Community Strategic Plan (CSP) captures the community's vision, aspirations, and expectations for the next 10 years. All other plans must support achievement of the Community Strategic Plan objectives.

15 The draft *Byron Shire Community Strategic Plan 2032* was endorsed by Council on 24 February for public exhibition. The exhibition period and related community engagement

program was impacted by the flood events in February and March, impacting much of the Shire. The exhibition period ended on 26 April 2022. Submissions and any required amendments will be reported back to Council for adoption of the final CSP in June.

### **Delivery Program**

5 The delivery program translates the community strategic plan goals into actions. It is the newly elected Council's commitment to the community, outlining what it intends to do toward achieving the goals of the community strategic plan during its term of office. It becomes the single point of reference for all principal activities undertaken by Council. All plans, projects, activities and funding allocations must be directly linked to the four-year  
10 delivery program.

### **Operational Plan**

The delivery program is supported by an annual operational plan which details the individual projects and activities that will be undertaken each year to achieve the commitments of the delivery program. The Operational Plan must include the Council's  
15 annual budget, along with Council's Statement of Revenue Policy, which sets the proposed rates, fees and charges for that financial year.

### **Resourcing Strategy**

The resourcing strategy addresses the sustainable long term financial, asset management, and workforce planning requirements and outlines how council will resource its strategic  
20 priorities. These documents will be presented to Council for adoption at the proposed 30 June 2022 Extraordinary Meeting.

## **Draft IPR documents for Public Exhibition**

### **Delivery Program 2022-26**

25 The Draft Delivery Program 2022-26 has been prepared based on the strategic priorities in the *Draft Byron Shire Community Strategic Plan 2032*.

Workshops were held with Councillors on 18 and 21 February 2022 to facilitate the development of the priorities for the Delivery Program. Following these workshops, the Community Engagement Strategy had proposed further consultation. Unfortunately, much of the Shire was affected by flooding in February and March, resulting in the delay of the  
30 exhibition of the CSP and a cancellation of the Councillor Listening Tours. Where possible, engagement with newly established committees has been undertaken and will continue during the public exhibition period.

Insights from the 2018 Infrastructure Community Solutions Panel and the 2018 Community Satisfaction Survey have also been taken into consideration in developing the draft  
35 Delivery Program and Operational Plan.

The draft Delivery Program 2022-26 is included at Attachment 1.

**Outcome Measurement Framework**

As part of the review of Council's suite of IPR documents work has been undertaken to develop a corresponding outcome measurement framework. Draft performance indicators have been included in the Delivery Program to help measure progress towards outcomes.

- 5 These indicators are aspirational and as this is the first version, we expect the indicator suite will evolve as the underlying data sets are refined, and as a result of community feedback.

The outcome measurement framework will contribute to the continuous improvement of Council's reporting practices.

10 **Operational Plan 2022/23**

The annual Operational Plan identifies the individual projects and activities that will be undertaken in the 2022/23 financial year to achieve the commitments made in the Delivery Program.

- 15 Within each theme, reading across, the Operational Plan is structured by Delivery Plan action, Operational Plan activity, measure, and due date. Links to relevant Council resolutions and the Disability Inclusion Action Plan are also referenced.

The draft Operational Plan 2022/23 is included at Attachment 2.

**Draft 2022/23 Budget Estimates (Statement of Revenue Policy)**

- 20 The Draft 2022/23 Budget Estimates are based on the 31 December 2021 Quarterly Budget Review and preliminary 31 March 2022 Quarter Budget Review with various changes to reflect updated costs of service delivery developed from the input received from each Council Directorate.

- 25 At this stage the 2022/2023 Draft Budget Estimates do not include any revenues or expenditures associated with the recovery from the February/March 2022 flood events. This will be added to the budget during 2022/2023 when details are confirmed and will be reported to Council separately or through Quarterly Budget Reviews to approve the necessary budget adjustments.

- 30 The Draft 2022/2023 Budget includes some works that were proposed in the 2021/2022 financial year but needed to be deferred due to the flood events. In this instance, these works will be removed from the 2021/2022 budget when Council considers the 31 March 2022 Quarterly Budget Review to be presented to the 26 May 2022 Ordinary Meeting.

The Draft 2022/23 Budget Result on a Consolidated (All Funds) basis forecasts a balanced budget result as outlined below at Table 1.

## BYRON SHIRE COUNCIL

### LATE REPORTS

15.1

Table 1 – Forecast Budget Result 2022/23 Consolidated (All Funds)

Item	Amount \$
<b>Operating Result</b>	
Operating Revenue	95,290,400
Less: Operating Expenditure	(84,432,200)
Less: Depreciation	(17,675,400)
<b>Operating Result – Surplus/(Deficit)</b>	<b>(6,817,200)</b>
<b>Funding Result</b>	
Operating Result – Surplus/(Deficit)	(6,817,200)
Add: Non cash expenses – Depreciation	17,675,400
Add: Capital Grants and Contributions	33,123,500
Add: Loan Funds Used	20,800,000
Add: Asset Sales	0
Less: Capital Works	(76,237,200)
Less: Loan Principal Repayments	(4,039,800)
<b>Funding Result – Surplus/(Deficit) (Cash Movement)</b>	<b>(15,495,300)</b>
Reserves Movement – Increase/(Decrease)	(15,310,000)
<b>Overall Budget Result – Surplus/(Deficit) (Operating + Funding)</b>	<b>(185,300)</b>

The detailed Draft 2022/23 Budget Estimates are included at Attachment 3. Table 1 indicates a forecasted budgeted deficit of \$185,300, and this relates to the General Fund.

# BYRON SHIRE COUNCIL

## LATE REPORTS

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The forecast General Fund Unrestricted Cash Balance position based on the draft budget included at Table 1 is outlined in Table 2 below:

Table 2 – Forecast General Fund Unrestricted Cash Balance

Item	\$
Forecast unrestricted cash balance to 30 June 2022 at 31 March 2021 draft Budget Review (yet to be finalised or approved by Council)	127,000
Add: Estimated Draft 2022/23 Budget result	(185,300)
<b>Forecast unrestricted cash balance at 30 June 2023</b>	<b>(58,300)</b>

5 In addition to Table 1 above, budgeted financial statements incorporating an Operating Statement and Cash Flow Statement have been produced. These financial statements, replicating the format of Council's Annual Financial Statements, are included in Attachment 2 as part of the Operational Plan, along with a one-page summary of all Council budget program outcomes. Reserve balances are outlined in the detailed budget estimates provided at Attachment 3.

### 10 Council's financial position

15 In producing the proposed draft budget outcome for 2022/2023 Council has had to take dividends from some of its reserves again which is not sustainable. Council is still feeling the impacts of the COVID-19 Pandemic with revenue reductions particularly from low interest rates available for invested funds, reduced usage of Council facilities, and more recently the devastating flood events of February/March 2022.

The difficulty of balancing the proposed 2022/2023 budget position has been compounded by the following items also:

- Superannuation guarantee increasing from 10.0% to 10.5%
- 20 • Pay Award increase of 2.0%
- Insurance premiums
- Increased contribution to Richmond Tweed Regional Library

25 The cumulative impact of the above four items on the budget is in the vicinity of an extra \$714k, which is greater than the estimated rate peg increase for Council of approximately \$644k. These costs have consumed the rate peg increase, let alone the impacts of inflation on Council.

It is vital for Council to consider the financial impacts of future decisions, given its current economic position. While the current levels of grant funding being offered/received has been of great assistance financially, they cannot be relied upon.

30 It is expected Council will be provided with an updated Long Term Financial Plan (LTFP) in the lead up to the adoption of the 2022/23 Delivery Plan, Operational Plan and Revenue

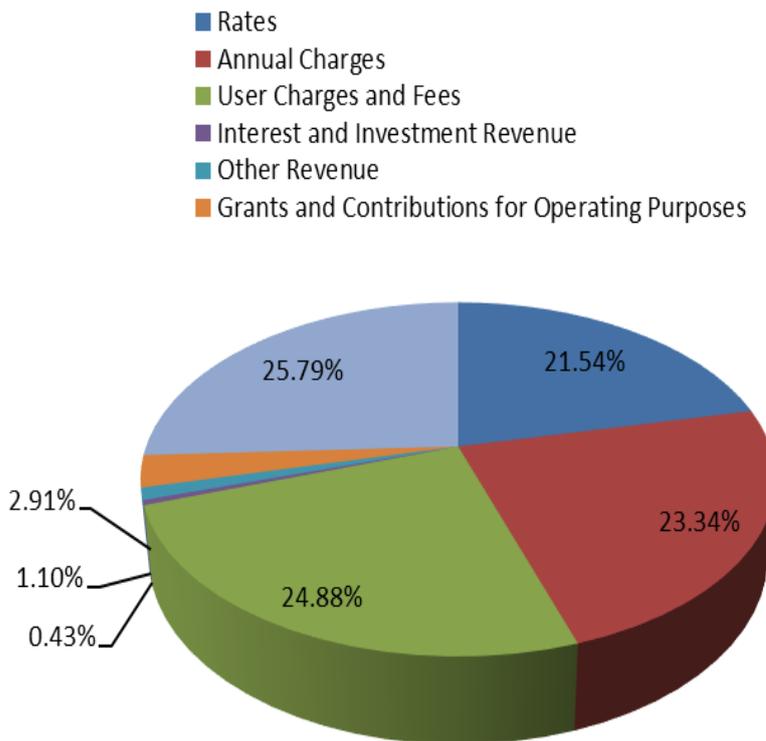
Policy at the proposed 30 June 2022 Extraordinary Council Meeting. The LTFFP will be essential in supporting Council’s financial projections whilst balancing community demands and expectations.

5 Table 2 also suggests that Council is forecasting to deplete its unrestricted cash balance almost completely due to the financial pressures. Council’s goal to maintain this balance at \$1million so over time will need to recover this balance to provide Council with a buffer against of any unforeseen expense.

10 In terms of the draft 2022/2023 budget position outlined in this report, further review will be undertaken during the public exhibition period to look at reducing the indicative deficit with any adjustments reported to the proposed 30 June 2022 Extraordinary Council Meeting for Council to consider.

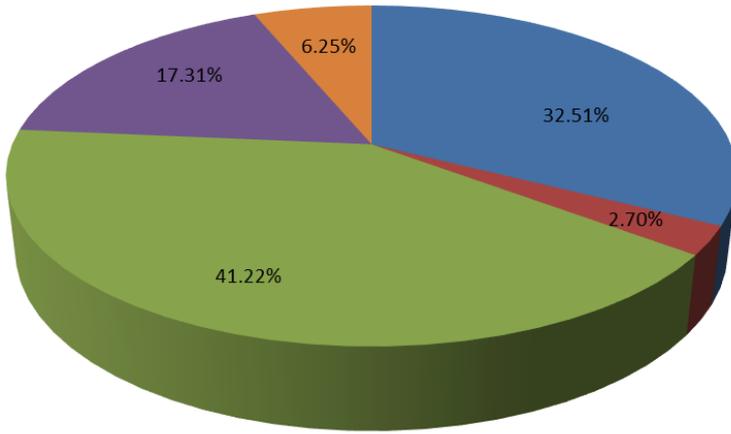
To arrive at the Draft Budget Results outlined in Table 1 for the 2022/23 financial year, Council’s revenue and operational expenses are expected to be derived from the following sources and allocated respectively as outlined in the graphs below:

**Revenue Sources \$128,413,900**



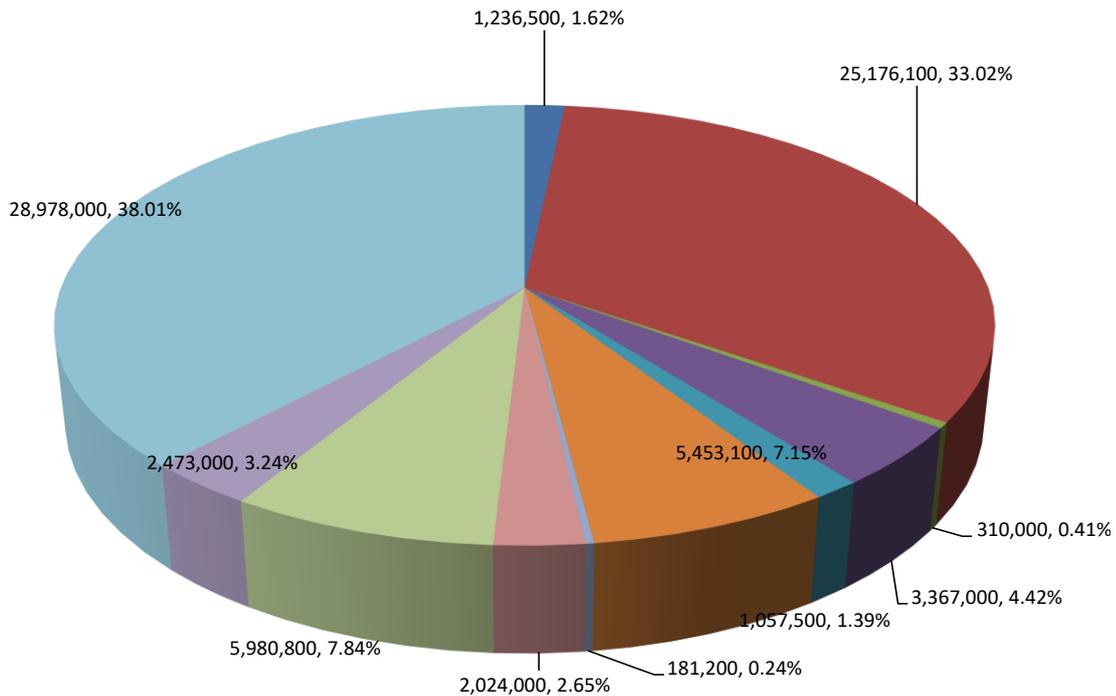
**Operating Expenditure \$102,107,600**

- Employee Benefits and Oncosts
- Borrowing Costs
- Materials and Contracts
- Depreciation and Amortisation
- Other Expenses



**Capital Expenditure \$76,237,200**

- Depot Services and Fleet Management
- Local Roads and Drainage
- Roads and Maritime Services
- Open Space and Recreation
- Projects & Commercial Development
- Waste Management
- Cavanbah Centre
- Holiday Parks
- Facilities Management
- Water
- Sewerage



# BYRON SHIRE COUNCIL

## LATE REPORTS

15.1

In addition to the operational aspects of the proposed Draft 2022/23 Budget Estimates, Council is proposing a capital works program of \$76.237million. By Fund, the projected capital works are:

- 5 • General Fund \$44.786million
- Water Fund \$2.473million
- Sewerage Fund \$28.978million

10 Specific capital works projects have been detailed in Attachment 3. As in previous years, the General Fund is presented in a different format, to improve the disclosure of funding sources for specific projects including:

- Developer contribution funding to describe the specific part of the Developer contribution plan and catchment that is providing the funding for a project.
- 15 • Where reserve funds are funding a project, identification of the reserve being utilised.
- Separation of funding provided by the 2017/18 Special Rate Variation (SRV) for which Council has reporting obligations for 10 years.

Of the \$44.786million for capital works related to the General Fund, the following major components are proposed:

- 20 • Local Roads and Drainage \$25.176million
- Open Space and Recreation \$3.367 million including \$2.500million for the Byron Bay Skatepark.
- Waste Management \$5.453million including \$3.000million for rehabilitation of Myocum Landfill
- 25 • Holiday Parks \$2.024million including \$1.500million for land purchase at First Sun Holiday Park
- Facilities Management \$5.980million including \$5.000million for the redevelopment of the former Byron Hospital.

30 The Draft 2022/23 Budget Estimates also propose new loan borrowings of \$20.800million to fund the following projects:

- First Sun Holiday Park Land Purchase \$1.500million
- Byron Bay Hospital Redevelopment \$3.500million
- Street Light LED Conversion \$0.800million
- Bio-Energy Facility (Sewerage Fund) \$15.000million

35 The amount of actual loan funds Council will need to borrow may be reduced pending how the above projects proceed: Council decision to proceed formally, capital expenditure reviews submitted to the Office of Local Government where required, and grant funding outcome.

40 Should Council need to borrow the full \$20.800million or less, this will be subject to lending approval and it will be necessary for all projects to be financially viable to generate sufficient return to fund their future loan repayments.

5 The Street Lighting LED Conversion project is not listed specifically as capital works as Council does not own the street lighting assets. The loan funding of \$800,000 represents Council's contribution to Essential Energy to replace all street lights in the Shire with LED lights. The intention of borrowing for this contribution provides an option for Council to fund its loan repayments in future years through reduced street lighting charges payable by Council.

**Draft General Land Rates and Charges (Statement of Revenue Policy)**

10 The Draft 2022/23 Revenue Policy includes the proposed rating structure, consistent with the structure revised by Council for the 2017/18 financial year. This is outlined in Attachment 4.

The rating structure incorporates the approved rate peg of 2.30% determined by the Independent Pricing and Regulatory Tribunal (IPART) representing the standard rate peg of 0.70% plus a population increase factor of 1.60%.

In respect of other charges, the Draft 2022/23 Revenue Policy includes:

- 15
- Waste Charges – increase of up to 17.30%. Council is facing increased costs for waste transportation and disposal.
  - Water access charges and usage charges - increasing by 3.50%
  - Sewerage charge - increased by 3.50%.
  - The stormwater charge has not increased. It is a regulated charge that has not
- 20 changed over the last sixteen years.

For the average residential ratepayer, the increases proposed for 2022/23 to rates and charges will see an overall increase of \$180.00 or 4.40% for 2022/23 compared to 2021/22.

25 **Draft Fees and Charges (Statement of Revenue Policy)**

The Draft 2022/23 Fees and Charges have been reviewed by the respective program managers and included at Attachment 4 as part of the Statement of Revenue Policy. Where possible, fees have been altered/increased to reflect the following:

- 30
- Increases in the Consumer Price Index (CPI)/Indexation - assumed at 3.50%.
  - Review of fees and charges including benchmarking/cost of service provision and where possible, introduction of new fees to assist Council to generate additional/enhanced revenue.
  - Regulated fees updated to reflect latest changes in legislative regulations.

35 Pay Parking

40 It is important to draw to Council's attention one fee proposal in the Draft Fees and Charges related to Pay Parking. The Draft 2022/2023 Budget has been developed assuming a \$1.00 per hour increase in the pay parking fee to \$5.00 per hour.

The current fee of \$4.00 per hour has been in place since 1 July 2017 without increase. It is not proposed to alter the existing permit fees for residents/workers or other existing arrangements associated with the pay parking scheme.

- 5 Any change in pay parking fees require Council determination, noting the need to carefully consider the implications and potential outcomes of increasing pay parking fees on the integrity of the parking scheme. Any significant changes would require further investigation and consideration.

## **Strategic Considerations**

### 10 **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	5.2: Create a culture of trust with the community by being open, genuine and transparent	5.2.1: Provide timely, accessible and accurate information to the community	5.2.1.2	Undertake a community engagement program to review and develop Council's Integrated Planning and Reporting framework documents
			5.2.1.1	Review Operational Plan annually
		5.2.2: Incorporate wellbeing framework within organisation to inform decision making	5.2.2.1	Embed an outcomes measurement system into the Integrated Planning and Reporting framework
	5.4: Manage Council's assets and allocate resources in a fair and holistic manner	5.4.5: Progress implementation of inclusive and integrated resourcing strategy	5.4.5.2	Monitor, review and update Long Term Financial Plan

## **Recent Resolutions**

- **22-055** – endorsement of the draft *Byron Shire Community Strategic Plan 2023* for public exhibition.

## Legal/Statutory/Policy Considerations

The requirements for Integrated Planning and Reporting are governed by [Sections 402-406](#) of the Local Government Act 1993.

- 5 [Section 403](#) requires that a council must have a long-term resourcing strategy for the provision of the resources required to perform its functions. The resourcing strategy includes the long term financial plan, asset management strategy, and workforce management strategy.

[Section 404](#) requires that a council must have a 4-year delivery program detailing the principal activities to be undertaken within available resources.

- 10 [Section 405](#) outlines the Operational Plan requirements including public exhibition and timeframes.

Detailed requirements are outlined in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

## Financial Considerations

- 15 The Operational Plan includes the annual budget required to fund the projects and services delivered as part of the Plan.

## Consultation and Engagement

- 20 In accordance with the *Local Government Act*, the Draft Delivery Program and Operational Plan (including the annual budget, revenue policy, and fees and charges) must be exhibited for 28 days. Prior to the adoption of Draft Delivery Program and Operational Plan, Council must consider any submissions received during the exhibition period.

Feedback will be sought primarily through [www.yoursaybyronshire.com.au](http://www.yoursaybyronshire.com.au). Public notices and media releases will also be distributed.

- 25 An online *Community Conversation* will be held during May as part of the exhibition period to offer members of the community an opportunity to discuss how the budget and operational plan have been developed, and projects planned for the 2022/23 financial year. Any input provided by the community as an outcome of the community conversation will be included as a submission to be considered by Council when adopting the final plans.

30

**Report No. 15.2 Temporary accommodation leases between Council and Resilience NSW**

**Directorate:** General Manager

5 **Report Author:** Ralph James, Legal Counsel  
Andrew FitzGibbon, Place Planning Coordinator

**File No:** I2022/477

**Summary:**

10 In April 2022, the NSW Government announced a \$350 million investment in temporary modular housing to give people displaced by floods a place to call home while they rebuild their lives. Temporary modular homes will be delivered to provide additional accommodation options to communities impacted by the February and March 2022 storms and floods.

15 Council staff are supporting the State Government in the identification of publicly owned sites suitable for temporary modular housing.

Two council sites have been deemed appropriate for immediate use and are to be prioritised for temporary accommodation by the State Government.

20 Lease agreements between the state agency establishing the site (Resilience NSW) and council (as landowner) are required to enable the temporary pop-up villages on these sites. Negotiations toward leases from Council to Resilience NSW are well advanced.

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25 **RECOMMENDATION:**

1. That Council note the information in this report.
2. That Council authorises the General Manager, under delegation, to enter into a lease with Resilience NSW (ABN 11 518 338 739) on the following terms:
  - 30 a) over Lot 1 in Deposited Plan 560486 (125 Tweed Street Brunswick Heads).
  - b) for a term of 3 years, with 2 x 1 year options to renew,
  - c) for rental of \$136,213 per year,
  - d) for the purpose of construction, maintenance and operation of temporary housing,
  - 35 e) Lessee must, at its cost, be responsible for the following:
    - i) all outgoings payable in respect of the Land,
    - ii) providing a minimum \$20 million public risk insurance cover noting Byron Shire Council as an interested party, and
  - 40 f) Lessee must, at its cost, remove all improvements from the Land and return the Land as vacant possession to the Lessor on the day the Lease

## BYRON SHIRE COUNCIL

### LATE REPORTS

15.2

ends, unless a new lease is negotiated to commence on the day after the end of the Head Lease.

- 5 3. That Council authorises the General Manager, under delegation, to enter into a lease with Resilience NSW (ABN 11 518 338 739) on the following terms:
- a) over Lots 51 and 69 in Deposited Plan 851902 (Excelsior Circuit and Torakina Road Brunswick Heads).
  - b) for a term of 3 years, with 2 x 1 year options to renew,
  - 10 c) for rental of \$19,459 per year,
  - d) for the purpose of construction, maintenance and operation of temporary housing,
  - e) Lessee must, at its cost, be responsible for the following:
    - 15 i) all outgoing payments payable in respect of the Land,
    - ii) providing a minimum \$20 million public risk insurance cover noting Byron Shire Council as an interested party, and
  - f) Lessee must, at its cost, remove all improvements from the Land and return the Land as vacant possession to the Lessor on the day the Lease ends, unless a new lease is negotiated to commence on the day after the end of the Head Lease.

#### 20 **Attachments:**

- 1 Confidential - Draft ground lease 125 Excelsio Street/Torakina Road Brunswick Heads, E2022/41267
  - 2 Confidential - Draft ground lease for Tweed Street Brunswick Heads, E2022/41268
- 25

## Report

### Background

5 In April 2022, the NSW Government announced a \$350 million investment in temporary modular housing to give people displaced by floods a place to call home while they rebuild their lives. Temporary modular homes will be delivered to provide additional accommodation options to communities impacted by the February and March 2022 storms and floods.

[\\$350 million modular housing package for flood-affected communities | NSW Government](#)

10 The NSW Government will lead the delivery of temporary housing throughout the region with agreement and consultation from councils.

The public authority establishing and operating these sites must ensure that they have appropriate services and that they are safe. The sites will contain moveable homes in various configurations which can accommodate one to four people and will be co-located with supporting infrastructure and amenities.

15 Any temporary, emergency caravan park or camping ground must be removed within five years of being established. Development consent is required to continue operating the caravan park or camping ground beyond this period.

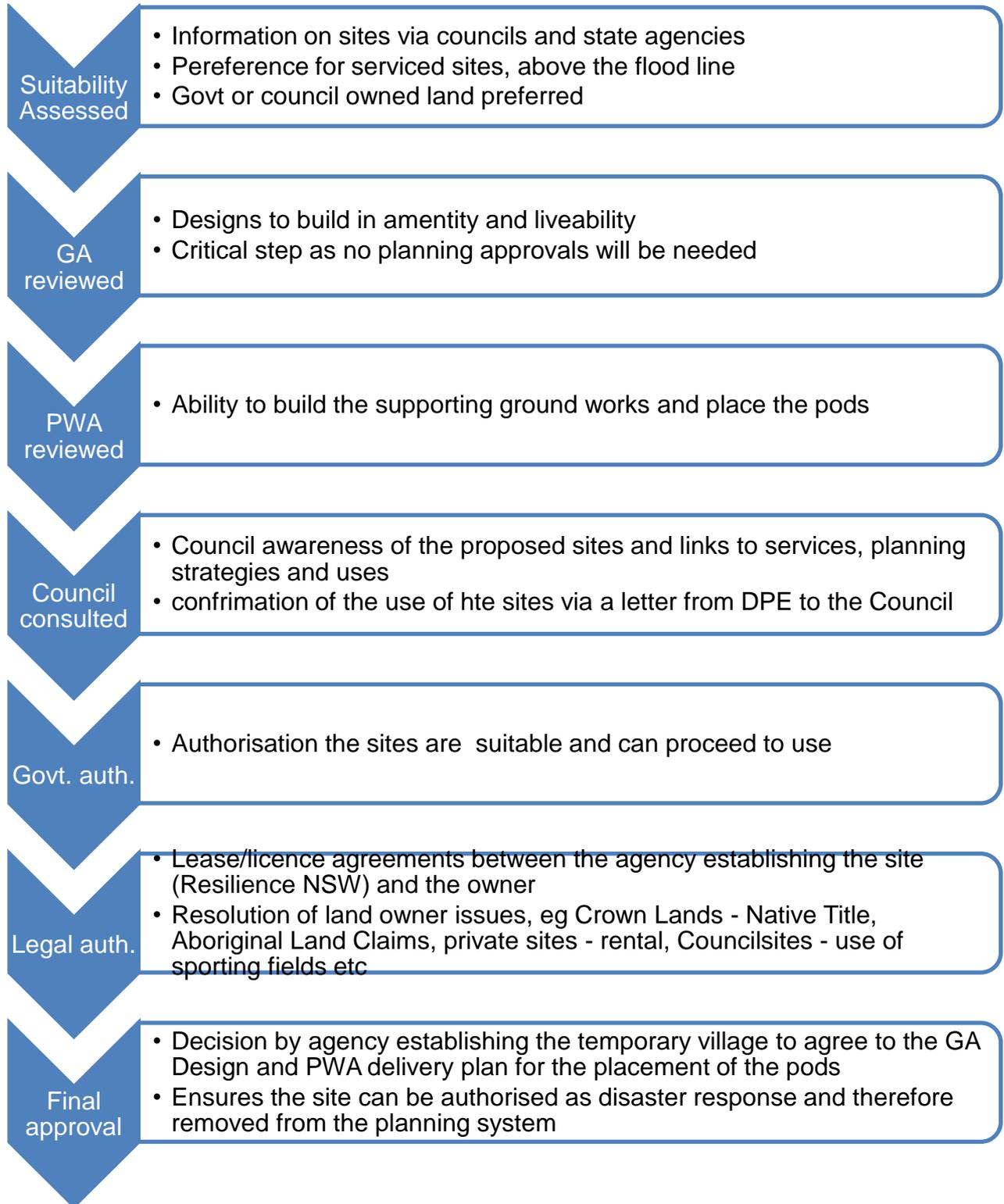
### Legislation

20 Regulatory changes had been made to allow temporary accommodation to be set up by or on behalf of a public authority more quickly without development consent. This FAQ provides an overview of these amendments ([refer link here](#)).

**Process**

Figure 1 below is a summary of the State Government endorsed process for temporary housing.

*Figure 1: Pop-up Village Approval Process (provided by State Government)*



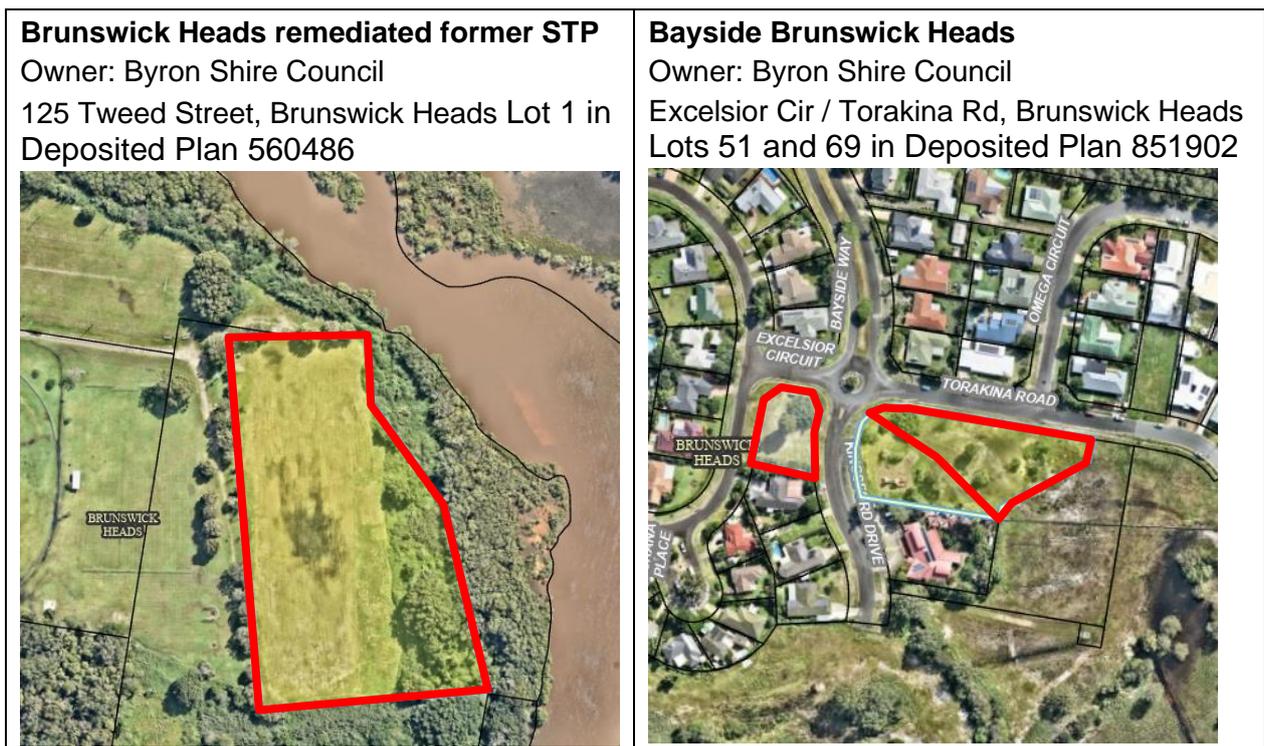
**Site Suitability Assessments**

Byron Shire Council staff are supporting the State Government in the identification of publicly owned sites suitable for temporary modular housing. The key selection criteria include: impacts of hazard (flooding and bushfire); land ownership; current planning controls; access to water, sewerage, electricity, and roads; and access to local services and shops.

To this extent:

- Staff identified 16 council and crown land sites for consideration for temporary housing. These sites were presented to the Department of Planning (DPE) Flood Housing Recovery Team for consideration.
- This has resulted in two council sites (refer Figure 2) and one other public authority site in Byron Shire being deemed appropriate for immediate use to be prioritised for temporary accommodation by the State Government.

*Figure 2: Council Site Descriptions*



**Site Design**

Council staff are supporting the NSW Government Architect (GA) office in the site planning and design phase to ensure that safe occupation and servicing of the sites can occur. As per the process noted in Figure 1, the GA will also be consulting with Public Works Advisory (PWA).

It is expected that the GA will soon be sharing draft designs for these sites that will include temporary dwelling estimates.

**Site Management**

5 A community housing provider will be appointed as site manager of each of the sites to ensure appropriate selection and management of occupants, alongside Resilience NSW as the land manager for the length of the lease.

**Next steps**

10 Lease agreements between the state agency establishing the site (Resilience NSW) and Council (as landowner) are required to enable the temporary pop-up villages on the two Council sites.

Resilience NSW and Council staff have negotiated a lease for review by Council. The draft leases are Confidential attachments 1 and 2.

**Strategic Considerations**

**Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>
<b>Community Objective 4: We manage growth and change responsibly</b>	4.5: Work to improve community resilience in our changing environment	4.5.1: Develop and implement strategies for our community's needs

15 While there is an action that this work can be linked to in the current Delivery Program, it needs to be understood that there is no current Operational Plan link to the 2022 Flood Event. This has meant that many staff have been redeployed and or seconded to this work, which has and is having an impact on current adopted Operational Plan activities.

**Legal/Statutory/Policy Considerations**

20 As set out in the body of this report.

**Financial Considerations**

As set out in the body of this report.

**Consultation and Engagement**

Council staff with Resilience NSW.