

The Hon Steve Kamper MP

Minister for Small Business
Minister for Lands and Property
Minister for Multiculturalism
Minister for Sport



Ref: MIN23/1263

Mr Michael Lyon
Mayor Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Via email: Michael.Lyon@byron.nsw.gov.au

Re: Feros Care Facility in Byron Bay

Dear Mayor

Thank you for the update on Byron Shire Council's resolution regarding the Feros Care facility in Byron Bay provided by Council's General Manager dated 26 June 2023. I acknowledge the constructive collaboration between Council and the Department of Planning & Environment – Crown Lands (the Department) on this issue. I am writing to provide an update on the steps that the Department is taking in response to Council's resolution 23-306.

Council's resolution contained a number of prerequisites to Council assuming Crown Land Manager responsibilities for Crown Reserve R140024. The Department is progressing work on each of these conditions as outlined below.

Building condition assessment

A building condition assessment was undertaken on 3 August 2023 and the report will be provided to Council as soon as it is received from the building surveyors.

Contamination survey

The Department's Built Asset Team is undertaking a desktop contamination audit of the site. Should the audit reveal any cause for concern regarding possible contamination, on site assessment will be undertaken. The results of the audit will be provided to Council in the week commencing 7 August 2023.

Lease negotiations with Feros Care

The Department has completed preliminary negotiations with Feros Care on the potential for a draft lease and the terms and is awaiting feedback from Feros Care.

The Department will not execute a lease with Feros Care without further discussion with Council.

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I understand that Council will likely be considering the issues surrounding the Feros Care Byron Bay facility when it meets later this month. I am aware that there has been a recent suggestion that another provider might be interested in the site.

If Council considers it of value, the Department is open to work with Council to expedite its transition as CLM and conduct an expression of interest process to test interest from potential aged care operators to operate the site as lessee.

If Council is interested in such a process, please advise the Department. I understand that Council's General Manager is meeting with Mr Greg Sullivan, Executive Director, Land and Asset Management on 9 August 2023.

I note that there is a NCAT hearing involving Feros Care and one or more of the remaining residents listed for 16 August and it would therefore be inappropriate to comment on the specifics related to the remaining residents and their contractual relationship with Feros Care.

I have asked that Mr Tim Deverell, Director Regional Operations East, from the Department, be available should you have any further questions or concerns. Mr Deverell can be contacted on [redacted] or via email at [redacted]

Yours sincerely

A handwritten signature in blue ink, appearing to be "Steve Kamper".

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7.8.23