



New South Wales

Local Government (General) Amendment (Temporary Emergency Accommodation) Regulation 2022

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

WENDY TUCKERMAN, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to exempt community land in the following local government areas from the operation of certain provisions of the *Local Government Act 1993* restricting the granting of leases, licences and other estates in relation to community land—

- (a) Ballina,
- (b) Byron,
- (c) City of Lismore,
- (d) Clarence Valley,
- (e) Kyogle,
- (f) Richmond Valley,
- (g) Tweed.

The purpose of the exemption is to facilitate the provision of temporary emergency accommodation for persons who have been displaced because of natural disasters, including flooding.

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1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Temporary
Emergency Accommodation) Regulation 2022*.

2 Commencement

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

Schedule 1 Amendment of Local Government (General) Regulation 2021

Section 115

Insert before section 116—

115 Exemptions for leases for temporary accommodation—the Act, s 748(2)

- (1) This section applies to community land in the following areas—
 - (a) Ballina local government area,
 - (b) Byron local government area,
 - (c) City of Lismore local government area,
 - (d) Clarence Valley local government area,
 - (e) Kyogle local government area,
 - (f) Richmond Valley local government area,
 - (g) Tweed local government area.
- (2) This section does not apply to community land categorised as a natural area or an area of cultural significance in a plan of management for the community land.
- (3) Community land used for the purposes of temporary accommodation development, as authorised by a temporary accommodation lease, is exempt from the operation of the Act, sections 45(2), 46, 46A, 47A and 47C.

Note— The specified provisions of the Act—

- (a) generally restrict the granting of leases and subleases in relation to community land, and
- (b) impose certain requirements for the granting of leases, including requirements for tendering, the giving of notices to certain persons and obtaining the Minister's consent to the grant of a lease.

- (4) In this section—

public authority has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

temporary accommodation development means development carried out without development consent under *State Environmental Planning Policy (Housing) 2021*, section 135.

Note— *State Environmental Planning Policy (Housing) 2021*, section 135 allows development for the purposes of caravan parks and camping grounds to be carried out without development consent in certain circumstances.

temporary accommodation lease means a lease of community land granted by a council to a public authority for the purposes of temporary accommodation development.