

Supplementary Agenda Ordinary (Planning) Meeting

Thursday, 8 June 2023



BYRON
SHIRE
COUNCIL

Supplementary Agenda Ordinary (Planning) Meeting

held at Council Chambers, 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

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)

RECORDING OF VOTING ON PLANNING MATTERS

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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

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BUSINESS OF ORDINARY (PLANNING) MEETING

10. MAYORAL MINUTE

10.1 Homelessness Crisis in the Byron Shire.....	7
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This Agenda supplements the 8 June 2023 Ordinary (Planning) Meeting Agenda published on 30 May 2023 available at [Agenda of Ordinary \(Planning\) Meeting - Thursday, 8 June 2023](#).

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.

MAYORAL MINUTE

Mayoral Minute No. 10.1 Homelessness Crisis in the Byron Shire

5 **File No:** 12023/797

I move that Council :

- 10 **1. Writes to the Hon. Rose JACKSON, MLC to:**
- a. **request an Assertive Outreach Program for Byron Shire which matches the resource allocation for the Tweed Assertive Outreach Program**
 - b. **request expansion of supported temporary accommodation, transitional housing and social housing options in Byron Shire**
 - 15 c. **request project funds to support expansion of public amenities for people sleeping rough**
- 20 **2. Acknowledges the feedback received by community members regarding a lack of facilities available to people sleeping rough in the Brunswick Heads area and investigates options available to address these needs in this locality and in other localities across the Shire.**

Background Notes:

25 Unaffordable housing and homelessness are amongst the most critical social issues facing our community. Housing affordability has been slipping for years with compounding effects during the COVID-19 pandemic and the 2022 flood disaster. While homelessness takes many forms, the population of people sleeping rough in the Shire reveals the extent of the crisis. This number has been increasing year over year with state-leading Street Count figures due to be released soon through Department of Communities and Justice (DCJ).

30 The latest Street Count is expected to show Byron Shire now has the highest number of people sleeping rough in the state.

I have received feedback regarding the specific needs of people sleeping rough in the Brunswick Heads area, where there is a one-day-per-week mobile service. Noting that Byron Shire has limited social services and amenities for people sleeping rough, we seek
35 a comprehensive response from State Government which includes multi-disciplinary

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MAYORAL MINUTE

10.1

5 assertive outreach and social housing solutions. We also need to look at temporary emergency measures to deal with this growing crisis as many in our community have been left without any options through no fault of their own. At an absolute minimum, members of our community need to be able to access basic amenities like a hot shower more than once per week.

Locally, we are also able to investigate solutions to improve services for people sleeping rough.

10 Noting that temporary accommodation and social housing is the responsibility of the NSW Government, Byron Shire Council has been actively working on local solutions to improve health and social outcomes for people sleeping rough, and to reduce the number of people experiencing homelessness in the Shire.

In 2018 Council began co-delivering activities to respond to rough sleeping, such as leading the first Street Counts of people sleeping rough outside of Greater Sydney (2018, 2019) and embarking on planning and advocacy.

15 In 2020, Council began working with End Street Sleeping Collaboration (ESSC) and the Australian Alliance to End Homelessness (AAEH), alongside 11 not for profit organisations and government departments and community members. As a result, Council initiated a collective impact project, the Ending Rough Sleeping (ERS) Collaboration, as part of the Advance to Zero movement of Australian communities ending local homelessness.

20 Using real-time-data the Byron Shire ERS Collaboration Project is changing how local organisations work together to support people experiencing homelessness. To deliver this work, Council resources a dedicated Rough Sleeping Project Officer to coordinate the project. Council provides two Public Space Liaison Officers who walk the streets and dunes each week to help connect people sleeping rough with the services they need.

25 Council also supports Fletcher Street Cottage (delivered by the Byron Community Centre) with the provision of a building which has become a hub for service delivery and a drop-in centre which addresses basic needs for people sleeping rough such as breakfasts, showers, laundry and connection to other services.

30 In addition, Council is doing everything it can to generate more affordable housing in our local area. We have introduced planning and development provisions that support affordable housing, such as rezoning of Council-owned land to enable this use, and implementation of the affordable housing contributions policy and scheme to support the development of permanent affordable and diverse housing. Council will continue advocate to return short term rental housing (STRA) to long-term rental options for the community and to limit its expansion in future.

35 Council seeks greater support from State Government to assist people sleeping rough, through a comprehensive approach including:

1. Multi-disciplinary Assertive Outreach Program

40 A multi-disciplinary and well-resourced assertive outreach program is needed to support people sleeping rough in Byron Shire.

As defined by NSW Department of Communities and Justice, “Assertive outreach is an evidence-based practice to combat street homelessness. Housing staff, specialist caseworkers and health professionals conduct patrols to proactively engage with people experiencing street homelessness and provide a pathway to stable long-term housing.”

- 5 A multi-disciplinary assertive outreach service has been funded by DCJ in Tweed Shire for several years and has resulted in health, social and housing outcomes for people sleeping rough. The anticipated 2023 Street Count results warrant the same level of resourcing for Byron Shire. I urge State Government to act in accordance with their own Street Count numbers.
- 10 Any assertive outreach program designed for Byron Shire must also consider our limited human services sector, including limited services for people and families experiencing domestic violence, Aboriginal people and youth. These, too, should be expanded to ensure assertive outreach clients are well supported in their community.

2. Housing Solutions

- 15 Assertive Outreach is only successful when there is sufficient access to temporary supported accommodation, supported transitional housing and long-term housing options. Without housing, assertive outreach has only a limited impact, and people sleeping rough end up back on the street.

- 20 We require a Housing First model which prioritizes access to permanent housing for people sleeping rough. In safe and stable housing, people have the security needed to stabilise their lives, improve their mental and physical health, and reconnect with the service system.

- 25 Importantly, housing solutions must be in our own Shire. Moving our community members to other areas separates them from families, friends and important service provider relationships. This is not an acceptable trade-off for many people. We have next to no suitable housing in place and only recently some of our few options were sold off by the State Government.

- 30 We need innovative solutions that address our local market factors, prioritize social and affordable housing initiatives, and involve collaboration between state and local government, homelessness service providers and other partners.