

# Notice of Meeting

## Housing and Affordability Advisory Committee Meeting

A Housing and Affordability Advisory Committee Meeting of  
Byron Shire Council will be held as follows:

Venue	Council Chambers, Station Street, Mullumbimby
Date	Thursday, 16 November 2023
Time	2:00pm

Shannon Burt  
Director Sustainable Environment & Economy

*I2023/1797  
Distributed 09/11/23*



**BYRON  
SHIRE**

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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)

**Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).**

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## 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.

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## 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.

# BYRON SHIRE COUNCIL

## BUSINESS OF MEETING

### 1. APOLOGIES

### 2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

### 3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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### 4. STAFF REPORTS

#### **Sustainable Environment and Economy**

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4.2 Discussion Items for Housing and Affordability Advisory  
Committee as per Resolutions 23-472 & 23-429 ..... 16

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Report No. 3.1 Confirmation of minutes from the 21 September meeting**

5 **Directorate:** Sustainable Environment and Economy

**File No:** I2023/1763


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10 **RECOMMENDATION:**

**That the minutes of the Housing and Affordability Advisory Committee Meeting held on 21 September 2023 be confirmed.**

**Attachments:**

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1 Minutes 21/09/2023 Housing and Affordability Advisory Committee, I2023/1412 , page 8 [↓](#) 

# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

### **Report**

The attachment to this report provides the minutes of the Housing and Affordability Advisory Committee Meeting of 21 September 2023.

### **Report to Council**

- 5 The minutes were reported to Council on 26 October 2023.

### **Comments**

In accordance with the Committee Recommendations, Council resolved the following:

- 23-471** Resolved that Council notes the minutes of the Heritage Advisory Committee Meeting held on 31 August 2023.
- 10 **23-472** Resolved that Council notes the minutes of the Housing and Affordability Advisory Committee Meeting held on 21 September 2023.

**Minutes of Meeting**  
**Housing and Affordability Advisory**  
**Committee Meeting**

<b>Venue</b>	<b>Conference Room, Station Street, Mullumbimby</b>
<b>Date</b>	<b>Thursday, 21 September 2023</b>
<b>Time</b>	<b>11.30am</b>





**BYRON SHIRE COUNCIL**

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

**BYRON SHIRE COUNCIL**

HOUSING AND AFFORDABILITY ADVISORY COMMITTEE MEETING MINUTES 21  
SEPTEMBER 2023

**Minutes of the Housing and Affordability Advisory Committee Meeting held on  
Thursday, 21 September 2023**

**File No:** I2023/1412

PRESENT: Cr Sama Balson, Cr Duncan Dey, Cr Sarah Ndiaye, Cr Michael Lyon

Staff: Shannon Burt (Director Sustainable Environment and Economy)  
Sharyn French (Manager Environmental and Economic Planning)  
Steve Daniels (Senior Planner)  
Alex Caras (Land Use Planning Coordinator)

Community: Jack Dods

Sue Franklin  
Phil Hoffman  
Craig Brennan

Guest: Cinnamon Dunsford (Locale Consulting)

*Cr Balson (Chair) opened the meeting at 11.38am and acknowledged that the meeting was being held on Bundjalung Country.*

ATTENDANCE VIA AUDIO-VISUAL LINK:

Alex Caras, (Land Use Planning Coordinator), Cinnamon Dunsford, Locale Consulting, Jack Dods

APOLOGIES:

Note: the resignation of David Brown.

Stephanie Smith

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

**BYRON SHIRE COUNCIL**

HOUSING AND AFFORDABILITY ADVISORY COMMITTEE MEETING MINUTES 21  
SEPTEMBER 2023

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**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Report No. 3.1 Adoption of Minutes from Housing and Affordability Advisory  
Committee**  
**File No: I2023/812**

**Committee Recommendation:**

**That the minutes of the Housing and Affordability Advisory Committee Meeting held on 18 May 2023 be confirmed.**

(Balson/Ndiaye)

*The recommendation was put to the vote and declared carried.*

*Note: The minutes of the meeting held on 18 May 2023 are scheduled to be presented to the Ordinary Meeting on 28 September 2023.*

**BUSINESS ARISING FROM PREVIOUS MINUTES**

There was no business arising from previous minutes.

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**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 4.1 Presentation on Housing Options Paper by Locale Consulting**  
**File No: I2023/1086**

**Committee Recommendation:**

**That the Housing and Affordability Advisory Committee:**

- 1. Thanks Cinnamon Dunsford from Locale Consulting for the presentation on the Housing Options Paper for Byron Shire.**
- 2. Notes a full report on the Housing Options Paper and Residential Strategy Refresh is on the Agenda for the 28 September 2023 Ordinary meeting of Council.**

(Hoffman/Ndiaye)

*The recommendation was put to the vote and declared carried.*

**BYRON SHIRE COUNCIL**

HOUSING AND AFFORDABILITY ADVISORY COMMITTEE MEETING MINUTES 21  
SEPTEMBER 2023

**Report No. 4.2      Housing Initiatives and Project Updates Report**  
**File No:            I2023/1352**

**Committee Recommendation:**

**That the Housing and Affordability Advisory Committee notes the update on current initiatives and projects being progressed by Council staff.**

(Hoffman/Franklin)

*The recommendation was put to the vote and declared carried.*

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**Report No. 4.3      Future Discussion Items for Housing and Affordability Advisory  
Committee**  
**File No:            I2023/1400**

**Committee Recommendation:**

**That the Housing and Affordability Advisory Committee:**

- 1. Agrees to discuss exploring ways that the Housing and Affordability Advisory Committee (HAAC) can be more proactive and interactive at a future meeting.**
- 2. Notes that re-use of existing buildings for affordable housing purposes and exploration of lot sizes and purpose will be investigated as part of the Residential Strategy refresh.**
- 3. Discusses at the next Committee meeting what options Council can proceed with immediately to provide for temporary accommodation to support those experiencing housing insecurity, displacement and homelessness in the Shire that fall outside of the current state funded programs.**
- 4. Invite Dr. Michael Klein to present to the Committee on the Build to Rent - Kohlenrutsche, Vienna model.**

(Balson/Franklin)

*The recommendation was put to the vote and declared carried.*

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*There being no further business the meeting concluded at 1.50pm.*

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.1 Outcomes - Enquiry By Design Workshop  
Former Mullumbimby Hospital Site**

5 **Directorate:** Sustainable Environment and Economy  
**Report Author:** Shannon Burt, Director Sustainable Environment and Economy  
**File No:** I2023/1725

**Summary:**

Council is looking at ways to use the former Mullumbimby Hospital site.

10 An Enquiry by Design process has been used to develop detailed concept plan options for a mix of housing and other community uses on the site.

Representatives from Hip v Hype will attend remotely to present to the Committee on the outcomes of the Enquiry by Design workshop held.

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**RECOMMENDATION:**

**That the Housing and Affordability Advisory Committee:**

- 20
- 1. Thanks Hip v Hype for the presentation on the outcomes Enquiry by Design workshop held for the Former Mullumbimby Hospital site.**
  - 2. Notes that staff will continue to progress the project work in accordance with Resolution 23-298.**

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## Report

[Mullumbimby Hospital redevelopment - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/mullumbimby-hospital-redevelopment)

In June 2023, **23-298** Resolved that Council:

1. *Notes the update on Resolution 22-737 Former Mullumbimby Hospital Site.*
- 5 2. *Authorises staff to finalise and forward a planning proposal (informed by the Site Strategy and Urban Design Protocol and technical studies) to the Department of Planning and Environment for the purpose of obtaining a Gateway Determination, and that Council exhibit the Planning Proposal in accordance with the Gateway requirements.*
- 10 3. *Notes that an Enquiry by Design Workshop, Development Feasibility Assessment, and draft Development Control Plan for the Former Mullumbimby Hospital Site will progress along with the Planning Proposal to enable completion of these by early 2024.*

As per Resolution 23-298:

- 15 Staff submitted the Planning Proposal to the Department of Planning and Environment (DPE) for feedback and gateway determination to enable public exhibition.

An Enquiry by Design (EbD) workshop was held 13 and 14 November 2023 with engaged stakeholders to develop detailed Concept Plans. A community drop-in session was also held prior to the EbD as a direct input to the formal workshop on 11 November 2023.

- 20 A Development Feasibility Assessment will follow to evaluate the preferred options.

Once the preferred Concept Plan is endorsed by Council, it will form the foundation for a Development Control Plan chapter.

**Strategic Considerations**

**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>
4: Ethical Growth	4.1: Manage responsible development through effective place and space planning	4.1.3: Town / Village Masterplans - Develop, implement and update Place Plans that promote place-based forward planning strategies and actions	4.1.3.7	Amend Local Environmental Plan and Development Control Plan in accordance with Mullumbimby Hospital Precinct Plan

**Recent Resolutions**

**Legal/Statutory/Policy Considerations**

5 As discussed in the presentation.

**Financial Considerations**

Funded within existing operational budget.

**Consultation and Engagement**

As discussed in the presentation.

10

**Report No. 4.2      Discussion Items for Housing and  
Affordability Advisory  
Committee as per Resolutions 23-472 & 23-  
429**

5    **Directorate:**                      Sustainable Environment and Economy

**Report Author:**                Shannon Burt, Director Sustainable Environment and Economy

**File No:**                            I2023/1724

**Summary:**

10    Council adopted the minutes (**Resolution 23-472**) from the 21 September 2023  
      Committee meeting at the Ordinary Meeting 26 October 2023. These minutes provided a  
      number of future items for discussion at the next available Committee meeting.

      In addition to the above, **Resolution 23-429 part 10** *Requests that the Housing and  
      Affordability Advisory Committee receives a report from staff on the North Coast Housing  
      Affordability Roundtable meetings.*

15    These resolutions are addressed in this report.

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**RECOMMENDATION:**

20    **That the Housing and Affordability Advisory Committee discuss the items as per  
      Resolutions 23-472 and 23-429 and identify any further actions that result.**

25



## Report

The following items are listed for discussion as per the adopted minutes **Resolution 23-429** from the last Committee meeting.

**1. Exploring ways that the Committee can be more proactive and interactive.**

5 Staff comment: Subject to discussion at the Committee meeting.

**2. Options Council can proceed with immediately to provide for temporary accommodation to support those experiencing housing insecurity, displacement and homelessness in the Shire that fall outside of the current state funded programs.**

10 Staff comment: Subject to discussion at the Committee meeting.

**3. Invite Dr. Michael Klein to present to the Committee on the Build to Rent - Kohlenrutsche, Vienna model.**

15 Staff comment: An invitation has been extended and confirmation of ability to attend the meeting was not confirmed at the time of the agenda being published. Should this change in between times, a presentation time allocation will be made prior to the committee meeting and members notified by separate email.

In addition to the above **Resolution 23-429 part 10** *Requests that the Housing and Affordability Advisory Committee receives a report from staff on the North Coast Housing Affordability Roundtable meetings.*

20 Staff comment:

25 Background Action 3 in the North Coast Regional Plan 2041 prescribes the establishment of housing affordability 'Roundtables' for the Mid North Coast and Northern Rivers subregions. The Roundtable groups will aim to better understand housing affordability and where necessary, recommend changes within the planning system. Housing roundtable groups have been established or proposed by other regional plans to address varied housing issues. The North Coast Roundtables will bring together relevant government, council, industry, and other stakeholders with planning expertise.

30 Scope and limitations The North Coast Roundtables are limited in scope to an evidence-based consideration of how the planning system impacts housing affordability. It is not a forum to raise any housing related matter. While many things influence housing affordability, the primary focus of the groups is on whether changes within the planning system can improve housing affordability. The Roundtables can make recommendations but do not replace any other agency functions. Recommendations will be made by consensus, or if not possible, by the Chair in consultation with members.

35 Recommendations by the group are not binding.

The purpose of the Roundtable's role is to identify changes to planning controls or strategic plans that will improve housing affordability or otherwise demonstrate with

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

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evidence-based confidence that no changes are needed. These terms of reference do not pre-suppose certain solutions or problems to be addressed.

Meetings Roundtable members will be expected to attend (in person or via video) at least two meetings per year.

- 5 Two meetings of the Roundtable have occurred this year. Current initiatives being considered by the Roundtable as summarised below.

Further updates on these can be provided to the Committee as relevant and available.

Initiative	
1.	Survey of council land for affordable housing and affordability projects
2.	Affordable housing demonstration project/s
3.	Housing affordability demonstration project/s
4.	Affordable purchase housing
5.	Housing diversity for large release areas
6.	Housing targets
7.	Accelerated rezoning if CHPs provided discounted access to presales
8.	Land banking
9.	Contributions framework

## Strategic Considerations

- 10 **Community Strategic Plan and Operational Plan**

CSP Objective	CSP Strategy	DP Action
4: Ethical Growth	4.2: Enable housing diversity and support people experiencing housing insecurity	4.2.2: Partnerships and pilots to address housing needs - Investigate partnerships and pilots that deliver an innovative and affordable housing model for the Shire
4: Ethical Growth	4.2: Enable housing diversity and support people experiencing housing insecurity	4.2.3: Legislation changes - Establish planning mechanisms and advocate for changes to legislation to support housing that meets the needs of our

		community
2: Inclusive Community	2.5: Create social impact and initiatives that address disadvantage	2.5.2: Advocacy - Advocate for services and funding to enhance social outcomes across the Shire

**Legal/Statutory/Policy Considerations**

None identified at this time.

**Financial Considerations**

None identified at this time.

**5 Consultation and Engagement**

None required at this time.