

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	Cavanbah Centre, Ewingsdale Road, Byron Bay
Date	Thursday, 17 November 2022
Time	11:30am

Shannon Burt
Director Sustainable Environment and Economy

I2022/1645
Distributed 8/11/22

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](#).

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.

BYRON SHIRE COUNCIL

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. STAFF REPORTS

Sustainable Environment and Economy

3.1	Presentation by Associate Professor Louise Crabtree-Hayes	6
3.2	Housing Initiative and Project Updates	9

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 3.1 Presentation by Associate Professor Louise Crabtree-Hayes

5 **Directorate:** Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2022/1427

Summary:

10 Associate Professor Louise Crabtree-Hayes is the country's leading expert on models of permanently affordable and community-oriented housing models, including co-operatives and community land trusts (CLTs). Louise will present on CLTs, focusing on:

- CLTs as part of a broader housing delivery landscape
- Their objectives and structures
- How they achieve their housing and community outcomes
- 15 • Examples
- Relevance and possibilities in the region

Further materials available:

- The Australian Community Land Trust Manual:
20 https://www.westernsydney.edu.au/_data/assets/pdf_file/0006/600567/Australian_CLT_Manual.pdf
- Enabling Community Land Trusts in Australia:
<https://arena.org.au/product/enabling-community-land-trusts-in-australia/>
- AHURI report on the relevance of CLTs for Aboriginal housing:
<https://www.ahuri.edu.au/research/final-reports/239>
- 25 • Short video on CLTs in the UK: <https://www.youtube.com/watch?v=ujaSjnFSHTY>

30 **RECOMMENDATION:**

That the Housing and Affordability Advisory Committee notes the report and thanks Associate Professor Louise Crabtree-Hayes for her presentation.

Attachments:

- 1 Community Lands Trust Australia Summary, E2022/105390 , page 8
- 5

Strategic Considerations

Community Strategic Plan and Operational Plan

4: Ethical Growth We manage growth and change responsibly	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
4: Ethical Growth We manage growth and change responsibly	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

10 **Financial Considerations**

None relevant to this report.

Consultation and Engagement

None relevant to this report.

Community land trusts in Australia

What is a community land trust?

A community land trust (CLT) is a non-profit entity holding title to property in perpetuity, for the dual purposes of creating and stewarding perpetually affordable housing and community benefit.

But that's social housing, right?

Wrong. CLTs can provide everything from boarding houses to single-family, owner-occupied housing and can house people across a range of incomes, usually up to 120% of median income. Householders can rent or own their homes, but cannot access the land value, 'flip' properties for profit, or sub-let for profit. Due to their focus on community benefit, CLTs can and do also underlie community and commercial facilities including aged care, childcare, community gardens, health centres, refugee centres, businesses, open spaces, and many others.

CLTs often refer to themselves as "developers who don't go away" as they are community-based and community-driven. Their ongoing place in their community means they are committed to better construction, environmental performance, and other housing and planning outcomes.

What do householders have title to?

Householders either rent their home from the organisation on a long-term renewable lease or own it in partnership with the organisation. Their rights are inheritable, so the home can be left to heirs.

Do householders get their money back?

That's where the legal agreement comes in, whether it's a lease or co-ownership deed. It spells out the resale formula for the home (if the resident has paid for an equity component) to balance the equity gain to the resident with the retention of affordability across sales. So, if a home is sold, any public subsidies or private donations are locked in and the home stays affordable. The agreement also spells out criteria regarding maintenance, appropriate use, eligibility, inheritance, and renovations.

Where are these?

Over the past four decades, more than 200 CLTs have been established in the USA, where low- to moderate-income homeowners in CLT homes withstood the 2008 mortgage meltdown, with a foreclosure rate one-eighth of the national average *across all income levels*. Over 200 CLTs have been established in the UK in the last 10 years and they are growing across Europe and other parts of the world.

What's the relevance here in Australia?

Housing based on CLTs principles in Australia could foster mobility and stability in housing, combining community development and high-quality design with a range of much-needed affordable housing options *that stay affordable*. Like any other form of housing, CLT models require homes, land, and/or funds to start.

Australia has a growing community housing sector that currently provides affordable rental housing for very low- to moderate-income households; resale-restricted home ownership based on CLT principles could be a natural extension of their activities. Local communities and municipalities may also want to start up organisations to create affordable housing and deliver diverse benefits through non-speculative development. Increasingly, global cities, including London and New York, are choosing to not sell public land, but to support and partner with CLTs as innovative placemakers to develop and perpetually steward high quality and affordable residential and non-residential spaces.

Report No. 3.2 Housing Initiative and Project Updates

Directorate: Sustainable Environment and Economy

Report Author: Shannon Burt, Director Sustainable Environment and Economy

File No: I2022/1455

5 **Summary:**

Relevant staff will attend to provide verbal updates to the Housing and Affordability Advisory Committee on current housing initiatives and projects being progressed by Council, including:

- Affordable Housing Contributions Scheme
- 10 • Mullumbimby Hospital Site redevelopment
- After the Flood Discussion Paper

15

RECOMMENDATION:

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

20

Report

Affordable Housing Contributions Scheme

[Affordable Housing Contribution Scheme - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/affordable-housing-contribution-scheme)

5 **Mullumbimby Hospital Site**

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

After the Flood Discussion Paper

[After the Floods Discussion Paper - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/after-the-floods-discussion-paper)

Strategic Considerations

10 **Community Strategic Plan and Operational Plan**

<p>4: Ethical Growth We manage growth and change responsibly</p>	<p>4.2: Enable housing diversity and support people experiencing housing insecurity</p>	<p>4.2.3: Legislation changes - Establish planning mechanisms and advocate for changes to legislation to support housing that meets the needs of our community</p>
<p>4: Ethical Growth We manage growth and change responsibly</p>	<p>4.2: Enable housing diversity and support people experiencing housing insecurity</p>	<p>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</p>

Recent Resolutions

- Multiple

Legal/Statutory/Policy Considerations

15 Specific to initiative and project.

Financial Considerations

Specific to initiative and project.

Consultation and Engagement

Specific to initiative and project.