



# AGENDA

## EXTRAORDINARY COUNCIL MEETING

### 15 JUNE 2021

MEMBERSHIP: Councillors J Diffey, V Etheridge, D Grant, D Gumley, A Jones, S Lawrence, G Mohr, K Parker and J Ryan.

The meeting is scheduled to commence at 5.00 pm.

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#### PRAYER:

O God, Grant that by the knowledge of thy will, all we may resolve shall work together for good, we pray through Jesus Christ our Lord. Amen!

#### ACKNOWLEDGEMENT OF COUNTRY:

"I would like to acknowledge the Wiradjuri People who are the Traditional Custodians of the Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal peoples from other nations who are present".

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**CCL21/121 LEAVE OF ABSENCE (ID21/948)**

**CCL21/122 PUBLIC FORUM (ID21/949)**

#### MAYORAL MINUTES:

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The Council had before it the Mayoral Minute regarding Housing Availability

**CCL21/122b SUBMISSION IN RESPONSE TO NOTICE OF INTENTION FROM THE MINISTER FOR LOCAL GOVERNMENT TO ISSUE A PERFORMANCE IMPROVEMENT ORDER (ID21/971)** 5  
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**CCL21/123 COMMITTEE OF THE WHOLE (ID21/950)**



## MAYORAL MINUTE: Housing Availability

**AUTHOR:** Mayor  
**REPORT DATE:** 15 June 2021  
**TRIM REFERENCE:** ID21/975

To the Council  
Ladies and Gentlemen

Office of the Mayor  
Civic Administration Building  
Church Street, Dubbo

Council hosted a forum on 11 June 2021 at the Dubbo RSL Club in respect of the current housing supply shortage being experienced across the Local Government Area and in particular within the Dubbo and Wellington urban areas.

The purpose of this Mayoral Minute is to note the work undertaken by Council staff in hosting the forum, reference some of the outcomes and further to seek council's endorsement of staff leading a 'Housing Supply Reference Group' for an initial period of two years.

The Forum was attended by in excess of 40 people including real estate professionals (property managers and sales agents), community and public housing providers, business leaders, government representatives, developers, industry representatives and others. The Forum was also attended by the Deputy Mayor, Councillor Anne Jones OAM, in the company of Councillors Etheridge, Diffey, Parker and Ryan.

I would like to acknowledge the work undertaken by the Development and Environment Division and in particular, Council's Growth Planning Projects Leader, Ms Carmel O'Connor, in preparation of the Forum.

### **Housing Availability and Affordability**

There is no doubt that housing looms large as an issue for all of Regional NSW. Of particular concern for the continued growth and development of the Dubbo region is the availability of affordable residential rental housing options across a variety of price points and locations across the City, in addition to the availability of a variety of housing stock.

Some key statistics illustrate the matter and from a rental vacancy rate of over 2% in 2017, both Dubbo and Wellington now experience vacancy rates of 0.8% to 0.9% respectively.

Also, of note is the considerable jump in the median rental cost for a three bedroom house in Wellington, which has increased from \$240 to \$328 during the period. In respect of Dubbo, this includes an increase in the median two bedroom unit price from \$240 to \$285 and increase in the median three bedroom house price from \$340 to \$360.

### **Regional Employment**

Apart from the continued expected growth of Dubbo and the Local Government Area, the Region is also projected to experience the possibility of extra growth pressures through the delivery of a range of projects and opportunities that potentially equate to over 8,000 jobs.

These projects have an imminent time frame for delivery and the numbers are reflective of the jobs themselves, not the projected number of people moving into the Region, meaning they don't include families, partners or alike.

Skills and wages related to these jobs also vary, with some production style jobs being low skill and lower wages whilst some mining, medical and future government expansions have the opportunity to attract highly skilled professionals with significant wages. With the unemployment rate consistently around 2% for the Dubbo Region, these are new jobs, with a limited labour pool available to fulfil the required need from local industry.

The Forum discussed a number of responses to the challenge of ensuring we can see an appropriate level of affordable housing in both Dubbo and Wellington in the future. Some of the responses discussed at the Forum include:

### **Housing Diversity and Affordability**

- More flexibility in planning controls by introducing more R1 General Residential zoned land in Greenfield areas.
- Reducing minimum lot size requirements to accommodate reduced setbacks.
- Support diversity of lot sizes to encourage housing at a variety of price points.
- Examination of models and mechanisms to provide opportunities for worker accommodation in both Dubbo and Wellington.

### **Potential Rezoning**

- With preparation of the Comprehensive LEP, review the suitability of residential zones and their permissible development activities to facilitate more diversity in housing stock.

### **Developer Contributions**

- Undertake a review of Council's developer contributions framework to ensure there is greater clarity between infrastructure proposed to be delivered and contribution rates.
- Potential review of developer contributions in the CBD to improve the viability of low to medium rise apartment buildings.
- Potential deferred payment of contributions for multi-unit dwellings.
- Review of vehicle parking offset contributions for development that cannot provide the required parking spaces in the Dubbo CBD.

Staff are due to report back to the July ordinary meeting of Council on options for addressing our housing supply issues, including on whether there is a role for council in property development particularly in the area of medium and high-density housing.

**Housing Supply Reference Group**

We as a community need to grapple with the housing challenge and council is well placed to play a leadership role.

One way of doing this is to roll the work of last week's forum over into a 'Housing Supply Reference Group' to which council will regularly report progress and issues related to housing for the purposes of gauging industry perspectives and feedback.

It is intended to seek expressions of interest from industry representatives to be a member of the Reference Group. The role of the Group will be to inform and provide insight and feedback to Council staff to assist review of Council's Residential Areas Development Strategy and ultimately future housing policy across the Local Government Area.

A related issue is the operation in the region of housing rental options such as Air BNB. Council staff recently requested the state government to apply a regulation to the region that has the effect of limiting the days per year that residential properties can be made available for short term rental through Air BNB type platforms. The rationale for this request was in part the issue of housing supply. Due to timing issues the matter was not brought to Council for determination. This staff decision has caused some disquiet among property owners involved in that market. It is appropriate therefore that the matter come to Council.

**RECOMMENDATION**

- 1. That Council note the content and outcomes of the Housing Forum conducted 11 June 2021.**
- 2. That the CEO be asked to facilitate the formation of a council led Housing Supply Reference Group.**
- 3. That a report be presented to the June 2021 Ordinary meeting of Council on the rationale for the adoption of the limitation on short term rentals referred to above and provide advice on whether the limitation can and should be reversed by Council decision.**

*Councillor S Lawrence*  
Mayor



## MAYORAL MINUTE: Submission in Response to Notice of Intention from the Minister for Local Government to Issue a Performance Improvement Order

**AUTHOR:** Mayor  
**REPORT DATE:** 15 June 2021  
**TRIM REFERENCE:** ID21/971

To the Council  
Ladies and Gentlemen

Office of the Mayor  
Civic Administration Building  
Church Street, Dubbo

On 31 May 2021, in accordance with Section 438C of the Local Government Act 1993 (the Act), the Minister for Local Government, The Hon. Shelley Hancock MP, wrote to the then Mayor, Councillor B Shields, and Chief Executive Officer, Dean Frost giving notice of the Minister's intention to issue a Performance Improvement Order, as per Section 438A of the Act on Dubbo Regional Council.

At its Extraordinary Council meeting held 3 June 2021, council resolved:

1. *That Council note the correspondence from the Minister for Local Government, The Hon. Shelley Hancock MP, dated 31 May 2021, as attached at Appendix 1.*
2. *That council request a one week extension for council's submission, to be submitted by Tuesday, 15 June 2021.*

I duly wrote to the Minister on 3 June 2021 requesting an extension for the submission from council, the Minister responded on 4 June 2021 granting the extension for the submission to close of business 15 June 2021.

I now proposed that councillors endorse the draft submission to the minister noting that it will go out under the signature of the Chief Executive Officer. As attached as **Appendix 1**.

Councillors will also need to consider endorsing and signing the draft individual undertakings prepared by staff and attached to this mayoral minute as **Appendix 2**.

### RECOMMENDATION

**That the CEO provide the submission as attached to the mayoral minute including the signed individual undertakings to the Minister of Local Government.**

*Councillor S Lawrence*  
Mayor

Appendices:

- 1 [↓](#) Submission - Notice of Intention to issue a POI
- 2 [↓](#) Undertaking by Individual Councillors

File12/1947  
ED21/  
MW

15 June 2021

The Hon. Shelley Hancock MP  
Minister for Local Government  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister Hancock

**NOTICE OF INTENTION TO ISSUE A PERFORMANCE IMPROVEMENT ORDER TO DUBBO REGIONAL COUNCIL PURSUANT TO SECTION 438C AND SECTION 438A OF THE LOCAL GOVERNMENT ACT 1993.**

Dear Minister Hancock

Thank you for the invitation to Council to provide a submission in response to the Notice of Intention to issue a Performance Improvement Order.

Please find Council responses to the reasons for the Notice of Intention in the order in which they were raised in your letter dated 31 May 2021.

1. The changes to Payment and Provision of Expenses for the Mayor and Councillors Policy shall be placed on public exhibition after consideration at the Ordinary Council Meeting of 28 June 2021.

Council will provide the Office of Local Government with the results of public exhibition and subsequent resolution of Council.

2. The communication between all senior staff (noting that under existing policy councillors are not permitted to make requests of staff under the level of Director) and Councillors shall be subject to the following conditions for a period of one month:
  - a. All email requests to senior staff must be submitted to the Interim General Manager (CEO) and cc to the Interim General Manager's Executive Assistant.
  - b. The CEO shall advise the relevant Councillor/s which staff member has been allocated the request for information and expected time for information to be supplied.
  - c. The CEO shall provide the response to the Councillor/s.

- d. The CEO will advise the relevant Councillor, even if the intent of the message is understood to be otherwise, that a particular email could be considered as using language that is unpleasant and/ or intimidating and/or a potential risk to the health and wellbeing of staff.
  - e. An email request for information will be reworded by the General Manager, submitted to the relevant Councillor to ensure accuracy in regards to information required and, if accurate, then forwarded to the relevant senior staff member to coordinate a response.
  - f. The CEO will advise a Councillor that an email is inappropriate and that the message is not consistent with relevant Policy, legislation and regulation. Such messages may be subject to further formal review such as Code of Conduct processes.
  - g. The CEO will provide a report to the Office of Local Government at the conclusion of one month as to the effectiveness of the processes defined above.
  - h. Council in its July meeting will be provided with a formal information request policy for its consideration and endorsement.
3. and 4. The above described processes shall ensure any Council staff that believe they have been exposed to harassment or intimidation are not directly communicating with any Councillors and are able to undertake their work effectively. Councillors will be supplied relevant information by the CEO to enable them to carry out their tasks effectively.
5. Please find attached enclosed undertakings by all nine Councillors that includes a commitment to comply with the Code of Conduct including to cease and/ or refrain from making public allegations of wrongdoing.
6. Prior to the resignation of Mr Ben Shields from Council effective 3 June 2021, Councillors unanimously voted to appoint an independent investigator to address community concerns regarding complaints made against Councillors and/or staff and the efficacy of council's complaint processes. This appointment and associated terms of reference are the subject of consideration at an Extraordinary Council Meeting 15 June 2021. This is an example of Council continuing to function effectively in addition to the other business considered at Council meetings in preceding months.

It should be noted that since the resignation of Mr Shields from Council that conflict between Councillors has not been a significant feature of public debate nor media interest.

7. Whilst additional resources are always welcome, a temporary advisor will not assist the CEO to be advised of communications between Councillors and Council staff based on the processes defined in item 2. The CEO will advise the Office of Local Government if there is a breach of the defined processes.

Should the Minister wish to appoint a temporary advisor as a form of relationship manager between the Office of Local Government and Council that would of course be most welcome.



Council notes that the Minister's power in respect of under section 438A of the Act extends only to, "actions the Minister considers necessary to improve or restore the proper or effective functioning of the council". Council has continued to effectively function in delivering services to the community and the elected body has continued to consider matters brought before it by Council staff and fellow Councillors. As a result Council is of the view that the matters identified in the Notice of Intent do not meet this legal threshold at this time.

This conclusion is also supported by reference to the performance improvement criteria prescribed by clauses 413D and 413DA of the Local Government (General) Regulation 2005 (NSW). None of the criteria in (a) to (d) are arguably relevant and to the extent (f) is engaged, the matters are being addressed proactively thus removing the engagement of that criteria.

Given the resignation of former Mayor Ben Shields, the unusual and difficult circumstances that gave rise to the concerns you held when you issued the proposed Notice have ceased to exist. Because the powers to issue a Performance Improvement Order are not punitive and can only be exercised for the proper remedial purpose, it is Council's view that, given the commitments articulated in this letter, there is no longer a basis to issue the Performance Improvement Order.

Council requests that you not make the proposed Order based on the information contained within this submission.

Yours faithfully

*Murray Wood*  
*Chief Executive Officer*

**CCL122b      Submission in response to Notice of Intention from the Minister for Local Government to Issue a Performance Improvement Order**

Councillor Undertaking

I, Councillor *[name]* of Dubbo Regional Council do hereby give the following undertaking.

I undertake to:

- a) Abide by the Dubbo Regional Council Code of Conduct that sets the minimum standards of conduct for Council officials. This includes but is not limited to Part 3 General Conduct Obligations.
- b) Refrain from making public statements or public allegations of wrongdoing, or implying wrongdoing, by any other Council official.
- c) Use the current regulated processes for making allegations of wrongdoing against any other Council official.

Yours faithfully

*Name*

Title