

Our Ref: A908733

Mr Mike Colreavy
Administrator
Balranald Shire Council
PO Box 120
Balranald NSW 2175

Via email: council@balranald.nsw.gov.au and mcolvreavy@balranald.nsw.gov.au

**NOTICE OF INTENTION TO ISSUE A PERFORMANCE IMPROVEMENT ORDER TO THE
BALRANALD SHIRE COUNCIL UNDER SECTION 438A OF THE LOCAL GOVERNMENT
ACT 1993**

Dear Mr Colreavy,

On behalf of the NSW Government, I am writing to thank you for your work over the last 4 years as Administrator of Balranald Shire Council (Council).

Your leadership and commitment have been instrumental in achieving significant progress in establishing the new council. Your work leaves a positive legacy which will ensure that Council is now well placed to deliver the services and infrastructure that local communities need and deserve, both now and into the future.

I want to ensure this legacy is not lost during the transition to an elected Council for Balranald Shire. It is for this reason that I am proposing to use my power as Minister for Local Government to create clear expectations for the future governance and operation of the Council.

In accordance with section 438C of the *Local Government Act 1993* (the Act) this letter provides notice of my intention to issue a Performance Improvement Order (PIO) under section 438A of the Act, for actions to be taken, as identified in the attached proposed Performance Improvement Order, to improve the performance of Council.

I have considered the mandatory criteria under the Act and its accompanying regulations and I have formed the preliminary view that action must be taken to ensure there is no loss to the improvement of Council's performance. The reasons for my decision to propose a PIO are:

1. Council needs to maintain budget discipline to maintain its financial sustainability, particularly given its intent to maintain ownership and operation of the Bidgee Haven Retirement Hostel,

2. Council needs to ensure it maintains access to appropriate staff expertise and engagement to provide secure advice to the councillors on financial, governance and regulatory matters, and
3. Council needs to continue to deliver and implement the changes required as part of the 2017 performance improvement order and the recommendations of the McCulloch Inquiry.

The attached proposed Performance Improvement Order is intended to form part of this notice. As required by section 438C(2)(a) of the Act, the terms of the proposed PIO and period for compliance are specified in the proposed order. As required by section 438A(3)(b) of the Act, the actions required to be taken to ensure the continued improvement of the performance of Council are specified in the proposed PIO.

I invite Council to make submissions to me in respect of the proposed PIO. Should Council choose to make submissions, they must be provided to me no later than 7 days from the date upon which this notice is served on it.

I will consider all submissions made to me by Council during this period before deciding whether to issue a PIO.

It is suggested that Council tables this notice at an open council meeting and provides its submissions by way of resolution.

I take this action not as a critique of your work being Council's Administrator, but to ensure the process of improvement you have created is continued and that the newly established Council does not lose ground.

I trust you have valued the opportunity as Administrator and that it has brought you a level of personal and professional satisfaction. The NSW Government is committed to working with new councils as they move to an elected governing body.

Once again, I would like to thank you for your work on behalf of the NSW Government and the broader NSW community.

Signed on this 2nd day of September 2024



The Hon. Ron Hoenig MP
Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government

CC: General Manager, Balranald Shire Council