



Central Coast Council
Business Paper
Extraordinary Council Meeting
06 September 2024





COMMUNITY STRATEGIC PLAN 2018-2028

ONE – CENTRAL COAST IS THE COMMUNITY STRATEGIC PLAN (CSP) FOR THE CENTRAL COAST LOCAL GOVERNMENT AREA

ONE – CENTRAL COAST DEFINES THE COMMUNITY'S VISION AND IS OUR ROADMAP FOR THE FUTURE

ONE – CENTRAL COAST BRINGS TOGETHER EXTENSIVE COMMUNITY FEEDBACK TO SET KEY DIRECTIONS AND PRIORITIES

One - Central Coast will shape and inform Council's business activities, future plans, services and expenditure. Where actions are the responsibility of other organisations, sectors and groups to deliver, Council will work with key partners to advocate on behalf of our community.

Ultimately, every one of us who live on the Central Coast has an opportunity and responsibility to create a sustainable future from which we can all benefit. Working together we can make a difference.

RESPONSIBLE

WE'RE A RESPONSIBLE COUNCIL AND COMMUNITY, COMMITTED TO BUILDING STRONG RELATIONSHIPS AND DELIVERING A GREAT CUSTOMER EXPERIENCE IN ALL OUR INTERACTIONS.

We value transparent and meaningful communication and use community feedback to drive strategic decision making and expenditure, particularly around the delivery of essential infrastructure projects that increase the safety, liveability and sustainability of our region. We're taking a strategic approach to ensure our planning and development processes are sustainable and accessible and are designed to preserve the unique character of the coast.



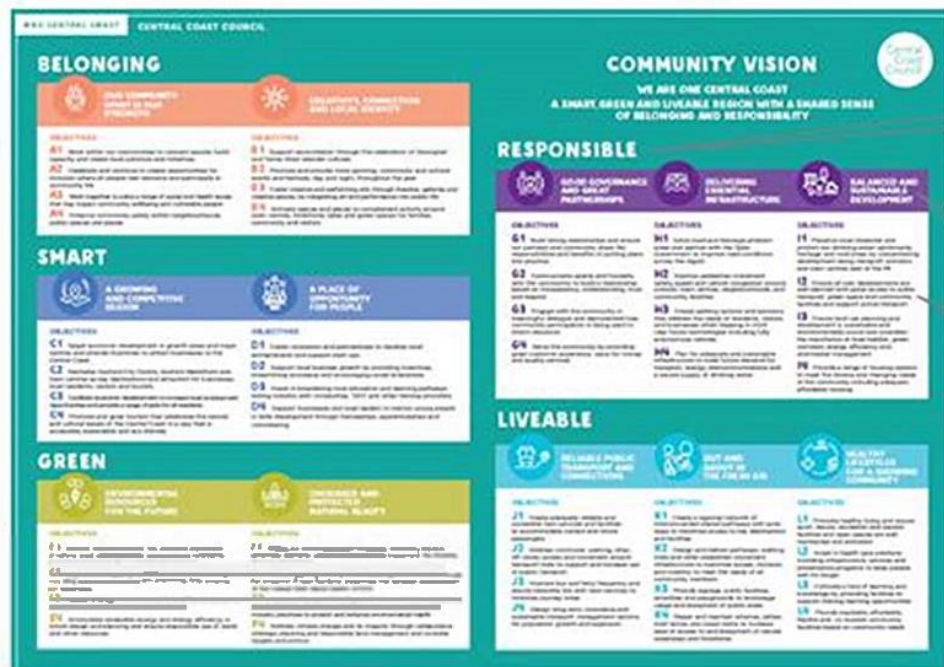
Good governance and great partnerships

G2 Engage and communicate openly and honestly with the community to build a relationship based on trust, transparency, respect and use community participation and feedback to inform decision making

There are 5 themes, 12 focus areas and 48 objectives

COMMUNITY STRATEGIC PLAN 2018-2028 FRAMEWORK

All council reports contained within the Business Paper are now aligned to the Community Strategic Plan. Each report will contain a cross reference to a Theme, Focus Area and Objective within the framework of the Plan.



Meeting Notice

**The Extraordinary Council Meeting
of Central Coast Council
will be held in the Central Coast Council Chambers,
2 Hely Street, Wyong
on Friday 6 September 2024 at 3:00pm,
for the transaction of the business listed below:**

Further information and details on registration process:

www.centralcoast.nsw.gov.au/council/meetings-and-minutes/council-meetings

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Marissa Racomelara
Acting Chief Executive Officer

Item No: 1.1
Title: Disclosures of Interest
Department: Corporate Services



6 September 2024 Extraordinary Council Meeting

Reference: F2024/00015 - D16385706

Chapter 14 of the *Local Government Act 1993* ("LG Act") regulates the way in which the councillors and relevant staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public functions.

Section 451 of the LG Act states:

- "(1) 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.*
- (2) 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.*
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.*
- (4) Subsections (1) and (2) do not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting, if:*
 - (a) the matter is a proposal relating to:*
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or*
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and*

1.1 Disclosures of Interest (cont'd)

- (a1) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under section 443) in that person's principal place of residence, and*
 - (b) the councillor made a special disclosure under this section in relation to the interest before the commencement of the meeting.*
- (5) The special disclosure of the pecuniary interest must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and must:*
- (a) be in the form prescribed by the regulations, and*
 - (b) contain the information required by the regulations."*

Further, the Code of Conduct adopted by Council applies to all councillors and staff. The Code relevantly provides that if a councillor or staff have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed as well as providing for a number of ways in which a non-pecuniary conflict of interests might be managed.



Item No: 2.1
Title: Notice of Intention to Issue a Performance Improvement Order
Department: Administrator

6 September 2024 Extraordinary Council Meeting

Reference: F2024/00015 - D16384330
Author: Rik Hart, Administrator

During my tenure as Central Coast Council's Administrator, I've worked closely with the other Administrators from across NSW to drive improvement at the Central Coast Council. Recently, the Office of Local Government NSW invited the NSW local government Administrators to discuss the possibility of a provision of a mechanism to provide clear expectations for the future governance and operation of the Council.

On 2 September 2024, I received a formal letter from the Minister for Local Government, the Hon. Ron Hoenig MP, giving notice of his intention to issue a Performance Improvement Order (PIO) to the Central Coast Council, under Section 438A of the *Local Government Act 1993* (the Act). (Refer Attachment 1)

The Minister's correspondence notes that Council is now well placed to deliver services and infrastructure to the community, now and into the future. The proposed PIO sets clear expectations for the future governance and operation of the Council and identifies actions to be taken to ensure that Council's sound financial position is maintained during the transition to an elected Council. (Refer Attachment 2)

The Minister's reasons for the proposed order are summarised below:

- Council needs to keep its budget discipline and maintain its financial sustainability,
- 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,
- Council should only be changing strategic priorities with clear understanding of costs and have supporting strategies to ensure that Council doesn't fund initiatives through either debt or inappropriate access of restricted funds, and
- Council needs to continue to deliver and implement the changes required as part of the McCulloch Inquiry.

I have considered the proposed PIO details and concur with the Minister's reasons for his decision to propose a Performance Improvement Order. From my experience as interim CEO and Administrator of Central Coast Council, I believe that the community should have the confidence that its governing body is operating within a framework that is compliant with regulation and supports prudent and responsible financial management and decision making. It is my firm opinion that the proposed PIO will support the incoming councillors in

2.1 Notice of Intention to Issue a Performance Improvement Order (cont'd)

providing responsible leadership within parameters that facilitate good governance and financial sustainability of Council.




The Minister has invited Council to make a submission in respect of the proposed PIO which must be provided no later than seven days from the date the notice was officially served, that being on 3 September 2024. The Minister will then consider the submission from Council before deciding whether to issue the order.

The Council's submission to the Minister for Local Government, The Hon. Ron Hoenig MP outlines the reasons for agreeing to the Performance Improvement Order (PIO) proposed to be issued to Central Coast Council. (Refer Attachment 3)

I formally move that Council:

- 1 Notes the correspondence from the Minister for Local Government, The Hon. Ron Hoenig MP, dated 2 September 2024.***
- 2 Considers and tables the proposed Performance Improvement Order to the Central Coast Council, under Section 438A of the Local Government Act 1993 from the Minister for Local Government, The Hon. Ron Hoenig MP, dated 2 September 2024.***
- 3 Provides the attached submission to the Minister for Local Government, The Hon. Ron Hoenig MP by Monday 9 September.***

Attachments

1 	Correspondence from the Minister for Local Government	D16386865
2 	Minister Proposed PIO - Central Coast Council	D16386866
3 	Council Submission to Minister for Local Government	D16386863

The Hon. Ron Hoenig MP

Leader of the House in the Legislative Assembly
Vice-President of the Executive Council
Minister for Local Government



Our Ref: A908733

Mr Rik Hart
Administrator
Central Coast Council
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Wyong NSW 2259

Via email: ask@centralcoast.nsw.gov.au and Rik.Hart@centralcoast.nsw.gov.au

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

Dear Mr Hart,

On behalf of the NSW Government, I am writing to thank you for your work over the last nearly 4 years as Administrator of Central Coast 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 Central Coast. 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 keep its budget discipline to maintain its financial sustainability, particularly given its program of asset renewal in its water and sewer business, key environmental management projects and the ongoing management of operational costs,

