13 REPORT OF THE CHIEF EXECUTIVE OFFICER

13.1 Adoption: Code of Meeting Practice

CSP Objective:	Outcome 4.2: Our governance is transparent and trusted, supported by the right structures, technology and processes to effectively serve the community.
CSP Strategy:	4.2.2 Communicate transparently to inform, build trust and respect.
Delivery Program:	4.2.2.2 Information management is transparent and builds trust. Council's records are managed as per legislative requirements.

Summary

The purpose of this report is to seek Council’s endorsement of the Code of Meeting Practice (the Code).

The Office of Local Government (OLG) has directed that all Councils must adopt a Code of Meeting Practice that incorporates the mandatory provisions of the new Model Code no later than 31 December 2025. Failure to do this will result in the provisions of the new Model Code automatically overriding any provisions of Council’s existing Code.

Financial implication

This is an administrative policy and endorsement of the policy will have no financial impact.

Risk implication

Adopting the updated Code ensures compliance with *Local Government (General) Regulation 2021* (the Regulations). Failure to adopt the mandatory provisions by 31 December 2025 will result in those provisions automatically applying to Council Meetings.

Policy

Local Government Act 1993
Local Government (General) Regulation 2021
Council's Code of Meeting Practice

Consultation (internal)

Internal consultation has occurred to ensure the draft Code reflects the legislative requirements and current Council Meeting procedures.

Communication/Community engagement

The draft Code was placed on public exhibition following endorsement by Council on 21 October 2025 (*25/321OC*) for a period of 28 days. As prescribed by S 361 of the Act, submissions may be accepted for 42 days from the date of public notice.

The exhibition of the Code was promoted through Council’s online engagement hub and usual communication channels.

Attachments

Nil

Enclosures

1 DRAFT - Code of Meeting Practice - Council Policy⇨

2 Correspondence from the Office of Local Government (OLG) - 2025 Model Code of Meeting Practice⇨

RECOMMENDATION

That Council –

1. Adopt the Code of Meeting Practice (CoMP) in order to meet legislative requirements.
2. Note that a workshop will be held with all Councillors on 29 January 2026 to finalise Kiama Council's CoMP.
3. Note the final version of the CoMP will be put to Council for adoption at the February 2026 Council Meeting.

Background

The *Local Government Act 1993* (the Act) requires all councils to adopt a Code of Meeting Practice (Code) that incorporates the mandatory provisions of the Model Code issued by the Office of Local Government in August 2025. The 2025 Model Code of Meeting Practice introduces several key changes including, but not limited to –

- Extraordinary meetings
- Dealing with urgent business
- Prohibition of pre-meeting briefing sessions
- Councillor attendance at meetings by audio visual link
- Absences from Council Meetings
- Etiquette at Meetings
- Rules of debate
- Making information considered at closed meetings public

It is proposed that the enclosed Code be endorsed for an interim period due to a range of factors -

- Public exhibition commenced on 27 October 2025 for a period of 28 days and closed on 24 November 2025. As detailed above, submissions may be accepted for 42 days from the date of public notice, closing on 8 December 2025. No public submissions were received during this period.

- There is currently a “Disallowance of Statutory Rule” motion pending before the Legislative Council in relation to the *Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025*. Debate on the matter has commenced and adjourned to the next sitting day of the Legislative Council which is 3 February 2026.

  If the disallowance motion passes, it will have the effect of repealing the Amendment Regulation and restoring the previous 2021 Model Meeting Code, as of the day the Amendment Regulation is disallowed.

- Council’s existing Code contains various non-mandatory provisions which require review. In addition, Councillors were requested to complete a survey providing feedback on the draft Code. Two responses were received which also require some discussion prior to being included in the Code.

At the 21 October 2025 Council Meeting, it was resolved that Council seek clarification from the OLG in relation to the attendance of Councillors by audio visual link and also write to the NSW Minister for Local Government expressing concerns in relation to other provisions within the new Code (*25/231OC 3&4*).

Correspondence was recently received from the Deputy Secretary, Local Government following the adjournment of the matter before the Legislative Council advising “*In response to misunderstandings in the sector, including some raised during the debate, we are working through an updated FAQs on the 2025 Model Meeting Code, which will include supplementary guidance*”. A copy of that response is enclosed for information.

It follows that Council Resolution *25/231OC 3&4* will be placed on hold until such time as further advice is forthcoming from the OLG.

There is no Council Meeting scheduled in January 2026, and adoption of the Code ensures Council meets the legislative requirements.

13.2 Bi-monthly update: Strategic Finance & Governance Improvement Plan - December 2025

CSP Objective:	Outcome 5.3: Council has the right structures, technology, processes and procedures to support delivering for the public.
CSP Strategy:	5.3.2 Council will deliver the actions outlined in the State of the Organisation Report and the Strategic Improvement Plan
Delivery Program:	5.3.2.1 Continuous improvement is embedded in the organisation through delivery of the Strategic Improvement Plan priorities annually.

Summary

In response to receiving the varied Performance Improvement Order (PIO), Council adopted the Strategic Finance and Governance Improvement Plan at the extraordinary June 2024 meeting.

The varied PIO requires Council to provide bi-monthly reports to both the elected body and the NSW Office of Local Government (OLG) on the status of the implementation of all actions in the PIO.

To satisfy this requirement, a copy of the Strategic Finance and Government Improvement Plan was provided to the OLG following the extraordinary June 2024 meeting.

Bi-monthly implementation status reports are provided to the elected body and OLG.

Financial implication

Some of the work required to be undertaken has been included in the 2025-26FY budget as there are costs associated with completing the activities of the updated Plan.

Risk implication

There is a risk that if Council does not comply with the PIO and improve its operating position that further ministerial interventions will be imposed. Continuing to fail to meet OLG benchmarks for financial sustainability (performance ratios) is not an acceptable outcome.

There is also a risk that Council will perceive an opportunity to make different decisions or make new commitments beyond what Council is capable of accommodating given the status and the requirements of the PIO. This PIO is proposed to manage that risk by spanning this and the future Council.

Policy

Local Government Act 1993

Consultation (internal)

Councillors, Chairs and members of the Audit, Risk and Improvement Committee, the Finance Advisory Committee, and the Blue Haven Advisory Committee were informed of the intention to vary the PIO via the supplementary report at the Extraordinary Council meeting on 1 February 2024.

The following staff were consulted with and provided input into the preparation of the attached 'Strategic Finance and Governance Improvement Plan':

- Executive Leadership Team.
- Implementation Team.
- Manager Communications and Engagement.
- Human Resources Coordinator.
- Strategic Planning Coordinator.

Regular meetings are held between the OLG and Council to discuss the actions of the Strategic Finance and Government Improvement Plan and the varied PIO. Staff who attend the meetings are the Chief Executive Officer (CEO), Director Corporate & Commercial and Head of Implementation.

Communication/Community engagement

The Strategic Finance and Governance Improvement Plan is operational in nature and therefore there is no need to seek community feedback on its content. However, to ensure ongoing transparency copies of the bi-monthly status reports are published on a dedicated page of Council's website.

Attachments

Nil

Enclosures

1 Strategic Finance and Governance action plan_update Dec 2025⇨

RECOMMENDATION

That Council:

1. Receive the Strategic Finance & Governance Improvement Plan – Implementation Status Update – December 2025.
2. Note that the Chief Executive Officer, through the Implementation Team, will:
   a. provide a copy of the Implementation Status Update – December 2025 to the NSW Office of Local Government, and
   b. place a copy of the Implementation Status Update – December 2025 on Council's website.

Summary

In response to receiving the varied Performance Improvement Order (PIO), Council adopted their Strategic Finance and Governance Improvement Plan (the Plan) at the extraordinary June 2024 meeting.

A copy of the varied PIO was placed on Council's website in accordance with section 438D(2) of the *Local Government Act 1993.*

The adopted Strategic Finance and Government Improvement Plan has been prepared to fulfil the requirements of the varied PIO. This Plan responds directly to the requirements of the varied PIO, including compliance with the cycle of reporting to Council and the Office of Local Government.

At all times, the Plan demonstrates how each of its actions relates to the actions of the varied PIO. The Plan incorporates the matters identified by the Audit Office of NSW's Management Letter for the 2022-23 Financial Year Audit, the 2024 Todd Hopwood 'Report on Review of Kiama Municipal Council Governance Arrangements' and Council's submission to the Federal Government's inquiry into Local Government sustainability.

The Plan provides the background for Council's current financial situation, defines financial sustainability and identifies the following eight levers for achieving financial sustainability:

1. Sustainable cash reserves and responsible borrowing
2. Optimised revenue opportunities
3. Well planned assets
4. Reviewed and efficient service landscape
5. Investment in transformation
6. Robust financial management
7. Prioritising advocacy and partnerships
8. Ensure good governance.

Any outstanding Strategic Improvement Plan 2 actions have been incorporated into the Strategic Finance and Government Improvement Plan. Where possible these actions have been consolidated and rationalised. Rather than focusing on operational outputs, the Plan seeks to identify and establish organisational outcomes for achieving financial sustainability.

In a similar fashion to Council's Delivery Program and Operational Plan, each Strategic Finance and Government Improvement Plan action has been assigned to an individual business unit.

Reporting and transparency

The varied PIO requires Council to provide bi-monthly reports to both the elected body and the NSW Office of Local Government (OLG) on the status of the implementation of all actions in the PIO. The Implementation Team will continue to liaise with the OLG on a regular basis to ensure the State Government is comfortable with the approaches being taken to achieve financial sustainability.

All Strategic Finance and Governance Improvement Plan actions have been loaded into Council's Pulse software solution to enable regular reporting to occur within a regulated system rather than via excel spreadsheets.

Some actions require the preparation of new/updated Council policies, reviewing level of services, reviewing operating models and master planning key catalyst sites.

Council will undertake community consultation process, in line with the adopted Community Engagement Strategy, for these projects.

October 2025 actions update

This report is the progress on all other actions of this plan that will be reported to the elected body and OLG bi-monthly.

The following actions have been completed since the last report; including the:

- The pricing policy was incorporated into the fees and charges document and adopted by Council. This document will continue to underpin the preparation of future budgets by guiding the setting of fees and charges.
- Training on the pulse policy system for the management team and a separate session for the team from the executive office.
- The business continuity plan, crisis management plan and crisis communication plan have been endorsed by ELT.
- Mandatory training for the Public Interest Disclosure (PID) officers has been conducted.

The action plan in the enclosures provides a progress update on all other actions since the Plan was endorsed in June 2024.

To ensure ongoing transparency copies of the bi-monthly status reports will be published on a dedicated page of Council’s website.

13.3 Councillor attendance: 2026 Local Government Destination and Visitor Economy Conference

CSP Objective:	Outcome 3.2: We have an economy that balances tourism opportunities with resident needs and ensuring we don't lose our community feel.
CSP Strategy:	3.2.1 Thoughtfully manage tourism development and the visitor economy.
Delivery Program:	3.2.1.1 Provide strategic leadership and advocacy to support a sustainable visitor economy.

Summary

The Local Government NSW 2026 Destination and Visitor Economy (DVE) Conference will be held in Maitland Town Hall on 27-29 May 2026. Kiama will be participating in the Top Tourism Town award, which will be announced at the conference. Councillor attendance at the conference needs to be determined. Link Home | DVE Conference

Financial implication

The early bird registration fee in 2025 was $1,110 per delegate, with the 2026 price yet to be confirmed.

Accommodation at East Maitland Executive Apartments is approximately $257 per person/night, a discounted conference rate is expected.

Risk implication

Nil

Policy

Councillor induction and professional development policy.

Councillor expenses and facilities policy.

Consultation (internal)

Not required.

Communication/Community engagement

Not required.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council determines that Councillor Brown and Councillor Tatrai as members of the Tourism and Economic Advisory Committee attend the Local Government NSW Destination and Visitor Economy Conference from 27-29 May 2026 being held in East Maitland.

Background

It is beneficial for councillors to attend the NSW Local Government Destination and Visitor Economy Conference as the conference:

- Provides industry insights into current and emerging trends in tourism and the visitor economy, helping them to make informed decisions that align with best practices and future industry directions. The conference often features real-life examples from other councils, showcasing successful strategies and initiatives that can be adapted to their local context.
- Allows for networking so councillors can connect with peers from other councils, industry leaders, and key stakeholders, fostering relationships that may lead to partnerships and collaborative projects and learning about innovative solutions and best practice which can inform strategic planning.
- Understand how other local governments enhance their visitor economies, councillors can identify initiatives that could drive economic growth, increase visitor spending, and create jobs in their own region.
- Provides councillors with a broader understanding of the intricacies of tourism management, improving their ability to make decisions that support sustainable tourism and economic development.

13.4 Submission to Local Government Remuneration Tribunal: 2026 determination on the fees payable to councillors and mayors

CSP Objective:	Outcome 4.1 Public funds and assets are managed strategically, transparently and efficiently.
CSP Strategy:	4.1.3 Council delivers local government functions and sustainable services that meet community expectations, with regular service reviews per Integrated Planning and Reporting requirements.
Delivery Program:	4.1.3.1 Maintain compliance with all relevant legislation and requirements, including the Office of Local Government risk management and framework, the Audit, Risk and Improvement Committee and internal audit operation.

Summary

This report provides details of Council's submission to the Local Government Remuneration Tribunal's review of the 2026 annual determination on fees payable to councillors and mayors.

Financial implication

The Tribunal's review examines the maximum and minimum fee levels for each category of Council in NSW. Kiama Council is categorised as Regional rural and current fees payable are $23,220 per annum for each Councillor, including the Mayor and an additional fee to the Mayor of $50,680 per annum. Any increase determined by the Tribunal for 2026-27 financial year will be reported to Council and included in the budget.

Risk implication

The associated risk is the fair, sufficient and equitable remuneration for our elected representatives, as outlined in the submission.

Policy

Section 239 and 241 of the *Local Government Act 1993*

Consultation (internal)

Councillors

Communication/Community engagement

Councillors were provided with a draft of the submission for review and provided broad support.

Attachments

Nil

Enclosures

1 Submission to the Local Government Remuneration Tribunal - 2026 annual review of fees payable to mayors and councillors⇨

RECOMMENDATION

That Council endorse the submission to the Local Government Remuneration Tribunal on the 2026 annual determination of fees payable to councillors and mayors.

Background

Attached for Councillors' information is a copy of the submission to the Local Government Remuneration Tribunal on the 2026 annual determination of fees payable to councillors and mayors.

The Tribunal is required to make an annual determination on the fees payable to councillors and mayors. The 2026 annual determination is to take effect from 1 July 2026. Maximum and minimum fee levels for each category of council are assessed by the Tribunal as part of the 2026 review process.

The fees payable to Kiama's elected representatives for the 2025-26 financial year are $22,320 for Councillors and an additional fee of $50,680 for the Mayor.

Once every three (3) years the Tribunal must also review the categories of councils, Kiama Municipal Council is categorised as Regional Rural which has the following criteria:

> *Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.*
>
> *Other features may include:*
>
> - *a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages*
> - *health services, tertiary education services and regional airports which service a regional community*
> - *a broad range of industries including agricultural, educational, health, professional, government and retail services*
> - *large visitor numbers to established tourism ventures and events.*

Conclusion

This report seeks the Council's endorsement of the attached submission. Submissions are due by 18 December 2025.

13.5 Tendering delegations over 2025-26 Christmas and New Year period

CSP Objective:	Outcome 4.2: Our governance is transparent and trusted, supported by the right structures, technology and processes to effectively serve the community.
CSP Strategy:	4.2.2 Communicate transparently to inform, build trust and respect.
Delivery Program:	4.2.2.4 Effectively communicate the projects, plans, actions and outcomes of Council (and relevant government departments) to inform our community in a timely and accessible way.

Summary

This report recommends a temporary amendment to delegations to authorise the Chief Executive Officer and the Mayor, and/or Deputy Mayor, to accept tenders satisfying the necessary legislative criteria from 17 December 2025 through to 7 February 2026.

Financial implication

The operational or capital expenditure for any tenders considered during the Christmas period will be made available from appropriate approved budgets as reported and adopted by Council.

Risk implication

Approval of the temporary delegation as proposed in this report will enable the consideration and award of tenders for the creation of a panel of preferred project management consultants to assist Council in the delivery of capital works projects and meet grant funding agreement timing requirements.

Policy

All Tenders considered will be undertaken in accordance with the Local Government Act 1993, Local Government (General) Regulation 2021 (NSW), Part 7 Tendering and Council’s Procurement Policy.

Consultation (internal)

Director Infrastructure and Operations

Manager Operations and Maintenance

Manager Engineering and Technical Services

Procurement Co-ordinator

Communication/Community engagement

Nil

Attachments

Nil

Enclosures

1 CURRENT - Chief Executive Officer - Instrument of Delegation - 15 October 2024⇨

RECOMMENDATION

That Council delegate to the Chief Executive Officer and the Mayor, or Deputy Mayor, the authority to accept tenders under Request for Tender processes between 17 December 2025 and 16 February 2026, with a report on the exercise of such delegation to be provided to the first Ordinary meeting of Council on 17 February 2026.

Background

Under the Instrument of Delegation arrangements for the Chief Executive Office as adopted by Council at its meeting on 15 October 2024, the CEO has been delegated the authority to:

3) Accept all tenders, except tenders to provide services currently provided by members of staff, during the following Council recesses:

a) between the last meeting of the Council for the calendar year and the first meeting of the following year, with the agreement of the Mayor, or in the absence of the Mayor, with the Deputy Mayor;

Proposal

There is a nine (9) week period between the 16 December 2025 Ordinary Meeting of Council, and the first Ordinary Meeting scheduled for 17 February 2026. At the present time, one tender is in progress and is sought to be awarded prior to the February Council meeting. This tender is for:

- Tender KT290925 – "Provision of Contract Project Management Services"

Tenders for the contract were advertised during October with the intention to report recommendations to the December 2025 Council meeting. Unfortunately, due to the number of submissions received and other higher priority tenders, completion of the assessment has not been finalised.

This tender is for the establishment of a panel of suitably qualified professional engineers with demonstrated project management expertise, to support Council in the delivery of upcoming infrastructure projects, many of which are grant funded with stringent completion timeframes. Council have ~$9.5M in grant funded works in the current budget, with another $40M forecast over the next 3 years on a number of major projects including:

- Natural Disaster Betterment works
- Depot Merge construction
- Blue Haven Terralong fire safety upgrades and refurbishments
- Gerry Emery clubhouse
- Sport Field lighting upgrades
- Holiday Parks compliance and refurbishments
- Major asset renewals.

The resulting Project Management Services Panel will operate as a panel arrangement, with project managers engaged based on availability, value for money, project risk profile, and demonstrated satisfactory past performance. It is envisaged that assessment of the tenders will be completed in the next few weeks and a preferred panel established, from which Council will draw upon to have project managers commence in early 2026.

As Council staff currently undertake project management services, the current tender would fall outside of the current delegations even though the proposal is to assist current staff. It is therefore recommended to delegate to the Chief Executive Officer, in conjunction with the concurrent approval of the Mayor and Deputy Mayor (or their respective nominees), the authority to accept this tender on behalf of Council.