

DRAFT Ordinary Meeting Minutes

Held on Wednesday 27 May 2026

at Council Chambers, Biamanga Room Bega Valley Commemorative Civic Centre
Bega commencing at 2:00pm

PRESENT

Cr Russell Fitzpatrick, Mayor
Cr Mitchell Nadin, Deputy Mayor
Cr Tony Allen
Cr Simon Daly
Cr Peter Hagggar
Cr Clair Mudaliar
Cr Peggy Noble
Cr Helen O'Neil
Cr David Porter

IN ATTENDANCE

Chief Executive Officer, Mr Anthony
McMahon
Director, Infrastructure, Mr Andrew Latta
Director, Community, Environment and
Planning, Mrs Emily Harrison
Acting Director, Organisational Services, Mrs
Rickey Marshall
Executive Officer (Minute Secretary), Mrs
Jackie Grant

Statement of Commencement of Live Streaming

The Mayor made an announcement about live streaming requirements:
Council meetings are recorded and live streamed to the Internet for public viewing.
The recording will be archived and made available on Council's website www.begavalley.nsw.gov.au.

Acknowledgement of Traditional Custodians of Bega Valley Shire

The Mayor commenced by acknowledging, on behalf of Bega Valley Shire Council, the traditional custodians of the lands, waterways and airspace on which we are gathering.

Statement of Ethical Obligations

The Mayor and Councillors are reminded that they remain bound by the Oath/Affirmation of Office made at the start of the council term to undertake their civic duties in the best interests of the people of Bega Valley Shire and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their skill and judgement.

The Mayor and Councillors are also reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda or which are considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

1. Apologies

That the apology of Director, Organisational Services, Mrs Iliada Bolton be noted.

2. Confirmation of Minutes

58/26 **RESOLVED on the motion of Crs Haggar and Noble**

That the Minutes of the Ordinary Meeting held on 6 May 2026 as circulated, be taken as read and confirmed, with the following amendments indicated in red and red strikethrough:

16.4	<p>Cr Nadin - Mitchell and Calle Calle Street, Eden intersection</p> <p>Cr Nadin asked about the intersection of Mitchell at Mitchell and Calle Calle Streets in Eden that was referred to the Local Traffic Forum (LTF) following an accident the intersection. More issues have been raised with Calle Calle Street. Is there an update any discussions?</p> <p>Cr Peter Haggar advised it was looked at during this week 's (Tuesday) LTF meeting. The recommendations will come to the next council meeting. The works council has have done was presented, including, upgrading signage and line marking versus physical barriers. Advice from engineers and transport for NSW was provided on the problems with physical barriers on slope. Moving to stop signs ahead, line markings with an intention of slowing traffic down with stop sign ahead signs. Works to be a phased implementation and impacted by works on Imlay Street.</p> <p>Cr Nadin asked what consultation occurs?</p> <p>Cr Peter Haggar advised Councillors can consult with constituents when the Local Traffic Forum Minutes are included in the council agenda and it is published.</p> <p>Cr Mudaliar asked are the suggested changes to Calle Calle Street that were happening at both the Mitchell Street and Bungo Street intersections?</p> <p>Cr peter Haggar advised no it's just one, we discussed the other intersection and it was not considered, you will be able to raise with the minutes before adopting recommendation.</p>
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IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Haggar, Mudaliar, Nadin, Noble, O'Neil and Porter

AGAINST: Nil

3. Declarations

Pecuniary Interest

There were no pecuniary interest declarations.

Non Pecuniary Interest

Cr O'Neil declared a non-pecuniary and less than significant conflict of interest for item 14.1 Request for Tender (RFT) 2526-005 Merimbula CBD traffic trials. Cr O'Neil advised she is a Director of the Twyford Theatre, a company limited by guarantee. The theatre operated by this non profit is in the Merimbula CBD and therefore may be affected by the changes to the traffic flow in the area. A signed declaration form was tabled by Cr O'Neil, she will remain in the chamber and vote.

4. Public Forum

The following deputations were heard:

Item 8.3 - Outcome of the exhibition of the comprehensive DCP review stage 1

- Mr Jason Heffernan on behalf of TA Project Service - AGAINST

Item 10.2 Lease to Merimbula Tennis Club

- Mr John Rheinberger on behalf of Merimbula Tennis Club - AGAINST

Item 14.1 – Alternate Merimbula CBD project proposal

- Ms Tracy Fleming on behalf of Merimbula Tourism Inc - FOR
- Mr Mark Bates on behalf of Merimbula chamber of Commerce – FOR
- Ms Rachel Fleming on behalf of Merimbula chamber of Commerce – AGAINST

5. Petitions

Cr Porter tabled a petition he received from Merimbula Chamber of Commerce asking for BVSC Councillors support for Merimbula Chamber of Commerce alternate plans which includes: Yes to the proposed roundabout at Sapphire Drive and Main Street. Retain the current southern entry into Market Street CBD from Park Street and Monaro Street. Retain the current two way traffic flow on Beach Street for entirety of the street. Hylands Corner upgrade. Beach Street upgrade. The petition contains 52 signatures.

Chief Executive Officer, Mr McMahon advised in accordance with the Code of Meeting Practice staff will provide a further report back to Council on the petition

6. Mayoral Minutes

There were no mayoral minutes

7. Urgent Business

There was no urgent business

8. Staff Reports – Community, Environment and Planning

8.1 Draft Disability Inclusion Action Plan 2026-2030

59/26 **RESOLVED** on the motion of Crs Mudaliar and Nadin

That Council resolve:

1. To publicly exhibit the draft Disability Inclusion Action Plan at Attachment 1 for 28 days to seek broader community feedback.
2. That, if no changes are required following public exhibition, the draft Disability Inclusion Action Plan be considered adopted by Council and published on Council's website.
3. That, if changes are required following public exhibition, staff prepare a further report to Council seeking adoption of the draft Disability Inclusion Action Plan.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Haggard, Mudaliar, Nadin, Noble, O'Neil and Porter

AGAINST: Nil

8.2 Proposed construction of a two storey dwelling with attached garage & detached shed, 61 Dilkeria Road Tathra

60/26 **RESOLVED** on the motion of Crs Nadin and Porter

1. That Council approve Development Application 2026.29 for the construction of a two-storey dwelling with attached garage and detached shed at Lot 1 DP 758955, 61 Dilkeria Road Tathra, subject to the conditions of consent provided in Attachment 2 – Draft Conditions of Consent.
2. Notify the applicant and those who made submissions of Council's decision.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter

AGAINST: Nil

8.3 Outcome of the exhibition of the Comprehensive DCP Review Stage 1

61/26 **RESOLVED on the motion of Crs Fitzpatrick and Nadin**

1. That Council re-exhibit the Stage 1 drafts with the recommended amendments (Attachments 6, 7, 8 and 9) for 21 days
2. That during the exhibition period, staff convene a meeting with the development professionals group to discuss the changes
3. That, following the re-exhibition period, a report is provided to Council including any feedback and recommended changes from the re-exhibition period.
4. That Council consider a 2 month period between endorsing the changes and the DCP coming into effect, to enable development professionals time to adapt to the new requirement
5. That staff notify those who made a submission and the local development professionals group of Council's decision

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter

AGAINST: Nil

9. Staff Reports – Infrastructure

9.1 Cemetery interment right reservations

62/26 **RESOLVED on the motion of Crs Fitzpatrick and Allen**

That Council endorse actions to improve the efficient use of cemetery space by:

1. Issuing a media release inviting holders of unused conventional burial plot reservations to contact Council.
2. Directly contacting reservation holders where possible, to confirm whether long-standing burial plot reservations are still required.
3. Refunding the original interment fee where a reservation holder elects to relinquish a reservation, in accordance with the interment right certificate.
4. Ceasing new conventional burial plot reservations in the Bega, Bermagui, Eden and Pambula cemeteries and amending *Policy 4.06 Cemeteries and Memorials* accordingly.
5. That a report be presented in 6 months time on the progress of reservations being returned or confirmed and that report considers a potential fee mechanism for retaining existing and new interment reservations.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter
AGAINST: Nil

10. Staff Reports – Organisational Services

10.1 Legal matters update

63/26

RESOLVED on the motion of Crs O'Neil and Daly

That item 10.1 Legal matters update be moved into closed session to be dealt with in confidential business as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege as per Section 10A(2)(g) of the Local Government Act 1993.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter
AGAINST: Nil

10.2 Lease to Merimbula Tennis Club

64/26

RESOLVED on the motion of Crs Fitzpatrick and Nadin

That Council approve the renewal of the lease to the Merimbula Tennis Club Incorporated for their continued occupation of Lot 90 DP 234142 at 1 Kalinda Street, Merimbula, for a further term of twenty (20) years by direct negotiation, without undertaking a new valuation, and continue with the current rental amount subject to annual CPI increases.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter
AGAINST: Nil

10.3 Audit, Risk and Improvement Committee Quarterly Report March 2026

3:05pm Cr Porter left the meeting

3:08 pm Cr Porter returned to the meeting.

65/26

RESOLVED on the motion of Crs O'Neil and Allen

That Council receive and note the Audit, Risk and Improvement Committee (ARIC) quarterly report for the March 2026 meeting.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter
AGAINST: Nil

10.4 Certificate of Investment April 2026

66/26

RESOLVED on the motion of Crs Nadin and Allen

1. That Council receive and note the report on Council's investment position on 30 April 2026.
2. That Council notes the certification of the Responsible Accounting Officer.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter

AGAINST: Nil

11. Staff Reports - Executive Services

11.1 Delivery Plan 2025-2029 - January to March 2026 Quarterly Progress Report

67/26 [RESOLVED on the motion of Crs Fitzpatrick and Nadin](#)

That Council:

1. Receive and note the Delivery Plan 2025-2029 Quarterly Progress Report for the period 1 January – 31 March 2026.
2. Publish the attached progress report on Council’s website.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Haggar, Mudaliar, Nadin, Noble, O’Neil and Porter

AGAINST: Nil

12. Councillor Reports

There were no councillor reports.

13. Rescission/Alteration Motions

There were no rescission/alteration motions.

14. Notices of Motion

14.1 Alternate Merimbula CBD project proposal

Cr O’Neil declared a non-pecuniary and less than significant conflict of interest for item 14.1 Request for Tender (RFT) 2526-005 Merimbula CBD traffic trials. Cr O’Neil advised she is a Director of the Twyford Theatre, a company limited by guarantee. The theatre operated by this non profit is in the Merimbula CBD and therefore may be affected by the changes to the traffic flow in the area. A signed declaration form was tabled by Cr O’Neil, she will remain in the chamber and vote.

[A motion was moved by Crs Nadin and Noble](#)

1. That council reallocate current grant funding from the Federal Government’s Investing in Our Communities program for the Merimbula CBD project to the following elements:
 - a. design and construction of Beach Street landscape and road upgrades based on the 2015 Spiire Merimbula CBD Landscape Masterplan with inclusion of a shared zone, refreshed parking layout minimising parking space loss, landscape upgrades, playground renewal, and pathway connectivity
 - b. proceed only with the two roundabouts on Main St/Sapphire Coast Dr and Main St/Market St for the traffic trail
 - c. design and construction of minor Hylands Corner landscape and safety upgrades not including the timber stage

- d. project management and community engagement.
2. That outside the above budget, Council defer further traffic, parking and public space changes and detailed design of a Merimbula CBD Master Plan that were proposed as part of the recent community consultation until further funding becomes available.
3. That Council commence procurement of a suitable consultant(s) to provide draft detailed designs for the landscape and road upgrade works on Beach Street listed above.
4. The draft designs are placed on public exhibition for community feedback for 28 days and a consultation summary report be brought back to council for consideration before any construction works commence.

IN FAVOUR: Crs Nadin, Noble and Porter

AGAINST: Crs Allen, Daly, Fitzpatrick, Haggar, Mudaliar and O'Neil

15. Questions with Notice

There were no questions with notice.

16. Questions without Notice

16.1 Cr Nadin - Merimbula CBD - sequencing of the traffic lights

Cr Nadin asked as part of the process with the Merimbula CBD, feedback has been around the intersection and the sequencing of the lights, can this be looked at as part of the process?

Director Infrastructure, Mr Andrew Latta advised he has also received resident feedback and yes it will be looked at signalling we would need to go through Transport for NSW to address it.

16.2 Cr Haggar - Funding deeds

Cr Haggar asked how funding deeds work and when Councillors get to see them?

Chief Executive Officer, Mr Anthony McMahon advised he doesn't know to the first part, meaning funding deeds don't tend to be consistent, we get them distributed to us in different ways, what we are expected to do varies and it can often depend on the level of Government, or the agency or how the funding program has come into place in the first place.

We haven't traditionally brought funding deeds to council and if council wanted to start doing something like that it could get out of hand very quickly unless there was clear parameters around which funding deeds were going to come to council because we have lots of different funding agreements, on different scales for different programs, some of them are project based, like Merimbula CBD, some are small like a \$3000 grant for the library.

Cr Daly asked as a matter of practice for the future if a funding deed was shared to one Councillor can it be shared to all, do you have any reservations with that?

Mr McMahon advised no, the only caveat would be that if we to share funding deeds with Councillors they would be confidential unless we had approval from a particular department for them to be made public because essentially they are a contract

17. Confidential Business

04:17 pm Cr Noble left the meeting.

Adjournment Into Closed Session

68/26 **RESOLVED on the motion of Crs Allen and Daly**

1. That Council resolve to adjourn into Closed Session to discuss the following confidential items:

11.1 Legal matters update

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. That pursuant to Section 10A of the Local Government 1993, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public as required by the Local Government Act 1993, Section 11(2).

17.1 Chief Executive Officer contract

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act, which permits the meeting to be closed to the public for business relating to (a) personnel matters concerning particular individuals.

2. That pursuant to Section 10A of the Local Government 1993, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public as required by the Local Government Act 1993, Section 11(2).

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Haggar, Mudaliar and O'Neil

AGAINST: Crs Nadin and Porter

ABSENT: Cr Noble

4:18 pm The Ordinary Meeting was adjourned.

4:18 pm Cr Nadin returned the meeting

4:19 pm Cr Noble returned the meeting

4:21 pm Cr Nadin returned the meeting

The recording of the meeting ceased for the period of the Closed Session of Council.

4:21 pm The Confidential Closed Session meeting commenced.

4:32 pm The following persons left the chamber for Item 17.1 Chief Executive Officer contract

- Chief Executive Officer, Mr Anthony McMahon
- Director Infrastructure, Mr Andrew Latta
- Acting Director Organisational Services , Mrs Rickee Marshall
- Director Community, Environment and Planning, Mrs Emily Harrison

4:51 pm The Confidential Closed Session meeting concluded.

4:52 pm The Ordinary meeting was reconvened.

Statement of Re-Commencement of Live Streaming

The Chairperson advised that the recording of the Council Meeting would recommence and reminded those present that Council meetings are recorded and live streamed to the Internet for public viewing.

18. Noting of Resolutions from Closed Session

18.1 11.1 Legal matters update

69/26 **RESOLVED on the motion of Crs Allen and O'Neil**

That Council receive and note the information report on ongoing and closed legal matters as at 8 May 2026.

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Nadin, Noble, O'Neil and Porter

AGAINST: Nil

18.2 17.1 Chief Executive Officer contract

Cr Porter's point of order in the closed session noted.

70/26 **RESOLVED on the motion of Crs Fitzpatrick and Allen**

1. That Council proceed with a performance review consisting of all Councillors to undertake a review of the CEO's performance prior to determining whether to offer him a new contract
2. That the review process be facilitated by MacArthur as per their attached proposal
3. That a further report be provided to a closed session of Council to consider the outcomes of the performance review

IN FAVOUR: Crs Allen, Daly, Fitzpatrick, Hagggar, Mudaliar, Noble and O'Neil

AGAINST: Crs Nadin and Porter

19. Declassification of reports considered previously in closed session

There were no declassification of reports considered previously in closed session.

Closure

There being no further business, the Chairperson closed the meeting at 4:57pm.

Confirmed

Chairperson of the meeting of the Bega Valley Shire Council held on Wednesday, 27 May 2026.