

DRAFT Ordinary Meeting Minutes

Held on Wednesday 10 June 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
Director, Organisational Services, Mrs Iliada Bolton
Manager Engagement and Corporate Strategy, Mrs Kaliegh Smerdon
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

There were no apologies.

2. Confirmation of Minutes

71/26 RESOLVED on the motion of Crs Allen and Daly

That the Minutes of the Ordinary Meeting and Closed session held on 27 May 2026 as circulated, be taken as read and confirmed.

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

AGAINST: Nil

3. Declarations

There were no declarations of interest

4. Public Forum

The following deputation was heard:

Item 8.2 - Proposed change of use from serviced apartments to residential dwellings - 2 Fishpen Road Merimbula

- Ms Liz Slapp on behalf of The Owners of Strata Plan 52153 - FOR

5. Petitions

5.1 Petition - Merimbula Chamber of Commerce alternate plans

A response to this petition was provided in the Ordinary Council Meeting Agenda of 10 June 2026 with the response as follows:

This petition will be referred to as part of the community engagement component of the report Staff will be presenting to Council on the Merimbula CBD.

6. Mayoral Minutes

On this 10th of June 2026, we come together to express our heartfelt gratitude to our first responders, the courageous souls who stand at the forefront of our communities, ready to lend aid and support whenever it's needed.

Today is Thank a First Responder Day, a time to pause and acknowledge the invaluable contributions of these remarkable individuals.

The simple act of saying Thank You carries profound significance. It serves as a beacon of light, nurturing resilience amidst the challenges our first responders face each day. Your appreciation not only uplifts their spirits but also reaffirms the bond of solidarity that binds us together.

In a world often marked by uncertainty, connection is our anchor, our source of joy and strength. When we extend our gratitude to those who selflessly serve, we forge deeper bonds of compassion and support.

For our first responders, who dedicate their lives to aiding others, knowing they have the unwavering support of their families, friends and community is immeasurable.

Today we are asked to remember and thank the countless individuals who stand ready to answer the call of duty. From the courageous medical professionals and paramedics to the brave firefighters, police officers, and all those who serve on the front lines, their bravery and dedication inspire us all.

Whether facing natural disasters, global pandemics, or emergency situations, our first responders have been the steadfast guardians of our communities.

Let us seize this opportunity not just today, but every day, to express our appreciation to those who stand ready to protect and serve. Whether with a simple Thank You or a heartfelt gesture, let us ensure our first responders know they are cherished and valued members of our community.

Bega Valley Shire Council has celebrated Thank a First Responder Day by inviting first responders to its libraries' Storytime sessions yesterday, where families can meet some of the wonderful first responders that keep our community safe.

Just for information: There is a social media post on Council's library Facebook page and there will be a further post on the BVSC Facebook page today.

7. Urgent Business

There was no urgent business

8. Staff Reports – Community, Environment and Planning

Movement of Item 10.3 - Bega Valley Shire Council Code of Meeting Practice

72/26 **RESOLVED on the motion of Crs Haggar and Noble**

That item 10.3 be moved forward ahead of item 8.1 to be dealt with as the next item of business

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

AGAINST: Nil

10.3 Bega Valley Shire Council Code of Meeting Practice

73/26 **RESOLVED on the motion of Crs Haggar and Noble**

That Council:

1. Rescinds its current Code of Meeting Practice adopted on 28 January 2026, being the code based on the 2025 Model Code of Meeting Practice.
2. Adopts and reinstates as its Code of Meeting Practice adopted in September 2025, being the code based on the 2021 Model Code of Meeting Practice for Local Councils in NSW with the addition of *supplementary provision* 17.21 as a result of council resolution 164/25 (exhibited).
3. Notes that the reinstated Code of Meeting Practice (version 15) will apply to all meetings of

Council and committees of Council of which all members are councillors, from the time of this resolution.

4. Authorises the Chief Executive Officer to make any minor administrative, formatting, reference and cross-referencing amendments necessary to give effect to this resolution, provided those amendments do not alter the substantive operation of the Code.
5. Notes that a further report may be provided to Council should the Office of Local Government issue additional advice or should a new prescribed model code or amending regulation commence.

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

AGAINST: Nil

8.1 Bega Police Station waiver of Use of Public Land hoarding fees

74/26 **RESOLVED on the motion of Crs Fitzpatrick and Daly**

1. That Council resolves not to waive any outstanding UPL fees associated with the construction of the new Bega Police Station.
2. That Council notes that, while it welcomes and supports the NSW Government's investment in a new police station in Bega and recognises its critical role in community safety, any waiver of UPL fees would effectively transfer this cost burden to the Bega Valley Shire community.
3. That Council writes to the local member, Dr Michael Holland MP, seeking his support and advocacy to the NSW Government to ensure all applicable UPL fees are paid in full.
4. Authorise the Chief Executive Officer to negotiate if needed and bring a further report back to Council

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

AGAINST: Nil

8.2 Proposed change of use from serviced apartments to residential dwellings - 2 Fishpen Road Merimbula

75/26 **RESOLVED on the motion of Crs Nadin and O'Neil**

That Council:

1. Support the Clause 4.6 variation request to the Adaptable Housing development standard, specified under Clause 6.20 of the Bega Valley Local Environmental Plan 2013.
2. Consider the relevant Section 4.15 Matters for Consideration detailed in Attachment 2 to this report.
3. Approve Development Application 2025.298 for Conversion of the existing serviced apartments (Apartment Nos. 1 – 4 and 6 – 8) to enable their use for permanent residential accommodation including alterations and additions to existing structures and construction of sheds for Strata Plan No. 52153, 2 Fishpen Road Merimbula, subject to the conditions of consent provided in Attachment 1 – Draft Conditions.

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

AGAINST: Nil

8.3 3 Lot Residential Subdivision - Lot 47 DP 26648 - 80 O'Connells Point Road, Wallaga Lake

76/26

RESOLVED on the motion of Crs O'Neil and Nadin

1. That Council approve Development Application 2025.315 for a 3 lot subdivision at Lot 47 DP 26648, 80 O'Connell's Point Road, Wallaga Lake, subject to the conditions of consent provided in Attachment 3 – Draft Conditions of Consent
2. Notify the applicant and those who made submissions of Council's decision as per the requirements of section 4.18(1) of the *Environmental Planning and Assessment Act 1979*.

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

AGAINST: Nil

8.4 Draft Wolumla Local Infrastructure Contribution Plan

77/26

RESOLVED on the motion of Crs Nadin and O'Neil

That Council resolve to adopt the draft Bega Valley *Local Infrastructure Contribution Plan 2026-2041* (Attachment 1) as exhibited and publish to Council's website.

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

AGAINST: Nil

8.5 Planning Proposal for Deferred Matters

78/26

RESOLVED on the motion of Crs Haggar and Daly

That council defer the item to workshop a scope of further potential changes to certain deferred matters and understand the implications.

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

AGAINST: Nil

9. Staff Reports – Infrastructure

9.1 Regional Express Holdings - Debt write off

79/26

RESOLVED on the motion of Crs Nadin and Allen

That Council write-off the unrecoverable debt incurred by Regional Express Holdings to the value \$142,422.34 (including GST).

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

AGAINST: Nil

9.2 Request for Tender (RFT) 2526-031 Design for Renewal of Bega War Memorial Swimming Pool

80/26

RESOLVED on the motion of Crs Allen and Daly

1. That the information in the attached confidential memo be received and noted.
2. That Council accept the tender as recommended in the confidential memo attached to this report in relation to the contract for the works described in Tender RFT 2526-031 Design for Renewal of Bega War Memorial Swimming Pool, in the amount as outlined in the confidential memo, subject to variations, provisional sums and prime cost items pending confirmation being received from the grant funding body that the works will be funded under the grant.
3. That authority be delegated to the Chief Executive Officer to execute all necessary documentation.
4. That any variations and amendments be managed under the existing Council financial delegations.
5. That once confirmation of funding is received the preferred tenderer and tender amount be published on Council's website and all tenderers be advised of Council's decision.

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

AGAINST: Nil

9.3 Bega Valley Local Transport Forum 5 May 2026

81/26 **RESOLVED on the motion of Crs Mudaliar and Porter**

That Council:

1. Receives the attached minutes of the Bega Valley Local Transport Forum (LTF) meeting held on 5 May 2026, and notes the feedback and advice provided by LTF members in relation to the Council officer recommendations.
2. Endorses the following with respect to Calle Street in Eden:
 - Intersection control upgrade Formalise: STOP control on Calle Calle Street with STOP AHEAD warnings. Purpose: Improve legibility and reduce ambiguity
 - Enhanced signage and road markings Install regulatory and warning signage and refresh pavement marking to clearly define priority.
 - Street lighting improvements Upgrade or provide street lighting at the intersection and approaches to improve night safe

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

AGAINST: Nil

10. Staff Reports – Organisational Services

10.1 Review of Policy 6.23 - Payment of Expenses and Provision of Facilities to Councillors

82/26 **RESOLVED on the motion of Crs Allen and Noble**

1. That based on the draft budget issued on 6 May 2026 Council receive and note the updates to *Policy 6.23 Payment of Expenses and Provision of Facilities for Councillors* and the policy be exhibited for a period of at least 28 days and that submissions be received for 42 days.
2. That a further report be presented to Council on any submissions received, or if no submissions are received, the exhibited policy be adopted and published on Council's

website.

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

10.2 Determination of the Local Government Remuneration Tribunal - 2027 Financial Year - Mayoral and Councillor Fees

83/26 **RESOLVED on the motion of Crs Allen and Porter**

1. That Council resolves the annual fee payable to Councillors, paid monthly in arrears, from 1 July 2026 to 30 June 2027 is \$24,080.
2. That Council resolves the additional annual fee payable to the Mayor, paid monthly in arrears, from 1 July 2026 to 30 June 2027 to be \$52,560.
3. That Council resolves to pay superannuation contribution payments on the fees paid.

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

Item 10.3 – Bega Valley Shire Council Code of Meeting Practice was moved forward ahead of item 8.1 to be dealt with as the next item of business.

11. Staff Reports - Executive Services

11.1 Actions from resolutions of Council - Progress Report

84/26 **RESOLVED on the motion of Crs O'Neil and Hagggar**

That:

1. Council be provided quarterly update reports to monitor progress on implementation of Council resolutions
2. Council notes the progress update on implementation of Council resolutions contained within this report
3. Council endorse the completed resolutions contained within this report

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

12. Councillor Reports

There were no councillor reports.

13. Rescission/Alteration Motions

There were no rescission/alteration motions.

14. Notices of Motion

There were no notices of motion.

15. Questions with Notice

There were no questions with notice.

16. Questions without Notice

16.1 Cr O'Neil - Regional budget

Cr O'Neil asked could and is BVSC working with our Local Government peers, Country Mayors Association and with Local Government directly to access a share of the \$500m in the regional budget even though we are a small council.

Chief Executive Officer, Mr Anthony McMahon advised it's relatively new. We have asked questions and will continue to advocate to get a share of the funding. This was raised with The Minister for Housing and Water, Rose Jackson and the Minister for Planning, Paul Scully at a Canberra Region Joint Organisation meeting last week.

17. Confidential Business

There was no confidential business.

18. Noting of Resolutions from Closed Session

There was no noting of resolutions from closed session.

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 3:06 pm.

Confirmed

Chairperson of the meeting of the Bega Valley Shire Council held on Wednesday, 10 June 2026.