



**Community/Directors Meeting
Machinery Shed
Date: 1 / 11 / 2014**

Minute Taker: Anne Wilson **Chair:** Lexie Gonzalez **Commenced:** 9.15am

Attendance: Peter O'Hara & Julica Jungehuesling, Mairead Shorten, Wayne Ellis, Ralph Erthel, Craig Singleman, John Tennock, Roger & Belinda Ball, Dave Launt, Harvey Cresswell, Mark Doonan, Lexie Gonzalez, James Galletly, Rose Mahar,

Apologies: Bronwyn, Denise, Anne Tennock

Visitors: Crow Tribe, Matt, Vivienne.

New Coloured Card System: Explanation from Lexie

Confirmation of Previous minutes:

AGM Proposed - Craig Seconded – Anne Approved unanimously

Secretary's Report: Ralph. Kelli Vallis has expressed that she is intending to move to the co-op, and has changed her name to Kelli Brasil.

Treasurer's Report: John T. See attached report, in particular principles for applying payments. Moved to adopt treasurer's report, including recommendations for processing payments: passed unanimously. Requested that we decide on next financial year's levies at the April meeting, so that payments can easily be applied at beginning of financial year. Generally working towards simplifying the treasury. Vivienne still has significant amounts overdue. Other members who are two years inactive owe relatively small amounts. Payments seem to be happening in a much more timely fashion. Marion Arent and Alan Highfield still in negotiation about share transfer.

DA Report: See attached report from Mairead. Crunch time. A few recommendations to seek legal advice from MRM. Discussion regarding submitting new Section 96 on grounds that previous submission was rushed and not approved by a GM. Discussion of pros and cons of Illa Langhi, widths, per site contributions, how hard to push, costs for different upgrade options, etc.

Moved by Anne, seconded by Roger, that DA committee seek legal advice from planning law specialist and obtain quote from GME for 2 options, with an open budget, and convene emergency director/community meeting asap following.

Option 1: 4 meter tar and 6m formation in front of neighbours, and leave rest as 2WD all weather on Nevertire.

Option 2: Same for Illa Langhi.

Approved unanimously.

Membership Report: Visitors Matt and Vivienne are interested in membership, and want to know which sites are definitely available. Discussion regarding status of Jacqui Rada's share. Matt and Vivienne are interested in it but prefer Nick R's – to continue discussion with Nick.

Moved by Anne, seconded by Mark, to cancel Jacqui Rada's share. Approved unanimously.

Break for tea at 11:30. Meeting resumed at 12:00.

Tractor Report: Roger: Tractor battery ok now, fixed connections, keep an eye on it.

Business arising from Previous Meeting(s):

- **Directors roles and responsibilities** – draft has been available at camp kitchen and emailed to directors. Moved by Mairead, seconded by Roger to adopt Director's Roles and Responsibilities as tabled at October AGM. Passed unanimously.
- **Update of by-laws.** Guidelines/protocol meeting have spent hours cleaning up by-laws. Mairead passed around 10 copies. Please read, make notes, and come along to the meeting if you want to contribute to the continuing cleaning up of the by-laws document – date and time TBA. To be eventually passed at a General Meeting. Please also contribute relevant by-laws from other communities.
- **Jacqui Rada's share** – Mairead to confirm process of transferring money for improvements with Warwick Smith for next meeting.
- **Tandem trailer for steel water tank.** Still looking for one. Tank can also be put on the back of a 4WD ute.
- **Shared Dam on Red Hill.** No new comments.
- **Nick Reid's site.** Ralph has been in contact with Nick, whose main concern is the noise, rather than the position of the dam, and intends to move here around 2016. He hasn't put forward a concrete proposal. Possibility of swapping with Jacqui Rada's old site. Ralph to contact Nick again with latest developments and ask him for a firm proposal.
- **Post party clean-up.** Discussion of rubbish left over after parties at camp kitchen, particularly as there was some mess left after Kirsty's party. Moved by Lexie, seconded by Anne that for private parties it is the member's responsibility to clean up, and for community events, it is everyone's responsibilities, and extra cleaning up after the event can be claimed against work levy.
- **Fire risk management.** Tarik for Marty, who was unable to be here today, but is looking to clear trees into communal land behind his site because his building is very close to the bush – thinking of removing 14 mature trees in the first 4 meters. Discussion regarding removing undergrowth vs large trees. Not sure whether he has calculated the BAL rating. Tarik to mark trees in question and Marty to come to meeting with firm proposal.
- **Trees on Red Hill oval area.** Moved by Paul to spend up to \$100 on fertiliser and replacement trees for the ones that have died. Passed unanimously. Tarik to ask Rob for replacement trees.
- **Seedlings.** Rose has Red Cedar seedlings to trade.
- **Seed library.** There is one at Port Macquarie library. Wayne wants to start one here at the camp kitchen – much support.
- **Feral animal control.** Discussion regarding offering a 'bounty' for foxes, cats and dogs caught on Goolawah. Discussion of how to counter corrupting the process, humane methods and training. More work needed. General support for compensating members for their time to eradicate feral animals, need to work out details. Paul to contact Bernard and James Baldwin.
- **Phone list.** Anne to re-do phone tree and Kev to create phone and services directory.
- **Proposed storage shed.** Behind camp kitchen, on stumps where tank used to be. No firm proposal yet, Kev to formulate. Leave the stumps there for now.

- **Tiki carving.** Discussion regarding where to stick him. Moved by Kev to put him a few meters Nth of pizza oven, but off the road – passed unanimously.

Work and Expenses Claims:

- Roger and Belinda. 16.5 hrs, working bee, pizza oven, etc.
 - Kevin 12 hours sculpting Tiki and working bee.
 - Sue 2.25hrs, website
- Moved by John T, seconded by Anne to approve claims: passed unanimously.

Review Community Work List:

Approved Community Work List

- Brush cutting along Illalangi Rd
- Pot holing roads
- Clearing fence line along Forest Way
- Weed eradication eg. lantana, camphor laurel...
- Tractor maintenance
- Slashing / mowing on agreed community areas e.g. fire breaks, fire trails, fence lines, road sides, evacuation/sports field areas
- Membership Committee business
- Website maintenance / updates
- Minute taking – finalisation and distribution
- Community Kitchen Area (building, power, grounds, gardens, toilet.....)
- Organising children's activities during GMs
- Clearing large fallen branches/trees to facilitate slashing of approved community areas
- Cleaning up on the morning after a community party.

Meeting Closed: approx. 1:30pm.

Attached: DA report (following), Treasurer's Report and Proposed Reserves Table, Draft By-laws.

DA Report - November 2014

- Survey Done, Dave Launt helped as his Chain man, thanks Dave
- Meeting with Dennis Partners with Mairead and Dave Launt. Joshua brought his dad Robert in and we met with him.
- Warwick solicitor reviewed our case and Mairead had an in-depth call with him.
- Mairead and John Tennock had a call with another lawyer Michelle who is the chairperson of Environmental Defenders Office in Brisbane who John Tennock sourced. Free legal advice and she is looking at her network for further assistance for us.
- Plans for Red Hill were submitted by Dave Launt, thanks Dave
- Correspondence from Council has continued, with repeated questions of when it will be done and we have given updates of progress made. Thanks Ralph. Council want a DA application for the building on Red Hill Evacuation area and highlighted it will also include fees for RFS referral. Dave Launt is going to look after that.
- **Main thing the Survey has told us**
- All the Road including the junction with Maria River Road is on the road reserve, although the road is not always centrally located on the road. Property boundaries/fences are where they should be.
- The Drainage Channel on the east side of the road is within the road reserve.
- **Main things Road Engineer said**
- From a road engineering perspective it is possible to upgrade Nevertire to a type 3 road from a technical perspective. If we are arguing about it, then it will be other grounds – not being able to afford the cost of and being a SEPP 15 development and not a sub-division.
- To upgrade it to Type 3 will be at least a million dollars by their estimates. Based on \$500 a linear metre for Type 3. It is easy for costs to blow out. The two main issues are the width of the formation (8m) and the pavement preparation required to get it ready for seal. The width impacts driveways which will have to be upgraded and provided with drainage, table drains and drainage channel moved and filled, the road realigned to centre and straighten it. Trees will need to be removed. The sub-surface under seal needs to be level and flat, road works done to date will have created an uneven surface. It is cheaper to level it and treat it like a new road build, otherwise getting the heights and fall correct is difficult. There is no bodging up a public road, e.g. spraying a bit of seal on top, that is not done on public roads. It all has to be designed, supervised and signed off that works were done as executed.
- At the moment the law says it must be a Type 3 to Council Standards and signed off, in order to get that condition changed you need to submit an application to modify the conditions or appeal the decision.
- It is normal for a development of our size to be required to upgrade the road, and Council take on maintenance afterwards. Otherwise when Maria is eventually sealed, Nevertire residents and some of our members will be asking Council to seal it. The idea is developers wear the cost of extra traffic the development generates, reducing the costs to the wider community in the future.
- Councils work from Standards and Tables, their table (written for sub-divisions) is limited to six categories which does not cover every situation. Type 3 road is the type for a development our size
- He Recommended we propose a staged approach

- Design the full length of the road and get that design agreed, this would include geo-technical reports, which will be critical in determining the depth of the fill required
- Upgrade the residential section to a 6m wide formation with 4m seal – which would be 650m long, starting 100m from our property. With this narrow width it would be \$200K by their estimates, we need to talk to George to see what he thinks. The AUSTRoad standards allow for a 4m wide road where vehicle movements are less than 150 per day.
- Upgrade the rest of the road, over time to a 6m all-weather gravel formation suitable for emergency access. He advised 6m formation was better than single 4m width with passing bays in terms of cost, need to check with George
- He advised exploring the option of smoothing out the corner. If Jason is willing to dedicate the corner of his block, then it may not be expensive and make the road a lot safer.
- We may have to be prepared to upgrade further sections to seal over the years. They are our fall back positions. E.g. when Maria River Road is sealed, at full occupancy. Although upgrade is usually done after the development consent and not at some future date.

He questioned if we could legally be responsible for the maintenance of a Council public road.

He advised stick to one road. But look at Illa Langi and determine which is the cheapest to upgrade (In March Council Engineer was open to either one, Nevertire was chosen the upgrade distance to be upgraded was 1.5km as opposed to 2km with Illa Langi and closer to existing seal)

- **Warwick Advice**
- Last Section 96 application could make it difficult to retreat from upgrading Nevertire.
- Forget across the table negotiations, go to formal mediation.
- He is overseas from April, if appealing recommends we go with someone else, as court proceeding may not be completed by April. He can do across the table negotiation or formal mediation if that is what we want.
- He is low cost and understands SEPP15's, but he is a general law practitioner and not a lawyer who specialises in planning matters.

What we need to do now

- We need expert legal advice from a planning specialist, Warwick cannot offer this, this was the second opinion stage. Options to be pursued include: ERM in Newcastle (Louise has worked with them), EDO crowd is trying to find someone for us – lawyers in Nimbin. Need answers to
 - Is it in our interest to appeal the Section 96 determination (note Nov 23rd deadline on this), given the application that was made on behalf of Goolawah.
 - Can we submit a further Section 96, who determines whether to accept it
 - Who determines the time frame for road upgrade, what timelines can Council enforce, given their repeated threats of proceedings
- We Need to talk to George McKweon, Road contractor about Costs
- We need to put our proposal into Council and decide the best strategy to do this. We need to be clear on what we want and what we can afford to do. We need to ensure it is feasible before committing ourselves to something.