

General Meeting
Date: 16th January 2016



Minute Taker: Denise Cobourn

Chair/Facilitator: Paul Martin

Commenced: 9.10am

Attendance: Craig Singleman (D), James Galletty, Tony & Louise Roberts (D), Bronwyn Little, Roger & Belinda Ball, Greg Ryan, Ralph Erthel (D), Zoe & John Hutchinson, Mohini Brownlow, Tarik Morssi, Nityama, John Tennock, Larry Knight, Russell Childs, Kevin Harper (D), Dan Rose, Dennis & Denise Cobourn, Paul Martin, Dave Launt, Myumi, Michael Clancy, Wayne Ellis, Sue Loudon (D), Mairead Shorten, Peter o'hara, Julica Junghusling, Trinh, Margaret and Keef Leach, Rob Conlan, Anne Wilson (D)

Apologies: Rose Mahar (D), Rebekah Gorline, Alicia Fox, Satwa

Visitors: Emma Detailleu, Allan Blake

Proxies: Anthony Griffiths

Confirmation of Previous minutes:

October AGM Proposed - Bronwyn

Seconded - Louise

October GM Proposed - Ralph

Seconded - Louise

Correction: Russell did not contact Fair Trading.

December CM Proposed - Ralph

Seconded - Louise

Correction: Sue Loudon was an apology, Turner Freeman invoice was for advice on insurance not the DA.

Business arising from Previous Meeting(s):

1. Is the proposal to buy a new fire striker going forward?

Carried forward to January GM as Fire Squad members not present at December CM.

- refer to Resolution 6

2. Update on Media Liaison Policy. Met 2/1/16 - working on draft guidelines, circulated some copies for comment.

ACTION: Post draft guidelines on website. Feedback comments to Media Committee, comments can be posted on the web..

3. Donation to Larry and Craig for the use of their PA.

Feedback from Ralph re discussions with Larry and Craig to discuss an equitable amount.
- refer to General Business

4. Have reminder letters been sent to those members within 3 months of the 2 year threshold to highlight their delinquency and the risk of forfeiture of their shares?
- refer to Treasury Report.

5. Purchase of 40km speed. Possibly more signs aimed at dust reduction.

ACTION: Approve budget of \$150 to purchase more signs - 40km sign and reduce dust signs.

Denise to source signs.

Secretary's Report:

Nothing to report.

Treasurer's Report:

Treasurer's task is easier if members pay quarterly amount on invoice. Can still pay annually/ other amounts if you wish. Transfer from NAB to Bank Australia has now occurred. Members are continuing to make payments into the NAB account - **please start paying into the Bank Australia account.**

The following members are more than 2 years behind with levies;

Ben Adams - \$1,680

Justin and Leah - \$3,024

Grant Woolcock - \$2,535

Letters have been sent to the members requesting payment.

Leah has contacted John to say they are now in a position to catch up. John needs to discuss a payment plan with Justin and Leah. A Direct Debit will be suggested.

Discussion and comments:

Unpaid levies - Letters include the risk of forfeiture of share if payments are not made. Concern the community doesn't tend to follow through on this 'threat'. Forfeiture of share would be difficult to enforce upon residents. For non-residents we should follow through on this 'threat' as we did with Jackie Rada's share. Collecting unpaid levies is a community responsibility - Craig and Ralph offered to support John re collection of outstanding levies. If we don't act outstanding levies could easily snowball to \$10,000 (this has happened in other communities). At Bundagen - being put on notice to attend a General meeting for expulsion has worked. Let community know when members stop paying levies asap.

Invoices - Russell questioned wording on the invoice - 'In order to be an active member you need to have paid by the due date all accounts (Rule 14), and your membership can be cancelled if you have not been an active member at any point in the last two years (Rule 15).' Members agreed this is accurate wording.

Newsletter - Printing and Stationery - Ralph clarified amount - total is for 15 months.

Work and Expenses Claims:

Ishbel & Luke Keenan - \$40.00

Roger & Belinda Ball - \$180.00

Ralph Erthel - \$180.00

Rose Mahar - \$115.00

Stuart Plougher - \$45.00

Wayne Ellis & Bronwyn Little - \$25.00

Approved unanimously

Review Community Jobs List: no discussion.

Adopt Treasurer's Report 16/1/16

Moved: John Seconded: Roger

Approved unanimously

DA Report:

The council meeting on the 15/12/15 voted to refuse Goolawah's proposal to modify Condition 4(a) from;

Nevertire Road shall be designed and constructed to a Type 3 Local Road standard having the characteristics listed in Development Design Specification D1 of Chapter B3 of Kempsey Development Control Plan 2013. ie a sealed road

to;

Nevertire Road shall remain an all-weather (unsealed) two wheel drive access road at its current width and formation, with 40 kph speed limit in the residential section and maintained in perpetuity by the owners of Lot 1 DP1191860 to the standard required by emergency services.

Discussion and comments:

- DA Committee and Directors met last Sunday to consider options.
- Council didn't notify Goolawah of the meeting on the 15/12/15 as requested.
- All councillors voted against Goolawah's proposal to modify Condition 4(a).
- Council Agenda and Minutes for the 15/12/15 can be viewed on Council website, and provides detail as to why Goolawah's proposal was refused. Key issues were setting a precedent, safety and amenity impacts - in particular dust impact on residents, level of traffic generated by development.
ACTION: Post Council Agenda and Minutes for the 15/12/15 on website.
- Council has no policies specific to SEPP15, only for subdivisions.
- If we decide to go to the Land & Environment Court and appeal to have council's decision overturned, the case needs to be ready well in advance of the 6 months deadline. Need legal advice on case for appeal.
- Pursue mediation within court system. This can be binding or non-binding. Land & Environment Court provides the mediator.
- Important to obtain legal advice from Planning Law specialists. Names put forward for legal advice - Michael Young (northern NSW - 3 or 4 in practice), Turner Freeman (large Sydney firm), Donald Mallick (from Cessnock - payment required for consultation).

- Re-negotiating with council to consider an alternate solution will mean another Section 96 application.
- Council meeting on the 15/12/15 also had a Confidential Section (not for public) relating to Compliance issues on Goolawah. To date we have not received a letter from council so we don't know what the compliance issues involve.
- In 'developer land' - a developer would have to seal Nevertire Road.
- Suggestion to split traffic between Nevertire and Illalangi requires careful consideration.
- Sealing of Maria River Road was identified in the schedule of works in a 2009 Council plan. When will this become a priority for council?
- Table in Council's agenda relating to Rural Road Design - are we saying table is invalid? Saying the table is not clear.
- Regarding dust - what happens if a neighbour blames respiratory problems on council for not sealing the road? Health issue is important. We have to recognise we are 78 shares ie. 78 developments. What happens if we lose in the Land & Environment court case? We'll have to seal the road.
- Should we change the order of options? How do we raise funds?
- Can a SEPP15 ask for assistance (grant) from a government body - we could investigate.
- Thanks to the DA Committee. If we agree to tar the road how would we fund/organise this?
- We should consider putting up 20km road signs on Nevertire Road in front of residences to reduce dust. Council are saying reducing speed limit to 40km does not reduce dust.
- Need a timeframe and more accurate costs if we agree to tar.
- If we agree to tar council maintains Nevertire Road. We are responsible for maintenance forever if Nevertire remains unsealed. How much would this cost over 20 to 30 years? Important to cost into the future. Bundagen - spends \$30000 every year for maintenance of 4km of external roads.
- 6 months starts from date of determination. ie. 15/12/15. Concern about timeframe.
- Need a multi-pronged approach. Legal advice is important. Do nothing - not an option. Should re-negotiate with council. Action sooner than later.
- Council did not address all of our concerns in the Section 96 application. What if we say yes to tarring, if council agrees to tar Maria River Road? Let council know we are prepared to go to court to appeal their decision.
- \$750,000 didn't include culvert. If it were \$1million cost is \$13,000 per share.
- Need to approach council to determine their thinking. Ask for a meeting General Manager and his team. Seek legal advice asap.
- Play hardball, get a solicitor and go to court.
- Suggest to council we tar in front of houses.
- Don't 'fear' having to pay \$13,000 per share. Individuals will be able to budget for this. It would be more costly to sell and live in the wider community.
- Can't ask for an extension on the 6 months.
- Who would be responsible for fencing?
- Gate/grid combination at the start of Nevertire Road doesn't comply with law. Think council may have already asked for this to be removed.
- Nevertire is a council owned road.
- Consultation - council did not consult with members who have current DA.

BREAK for morning tea.

Options: (Note - options are not exclusive - members may vote for more than one option)

1. Lodge an appeal to the Land & Environment Court within 6 months for council to overturn their decision.
For - 18 Against - 0
2. Do nothing
For - 0 Against - 27

3. Re- negotiate with council
For - 26 Against - 0
4. Seal Nevertire Road ie Type 3 road - providing council allows Goolawah to complete sealing of the road over a period of time (implementation plan). Note: DA Condition 4(a) is legally binding.
For - 24 Against - 0

DA Committee Members: Ralph Erthel, Louise Roberts, Bronwyn Little, Mairead Shorten, Peter O'Hara, Craig Singleman.

ACTIONS:

- **Approve a budget of up to \$5,000 for legal advice and empower DA Committee to move forward as needed (excluding lodging court appeal)**
Moved - Roger Seconded - Ralph
Approved Unanimously
- DA Committee organises a meeting asap, community invited to attend.
- Letter /email to council asap requesting a meeting.....
- DA Committee aims to meet with council before 6th February Community Meeting.
- DA Committee meetings - take notes and post on website.

Road Report:

Pot holes need repair. Organise for next working bee on the 20/2/16. Get 2 trailer loads of road base the day before.

Membership Report:

Andy Kerr - needs to meet his neighbours to progress membership application.

Gunter - all documents received. Referees checked. Membership interview is the next step. Not in a hurry to get a site.

Susie ? - interested.

Sophie Gribble - no further action.

Fire Squad:

Working on fitting out trailer, pump repaired. Need to keep on top of fuel reduction.

Tractor Report:

Be mindful tractors, slashers and posthole diggers are a very dangerous. Recent incidents - damage to slasher, mud guard damaged. Slashers are not in good condition. If injury occurs we could be in dire straits because tractor and slasher are currently not in a good state of repair. Slasher still needs new bolts - Mark getting bolts.

Suggestion to purchase a heavy duty mower.

ACTION: Machinery Committee to bring back a proposal to a meeting.

Resolutions:

Brief discussion regarding voting - is voting attached to membership or number of shares held? Some thought it was attached to membership and some thought it was attached number of shares (see note at the end of minutes).

1. To adopt Goolawah Co-Operative's DRAFT REVISION OF BY-LAWS September 2015.

Proposed & Seconded: Policy & Guidelines Committee

For: 25 Against: 0 Abstain: 3

No comments received on website.

Discussed By-Law 10A (a) i) 8. relating to grey water systems. We should be upholding this By-Law.

2. To adopt the 'Index of Changes January 2016' to the Delegation Manual for Directors and Office Holders.

Proposed & Seconded: Policy & Guidelines Committee

For: 22 Against: 0 Abstain: 2

3. To adopt the draft Membership Policy and Procedure.

Proposed & Seconded: Policy & Guidelines Committee

For: 23 Against: 1 Abstain: 2

Discussed "Stay for 2 weeks" - Staying for 1 week with 3 different members not known to them, by way of camping on their block or staying in their home is encouraged - it is not a requirement.

Permanent place of residence clarified - Council expectation / SEPP15 requirement - if you build, Goolawah should be your permanent place of residence. New members sign an agreement to this.

4. To adopt the draft Finance Policy.

Proposed & Seconded: Policy & Guidelines Committee

Discussion and comments;

- Need to include "if a member dies, inheritor wishing to sell needs to produce a Death Certificate, and other mandatory documentation which could include a Will, Letters of Administration, Statutory Declaration, or a Grant of Probate (if obtained). In cases where there is no Probate, a cheque should be made payable to "The Estate.... (name)..."

Important to have this clear to protect Goolawah.

ACTION: Add this in at a later date as a revision. Put forward at a future meeting.

- Inheritor/s need to become a member/s.
- Concern Finance Policy is becoming uncompassionate.
- Primary shareholder is listed first on the Share Certificate
- Second person on share would not receive the funds if sold - could be an issue if couple separating.
- Primary person has the rights - reading of rules. This is joining issue not a finance issue.
- Nothing in rules about capital, only voting rights. Share capital should be returned jointly.
- Primary shareholder - need to re-visit this.
- Both parties are responsible for share.

ACTION: Issues around Primary shareholder requires further work shopping.

To adopt Amendment to Resolution:

Now reads - "To adopt Finance Policy minus 'Joint Share Ownership' and 'Refunds', which requires further work shopping".

Proposed - Roger Seconded - Michael

For - 22

Against - 0

Abstain - 3

To adopt amended Resolution:

For- 24

Against - 0

Abstain - 1

5. That an area of land be set aside for a Goolawah Cemetery at Goldmine Hill on the east side within the area currently ringed by trees, and that the appropriate approval be sought from the Public Health Unit of the Mid North Coast at Kempsey.

Proposed: Anne Tennock

Seconded: Ralph Erthel

Precedent: Bundagen Cooperative has a cemetery.

Rationale:

- Goolawah Cooperative Ltd easily meets the requirements set out by the Public Health Unit for a cemetery on private land. These requirements are that the whole property be at least 5 hectares in size, and that the drainage from the site does not flow into drinking/ domestic water supplies. The east corner is well away from any area for a community building.
- The steps to allow burials at Goolawah are to get the cemetery site approved first by the Public Health Unit of the Mid North Coast at Kempsey. This needs to be organised before anyone can be buried there. Once we have an approved site, burials can happen there. It is the cemetery that gets approved, not the individual burials.
- Goolawah has already had several members die, and can expect this natural process to continue happening over the years. Having the choice to be buried at Goolawah could be a desired option for some members. It would be open to individuals what they chose, although it is worth noting your intentions if you wish to be buried and where this information is found.
- The cost of a burial plot (interment right fee) in one of the Kempsey cemeteries is \$3075.00. Having our own cemetery could reduce the cost of burial by this amount, and possibly also by the burial fee (digging the grave, back-filling and re-landscaping); and possibly the memorialisation fee (headstone, plaque or other memoria). A coffin, and undertaker's fees for transport, and all the procedures that have to be carried out are quite separate and happen anyway.
- Burial is a very 'human' process, but is rapidly becoming too expensive. Having a Cemetery would bring the cost of burial back in line with the cost of cremation.
- Interment rights in a public cemetery are not perpetual. After a while, plots get moved on and can be re-used. Goolawah's Cemetery could offer a perpetual option.

- Environmental and carbon emission concerns may result in a preference for burial. Cremation requires a body in a coffin to be burned for 2-3 hours at 750°C to 900°C, a lot of energy. Cardboard coffins don't help - the process then needs more energy to complete. Cremation releases a lot of mercury.
- The proposed site for the Goolawah Cemetery at Goldmine Hill is peaceful and filled with birdsong and calm. It is a peaceful place to go and contemplate the possibility of a final resting place, and a comforting prospect compared with some of the 'public' options such as big cemeteries in towns, cremations, etc.
- Cemeteries as final resting places are closely linked to the history of a community long-term, land and place.

Discussion and comments;

- John and Anne have discussed this at length and decided to put forward a proposal after discussing with a number of community members. Sense of place is important.
- Great idea. Suggestion for location on the corner of Forest Way and IllaLangi Road.
- Fees / costs prior to moving forward is important.
- Thanks for researching. Gold Mine Hill is okay location.
- Look after our own...
- Running out of room to bury people in many places. Consider sustainability. Requires DA application. Can have a maximum of 4 burials - need to apply for an exception - this is quite a process. Hit water - need lead coffin. Change title on dead - public access for ever.
- Move away from Gold Mine Hill. Important to follow up on issues raised.
- Our land is too low lying. Not enough high land.
- Prefer Forest Way location.
- Environmental issues of burying in the ground.
- Tree roots and the need for machinery. Vertical burials?
- Straw vote - might just get over the line.
- Decision made to withdraw Resolution for the time being.

5a. That a planning group be formed of anyone interested in the Cemetery to make recommendations on the following:

- procedures for anyone wishing to be buried in the Goolawah Cemetery
- whether or not to fence the Cemetery
- whether to keep a register of burials
- whether to make a plan of the layout for grave sites
- what management would be needed to keep it accessible, maintain fire breaks and length of grass
- whether to appoint a member to make sure burials meet the requirements.
- check the possibilities of digging graves and making coffins within the community
- who could be buried (current/former members)
- whether the option of a burial site in the Goolawah Cemetery can be offered to members as part of their rights as shareholders without additional charge

- public cemeteries require a burial licence - would we?
- research what happens if someone dies here.

Proposed: Anne Tennock

Seconded: Ralph Erthel

Amendment to Resolution;

5a. That a planning group be formed to make recommendations on the feasibility of a Cemetery at Goolawah.

Proposed - Peter

Seconded - Sue

For - 19

Against - 0

Abstain - 5

Adopt amended Resolution:

Proposed - Peter

Seconded - Sue

For - 24

Against - 0

Abstain - 5

Planning Group: - Anne and John Tennock, Ralph Erthel, Russell Childs.

6. To buy a reliable diesel 4x4 Hilux ute for use as Goolawah's fire striker. Budget up to \$5000 on vehicle and repairs. Plus approximately \$1000 to fit it out.

Proposed: Paul Martin

Seconded: Lexie Gonzalez

For - 21

Against - 0

Abstain - 0

Rationale:

A fire striker has proven useful to us when managing fire. The current striker is petrol (which is very dangerous at fires) and un-reliable. It is not a vehicle that you can jump in and get to a fire quick. It has idiosyncrasies and all the problems you get with very old vehicles. The plumbing on it to move water is not very user friendly. Paul volunteers to work on fitting out a new vehicle with fire plumbing from the old vehicle and new parts. Part of this budget could come from the remaining fire squad budget as the meeting decides.

This rationale has been put up to start the debate and allow the meeting to vote on it if we want to.

Discussion and comments;

- Striker unit would potentially save a house - 7 minutes to save a house.
- Cost and efficiency of fixing current vehicle - response - too old.
- Buy 2. One in west and one on Red Hill.
- Will we get something 'suitable' for \$5000? Yes - hilux are a proven reliable brand. Doesn't require registration.
- Already have an annual budget.
- Questions about current set up - tractor will be used to pull current striker.
- Highlighted tractor towing current fire striker trailer in an emergency would not be efficient or timely.
- Are grants available? Bundagen did get assistance from RFS. Paul hasn't found an avenue to date.
- Trailer striker is good for management of ongoing fires. Need tractor for slasher.
- In an emergency how would we access key? Consider key pad lock.
- Clarified Fire Maintenance budget is \$4000 and is required for its original purpose. Ute would be a one-off purchase.
- Bundagen bought a \$20,000 vehicle. Planning to buy a second one.
- Awareness that slashers and mowers do start fires - no slashing on fire ban days.
- Consider a Landcruiser instead of Hilux.

General Business Agenda Items:

1. Money for PA - all welcome to join band. Aim to play at a minimum of 4 events per year. Original amp was too small. Larry and Craig invested in a larger amp. In future could be housed in Community building (not recommended).
Idea - members can volunteer a \$100 share / contribution. Craig and Larry contributing to \$500 each.

Discussion and comments;

Best to ask for a donation rather than a share - avoids idea of ownership.

Proposal - Goolawah to make an \$800 donation to the amp.

Proposed: Roger

Seconded: Ralph

For - 24

Against - 0

Abstain - 1

2. **Internet.** Dan recently did a job for Wires Internet Australia. Currently doing feasibility study. Should be able to provide 100GB at \$60 per month.
Straw vote - go ahead with enquiry.
3. **Red Hill Fire Shelter** - meeting last Sunday to finalise location (more central position). Submitting form to council to advise of intent to break ground. Hope to start end January / beginning February.
4. **Cindy Munroe**- Cindy approached Craig as a Director regarding a dispute with Justin and Cynthia. Cindy did say things had improved in a follow up discussion. Craig suggested mediation. Cindy is currently away. This is a private issue. Cynthia and Justin are not paying rent. They have completed building work for Cindy and are maintaining her share.
5. **Larry** owes 2 years of Work levy - submitting a claim for \$360 for G-Work work. Approved.
6. **Jo's car** (broken down near North gate) will be dealt with.
7. Wayne and Bronwyn will soon be doing the annual video drive.

Gratitude Round:

Meeting Closed: 1.45pm

NOTE:

From November Community Meeting 2015

"Clarification requested regarding voting - See Rule 28 "Voting Rights". One vote per membership, voting is not attached to the number of shares you hold, joint members have only one vote."

Rule 28 - VOTING RIGHTS

- (a) An active member of the co-operative shall have one vote only in respect of any question or motion arising at a general meeting of the co-operative.
- (b) A member's right to vote is a personal right and is not attached to, or conferred by, any share held by the member in the co-operative.
- (c) In the case of joint membership, the joint members shall have one (1) vote only between them and that vote may only be exercised (subject to the grant of any proxy in accordance with Rule 31 or power of attorney) by the joint member whose name appears first in the register of members.