

GOOLAWAH CO-OPERATIVE - BY-LAWS REVISION

Ordinary Resolution

To approve 2024 revisions to Goolawah Co-operative By-laws as per the table attached - i.e. By-Laws 1, 2, 3, 6, 9 through 22.

(By-law numbering will be altered to reflect these amendments)

Proposed: Wayne Skinner Seconded: Julica Jungehuelsing

Rationale:

By-Laws were last revised in 2016 and 2019. The need for further revisions to reflect current practices was raised at the April 2023 GM, and draft ideas were discussed at a community meeting in November 2023.

Subsequently, a single motion was put to a GM in Dec 2023 to alter 21 of the 22 By-laws, which was not carried, as four important by-laws needed further discussion.

The table below includes those revisions generally regarded as uncontroversial but still requiring amendment; with By-Laws 4, 5, 7 & 8 excluded for further community discussion.

CURRENT	SUGGESTED REVISION	RATIONALE
1. All members shall abide by the co-operative’s Code of Conduct.	Members and guests shall abide by the Co-operative’s Code of Conduct.	To include everybody.

2. A Director will act as a first port of call for disputes and complaints, and facilitate the resolution by guiding the member/s through Rule 22 Disputes and Mediation or the Complaint Management Policy and Procedure.	Remove, as covered in the Grievance Policy	Covered in policy. Refer below.
3. Members and their visitors are not to drive faster than 20km in residential areas and 40km in non-residential areas on the co-operative and on both access roads of Nevertire and Illa Langi.	Members and guests are not to drive faster than 20km in residential areas and 40km in non-residential areas on the Co-operative.	Visitors are Guests. NSW Road rules must be adhered to on Illa langi and Nevertire roads including speed limits.
6. Members or visitors are not to go onto another member's home improvement site without that member's permission.	Members and guests are not to go onto another member's site without that member's permission except for official or emergency purposes.	Revised to enable the board and members to respond to issues, deliver urgent messages and react in emergency.

9. The decision to remove any native trees >100mm on the co-operative is to be made by ordinary resolution at a General Meeting and must comply with current legislation. For guidance of removal of trees on a member's site refer the flowchart on the website.	Removal of native trees on community land or individual sites must comply with current land management legislation. Removal of native trees with a diameter greater than 100mm on community land must be approved by an Ordinary Resolution requiring 21 days' notice.	Suggest: Ordinary resolution to ensure notice given to the community before trees are removed on Common property and to ensure 2/3rd community approval. The Native Vegetation Act 2003 was repealed on 25 August 2017 and current legislation governing the clearing of native vegetation is the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016.
10. Herbicides, pesticides and non-biodegradable detergents and products are not to be used on the co-operative without permission from a meeting.	Herbicides, pesticides and non-biodegradable detergents and products are not to be used on the co-operative without permission from the board or a General Meeting.	To clarify meeting.
11. A member intending to use any of the co-operative's natural resources, must present a written management plan to a general meeting for approval, to ensure that all resources are managed in a sustainable and equitable fashion.	Members intending to use any of the Co-operative's natural resources must present a written management plan by Ordinary Resolution with 21 days' notice to a General Meeting for approval, to ensure that all resources are managed in a sustainable and equitable manner.	Suggest: Resolution to ensure the plan is advertised at least three weeks before a meeting and 2/3rds of the community agree to the plan.
12. Members may take trailer loads of sand from the designated sand mining area, without need for approval. Larger amounts are subject to approval at a general meeting. Sand is not to be removed from the co-operative.	Members may take up to 3 cu. meters of sand per year (approx. 5-6 car trailers) from the designated sand mining area without the need for approval. Larger amounts are subject to approval by Ordinary Resolution at a General Meeting. Sand is not to be removed from the Co-operative.	Added specified amount and timeframe to clarify how much can be taken.

13. All members shall comply with the Fire Action and Land Management Plans.	<p>Members shall comply with the Bush Fire and Land Management Plans.</p> <p>Fire permits require board approval.</p>	Applied RFS requirements.
14. All members shall comply with Council's Development Consent Conditions and the State Environmental Planning Policy No. 15- Rural Land Sharing Communities (SEPP15), which includes making the co-operative your 'Principal Place of Residence' (refer to co-operative's website – DA Goolawah).	Members shall comply with Council's Goolawah Cooperative Development Consent Conditions. Consent by the board is required for all new DAs before commencement refer to the link for Development conditions	SEPP 15 has been replaced with Kempsey Council Local Environment Plan. Goolawah's DA consent conditions were approved on 2 September 2022, a new link to the DA conditions will be provided in the document. NSW DA portal requires consent from the legislated owner before any DA can be submitted.
15. Before any occupation or development takes place on individual sites, a Council Development Application must be submitted and approved (refer to co-operative's website – DA Members). This will include an approved grey water system and a dry composting toilet. No pit toilets are to be dug on the co-operative. Functioning home built designs shall comply with NSW Department of Health regulations.	Before any occupation or development takes place on individual sites, a Council Development Application must be submitted and approved (refer to Co-operative's website – DA Members). This will include an approved grey water system and a dry composting toilet or other approved toilet systems. No pit toilets are to be dug on the Co-operative. Functioning home built designs shall comply with NSW Department of Health	<p>Small change to add that "approved toilet system" are permitted.</p> <p>Note: Toilet systems are termed as Sewage Management systems by Council and approval is required through the NSW DA Portal by submission of a Section 68 application.</p>

16. All members who build dams must consult with and obtain agreement from neighbours and the community prior to construction. A detailed plan must be submitted at a meeting including location, size and vegetation removal. If the dam is not constructed within twelve months the plans must be re-submitted.	Members wishing to build a dam on community land or their site must obtain agreement from neighbours, and submit a detailed plan (including size, location, and vegetation removal) by Ordinary Resolution, with 21 days' notice, to a General Meeting for approval. The plan must be resubmitted if not built within 12 months.	Suggestion of adding a Resolution at a General meeting to ensure the plan is advertised at least three weeks before a meeting.
17. All members who build a structure or a plant tree/s creating shade on their neighbour's site must consult with and obtain agreement from their neighbour prior to building or planting.	Members who wish to build a structure or plant vegetation creating shade on their neighbour's site must consult with and obtain agreement from their neighbour prior to building or planting.	Slight wording change to simplify.
18. Members and potential members wishing to use community land, including individual sites, for private enterprise must submit a detailed proposal to a general meeting.	Members wishing to use community land or individual sites for private enterprise must obtain agreement from neighbours and submit a detailed proposal by Ordinary Resolution with 21 days' notice to a General Meeting for approval.	Ordinary Resolution to ensure the plan is advertised at least three weeks before a meeting and 2/3rds of the community agree to the plan.

<p>19. All Directors and Office Holders shall abide by the Delegation Manual for Directors and Office Holders, which includes General Matters, Policies & Procedures, Legal Matters, Complaints Management, Insurances, Banking Receipts & Payments, and Roads & Other Public Works.</p>	<p>Directors and Office Holders are legally obligated to abide by the Cooperative National Law and the Goolawah Rules. Directors and Office Holders must abide by the Delegation Manual for Directors and Office Holders.</p>	<p>Slight change required as Directors must abide by the Cooperative Legislation as well as the requirements of Goolawah.</p>
<p>20. All members shall comply with the Membership and Guest Policies. 21. All members shall comply with the Finance Policy. 22. . Co-operative machinery shall be used only by active members, and in accordance with the Tractor and Machinery Policy.</p>	<p>Members must abide by all Goolawah Co-operative policies including but not limited to:</p> <p>Finance, Membership, Guest, Machinery, Grievance, Privacy.</p> <p>Policies can be accessed on the Co-operative website at https://goolawahmembers.com/policies/</p>	<p>Combined reference to all policies.</p>