



DSRA General Meeting Oct 20, 10am

Swansea Courthouse, Noyes St

Present: see attachment

Meeting opened: 10am

Discussion about filming meetings

Neville explained that recordings would be used to give the committee an accurate record of the meeting and for the committee to reflect on. After objections to filming were raised, it was agreed to record audio only.

- 1. Motion: That the minutes of the previous general meeting are accepted as a true and accurate record.**

Moved: Mal Innes; Seconded: Liz Sealy; Carried.

- 2. Matters arising from previous meeting**

None

- 3. Acting President's report**

Neville Stewart gave a brief summary of the committee's activities since the last general meeting, including a meeting with Jason Jacobi (Deputy Secretary, PWS), a meeting with relevant Council personnel regarding beach accesses, a meeting with Mark Klop (District Officer, TFS) and further work on the constitution. Neville noted that the DSRA now has over 160 financial members.

Reports on projects:

- 4. Beach accesses**

David Cooper gave a summary of the meeting with representatives of GSBC, PWS, CLS & TFS. After each group stated their position, Dave presented Leigh Sealy's summary of the legal situation [available on the website]. This seemed to come as news to members of meeting, although they had been forwarded with copies of Leigh's work prior to the meeting. Two major issues arose from the meeting. Firstly, Council have concerns regarding liability if they enter into an agreement with DSRA or members to maintain beach accesses. Secondly, joint ownership: each resident of Dolphin Sands enjoys a right to use the private rights of way (as Leigh has noted). However, as an interested party, Council have indicated they would want to open the access ways to the general public. Consequently, the committee feels that it may be best to let the issue rest and let the status quo continue.

Thanks to Geoff Jones and Barry Smith for attending the meeting with Council et al.

Leigh Sealy clarified the situation. In Cambria Drive, there are 4-6 access ways which are clearly public land. The legal management of these access ways is in a different category to the rights of way in DS which are registered on titles. If you own land in the DS subdivision, you have rights of carriage way over all of the rights of way. However, planning permits would be required to develop them. Chains are unlawful interference with ratepayers' rights of way. Council needs to get legal advice rather than flying blind.

Robyn Moore noted that a summary of the meeting is on the website.

Debbie Wisby said that Councillors were not advised of this issue or the emails. [Correction: In the meeting, it was suggested Councillors had been emailed by the committee. This isn't correct. I have acknowledged my error with Cnr Wisby and Deputy Mayor Arnol.]

Paul Carswell asked for clarity about maintenance of beach accesses at Cambria Drive.

Leigh Sealy replied that the beach accesses at Cambria are under the control of council.

Residents would need permission (but not a permit) to carry out work, eg mowing.

Ann Wiseman noted that it's useful to have accesses.

Anne Held asked what the aims of the meeting about beach accesses were.

Dave Cooper replied that Council was strongly of the opinion the rights of way in DS were theirs. When he replied that residents have rights of way, it appeared to come as a shock. One possible scenario is for a joint agreement with Council. Council would take out liability cover & then put a set of rules in place for managing access ways. But then Council moved to equity issues (ie allowing access to the general public).

Robyn Moore explained that the DSRA were seeking clarity because residents wanted to know what they could & couldn't do regarding clearing beach accesses.

Leigh Sealy commented that the need for insurance and an agreement were furphies.

Residents have legal rights.

Barry Smith also attended the meeting with Council. He explained that Fiona Steel (CLS) stated that residents weren't allowed to make a path in the Crown Land Reserve (30 m inland from the high tide mark) to the beach. CLS only recognised the existing accesses; any others are deemed to be illegal, ie any accesses from private properties to the beach are illegal. Barry showed Fiona the covenants on his title deed. This shows that residents weren't allowed to make access for vehicles but could create a path for walking access. Fiona Steel seemed shocked. Mel Kelly (NRM) & Fiona Steel said they will get legal advice. They estimated it would take 3 months to get this advice.

Jenifer Crawford stated that this issue is not a surprise to Council. Notes from the meeting were in the agenda of a Council meeting. Also, Councillors were included in a workshop on ownership by Council. In the past, the General Manager has said he might sell some access ways. Jenifer said that was impossible.

Motion: to request Council to reconsider the issues surrounding public accesses at Cambria and private rights of way at Dolphin Sands and to report back to a General Meeting of the DSRA to clarify their position.

Moved: Kate Shield; Seconded: Gary Stoward; Carried.

5. Litter bins

Dave Cooper explained that the committee has been corresponding with Tony Pollard to get litter bins at areas of public access, with no positive response to date. Suggestion of using private contractors as temporary measure.

Michael Tierney raised concerns about bins overflowing and stated that bins weren't wanted.

Robyn Moore explained that the members had been surveyed and had given a clear indication of wanting litter bins.

Side discussion about motions from the floor:

Debbie Wisby explained the difference between items already on the agenda (in which case there's an assumption that an action will result from the item) and the dangerous territory of raising new motions from the floor which aren't listed on the agenda. There's a balance between giving adequate notice and not wanting to bog down a small community group.

Back to litter bins:

Gary Stoward commented that the skip at Swan River is working well. Are we looking at using skips at YSB etc? Concern about overflow.

Neville Stewart explained that it's up to the members what action is taken. Skips may be abused; smaller bins might be better.

Debbie Wisby said that, in other areas, when it's busy the works crew empty bins more often.

Jenifer Crawford said that bins on the road would be abused by tourists in cars driving past & overflow. She suggested a skip at the loop at BP because it's a dead end. Another option is having bins on the beach and a volunteer brings them to the roadside for collection by Council.

Motion: to request Council to consider public rubbish issues at DS and request appropriate solutions, such as skip bins at the turning circle at BP, YSB and at the beach access at the 5km (approx.) mark. Trial period of one year.

Mover: Elizabeth Stroud; Seconded: Anne Held; Carried.

Robyn Moore explained the problem of members' rubbish bins being thrown into the bushes while still full, which creates a nuisance and raises concern for the members. Advice from local police is that interfering with kerbside rubbish or recycling bins is an offence under section 13 of the Police Offences Act (1935).

John McKenna requested people leave their bins secure.

Debbie Wisby stated that leaving bins out is a breach of Council by-laws. Residents are responsible for own rubbish and need to work out another way to deal with rubbish.

Cheryl Arnol explained that the sustainability officer has a gadget to keep bin lids closed. These are available from Council.

Geoff Jones asked members to help out their neighbours.

6. Bagot Point

Danny Allford summarised the letter all ratepayers should have received by now from DPIPWE and gave a brief background. Committee members met with Jason Jacobi (Deputy Secretary, PWS) in June about Bagot Point. Jason asked that the meeting be kept confidential until he'd had time to decide what action to take.

Anne Held noted that the letter from Jason says that the committee approached PWS to consider reopening vehicular access to the deep-water launching spot. She asked at what point did members agree to the committee doing this.

Robyn Moore explained that, as noted on our website and the minutes from the March general meeting, the committee contacted Jason to request a conflict resolution process. At the meeting with Jason, he explained that this was beyond the capacity of PWS at this time.

Jason suggested contacting all ratepayers and asking for their input instead. The committee was happy with that as it at least allowed everyone to have their say.

Danny Allford explained that lots of information in Jason Jacobi's letter is incorrect. He gave a brief history of BP and explained that the problematic behaviour referred to in Jason Jacobi's letter was due to campers, not people launching boats. Putting the rocks in place helped stop the problems with camping but also blocked boatowners from launching in the deep water and led to many frustrated boat owners. Another unintended consequence was that water was blocked from entering and flushing out the Dolphin's Eye. This used to be a vibrant lagoon with pretty fish & birds but is now dead. A final issue is fire. There is concern that rocks will block a possible escape route in case of a bad fire.

Danny suggested that rocks could be placed around the pan to exclude campers and stop people driving on the beach, but still allow boat owners to launch boats. Rocks could also be shifted so that the lagoon could be re-filled. There doesn't seem to be any negatives from this option.

Danny noted things in the letter that seem strange: antisocial behaviour was due to campers not boat owners; rubbish was due to campers not boat owners; how was deep water access dangerous on one side of the river and not the other? Danny encouraged members to take this background into consideration to make informed decision.

Elizabeth Stroud suggested a scientific study on the Dolphin's Eye.

Danny said that was the responsibility of CLS and that people could add this suggestion to their response to Jason Jacobi.

Forms need to be in by October 30.

Yon Kikkert stated that a central principle of land management practice is that local's intimate knowledge of place cannot be usurped by thousands of dollars spent on studies. The locals are the ones that need to be consulted.

Kate Shield questioned whether the water table was dropping.

Neil Wiseman said that the area of sandpan that would be opened up could be used for parking for boats & trailers. This would leave the existing area for fishing & kids to play.

7. Swan River Rd boat ramp & jetty upgrade

Danny Allford explained that Mal Innes was unable to remain in the meeting to present this project. Mal has been doing a great job. Council & MAST have given approval to upgrade the area. The plans have now been upgraded to a floating jetty. The cost for this option is higher than the option that was previously approved and now there is a dispute about payment.

Mal will give us a proper run down at the next meeting. Council intends to start work on the preliminary concrete before Christmas. Thanks to Mal Innes for all his hard work.

8. DSRA submission to Council re 2018/2019 budget

Janet Beswick questioned the validity of the Cambria Green survey and suggested the information has been misused. She said that there's something going on that she needs to know about.

Paula Hanson defended the current committee and said she was very interested in filling out surveys.

Delayed to Any Other Business.

Robyn Moore discussed the survey the committee ran regarding the Council budget submission. The community were asked to put forward ideas for local infrastructure. The community were then surveyed regarding their support for these ideas. Two highly popular

ideas were a foot/cycling bridge over the Meredith River and a fire unit at the eastern end of the peninsula.

Foot/cycling bridge over the Meredith River:

Action: Committee to set up a working group for a foot/cycling bridge over the Meredith River.

Jenifer Crawford explained that this idea was in the Swansea/DS structure plan. She questioned the terms of reference of the constitutional working group.

Steve Barrett asked why the working group for Bagot Point hadn't met. He said that these are contentious issues and so it's important to get as many people involved as possible.

Neville Stewart asked where the current committee isn't doing those things. He explained that Jason Jacobi has fobbed us off until now. We haven't got to the working group stage yet.

Danny Allford said that Jason Jacobi was very much about community engagement and community ownership.

Dave Cooper agreed, noting that Jason Jacobi has a strong opinion in support of the community taking ownership and policing Bagot Point.

Robyn Moore explained that Jason Jacobi only wanted to meet with two committee members. We had to push to allow two more people to attend.

Fire truck/shed located on the loop at the eastern end of the peninsula:

Wes Button went to meeting with committee members and Mark Klop (District Officer, TFS) as a private individual. There are problems with time delays in TFS responses to the eastern end of the peninsula. Wes would like a small vehicle in that area as a supplement to the TFS in Swansea. This would allow much quicker access compared to waiting for a response from Swansea. Mark Klop raised a number of barriers - TFS cannot get younger members to respond; \$350,000 fire shed, \$250,000 fire truck; any volunteers need to be trained for 12 months; cannot legally enter another person's property to put out fire, unless TFS member with appropriate training; will require ministerial approval. Wes suggested the community could have a small response unit, eg a ute with a 2000 litre tank for quick response to fires out in that area. Wes would like to see as many of us as possible join the local TFS. He would like to see a small shed and small vehicle for initial response to a fire. This seems to be a far better option than waiting ½ hour for TFS to arrive by which time it's grown into a massive fire. Wes would like to canvas members who are concerned about response times at the eastern end and who are interested in signing a public liability waiver to allow Wes to go onto their property in the event of a fire.

Elizabeth Stroud suggested supporting people to reduce fuel loads on their blocks eg she has box trailer that people can borrow to take stuff to the tip.

Yon Kikkert raised a previous suggestion of the DSRA getting a heavy-duty chipper.

Neville Stewart agreed it was a great idea but raised concerns about maintenance and safety issues.

Geoff Jones explained that you can't operate a chipper unless appropriately qualified.

Danae Stewart suggested approaching Council to do the chipping.

Action: Committee to set up a working party to progress various options for fire safety.

Action: Members to join their local fire brigade to get training for fire-fighting.

9. Notice of intent to amend the constitution (Robyn Moore spoke)

Process for amending the constitution

To change the constitution, the specific motions must be put at one meeting of the Association. Following this, another general meeting must be called to vote on the changes (clause 11 of the constitution). There needs to be a majority of not less than $\frac{3}{4}$ of those voting at the meeting to accept the new rules. The rules of an association can only be altered by special resolution. Proxy votes are not allowed for voting on special resolutions.

The process so far

At the general meeting in January, there was agreement that the existing constitution needed updating.

After the general meeting, a working group was set up comprising Brett Harrison, Leigh Sealy & Robyn Moore. The working group prepared a draft set of rules based on the Model Rules and incorporating elements of the existing constitution.

The draft set of rules were tabled at the March general meeting and members were encouraged to go to the DSRA website, read the changes and comments on the forum and add their thoughts. A few interested individuals contributed, suggesting additional amendments. Thanks to Brett Harrison for incorporating these suggestions into the draft set of rules.

We have two options going forward:

1. All the changes are included in one document. Members either accept or reject the entire document.
A risk with this approach is that people will reject the entire document due to one or two clauses they disagree with.
[Please see the website for Leigh Sealy's view and suggestions to deal with this risk. Thanks to Leigh for his continued support.]
2. 18-19 separate motions. An advantage of this approach is that it allows some changes to be accepted and others rejected. It also means that amendments put forward by a single person could be taken to the membership before being included in the Association's rules. There are also potential problems with this approach, eg it could give rise to inconsistencies and contradictions.

At this stage, we need to decide on which option to follow and then present the relevant motions at one general meeting and vote on them at the next general meeting.

For the purposes of the meeting, the motions were separated out so that the changes that differ significantly from the Model Rules are most apparent. All suggestions made by members have been included as potential amendments. The committee doesn't necessarily agree with any of the suggestions put forward. However, we felt it was not up to us to veto suggestions. Rather, this is up to the membership to decide.

Many of the motion have explanatory notes after them. These notes are not part of the motion.

Motion no. 1

That the current constitution of the Association be replaced in its entirety with the document attached to this notice and entitled 'DSRA Rules of the Association, October 2018'.

NB: If the membership chooses the second option above (lots of individual motions), the first motion would be to replace the existing constitution with one that is based closely on the Model Rules. You can view the draft version on our website; see 'DSRA Rules of the Association, October 2018'. The draft currently shows additions to the Model Rules in red and deletions ~~like this~~ so that members can easily see the changes made. Sections which would be separate motions if the members choose option 2 (above) are highlighted. This formatting will be removed before voting.

Motion no. 2

That clause 2 of the Constitution be amended by inserting after the definition of "public officer" the following:

'**resolution** means a resolution (other than a special resolution) passed by a majority of not less than two-thirds of such members entitled to vote as may present personally or by proxy'.

NB: Currently resolutions are passed by a majority of one.

Motion no. 3

That clause 2 of the Constitution be amended by inserting after the definition of "special resolution" the following:

'**territory** means the land within the subdivisions commonly known as the Dolphin Sands Subdivision and the Great Oyster Bay Subdivision and those residential properties on Swan River Rd lying north-east of the junction of Dolphin Sands Road with Swan River Road'.

NB: in the current constitution, the territory consists only of the Dolphin Sands and Great Oyster Bay subdivisions.

Motion no. 4

That clause 4 of the constitution be amended by inserting as subrule(a) the following:

'to establish a non-political and non-sectarian Ratepayers Association to provide a forum for its members'.

NB: This motion and motions 5, 6 and 7 are taken from the existing constitution.

Motion no. 5

That clause 4 of the constitution be amended by inserting as subrule(b) the following:

'to promote and develop civic pride in the Territory'.

Motion no. 6

That clause 4 of the constitution be amended by inserting as subrule(c) the following:

'to use the Association's best endeavours to safeguard the interests of the Ratepayers within the Territory'.

Motion no. 7

That clause 4 of the constitution be amended by inserting as subrule(d) the following:
'to promote acceptable development within and adjacent to the Territory or which may otherwise affect members of the Association'.

Motion no. 8

That clause 4 of the constitution be amended by inserting as subrule(e) the following:
'to protect and preserve the flora, fauna, natural landscape and aesthetic beauty of the Territory'.

NB: This motion and the next one (motion 9) are new suggestions for this section of the Rules.

Motion no. 9

That clause 4 of the constitution be amended by inserting as subrule(f) the following:
'to provide a convenient means of providing and sharing information with and between the members.
For that purpose:
(1) The association shall maintain a website that is capable of being accessed by all members.
(2) The committee will use its best endeavours to ensure that all members of the association have the opportunity to comment on issues being considered by the committee.
(3) The committee will publish a communication strategy designed to ensure that all members of the Association are able to raise with the committee issues for consideration by members of the Association'.

Motion no. 10

That clause 5 of the constitution be amended by inserting as subrule(1) the following:
'Membership of the Association shall be restricted to persons over 18 years of age who are:
a. Residents of the Territory.
b. Persons who pay rates in respect of property situated in the Territory and spouses/partners of such persons.
c. Persons not included in either (a) or (b) above but who have interests in the Territory and have the approval of the Association.

NB: This motion is taken from the existing constitution.

Motion no. 11

That clause 5 of the constitution be amended by inserting as subrule(1d) the following:
'A director of a company that owns real property in the Territory. Membership shall be limited to two directors of any such company.'

NB: This is a new suggestion for this section of the Rules.

Motion no. 12

That clause 15 of the constitution be amended by inserting as subrule(1) the following:

‘At least two general meetings of the Association are to be held in each financial year, one of which shall be held in conjunction with the annual general meeting or immediately following the annual general meeting.’

NB: There is nothing in the existing constitution or the Model Rules about the number of general meetings to be held each year.

Motion no. 13

That clause 16 of the constitution be amended by inserting as subrule(4) the following:

‘The committee of management is to use its best endeavours to facilitate the participation of members by telephone, television conference or by any other means of communication that is approved by the committee.’

NB: could be difficult if meetings can't be filmed.

Motion no. 14

That clause 16 of the constitution be amended by inserting as subrule(5) the following:

‘A member of the association who participates in a meeting by any of the means outlined in sub-rule(4) is taken to be present at the meeting.’

NB: This motion is connected to motion 13 (above).

Motion no. 15

That clause 20 of the constitution be amended by inserting as subrule(3) the following:

‘In any other case, votes may be given personally or by proxy and for that purpose a member may, in such manner as may be from time to time approved by the Committee, appoint another member to be his or her proxy.’

NB: There is nothing in the Model Rules about proxies. The existing constitution allows proxies. The use of proxies seems necessary given that many members don't live locally. Following the October General Meeting, Deputy Mayor Cheryl Arnot said that proxies may be disallowed according to the Associations Incorporation Act. Leigh's advice in this regard is included in the appendix.

Motion no. 16

That clause 28 of the constitution is amended by inserting as subrule(1) the following:

‘The committee is to meet at least three times in each financial year at any place and time the committee determines.’

NB: Model Rules says ‘once in each month’; there is nothing in the existing constitution about this.

Motion no. 17

That clause 28 of the constitution is amended by inserting as subrule(6a) the following:

‘The committee may permit one or more members of the committee to participate in a particular meeting or all meetings by telephone, television conference or by any other means of communication that is approved by the committee.’

NB: This motion and the next one (motion 18) are referring to committee meetings.

Motion no. 18

That clause 28 of the constitution is amended by inserting as subrule(6b) the following:

‘A member of the committee who participates in a meeting under a permission granted under sub-rule (6a) is taken to be present at that meeting.’

Motion no. 19

That the DSRA Rules of the Association, October 2018 is edited so that the order of subrules is in numerical or alphabetical order.

NB: An attempt to deal with some inconsistencies.

The information above is for members’ information. The next step is for members to consider the information for themselves and decide they want to proceed.

Motions (none). The previous motion has been withdrawn

Any other business

Alan Gifford came across some one who went to the beach at the 5 km access road and couldn’t find her way off the beach.

Action: Committee to request CLS to provide appropriate signage.

Barry Smith said that the issue of signs to find and get off the beach was brought up at the meeting about beach accesses that he attended. CLS response: blue poles illegal; putting up signs is not their job; they are under-funded with insufficient staff.

Danny Allford said that CLS were required to do it by their rules.

Gary Stoward is part of a group doing Nine Mile Beach for the Great Eastern Clean-up. They had to get approval from Crown Land, via Parks, to do the beach clean-up. He doesn’t expect to get much rubbish because residents are always picking up rubbish. Gary requested that for the next week only, that people put any rubbish collected in the Green Bag on Gary’s gate (RA357).

Thanks to Elton for audio recording.

Meeting closed 12.30pm

Attendance General Meeting October 20, 2018

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| Danny Allford | Don Jessup |
| Sallee Allford | Jennie Jessup |
| Grant Andrews | Geoff Jones |
| Cheryl Arnol | Maree Keenan |
| Steve Barrett | Russell Keenan |
| Sue Barrett | Yon Kikkert |
| Janet Beswick | Terri Lazzari |
| Chris Bird | Chris McEwen |
| Diane Bricknell | John McKenna |
| Elton Broderick | Robyn Moore |
| Donna Button | Jo Petersen |
| Westley Button | Leigh Sealy |
| Paul Carswell | Liz Sealy |
| Jo Clement | Craig Selkirk |
| David Cooper | Kate Shield |
| Hilary Cooper | Barry Smith |
| Jenifer Crawford | Dianne Smith |
| Rob Curran | Danae Stewart |
| Sandi Curran | Neville Stewart |
| Diane Flannigan | Gary Stoward |
| Alan Gifford | Elizabeth Stroud |
| Paul Hanson | David Swifte |
| Paula Hanson | Mike Tierney |
| Marcia Harvey-Bird | Lorna Turner |
| Anne Held | Dave Walker |
| Dale Henderson | Emma Walker |
| Mal Innes | Ian Weatherhead |
| Robyn Irving | Mitty Williams |
| Ross Irving | Suzanne Williamson |

Debbie Wisby
Ann Wiseman
Neil Wiseman (61)

Attended by proxy

Peter Boekel
Yvonne Boekel
Jennifer Churchill
Rob Churchill
Hugh Clement
Stevie Davenport
Louise Dawson
Luke Dawson
Jenny Dell
Jane Fist
Tony Fist
Martin Flanagan
Polly Flanagan
Tim Flanagan
Brett Harrison
Liz Harrison

Ian Helmond
Ken Henning
Susan Henning
Val Innes
Fiona Joske
Dorothy King
Russell King
Jan Martin
Paul McGillick
Mark Pooley
Scott Ragg
Rodger Simmons
Cheryl Smith
Greg Smith
Colin Stevenson
Alan Swan
Kaye Swan
Glen Wigg
Sally Wigg
Mitty Williams
Charmaine Zheng (37)

