



## COMMITTEE MEETING – WEDNESDAY 7 APRIL 2021

### MINUTES

**1. Meeting commenced** 6.05pm. Chaired by President Roger Lucas

**Welcome** – Roger Lucas welcomed all to the first meeting after the AGM. A special welcome to the new members of the committee noting the diversity of the group.

- Roger also expressed thanks to the members of the previous committee who are no longer serving. Roger will write to Des Nicholls, Allan Baptist and Mel Croan thanking them for their work and dedication to the community.
- A few items of meeting etiquette were explained – allow people to speak without interruption, raise your hand if you wish to speak. Everyone will have the opportunity to voice their opinion. Roger explained that he preferred to discuss/debate matters until a consensus has been reached rather than putting matters to a vote. A vote will occur should it be necessary. Roger will look into providing a Code of Conduct to all members which is the same as Councils’.
- Explanation of the difference between a Community Association (CA) and a Community Consultative Body (CCB).  
Our association acts as both. Roger recommends that everyone familiarise themselves with both constitutions which are available on the website. Voting rights and membership requirements differ.
- Finally an overview of how and why we take on projects. Firstly community members approach the committee with ideas, complaints, suggestions. The committee undertakes to explore these and if required will make representation to Council.  
Should a proposal proceed a sub-committee can be formed e.g Skate Park. The subcommittee liaises with all interested bodies including Council and provides a report to our committee which is included in our minutes. If there has been a meeting of the subcommittee the minutes of that meeting are provided for distribution.  
Another approach is to nominate a committee member to manage the proposal. e.g. BBQ Bawley Reserve. The committee member undertakes the same sort of consultative process that a sub committee would.

**2. Attendance** Roger Lucas, Lurlene Eve, Beverley Saunders, Barrie Ellis, Liza Butler, Kerry Callaghan, Carrie Jansma-Smith, Robert Jansma, Carly McTavish, Owen McTavish, Renee Skwarko, Luci Somers

**Apologies** Moira Heath

**3. Minutes last Committee Meeting conducted on Wednesday 3 March 2021** – acknowledged as read and accepted by email

**Business Arising from minutes.**

a) Nil

b) **Review of Summary of OST Actions**

- AED training. Charlie Magnusson has agreed to conduct training. There had been consideration given to CPR training but at the moment we will concentrate on AED awareness. A reminder that “training” implies knowledge and responsibility. No motion was moved. Liza Butler will follow up with Charlie Magnusson and report back at the next meeting
- Signage for CPR instruction and AED. Bob Jansma advises that CPR instruction signs are not used and difficult to obtain. Current emphasis is on the AED which instruct the user at the time the device is being used.

Discussion about where to place signs, who would pay for signs (association or Council), what would the signs be made of e.g. laminated A4's for some places, metal signs for outdoor placements, our obligations as an association to advise people and ensuring the community knows these AEDs are for public use. In the end there was no formal motion carried but the following motions were discussed during discussion.

**Motion:** “to let people know that AEDs are available at both RFS buildings for public use via Messenger, email to all on membership lists, Website, FaceBook. Signs to be erected at designated places” (see below)

**Motion:** “Investigate costs of metal signage to be erected in outdoor areas”

**Places for signage:**

- Each caravan park (4)
- Boat ramps
- Notice boards Kioloa Shops and Bawley Point Shops
- Community Hall
- Cnr Oriole and Shearwater at the entrance to the village (near the S&R chalk board)

All agreed that signage was required and the consensus was that further investigation would take place and be reported at the next meeting. Roger Lucas offered to look into metal signs and approach Council for payment. Roger noted that the association would be able to cover costs for this community matter if Council was not agreeable.

**4. Correspondence In / Out**

**IN** Various emails – literature re grants, government, Council and private. CCB Information. Community Information from Council. DA applications.

**IN** Email from Noel Barwick re AGM

**IN** Letter from John Meyer re Skate Park

**IN** Email from Paul Gilmour re Skate Park

**OUT** Letter to John Meyer re Skate Park

**OUT** Letter to Council re the outcome of the General Meeting on 28<sup>th</sup> February 2021 in regards to the Gannet Beach Viewing Platform. Relevant minutes of that meeting attached to support the letter.

5. **Finance Report – Roger Lucas** advised that there had been no movement since the AGM. The reports tabled at the AGM to stand.

**Roger Lucas** gave notice of motion in the agenda

**Motion:** “That the Bawley Point Kioloa Community Association approve the signatories to its’ 3 accounts at the IMB (any 2 to sign).

Discussion about the fire account. Because the Fire account is governed by different regulations and was set up as a result of fund raising it was decided that two of the current signatories – Carly McTavish and Sandy Betts be included as signatories and 2 committee members to be dropped.

The original motions stands. The signatories for the Fire Account have been amended

**General Account & Community Connect**

President	Roger Lucas
Vice President	Moira Heath
Treasurer	Lurlene Eve
Secretary	Beverley Saunders
Public Officer	Barrie Ellis

**Fire Account**

President	Roger Lucas
Vice President	Moira Heath
Treasurer	Lurlene Eve
Committee	Carly McTavish
Community	Sandy Betts

**Moved:** Roger Lucas

**Seconded:** Beverley Saunders

**Carried**

Lurlene Eve, incoming Treasurer, would like to dispense with cheque books and move all accounts to electronic. Lurlene has experience with this type of accounting. Liza Butler pointed out that errors can be made if you do not have the opportunity to view the accounts that are being paid. Discussion moved towards allowing Lurlene to investigate and set the accounts up electronically based on her experience.

**Motion:** “That the committee endorses Lurlene Eve, incoming treasurer, to set up electronic banking and to report back to the next meeting to explain the process”

**Moved:** Beverley Saunders

**Seconded:** Roger Lucas

**Carried**

#### 6. Community Projects –

a) **Gantry Historical Walk.** Allan Baptist is no longer a committee member but will be happy to continue managing this project. Beverley Saunders stated that Allan will continue to provide written reports if there is any progress with the project and he would attend meetings to give a more detailed overview. Beverley Saunders will touch base with Allan to confirm this.

b) **Gannet Beach Viewing Platform** Kerry Callaghan provided the latest update. Still waiting for environmental studies, traffic assessment and aboriginal assessment. Dealing with Council involves Phil Hanson from the environmental office, Nigel Smith, coastal coordinator and Geoff Young for the aboriginal assessment. A DA is required for any progress but it is a little early for that. There has been an estimate of \$14,000 costs to complete the studies. Kerry noted that Council was informed of the outcome of the general meeting in February. There has been some concern that the 55%/45% majority at the meeting is not overwhelming and to proceed you need a 75%/25% majority. There was also a concern raised that this project was moving forward before community agreement. Owen McTavish explained that there has to be something to present to the community for discussion therefore plans and investigation takes place and consultation with Council occurs before presentation to the community. There was comment that as far as the community is concerned the proposal received approval at the General Meeting on 8<sup>th</sup> February 2021 and we have advised Council accordingly. Owen McTavish advised that the DA is a procedural requirement and Council may still decide not to continue with the project at that stage. We await Council response as to where this goes next. Kerry Callaghan will continue to monitor this and has been told that we may expect a response in the next 3 months.

It was noted that as this is now in the hands of Council and as such will be discussed in future as a CCB matter which means that you do not have to be a community association member to vote

Bob Jansma suggested that we approach Des Nicholls to be involved in a subcommittee capacity. He has devoted a lot of time and work to this project and it would be beneficial to have Des Nicolls on board. His intellectual history is invaluable.

**Motion:** “that Roger Lucas to liaise with Barrie Ellis to formally draft a letter of engagement inviting Des Nicholls to continue his involvement in the South Gannet Beach Viewing Platform”

**Moved:** Bob Jansma

**Seconded:** Beverley Saunders

**Carried**

c) **Boomer Crescent Reserve Table and Chairs** Kerry Callaghan advised that approval has been received from Council. Materials are ready to go. Clinton Croker and Geoff Young have been involved in the assessment studies. Our association did a letter box drop to advise those close to the area of the plans. Council wrote to all residents that were adjoining the area and have had positive response from all. Two of residents requested a meeting to understand exactly where the table and chairs will be placed. This meeting will take place on 16<sup>th</sup> April 2021. Installation will take place after this consultation assuming a positive outcome. Kerry Callaghan to continue to manage this.

d) **Bawley Reserve - additional BBQ and table** Kerry Callaghan has met with Council who advise that they are waiting on approval from Crown Lands before they can seek funding. It seems that there was no approval sought from Crown Lands to install the current BBQ so this process is taking a little longer than expected.

Council has approved the project and it is on a list waiting for funding. Kerry Callaghan will continue to manage this.

- 7. Community Connect - Barrie Ellis** advised of a couple of matters that have delayed the project. Firstly Council decided to widen Murramarang Road past the Nelsons property as they believe there are some choke points there. As Council has been negotiating with the Nelsons they decided to take the 5 metres from his land as an easy option. John Nelson disagreed with that. Barrie and John negotiated with Council to draw a centre line down the road and to take land from each side of the road. This has led to a surveyor looking at the whole of Murramarang Road for future widening all the way to Kioloa which means there will be new boundaries for the path.
- Secondly, because it's a federal grant that does not have to be spent until October 2022, 50% by 30<sup>th</sup> June 2022, Council have put the project on the back burner in favour of more pressing items where money needs to be spent this financial year.
- Allan Baptist and Barrie met with the chief engineer in Ulladulla hoping to get commitment from him in certain areas of the project. This has been made more difficult as the Council has undergone a restructure. Council resources and functions are to be placed at the office closest to the project. Ulladulla office has been given the information about the project but as yet there is no staff to complete the functions. Allan and Barrie received a commitment that Council would issue a tender for the \$300,000 as soon as possible. Barrie will endeavor to get information from Troy Plunkett about how the tender is to be handled and what the parameters are of the project regards to the money available. We cannot undertake any work ourselves until the results of the new survey are known. We have enjoyed Council support to this stage and continue to have a good relationship. Barrie will continue to deal with Council on our behalf.
- Owen McTavish enquired about the possibility of us as a community group bidding for the project stating that there are many people in the area with the required skills and willingness to get involved. Owen believes that the work could be completed by members of our community at a better price than other contractors. Barrie said as an incorporated association we can certainly gather local people to formulate a bid but as the land is a Council asset we cannot do anything until we are told where boundaries are.
- Barrie noted that permission to go through university land in 2 places has been received so that covers part of the pathway.
- Barrie pointed out that as part of the grant condition Council had to go to tender and could not complete the work themselves. He believes that Council will tender the job as a whole. Owen McTavish wondered if we could bid for part of it and complete a stage using volunteers as was done in Stage1. Barrie replied that we would still need to get Council to confirm the route and then we can have some serious discussion around bidding for all or part of the work. Barrie reminded the meeting that many people who started Stage 1 are perhaps a little old to do such work now and we would need young people to become involved.
- Roger Lucas congratulated and thanked Barrie Ellis for his forbearance dealing with Council. Roger reminded us that Council have dealt with bushfires, COVID19, floods and restructuring in the past year.
- \*\*The position of treasurer for Community Connect had been vacated. Lurlene Eve has agreed to take on the role. Thanks to Lurlene**
- 8. Update Coastal Management / Willinga Lake** – In the absence of Mel Croan Owen McTavish has agreed to take over the role of monitoring the water quality. Water in Willinga Lake had previously shown high levels of Ecoli which had come to light in one of the 2 regular testings conducted by Council. Willinga Lake is only tested twice a year where other lakes in the region are on a higher rotation. Mel Croan was lobbying Council to have Willinga Lake tested more frequently. There had been some private testing done. This has unfortunately fallen by the wayside over the past 12 months. Comment that the seepage system has waste entering the water table.
- Owen McTavish advised that there is no Estuary Management Plan for Willinga Lake as there is for other lakes in the area. There are trigger points used in the management plan for opening the lakes which we do not have. Owen believes we should be pushing Council for an Estuary Management Plan because the catchment of the lake has been altered significantly due to development. There are levels where lake water is impacting on infrastructure, roads and sewerage and when that level is reached Council opens the lake straight away if there is a management plan. As Council has approved development which is directly impacting on the water quality of

the lake we are hoping that they will be willing to implement an Estuary Management Plan. Owen mentioned a mark on a culvert near the lake and an engineer used to look at this to make a call on opening the lake. There has never been a formal Estuary Management Plan. Ron Jansma pointed out that Council owns Willinga Lake and the ground around it. Liza pointed out that part of the land is privately owned.

**Motion:** “that Owen McTavish is to contact Mel Croan to see if she has information or contacts that would be helpful and then to contact Council about the implementation of an Estuary Management Plan”

**Moved:** Kerry Callaghan

**Seconded:** Beverley Saunders

**Carried**

9. **Skate Park – Roger Lucas** Beverley Saunders tabled a letter from Paul Gilmour regarding his concerns about transparency where the Skate Park is concerned. In brief Paul Gilmour feels that at the meeting on 28<sup>th</sup> February 2021 the community was led to believe that Council’s preferred location for the Skate Park was Bawley Reserve. Paul Gilmour has received correspondence from Council in response to a letter that he and other concerned community members sent advising him that Council had 2 sites under consideration, Bawley Reserve and Kioloa where the basketball court. They were waiting for concept plans for each site. He thinks the community were misled at the meeting. Liza Butler responded that when she introduced the Skate Park for discussion at the General Meeting she was very clear in her words. Lisa explained that Council were considering 2 sites but the Skate Park committee did not think that the site at Kioloa was ideal as it involved tearing up one asset, the basketball court, to construct another. Therefore the site at Bawley Reserve became the site for discussion and vote. Roger Lucas gave some background information. Before the Skate Park working committee had the opportunity to identify all potential sites and then be able to eliminate them one by one Council came to them with 2 sites for consideration. The reason Council came up with the 2 sites was because there are toilets nearby. Roger advises that the Skate Park working party are essentially starting from scratch and will employ the strategy that they started with before Council became involved. That is to identify every potential site and work their way through them for suitability based on a set of criteria and rules provided by Council. There is a document being prepared that they will work from.

Luci Somers reminded everyone that on the day of the General Meeting the community were asked to vote on Bawley Reserve as the site for Skate Park and should that vote fail the Skate Park committee would investigate other potential sites.

Roger Lucas pointed out that everyone who attended the meeting when the Skate Park was introduced had the opportunity to join the subcommittee. The community has agreed to have a Skate Park. Renee Skwarko pointed out that the people on the working party should now be working towards a Skate Park, not trying to undermine it. People can come to the public community meetings and discuss/advise their concerns. But the subcommittee can only consist of people in favour of a skate park.

Liza Butler believes that people’s views of skate parks are ill informed and basing their opinions on the older style. Skate Parks now are about family activities and inclusive of all.

In response to Paul Gilmour’s letter Beverley Saunders will respond by paraphrasing Liza Butler’s opening remarks at the General Meeting and apologise for any misunderstanding.

**Motion:** “that Beverley Saunders respond to Paul Gilmour’s letter”

**Moved:** Beverley Saunders

**Seconded:** Roger Lucas

**Carried**

10. **GoFundMe – Roger Lucas** update provided at in the Public Meeting on 28<sup>th</sup> February 2021. No further updates.  
 11. **Murramarang Coastal Walk** - held over  
 12. **Rabbit Eradication – Report from Moira Heath.**

“After one false start due to rain, we are trying again to spot the rabbits commencing with this process on 5 April for one week. We will then free feed on the areas we have spotted rabbits & see how that goes before we commence the eradication process, which hopefully will commence on the week of 19 April. So if you see members of our community using spotlights don’t worry, they are only looking for rabbits.”

13. **Solar Initiative / Community Resilience / Microgrid** Roger Lucas updated the committee about the possibility of having a MicroGrid installed in the Bawley/Kioloa area. This discussion started prior to COVID and there was 1 meeting held. Unfortunately there has been nothing further until now. Roger Lucas, Liza Butler, Barrie Ellis and Glenn Cooper from Sunny Afternoon are liaising with Darren O’Connell from Shoalhaven Council and Endeavour Energy exploring the concept of having community batteries. This would have significant advantages and also see us as a community at the leading edge of green power. A party from Endeavour Energy would like to address the committee about the proposal and explain how it all works. Barrie Ellis commented that when they met previously the representatives had an excellent technical view but were lacking a business plan. It was agreed that Roger Lucas will arrange for Endeavour Energy to attend a committee meeting, possibly the next one with a view of them also attending a General Meeting down the track
14. **Sub Committee Role and Function** Covered in discussion through the evening in relation to Gannet Beach Viewing Platform and Skate Park Working Committee. See Attachment A which was also attached to the Agenda
15. **AGM.** Beverley Saunders read an email from Noel Barwick about the voting at the AGM for new committee members. Noel was an unsuccessful candidate for a committee member and he believes that opening remarks in support of young people running for positions was biased and ageist which inhibited due process. Barrie Ellis provided statistics of the makeup of the committee:

14 people stood for 8 positions.

Those elected were 4 from plus 55 yrs old, and 4 from below 40 yrs old. In other words 50/50.

The 5 Office Bearers are all over 65 yrs of age.

Thus the Committee splits 9 to 4 over 55 yrs of age. (including the public officer who is not part of this committee)

The numbers do not support Noel’s argument.

**Motion:** “that Beverley Saunders respond to the email from Noel Barwick using the statistics provided”

**Moved:** Barrie Lucas

**Seconded:** Beverley Saunders

**Carried**

16. **Inclusion of word Termeil.** Including the word Termeil in our name involves changing the constitution. At the last exec meeting we received legal advice from Chris Ronalds about changing the constitution as Chris had written our current constitution. After discussion it was decided that the process was difficult and lengthy and would not be pursued. After further consideration Barrie felt that as the matter had been raised at the General Meeting on Sunday 28<sup>th</sup> February 2021 and the community had been in favour of including the word Termeil in our association name we could not ignore the matter on the basis of too hard. Barrie has done some ground work about the legal requirements and these are the aspects of the Association’s name that would have to be dealt with

\*It is an incorporated body under the Incorporations act

\*Australian Tax File Number

\*Australian Business Number

\*possibly some record in Council tying the CCB to that name.

\*Association/CC bank accounts

Barrie is happy to work in the background to achieve these requirements.

Using Google as an example Barrie explained that Google is a presentation layer of the company called Alphabet. But the visible public name is Google. We can use the same pathway to achieve a result that would keep faith with the community while Barrie undertakes the legal side of things. For example:

\*Change the website name- this is simply a unique name and [BPKT.org.au](http://BPKT.org.au) can be reserved

\*Gmail addresses - these are also unique identifiers and also can be changed for the President, Secretary and Public Officer

\*The blue association icon can be altered to include Termeil in the text and I have asked Mark Armstrong if he can do that for me.

\*Change letter heads

\*The Website forms and migrations can be done by Softcom for a small fee

**Motion:** “That Barrie Ellis continues to work towards including the word Termeil in our association name”

**Moved:** Beverley Saunders

**Seconded:** Roger Lucas

**Carried**

17. **New Letter heads** on hold until Item 16 is resolved.

18. **Website** still under construction

19. **Co-opting residents onto committees as observers/contributors/project managers.** See Item 14. Subcommittees.

It was further discussed that Michelle Wearing-Smith from Termeil had been unsuccessful in gaining a position on the committee. Had Michelle gained a place on the committee she would be the only representative from Termeil. Michelle has well based concerns about the effect on business and homes of the dual highway from Burrill Lake to Batemans Bay. She has been lobbying Council and parliament to try to get an understanding of how this will be set up. Michelle was hoping to have the backing of our association to assist with her cause. It was suggested that a subcommittee be established with Michelle as a community member on it. In fact she would lead the committee. The dual high way will have impact on the Bawley coast and we would be wise to be in touch with what’s occurring. This is an excellent example of how a subcommittee can work co-opting interested residents as part of the committee

**Motion:** “that we formally establish a sub committee to investigate the effect of the dual highway upgrade between Burrill Lake and Batemans Bay. That we approach Michelle Wearing-Smith to be involved in the subcommittee and that Liza Butler be our association representative”

**Moved:** Barrie Ellis

**Seconded:** Beverley Saunders

**Carried**

20. **Membership List** held over

21. **Membership extended to include 2021-2022.** Lively discussion. To be further discussed and decided at the next meeting.

22. **Expressions of Interests open – volunteer grants** now closed

23. **Temporary Secretarial Role.** Both Liza Butler and Luci Somers agreed they could help. Bev to contact Luci to explain the role.

24. **General Business**

a) **Meeting Dates 2021 –** May General Meeting. The second Sunday of the month is Mother’s Day. Meeting changed to third Sunday in May - Sunday 16<sup>th</sup> May 2021. 10:00am

25. **Summary of Actions**

- a. **Liza Butler** to follow up letter from Chris Ronalds to Council re constitution. (March meeting)
- b. **Roger Lucas** to write to outgoing committee members Des Nicholls, Allan Baptist and Mel Croan to thank them for the work and dedication they gave to the community in their capacity as BPKCA committee members.
- c. **Liza Butler** to follow up with Charlie Magnusson about AED awareness and use
- d. **Roger Lucas** to investigate the costs of metal signs to advertise positions of AEDs in the community
- e. **Roger Lucas** as outgoing treasurer to organise signatories for bank accounts as recorded in the minutes.
- f. **Lurlene Eve** as incoming treasurer to set up electronic banking for all of the associations accounts. To come back to the next meeting to explain how it will work
- g. **Barrie Ellis** to liaise with **Roger Lucas** about a formal letter to Des Nicholls asking him to continue his involvement in the Gannet Beach Viewing Platform Project

- h. Beverley Saunders** to touch base with Allan Baptist about his continuing involvement in the Gantry History Walk.
- i. Owen McTavish** to enquire with Council about an Estuary Management Plan for Willinga Lake and to touch base with Mel Croan about her previous work with water quality testing
- j. Beverley Saunders** to respond to Paul Gilmour re his concerns about clarity in Skate Park dealings. This email will be ratified by Roger Lucas as President before it is sent.
- k. Beverley Saunders** to respond to Noel Barwick re his concerns about the process of voting for committee members at the AGM
- l. Barrie Ellis** to continue to work towards including the word Termeil in our association name
- m. Barrie Ellis and Roger Lucas** to organise a subcommittee to monitor the planning and subsequent impact of the dual highway between Burrill and Batemans Bay
- n. Roger Lucas** to contact Michelle Wearing-Smith to invite her to be part of the subcommittee for Burrill/Batemans Bay highway upgrade.
- o. Roger Lucas** to organise Endeavour Energy to address the committee about a proposal for a MicroGrid on the Bawley coast

**26. Meeting closed 8.10pm**

**27. Next Executive meeting. Wednesday 5<sup>th</sup> May 2021 6pm at Community Hall.**

## **ATTACHMENT A – MEETING 7/4/21**

### **Sub Committees - Role and Function**

#### **Establishment of Sub Committees:**

Section 24 of the Constitution enables the Committee to create any number of subcommittees to delegate any of its powers to other than:

- A) the power of delegation and
- B) Any function of the Committee that is imposed on it by law.

Sub Committees must be given written delegation or terms of reference which outline its functions , reporting responsibility and duration.

There are currently two operational sub committees:

- Community Connect
- Skate Park

Both of these committees have in common that their respective subject matter ie building a shared footpath and building a skate park respectively have been put to the wider community and have been supported to proceed.

Each also rely on Council's access to land under its control.

Council always retains the right to consult directly with the Community about either project.

#### **Council's view on successful consultation**

The Mayor noted at one of the public meetings that “ Council prefers to see 70% of any community as the metric that suggests community support for any specific project”. However Council may have a wider view consistent with its long term development plan for the shire and therefore may proceed with any project over the objections of any community.

#### **Project's dimension**

The Committee considers projects of differing complexity and therefore involvement. In the instance of resolving parking issues at O'Hara Street, Kioloa a single member of the Committee 's Executive was able to complete this with Council.

In more complex projects such as the **Gannet Beach** viewing platform, a certain amount of preliminary work with Council experts has been required to bring a concept to the Community for initial consultation.

To this point, two members of the Executive have interfaced with Council staff to enable a concept proposal to be presented to the Community. At the general meeting on 28 February 2021 the Community voted 55% to 45% to continue to explore with Council how and if this proposal should move forward. This vote was a written ballot.

**Question for Committee Consideration:**

“ At what point should the Committee consider establishing a sub committee to do the work necessary for any specific project?”