



Carnarvon Yacht Club Inc

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NOTES OF LEASEHOLDERS DISCUSSION SUNDAY 11 SEPTEMBER 2022 AT 2.00PM

Appointed Chair, Honorary Life member Mr John Blyth opened the discussion at 2.01pm by reiterating Clause 9(d) of the CYC Constitution regarding Subscriptions.

"All marina fees shall be recommended by a leaseholder's meeting, with an equal number of financial pen and boat storage representatives, to an equal number of Committee Members, present, eligible to vote and able to approve of the variations to the Marina and boat storage fees. Marina fees shall then be set by the Committee and ratified at the next General meeting."

The Chair advised that he had been formally requested to convene this discussion and disclosed he is leasing a storage area at the Yacht Club.

The four (4) Committee Members present included John Rodier, Shane Seers, Mimi Fong and Ros Agostino and the four (4) Club representatives consisted of Terry Fitzgerald, Gordon Bennett, Chris Hutchinson and David McReady.

The Purpose of this meeting is to put forward any recommendations to the Committee regarding marina matters and fees.

The Chair read out the last Motions ONE and TWO which were declared on the last AGM agenda and declared both as implemented and operational.

1. Leaseholder's Meeting update – Commodore/Proxy

Motion to accept and carry forward past pen holder fee motions were again moved and passed unanimously at the Leaseholder's meeting on 11/09/2022 to remain in force.

Motion One

That the modified fee structure for the Marina and Hardstand be presented to the membership at the forthcoming AGM for implementation from the date of the AGM. The Leaseholders/Committee Meeting moved that the fee structure be accepted with one modification. That the fee for non-trailerable craft be updated from \$1,800 to \$2,000 to match the normal base Marina fee.

Motion Two

That an annual contract be signed by all Pen and Hardstand occupiers and ensure that all craft are insured as stipulated at all times. We request that the incoming committee formulate a binding contract for all Marina users, including penalty clauses to protect the club in the case of abandonment, breach of contract or default in the payment of fees. The

Leaseholders/Committee group requests that this replacement contact be implemented by December, 2021.

The following was captured in the Minutes:

12. Acceptance of Fees

CYC Fee Structure 2021 / 2022

*Hardstand and Pen Fees as tabled by the Leaseholder's group at the recent Leaseholder's/Committee meeting on Sunday the 6th September, 2021. Motion was passed unanimously at that meeting. **Hard Stand Weekly Monthly Yearly Casual rates***
All vessels \$35.00 per week
Windrush, Dinghy's, Trailers, Containers ECT. \$350.00 Vessels, not licenced for road travel \$2,000 Pens (per annum)
North side \$180.00 \$400.00 \$2,000.00 South side \$180.00 \$400.00 \$2,000.00 Floating up to 10m \$180.00 \$500.00 \$3,500.00 Floating pen up to 12m \$180.00 \$500.00 \$4,000.00 Floating pens over 12m \$180.00 \$500.00 \$4,500.00

Overnight stay in any pen \$35.00 per night includes Live aboard fee.
Live aboard fee \$35.00 per vessel. Up to 2 people extra personal \$5.00 / night. 3-month hard stand for pen owners per year \$35.00/ week after 3 months. Must be approved by Committee if hardstand is required past 3 months

Moved to accept new fee structure: J Blyth Seconded: R Kehoe – Unanimous

14. Items without notice accepted by the chair

All members within the marina that have pens or hardstands to sign an annual contract with the CYC to agree to the terms and conditions of use, including the provision to protect the CYC in the case of abandonment of vessels or property

Moved L Wright Seconded K Bakker Unanimous with the condition that abandonment description be stipulated in the contract – B Scott

David McReady stated he wanted it noted in these minutes that no minutes regarding the last leaseholder meeting were distributed to members.

The motions however as noted above, were minuted at the last AGM on 12/09/21 and passed at the SGM on 12/12/21 (point 3) and have been available online on the CYC website as well as on the Club Noticeboard. These forms of communication were confirmed in the room.

An endeavour will be made by the volunteers on the committee to produce more information than perhaps solely the agreed motions moved at the leaseholders meeting, where further context may be required.

A discussion then ensued, led by Chris Hutchinson regarding the inability to get 3rd party boat insurance for his vessel although he has tried for 10 years. Chris Hutchinson believes he will require the houseboat on hardstand for one (1) year. Given it has a name weight and width, David McReady advised that he will get a contact to him who will be able to give him public liability for up to 10 million dollars by Wednesday 14 September 2022.

The Chair reiterated that this point was crucial in the event his houseboat catches on fire and causes damage to other's property/lives.

Chris Hutchinson then opened a discussion surrounding the possibility of the Club creating an area on Hardstand whereby all the uninsured boats are placed together – with a reasonable distance away from others who are insured. Discussion then touched on if this is viable to be done in the pens or must uninsured boats in the water be on anchor only in the fascine?

Reality may be that this practice is not undertaken at any other known marinas in WA as the risk may be too great.

Motion

Management Committee to investigate the viability if a member cannot get \$10 million public liability 3rd party insurance – ON HARDSTAND

Moved: Chris Hutchinson

Second David McReady

Unanimous

As an interim measure, the CYC Management Committee may consider allocating a designated area where uninsured hardstand vessels are parked up and consider a legal document be drawn up - designed to indemnify the CYC of ANY & ALL costs borne by any accident caused or in part caused, by the uninsured vessel on hardstand.

Corresponding Motion For Consideration

Management Committee to investigate the viability if a member cannot get \$10 million public liability 3rd party insurance – IN THE PENS

This matter will become more problematic once more vessels (other than shallow draft) enter our Yacht Club as we will require the pens for compliant vessels. In addition, in all likelihood no full paying compliant vessel will agree to berthing next to an uninsured one. Perhaps the larger issue for the CYC membership is the level of risk the CYC could face should unforeseen events cause damage and what is the level of risk the membership is prepared to take.

If motion not carried, then Committee to develop a process and return to Members to vote

Chris Hutchinson also raised that he doesn't believe it is captured in writing anywhere in his tenure at the Club that vessels who have paid the full annual fee of a pen and not occupying that pen, that given a reasonable amount of notice, the CYC has the absolute power to re-use/re-lease that said pen to another short-term leasee/vessel as required for the benefit of the CYC

Motion

That the Marina Coordinator will allocate a physical pen to leaseholders who are currently on the hardstand and paying the full marina fees. That pen may be re-allocated according to CYC needs as stated in the Leaseholders Agreement.

Moved: Chris Hutchinson

Second: Gordon Bennett

Unanimous

David McReady raised a personal matter about his payment of exorbitant fees charged by the Yacht Club and Minister McTiernan's announcement of boats wishing to go over to the Department of Transport (DoT) pens. The Chair was aware of the circumstances around boaties expressing an interest towards the interim solution as Mr Blyth was consistently in the Treasurer role. Texts with the previous Commodore also exist whereby David McReady stated *"Perth for a few days but will make contact with Tony (DoT) and supply him with what he requires"* (3 Sept '21).

The Chair advised that boat owners had a choice whether they would pay for a pen.

David McReady advised he has recently had two meetings with Zelka from DoT and she is adamant that he needs a letter from the Commodore stating he has paid for a pen continuously since 2017. After much debate David McReady concurred that he had not paid pen fees to the Carnarvon Yacht Club continuously since 2017 and this would appear therefore, does not meet at least one of the Department of Transport eligibility criteria. The current Commodore has provided David McReady with the information which is a DoT directive.

It was unanimous at the Leaseholders meeting in understanding that DoT specified recently what they require in a proforma that in order to be eligible one must have been paying pen fees continuously since 2017 till present. This date would stand to reason as the entryway became closed to Mariners in 2017. The criteria have been formed solely and wholly by DoT and any correspondence shall be directly with the DoT.

David McReady raised another members' personal circumstances regarding the DoT and the CYC maintains no knowledge of any arrangement with any one who has allowed access to the DoT pens and further deems it inappropriate to openly discuss any other individual member's position at the Club.

The last matter summarised by the Chair was put forward as the following motion:

Motion

That future Meetings to discuss Subscriptions/Leaseholder marina fees and other Marina related issues be undertaken at least a month prior in order to allow the Management Committee to consider points raised and to draft any motions required for presentation at the next AGM.

Moved: Roslynn Agostino

Second: Gordon Bennett

Unanimous

After the Meeting, Terry Fitzgerald suggested that there used to always be a Leaseholder's meeting prior to the mid-term Special General Meeting that has been held in the past. The committee you discuss the benefit of this happening in future.

No changes to By Laws updated July 2021

No changes to Marina or hardstand / other leasing fees.

Meeting closed 2.56pm