

1 Generally

- (a) Membership eligibility, berthing allocations, rigging , waiting lists, and fees and costs are to be reviewed annually by the Board
- (b) Members must only berth an approved boat at the berthing facility. An approved boat is one that complies with By-Law 4.
 - (c) A member may only berth one approved boat at any one time.
- (d) Boats are to stay no more than 10 minutes loading, unloading, waiting etc at public areas of the DIMC facility.
- (e) Maximum material loads on the facility is 200kg at any one time per berth.
- (f) Members and Users acknowledge that the Co-Operative does not accept any liability for the care, safety or protection of any member or other person using the berthing facility or any boat owned or used by them or in respect of the actions of any other members of the Co-Operative or their guests or invitees except such as may be imposed on the Co-Operative by law.
- (g) Keys to the facility are to be kept safe and not duplicated.
Gates are to be kept locked when not in use.

2 Berth location and allocation

- (a) The location of a Member's berthing position on the jetty will be allocated on an annual basis.
- (b) Allocation will be by lottery, after any special cases are considered by the Committee; e.g. disability, frequency of use, children, etc.
- (c) Special locations for dories will be allocated if possible to simplify access.

3 Use of berthing facilities

- (a) This facility is intended for the use by residents of the Island.
- (b) Occasional use by others is reasonable, but any repetitive or permanent arrangement (ie over one week), will need the approval of the Board.

The conduct of others authorized by a member to use the facility is deemed to be the conduct of the member responsible for the berth.

Such use must be without charge.

- (c) A member must not lease or rent out the berth except as covered in By Law 5.
- (d) A member must not use the berthing facility for the purpose of or in relation to any commercial activity or undertaking, without the written approval of the Board.
- (d) Use of the berthing facility, must at all times comply with the requirements and regulations of the NSW Roads & Maritime Services regulations, and of every other Act applicable to the berthing facility or its environs.
This includes, but is not limited to the following requirements on the DIMC facility
 - No fishing or cleaning fish, polluting the water, depositing rubbish, causing disturbance, nuisance or interference, or obstructing others in their legitimate use of the facility.
 - Users must navigate with care.

- (f) Those under 16 years of age using the facility must be accompanied by an adult (ie 18 or over)
The only exception is, those with a NSW Young Adult Boating License may be a user.
- (c) Any member or user who uses the berthing facility in contravention of the rules and the provisions of the By-Laws can be expelled from membership and/or user of the Co-Operative in accordance with Rule 5.2

4 Boat rigging

- (a) Intent:
The intention is that the boat rigging be consistent with the BMC rigging rules to facilitate use of both facilities.
- (b) Compliance
 - (i) An approved boat must be fitted with berthing lines, fenders and other equipment in a way that the Board shall approve as suitable for berthing at the berthing facility so as to prevent (in all weather):
 - 1) The boat moving to touch the pontoon;
 - 2) The boat moving laterally to touch adjacent boats on the berthing facility.
 - (ii). An approved boat must not exceed:
An overall length of 5.5 metres (not including engine), and
a maximum beam of 2.25 metres, and
a beam of 1.95 metres within 1.2 metres of the end of the boat that will be closest to the pontoon when the boat is berthed at the berthing facility.
 - (iii) Boats must have an official Dangar Island Mooring Co-Operative label and numbers issued by the Dangar Island Mooring Co-Operative Limited, fixed to the boat and clearly visible from the pontoon.

The Co-op will annually advertise and conduct a Rigging Day for re-issue of labels for complying boats and confirmation of insurance.
 - (iv) A boat must be insured for third party personal injury and property, and this insurance will need to be demonstrated at the annual Rigging Day.
- (c) Non compliance
A boat must not, in the opinion of the Board, pose an unacceptable risk to the structure of the berthing facility or to other members' boats.

A boat, which is berthed or rigged in contravention of these By Laws, will be considered non compliant.

Non Compliant boats must be promptly removed from the berthing facility, if the member is so directed by the Board or an authorised delegate of the Board.

The Board may authorise one or a number of members to act for this purpose.

5 Berth rentals

- (a) Generally
All renting of berthing positions at the Coop requires the approval of the Board and will be managed in accordance with the DIMC rules.
Members are responsible for the behaviour of their berth users at the facility, and the payment of fees and dues.
Those persons renting a berth from DIMC or an approved DIMC member are covered by all the rules and bylaws of DIMC.

- (b) DIMC owned rental berths
To satisfy the perceived need to provide berthing opportunities for Islanders, it is intended initially to provide THREE berths for rental. These will be owned by the Co-operative and each have voting rights exercised by the Board.
- (c) Investor owned Rental Berths
Should there be an under-subscription for the berths, investors may be invited to apply for membership under category By-law 1, e. above and considered as temporary owners of berths for rental purposes. See By-law 7.
- (d) Casual Berth Rentals
The berthing facility is intended for use by those who have a continuing use for their boats, rather than as a boat storage facility. However, it is recognized that some personal circumstances change and it is considered reasonable that casual renting be approved by the Board.
All boats must comply with the Rigging Rules for the berth and boat.
- (e) Rent.
The Cooperative Board will set the rent for spaces
The Member who is allocated the berth will be remain responsible for the collection of their rent, and responsible for paying the Membership fees and dues.
The rent will be determined by, but not limited to, the inclusion of the following components, Entrance Fee, Annual Subscription, maintenance and costs.

6 **Waiting List Procedures**

There will be two waiting lists, one for membership and one for rentals, applicable after the initial establishment period.

(a) Membership Waiting List

(i) If there are no vacant memberships, (= berths), when a request for membership is made by a person meeting all the eligibility criteria, (except payment of the Entrance fee, and Annual Subscription), then the applicants name will be placed on a Waiting List.

This application will be on the Application Form attached

(ii) The sequence of names on this Waiting List is determined by the date of receipt of the application.

(iii) All applicants on this Waiting List will be notified of changes to that Waiting List.

(iv) As existing members leave the Co-Operative, the next person on the Waiting List will be offered the opportunity to become a member. If they do not wish to take up the Membership, the offer will transfer to the second person on the Waiting List. In this case, the “decliner” stays at the top of the list for a period up to 2 years.

This principle may also apply to the 2nd, 3rd, etc position on the list.

(v) A person may be on more than one waiting list.

(b) **Renting Waiting List**

If there is an oversubscription of persons interested in renting, a Renting Waiting List shall be established. The sequence of people on this Waiting list shall be based on the date of receipt of the application. The management of this Waiting List shall be as per (a) above.

(c) Waiting lists are to be reviewed annually by the Board.(I'm not clear quite what is meant by this?)

7 Investor Membership

(a) In the event there are berthing memberships available after the initial membership allocation, applications may be accepted from Investor Members, as defined in Schedule 1.2

An "Investor Member" is a person who wishes to provide funding for a berth which is for rental purposes only and not for their own use, and they may become a member by paying the Entrance fee. This berth will be managed according to Coop rules for rental berths.

"Investor members" will have same voting rights and Coop responsibilities as Individual members.

- (b) Investor Membership will be reviewed annually with other memberships in accordance with the DIMC Rules and By-laws.
- (c) Investor berths will be rented to those on the Rental Waiting List.
- (d) Where a waiting list for an individual or joint membership exists, an investor member may be required, at the discretion of the Board, to relinquish their membership if no other berthing vacancy is available, AND where that investor member is not renting their berth to a qualified renter.

8. Relinquishing Membership.

If a member wants to relinquish their Membership (and therefore their berth),the price for the membership transfer will be set by the Board annually having in mind actual costs, CPI considerations and maintenance.

The membership will be made available to the next person on the waiting list, at the Board's discretion

During the period of time that the membership is on the market , the outgoing member may elect to offer berth for rental until such time as the new member is accepted.

Transfer of membership will be administered by the Board in accordance with the Co-operatives Rules and By-Laws

Discuss:

Transfer within families, transfers as a result of bequeathment