



Holdfast Quays Marina Association Inc.

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Chairman's report AGM November 23, 2020

It is my pleasure to present the Chairman's Report to the members of the HQMA. Firstly, my apologies for a long report. However, I believe that the Members of the Association deserve to have an understanding of the matters affecting us in what would have to be the most tumultuous year in the history of the Association!

At the time of writing, it is less than two months since we were appointed, but with the level of activity it seems much longer. The previous administration resigned on the 22nd September, and the majority of the current Committee were appointed to fill casual vacancies on that date. I would firstly like to thank the members of the current Committee who have stood up to take the reins in what are extraordinary circumstances. In particular, I want to recognise on behalf of all members, the efforts of Geoff Mitchell who has worked tirelessly to pick up the pieces in filling the temporary roles of Secretary and Treasurer.

By way of introduction to this new Committee I have attached a short biography for each member. I ask that if you have any questions or comments in relation to the Association, please feel very welcome to contact any of these persons. My thanks go also to the members of the previous Executive and Committee for their services in the past, some of whom have been Committee members since the inception of HQMA in 2000!

The Treasurer will speak more fully to the Financial Reports and Audit. However, I must advise that the Association is currently being investigated by the Commissioner for Corporate Affairs (CCA) represented by Consumer and Business Services (CBS), following allegations of impropriety against the previous Administration of the HQMA. We have provided the Investigating Officers of CBS with the information they have requested and all I can say at the moment is that the investigation is ongoing and we will of course advise you of the outcome.

Marina Manager

Two previous Marina Managers resigned, Glenelg Marine (SA) Pty Ltd (GMSA) which is part of the Vater Group, on the 13th September, 2019 and Carter Property (CP) on or about 22nd September, 2020. CP had been appointed in January, 2020. There were no formal contracts in place with either of these entities although GMSA had been managing the HQM after the sale of the Glenelg Marine business (as distinct from GMSA) in August 2016. Negotiations for a new contract had been ongoing between GMSA and the HQMA but never executed. During this period GMSA was acting in a casual role. The previous administration appointed CP as Manager in January 2020 without undertaking a formal tendering process or performing any due diligence.

To avoid this situation, the new Committee decided to formalise the appointment process so that no allegations of impropriety could be levelled against it. Consequently, a formal tender process was instigated and seven parties, including GMSA were invited to tender. Ultimately, three tenders were received with GMSA and three others declining to tender. A sub-committee evaluated the tenders and followed a rigorous assessment process; Master Facilities Management Services Pty Ltd was appointed as the new Marina Manager, effective 1st November, 2020 for an initial 12 months period. It is my pleasure to introduce you to Marko and Marcel Krndija as the new Marina Managers for the HQMA. We will hear from Marko when he presents his first report to the AGM.

Ablutions Facility

Members and tenants have, for all but the last 10 months of the previous 20 years, enjoyed the use of the ablation facilities “*provided for the use of marina patrons and contained within the building*” (those italicised words come from the registered Land Management Agreement) located in the Dive shop. The provision of these facilities for marina patrons was a condition for the development of the marina, slipway and related facilities in 2000 and is recorded in the *Development Plan Consent Conditions, Development Number 110/00050/99*.

Importantly, a registered Land Management Agreement (LMA) between the Holdfast Bay Council (HBC) and owner, binds the original and all future owners of the land to the provisions of the Development.

However, following a disagreement with the previous HQMA administration, GMSA chose to deny access to these facilities adversely affecting members and the general public for whose use the facilities were also provided. GMSA in the notice attached to the abluitions door around the 9th January, 2020, said they would remain closed until a “Maintenance (sic) Agreement was in place”. I believe that this was an error and meant to say Management, not Maintenance. In any event, the access by marina patrons to these facilities has never been conditional upon the occupier of that building having a Management Agreement with the HQMA.

The current owners have ignored two notices served on them by the HBC to rectify this breach but to no avail. Unfortunately, the HQMA is the meat in the sandwich and can only rely on the parties involved acting responsibly and in accordance with long-standing agreements.

Despite indications by GMSA that the access would be returned after certain conditions were met, sadly this has not been the case and we have had to resort to the use of porta-loos. Direct requests by both the previous and current HQMA administrations to re-instate the access to marina patrons, have been made to GMSA but ignored. Where this will end up is presently unknown.

In the meantime, we have had to look at alternatives. The previous administration submitted a plan to the HBC for a floating abluitions facility in Berth C2, owned by the HQMA. HBC rejected that proposal. A second proposal was suggested which again involved a floating facility but not in a specific berth. That proposal was also not well received by HBC. The current Committee has met with HBC looking simply at conceptual arrangements which are likely to meet the development guidelines for the Glenelg Foreshore and Patawalonga (GFP) Zone which is designed to facilitate development of Community Facilities. It is too early at this stage to suggest where this might lead but you will certainly be kept in touch as things develop. In the meantime, we are exploring options to provide improved temporary facilities to see us through the summer season.

Bird Control

After some trials, approximately 2 years ago, temporary laser lights were installed to assist bird control. Thank you to David Paterson for this initiative. Recently, a tenant of the marina, Ben Knobben offered to trial the laser light in a weatherproof enclosure. This has proven successful, thank you Ben. We are now in the process of obtaining costs to upgrade all of the leaser lights to this new, permanent design and include compliant electricity supplies to the units. In addition, Marko has told us of a successful method that has been implemented in the Holdfast Shores Marina. This is similar to the trial method on A Row, between A2 and A4 berths and involves a “wriggling” small diameter irrigation hose with low flow. We know from experience that no single method provides the solution and continue to look at potential solutions to the bird issue.

Lock

The most recent major outage to the lock occurred within days after the new Committee was appointed and just prior to the October long weekend! The fault was with the main drive units and the HBC together with the Lock Contractor, ED&G have replaced and upgraded the drive units. The Committee is in discussion with HBC and ED&G regarding further improvements to the Lock operation. The aim is to facilitate a more user-friendly operation with cycle status indication that is more easily understood by users. We are hopeful that this will

provide all users with a better experience. We do however remind you that we are only the principle customers of the lock, and the ownership and management is not within our control.

Security

The split from the GMSA building resulted in the total security system being redeveloped into separate units, with radio links that you can observe at locations around the Marina. The system is not as robust as it was when it was housed in a secure building. However, it is the result of previous decisions and came at considerable expense to the HQMA, **refer to the Treasurer's report**. The Committee is presently working with the installation contractor that performed the work, to remedy and improve the system.

Oversize Boats

Many of you would be aware that the disruptions occurring to the previous Committee came about as a result of their handling of an oversize boat issue. The Marina is an engineered structure and designed to specific loading guidelines. As such, the Committee cannot permit oversize boats to be berthed which could result in structural failure. To do so would be negligent and lead to insurance cover being voided. The Committee is in discussion with the designers of the marina structure to determine if there is any scope for accommodating longer boats in some berths where the design complies with the relevant Australia Standards. In the meantime, you are reminded that if your boat is presently oversize for your berth you will be soon asked to make alternative arrangements. Please note that it is overall length that these rules apply to, not waterline length.

Commercial Activities

Under the *Memorandum of Standard Terms and Conditions No. 8891394*, in the Underlease, by which we are all bound, Clause 2.1, Permitted Use of the Berth, states that commercial activities are not permitted. The Committee has reviewed the rules and believes that they are relevant. Under no circumstance will it permit commercial activities to be conducted from a berth. However, we believe that there may be a case for permitting the mooring of such vessels, provided that they are NOT undertaking commercial activities, and do not *"interfere with or disrupt the peaceful use and enjoyment of any other Marina Berths or any adjacent or neighbouring premises"*.

Thank you for getting to the end this long report! As I mentioned earlier, it has been a very busy two months. I appreciate that we may face some criticism, but I do ask for your forbearance as we proceed. We welcome your comments and feedback. I can assure you that the Committee is only interested in providing the Members with a safe and enjoyable place to berth their boats.

Russell Wood
HQMA Chairman
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