



PORT PHILLIP CONSERVATION COUNCIL INC.

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18th December 2007

Ms Jeanette Blackwood
Leasing Officer
Bayside City Council
76 Royal Avenue
SANDRINGHAM VIC 3191

Dear Ms Blackwood,

Bathing Box and Boatshed Draft Policy Consultation

In response to your letter dated 23rd November 2006 (File No BBother group), which we received in late 2007, about your consultation on the above draft policy, Port Phillip Conservation Council Inc. - a federation of 15 conservation organizations around Port Phillip Bay - draws your attention to its established [PPCC Inc. Policy Statement No. 15](#) "Private Structures, such as 'Bathing Boxes' on Public Land and Waters", and asks you to give consideration to the values it seeks to encourage in relation to such structures. PPCC Inc.'s policy on private bathing boxes and boat sheds, a copy of which appears at the end of this letter, contains some aspects of the policy in the Bayside Council draft, but differs in certain key aspects.

References to BBBA Inc: PPCC Inc. considers that the existing references in the draft policy - in **STATEMENT OF INTENT**, and Sections 1.0, 4.0, 6.1 and 7.0 - to the [Brighton Bathing Box Association Inc](#), which is a private organization interested in promoting bathing boxes on public land, should be removed, as it is invidious to privilege a particular group in relation to this issue when other groups of citizens, such as PPCC Inc and its supporters in Bayside and elsewhere, oppose the perpetuation of private bathing boxes and boat sheds on public foreshore land. BBBA Inc. and its supporters and opponents can be validly included in recognition already given to the concerns of the individual owners of structures and the public.

Terminology: There are a number of instances in the draft where terminology becomes subjective rather than objective, and appears loaded and smacking of 'spin'. Examples of that deficiency, which have no place in a formal municipal policy document, are:

- **POLICY OBJECTIVES** - PPCC Inc. seeks the removal of the hyperbolic word "*iconic*", in "Policy Objectives", from a formal statement of municipal policy, as it is a gross exaggeration of the significance of a row of simple wooden sheds, whose importance is disputed in the community. The use of the word "*iconic*" in a formal Council policy document is an example of an inappropriately partisan and subjective description being assigned to structures that should be referred to in an objective manner in such documents. This misuse of the word "*iconic*" also has the potential to be offensive to those of Orthodox Christian faith, where the word "icon" was formed to denote a sacred depiction of a sacred person, and that is still the primary meaning of the word in English.
- **Section 1.0** – If this Section is not renamed, "The Role of Council" and all text except the first sentence omitted, as should occur, the gratuitous expression "*Moving forward*" should nevertheless be deleted from this Section as it is a somewhat *fatuous padding of the document*. *All that is needed is a statement that* "Council provides authority ..." The "*Moving forward*" sentiment is not shared by those that consider that what is happening is actually a "*Moving backwards*".

- **Section 8.0** – The words, “*neatly coloured*” in the reference to a straight row of boxes are unnecessary in relation to the description of the completion of the concept of infill for the row, and unhelpfully draw attention to the lack of actual heritage appearance of the non-heritage painting scheme of the boxes. If the sentence is not to be removed entirely it would be better altered to read, “*Such an infill will allow the straight row of boxes to become a complete row, and Council’s requirement that the painting scheme of the infill boxes be consistent with the other boxes will restore uniformity to the row.*” It should not be the business of a Council policy to “*restore uniformity to the Foreshore reserve*” as is presently stated. Some of its major values lie in its lack of uniformity. The four instances of the word “*Affect*” should be replaced with the correct word, which is “*Effect*”. The last dot point would read better as, “*The release of these sites will be carried out by a public process in order to allow access by the general public to purchase the rights to them.*”

Heritage Status for Structures: PPCC Inc. recognizes that certain private coastal structures might have heritage value, but argues that any such values should, in the case of coastal Crown land, be determined at least at State and Federal level by the appropriate Heritage authorities that have been established at both of those levels for the sound and credible long term determination of criteria warranting preservation.

In the special case of foreshore land that is Council freehold land, as in Brighton, the Council policy should state that the heritage criteria should be modeled on those of the State and Federal authorities for consistency in a Port Phillip Bay-wide context, to ensure that the occupancy of Brighton foreshore land is not decided on sub-standard criteria.

The policy should recognize the inherently awkward conflict between the relatively recent practice of painting the structures garishly with assorted bright primary colours, given that they were originally painted in the relatively sober colours of the era they began. Normal practice for credible use of the term “heritage” would suggest that some attempt, as applies in real heritage preservation work, should be made to utilize original colours and materials, unless it is the case that “heritage” is being used here as a convenient cover for the financial attractions to both Council and to those with an appreciating asset owing its appeal to its monopoly of fine publicly-owned vegetated coastal land, which PPCC Inc. considers has much more significant heritage value than a row of painted sheds that partially hide that coastal land from view, and also mar that view.

Standards of Appearance of Structures: The Council policy should state that the standards of appearance of these structures should not be decided by Brighton Bathing Box Association Inc, but by explicit criteria published by the landowner as suggested below.

Monitoring of Structures and Arrangements: PPCC Inc’s policy seeks the placing on the Web sites of relevant public foreshore landowners enough detailed information, of an impersonal and objective nature, to enable concerned members of the public to be aware of the maintenance and presentation requirements for leased and licensed structures so that monitoring can extend to such concerned persons or groups of them, and not be the sole province of one organization with very narrowly prescribed interests, Brighton Bathing Box Association Inc.

It is not unreasonable, for each structure, for a colour photograph of it with its date, and the registered number being visible, to be viewable on the landowner’s Web site and updated at a prescribed interval. If such access is not provided for the general public, PPCC Inc. considers that the BBBA Inc. should not be given special consideration either.

Demolition and Reconstruction: One of the important points of difference is the provision in Section 6.4 of the Bayside Council draft that favours repair and restoration over total demolition and reconstruction. PPCC Inc. advocates the phasing out of private bathing boxes and boat sheds on public foreshore land, which is a policy that the former City of Sandringham implemented successfully for many years resulting in the present uncluttered foreshores in that part of Bayside. Private structures taking up public land for private purposes that are not designated with a State or Federal level of heritage status should be phased out as their fabric ceases to be substantially original.

Permitting demolition and reconstruction is a regressive formula for perpetuation of the occupation by private persons of land that has been permanently reserved for public enjoyment. Such reconstruction totally divorces the occupation from the concept of genuine heritage preservation as the structure is only a mock heritage structure. Eventually such a policy will result in a “Disneyland” approach to foreshore heritage. The provisions for demolition and reconstruction should be deleted from the draft policy.

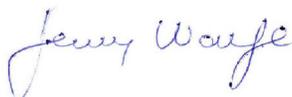
Relocation of Structures: If relocation of a structure is sought on the basis of the unsuitability of the site due to changed conditions, it is going well beyond the protection of a heritage situation to inflict the structure on a public coastal site that has never had a structure on it, or that has come to not any longer have a structure on it. Such an approach is a defiant elevation of the interests of a private licensee over the general public interest in scarce, untrammelled coastal space and landscape, and amounts to brand new creation of property interests in land currently free of such gambits. The provisions in Section 6.4 for relocation of structures should be removed from the policy, and the policy should expressly prohibit relocation of structures to other sites on the foreshore. The removal of structures from areas that no longer suit them, and the prohibition of relocation should be seen as desirable gains.

Infill represents Perpetuation of a Mistake: The provision in Section 8.0 for infill of vacant sites in a row of boxes is another measure to perpetuate the presence of a row of wooden sheds, regardless of how new they are, on the natural coastal landscape, and at the expense of the much higher value that landscape has than the sheds. If Council permits infill, or the related demolition and reconstruction of structures, a major incentive for care and conservation of structures that might attain State or Heritage listing - if their owners, or Council, bothered to seek that - would be removed, as it would be all too easy to tolerate, or even welcome, neglect in the knowledge that a structure more to the owner’s liking or convenience, might result.

Section 8.0 mentions there being 120 bathing boxes at Brighton over 100 years ago. The population of the Melbourne metropolitan area then was some 350,000 people. As it is now over ten times that figure, with another 1,000,000 residents expected by 2030, it can be seen that allowing fixed, ever scarcer, areas of public foreshore land to be usurped by private occupiers’ structures was a misguided 19th Century policy, which began to be deliberately corrected late last century, but could now be revived and extended.

Perpetuating the practice of renewing structures and occupying current coastal open space with wooden sheds, as opposed to just allowing the present large number of heritage items to see out their practical lifespan with a degree of protection, is a most unfortunate perpetuation of a failed 19th Century policy that is inappropriate for Bayside City Council to be adopting in the 21st Century.

Yours sincerely,



Jenny Warfe
Secretary, Port Phillip Conservation Council Inc.

PPCC Inc. Policy Statement No. 15

Private Structures, such as 'Bathing Boxes', on Public Land and Water

SUMMARY:

The publicly-owned waters of Port Phillip Bay and the foreshore land around it are in places used, or liable to be used, as sites for various privately-owned structures such as 'bathing boxes', boat sheds, jetties, moored floating structures that are not predominantly vessels, kiosks, restaurants, clubhouses, pipelines, telecommunications and electricity supply infrastructure, signs, fences enclosing publicly-owned land, and car parks. That use replaces what had previously been natural coastal and marine environment usable by the general public. Such occupancy should not be permitted without a licence or lease from the public landowner viewable on the landowner's Web site. The structures, if not registered as heritage properties by a State or Commonwealth agency, or used predominantly for water-related activities and owned by a non-profit incorporated association open to any member of the public, or having a function that is essentially related to public safety, national defence, or the provision of authorized services, should be phased out from occupying public land or waters.

DETAIL:

Conflicts with Important Coastal Values: The structures obscure and spoil many coastal landscapes. Their occupancy of land prevents public presence on the beach area occupied, and vegetation growth on other areas occupied. Their presence works against growth of nearby trees owing to dislike by owners of their structures being damaged by the trees.

Numbers of 'Bathing Boxes': Some 2000 private 'bathing boxes' exist around Port Phillip, but they are anachronisms, as there is no longer any possibility of even 0.1% of the metropolitan population of some 3,000,000 people ever owning such a structure without a 50% increase in the number of boxes. Such a pronounced scarcity has encouraged the growth of a market in transfers of licences for large prices, which promotes profiteering at the expense of public land values, and entrenches ownership. Examples of bathing boxes registered as recognized heritage properties should maintain sufficient evidence of former historical use of public sites.

Transfers of Licences: Ownership by private individuals, or by private or public companies, of existing 'bathing boxes' should be, as occurred in their earlier successful phasing out in the former City of Sandringham, linked to the ownership by the same owner of a specific residential lot in the municipality involved. If the ownership of that lot changes, ownership of the 'bathing box' should change with it, or else lapse permanently.

Maintenance of Structures: Public landowners should maintain on their Web sites published criteria of the standard of maintenance and appearance of licensed structures, including a requirement for a permanent clearly visible registration number, and they should require structures that cease to meet those criteria to be removed at the owner's expense. To ensure that such removal is feasible without public cost an indexed bond, refundable on removal of the structure, should be paid to and held by the landowner as a provision for meeting the costs of removal in the event that it is not practicable to recover those costs from the licensee.

ADOPTION:

This PPCC Inc. Policy Statement No. 15 was adopted by a General Meeting of Port Phillip Conservation Council Inc. on 28th April 2003.
