



PORT PHILLIP CONSERVATION COUNCIL INC.

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19th May 2008

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

Dear Ms Blackwood,

Bathing Box and Boatshed Draft Policy Consultation Phase Two

In response to your letter of March 2008 (File No BBother group), about Phase 2 of your consultation on the above draft policy, Port Phillip Conservation Council Inc. - a federation of 15 conservation organizations around Port Phillip Bay - asks you to still keep in mind its established [PPCC Inc. Policy Statement No. 15](#) "Private Structures, such as 'Bathing Boxes' on Public Land and Waters", and asks you to give as much consideration to the values it seeks to encourage in relation to such structures as possible, please. That PPCC Inc.'s Policy Statement on private bathing boxes and boat sheds, a copy of which appears at the end of this letter, contains some aspects of Bayside City Council's Draft 2, but still differs in certain key aspects.

References to BBBA Inc: PPCC Inc. notes with approval that Draft 2 now refers to the [Brighton Bathing Box Association Inc.](#) in only the **STATEMENT OF INTENT** and in Sections 1.0 and 7.0, and that recognition of BBBA Inc. is now more objective, and delegation of any of Council's powers to it is no longer included.

PPCC Inc. nevertheless considers that Draft 2 should at least, when the full name of BBBA Inc. first appears in the document under "Statement of Intent", state it with the expression "Inc." after its full name so that its legal status as an Incorporated Association is made apparent. Such a full description on all documents produced by an incorporated association is a requirement of [Section 12A](#) of the *Associations Incorporation Act 1981* so it seems a reasonable requirement for similar basic public information as to the legal status of the organization to appear at least once in Draft 2.

POLICY OBJECTIVES:

First Dot Point: The fanciful description "*iconic*", in the first dot point of "Policy Objectives", is objectionable in a formal objective statement of municipal policy, as it is a gross exaggeration of the significance of a row of wooden sheds, whose importance is strongly disputed in the community. The word "*iconic*" in a formal Council policy document is an example of an inappropriately partisan and subjective description being used for structures that should be referred to in an objective manner in such documents, and the word should be omitted.

Fifth Dot Point: The word "licensee" should be "licensees".

Sixth Dot Point: The word "unforseen" should be "unforeseen".

DEFINITIONS:

“boatshed/bathing box”: Nowhere else in Draft 2, apart from the definition of “Site” where the order of the terms is reversed, is the loose expression “boatshed/bathing box” used, as the terms “boatshed” and “bathing box” are used separately elsewhere, so the terms should be defined separately and not be vaguely connected by means of a solidus. Where the terms are used together they should appear as “boatshed and bathing box” or “boatshed or bathing box” according to the meaning intended, as is the general case.

The separate definition of each term should surely primarily relate to the common meaning of the terms, used everywhere else around Port Phillip Bay, so that bathing boxes are ancillary to sea bathing, and boatsheds are ancillary to the storage and use of boats. References to separate meanings based on their physical location should be omitted, and would be better replaced by a statement in relation to each of the two Reserves referred to indicating the absence of one of the categories in a relevant Reserve if that is the case.

“Council” and “Department of Sustainability and Environment”: The word “who” should be “which” in each case.

Premises: “South of Beaumaris Yacht Club” should be “Just North of Beaumaris Yacht Club”, as the only “boatsheds” south of the Beaumaris Yacht Club are those already specified as being at Dalgetty Road, and others are well north of the Beaumaris Yacht Club..

Section 1.0 “The Roles of the BBBA and Council”: As BBBA Inc. is an incorporated association it should be referred to in the singular, so that “BBBA have seen their role ...” should be “BBBA has seen its role ...”, and “Their role has been wide ...” should be “Its role has been wide ...”. That usage would then be consistent with the mention in the next sentence of “... this organization ...” and “... its members ...”

Section 2.0 “Uses”: The structures that are the subject of the Bathing Box and Boatshed Policy are described by the two different names, Bathing Boxes and Boatsheds, as they are different types of building, with different purposes and uses, but the categorization of uses are not separated to make provision for differences in uses between them. The permitted uses should be listed separately for each type of structure. In particular, boat and boating equipment storage should not appear as a permitted use in a bathing box.

Fuel associated with boat storage should not be permitted in a bathing box, and an upper limit to the volume of fuel allowed to be stored should be set for a boatshed. That upper limit should be a small amount for reserve and fallback purposes only, not above 20 litres. All fuel for boating must ultimately be sourced from a retail petrol outlet and brought to the boat, so it is perfectly reasonable to require boat users to estimate beforehand their likely use and bring that amount plus a small reserve margin on the day of use, keep it in their boat while it is being used, and leave no more than a small amount of surplus unused fuel in their boatshed, as all such fuel presents a hazard in the event of burglary or arson committed on the boatshed.

“... the bathing boxes or boatshed ...” should be “... the bathing boxes or boatsheds ...”.

Section 4.0 “Transfer”: The expression “Licensees taking account of Local Law 4, will ...” should be replaced by either “Licensees taking account of Local Law 4 will ...” or “Licensees, taking account of Local Law 4, will ...” depending on what is meant.

The loose expression “resident/ratepayers” should be replaced with “residents or ratepayers”.

Section 6.1: The expression "... maybe ..." should be replaced with the expression "... may be ...".

Section 6.2: The third dot point would be better shown as "Boatsheds and bathing boxes must be kept securely shut and locked when vacant."

In the fourth dot point, "... boatsheds ..." should be "... boatsheds and bathing boxes ...".

In the seventh dot point, "... caused as the result of vandalism ..." should be replaced with "... however caused ..."

Section 6.3 "Vegetation": In the second dot point, the expression "... except where, and in accordance with, any conditions authorised by Council." should be changed to read, "... except in accordance with any conditions authorised by Council."

Section 6.4 "Reconstruction, Relocation and Alteration": The expression "... of boxes already existing" should be replaced by "... of structures already existing".

Section 6.4.1 "Relocation": The expression "... any net gain on the beach reserve ..." should be replaced by "... any net gain of area occupied by structures on the beach reserve ...".

The word "alternations" should be "alterations".

Section 7.0 "Audits": The expression "... assist licensees have ..." should be "... assist licensees to have ...".

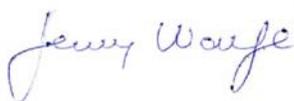
Section 8.0 "Infill": The use of the expression "... occupied Dendy Beach Reserve ..." here is too sweeping, as a major dictionary definition of the word "occupied" is "taken up or **filled** (space, time)", and therefore it is more correct to replace "... occupied Dendy Beach Reserve ..." with "... occupied part of Dendy Beach Reserve ...".

The four instances of the word "*Affect*", each being the first word in a separate dot point, should be replaced with the correct word, which is "*Effect*", as "*Affect*" is a verb only, with a different meaning from the noun "*Effect*", which is what appears to be meant in each of those cases.

The last sentence would read better as, "*The release of these sites will be carried out via a public process in order to allow the general public to purchase the rights to them.*" It is less misleading to refer to purchasing rights to sites than purchasing the sites themselves, as that usage can give the impression that the purchaser might be purchasing some sort of freehold or perpetual right, which is not the case.

Conclusion: Port Phillip Conservation Council Inc. is pleased that some parts of its initial submission have been accepted, but regrets that many have not. Rather than repeating all its initial points here, PPCC Inc. reminds you that they are accessible on its Web site at www.vicnet.net.au/~phillip/gl_bathb.pdf

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.
