



morningtonpeninsulabeachboxassociationinc.

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REG. NO. A0040848G
A.B.N. 36 827 637 979

Mr Phil Honeywood and Councillors,
Victorian Environmental Assessment Council
veac@delwp.vic.gov.au
7th November 2016

Dear Councillors,

Re: Submission in response to Statewide Assessment of Public Land
(a) Discussion Paper and (b) Draft Proposals Paper.

The Port Phillip Boatshed Association including the Mornington Peninsula Beachbox Association Inc has welcomed these Papers. Both Associations represent licensees of crown land used for the purpose of boatsheds or bathing boxes. Such use is not listed per se in Section 4 of the Crown Land (Reserves) Act and in today's usage would come under the banners of Culture & Heritage as well as Recreation.

Though there are 1,307 boatsheds and bathing boxes in the Mornington Peninsula Shire and approximately 500 more around Port Phillip the total area of Crown Land they occupy would be less than 4 hectares. In the Mornington Peninsula Shire they generate approximately \$2m per annum in direct revenue for foreshore authorities and uncounted revenue for the area from their attraction to tourists and visitors and use by licensees families and friends.

We submit that it is time and appropriate for these little, friendly structures to be explicitly recognised, and positively, in legislation.

Some say that the basis of their use is exclusive to the licensee and that, by that fact only, leases are the due basis for their occupancy of crown land. The Parliament has not seen it that way in creating Section 17B licences which exclude any interest in the land and explicitly deny a right to compensation. These and other conditions make the licence the proper vehicle for occupancy.

In trying to fit the boatshed & bathing box use into the recommended reclassification in Table 1 of the Proposals Paper, we are guessing that the term "Community Use Reserve" would be where it might be placed. However that phrase is open to be interpreted as excluding the private use of public land whether by lease or licence. This would be unfortunate and detrimental. We ask that such a narrow reading of the phrase (likely in the hands of some writers/ interpreters of Coastal Management Plans and other regulations) be avoided.



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We note the sincere sentiment that " Changes in categorisation and nomenclature are not intended to change the permitted uses and level of protection for land in that category". However, as a large community of beach users who pay for the privilege we have little confidence that there will not be adverse, if unintended, consequences.

It would be constructive if in R3(a), the recommended changes to Section 4 (1) of the Crown Land(Reserves) Act could include a definition of "Community Use Reserve" as "**including Boatsheds and Bathing Boxes**".

The Legislative Reform Recommendations R2 to R10 are very general and we are sceptical - the devil will be in the detail . We do not support wholesale rewriting of the Crown Land (Reserves) Act as called for by Recommendation 10. The uncertainty generated over the years of the rewrite and following any new Act would take a high toll.

We note especially Recommendation R3(f) "The Crown Land(Reserves) Act be amended to ensure that legislation can provide for the issue of short-term licences and permits for up to 3 years directly by committees of management for uses that are not inconsistent with the purpose of the reserve or not to the detriment of the reserve." If this was enacted to replace or amend Section 17B of the Act it would be a reversal of the 10 year licence enabled in 2009 and therefore retrograde and inefficient. If it did not affect S 17B it would be constructive.

Because Boatsheds and Bathing Boxes are, by definition and usage, long-term structures we ask that consideration be given to a sub-recommendation of R3(f) allowing for the issue of Licences with terms up to fifteen years. This would be consistent with the goal of promoting "effective and efficient public land management".

Finally, we support 100% the recommendation that the Department get behind community-based committees of management. The principle of subsidiarity applies to them - its application will **sustain** communities from the inside.

Yours sincerely,

Chris Maine

Chris Maine.

President

Port Phillip Boatshed Association & Mornington Peninsula Beachbox Association Inc.