

Dromana Foreshore Committee of Management Inc

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Transfer of Buildings

Bathing Box/Boatshed No: _____

From

Mr/Mrs/Ms _____

Address

Phone

Signed

Date

To

Mr/Mrs/Ms _____

Address

Phone

Mobile

Peninsula Address

Email

Signed

Date

Purchase Price \$ _____ Transfer Fee: 5% of purchase price + 10% GST \$ _____ (see note 1)

Family Transfer Fee: \$275 + 10% GST \$ _____ (see note 2)

Note 1: Standard Transfer fee of 5% of sale value + GST applies to all 'common' sale purchases of boatsheds/bathing boxes. Where a boatshed/bathing box has 'Tenants in Common' (shared ownership/partnership – non-commercial) then a standard transfer fee shall apply. As businesses have an obligation to comply with declarations under the Corporations Act the transfer of boatshed/bathing boxes in and out of companies or registered businesses will also apply to these criteria.

Note 2: Family transfer fee is to be a flat rate of \$275 + \$27.50 GST per transfer. Family members will be defined as relations within a direct family and/or their spouses. This will be subject to proof of relationship (i.e.. Statutory Declaration) from past to new owners. The transfer from family name to a "Trust" within that same family will also apply to these criteria. Transfer of ownership resulting from inheritance irrespective of relationship will be treated in the first instance only as a family transfer. Copies of death certificate and Will are required.

CONDITION OF BUILDING: (office use only)

BOATSHED/BATHING BOX POLICY

A. PAYMENT OF ANNUAL LICENCE FEES

1. The charges on this invoice notice are made under the authority of the Regulations gazetted on 31st October 1974.
2. The issuing of the licence is renewed annually on the approval of the Committee of Management as manager of Crown Land for DELWP. Annual licence fee provides licence holder with the annual right of use of the boatshed/bathing box but does not constitute ownership as all assets on crown land are the property of the crown.
3. The Licence holder must be a householder/ratepayer in the Shire of Mornington Peninsula.
4. The Licence is personal to the Licence holder and not transferable without permission of the Committee.
5. Committee of Management must be advised of change of address within 30 days.
6. The Licence holder shall keep the site clean and tidy and maintain and keep all buildings and improvements for the time being thereon in good repair, order, and appearance, to the satisfaction of the Committee.
7. Under no circumstances shall any person be permitted to camp, sleep or light fires in or around a boatshed or bathing box. Offenders are liable to prosecution under the Health Regulations of the Shire of Mornington Peninsula.
8. The licence shall lapse upon breach of any part of the foregoing conditions.
9. All buildings or improvements on the site shall become the property of the Crown unless removed within 14 days after lapsing, surrender, or determination of the licence.
10. The Committee may by resolution at any time either generally or in a specific case vary, modify, alter or add to these conditions.

B. TRANSFER OF OWNERSHIP

1. The signing of a transfer form by the vendor and the purchaser does **not** of itself legally constitute transfer of ownership of the annual licence of the property described herein. Ownership is transferred following:
 - (a) payment of transfer fee in full; proof of sale/receipt to be provided
 - (b) approval by Committee of Management of the transfer, and
 - (c) subsequent advice in writing by Secretary of CoM to the purchaser of this approval.
2. Transfer of licence is also subject to the Rules and Regulations of the Dromana Foreshore Committee of Management Inc.
3. The Dromana Foreshore Committee of Management Inc. reserves the right to amend the transfer fee if it is in the opinion that the sale price does not represent a true valuation of the purchased licence of the property.
4. It is the purchaser's responsibility to also notify the Mornington Peninsula Shire Council of change of ownership. Mornington Peninsula Shire Council charges are applicable to purchaser.
5. Transfer will not apply until all conditions, as set by the Dromana Foreshore Committee of Management Inc. on inspection, have been complied with.

C. ALTERATIONS

Under no circumstances should any improvements be made to boatsheds/bathing boxes until, and following adherence to all the above procedures, written request has been received from the new purchaser including details of alterations proposed. Consent in writing from the Committee of Management and the Department of Natural Resources and Environment is the point at which alterations may be commenced and not before then. Planning and building permits may also be required by the Mornington Peninsula Shire Council. It is the responsibility of the licence holder to ensure that all permits and consents are obtained before any works have commenced. These documents must be available for viewing if requested by the Shire or Committee of Management.

At its April 1999 meeting the Dromana Foreshore Committee of Management agreed the following:

1. that Dromana Foreshore Committee of Management accept the DNRE draft Standard 1996 for boatshed and bathing box construction and maintenance. That this document be accepted as an interim measure until a standard is approved. Copy of the draft recommendations are available from the Ranger upon payment of a \$10.00 deposit refunded on return in good condition.
2. that only timber construction or reconstruction be approved.
3. that a plan of any proposal be submitted for approval showing plan, elevation, cross section and location relative to adjoining sheds.
4. that floor levels be shown relative to adjoining sheds.
5. type of finish to be detailed.
6. that any deck be limited to 1.8m seaward from the point of the shed and no wider than the shed.
7. that the attention of boat shed and bathing box owners be drawn to the Victorian Coastal Management Act 1995 and in particular Section 37 and 38 stating:
 37. **Consent required to use or develop Crown land.** -A person must not use or develop coastal Crown land unless the written consent of the Minister has first been obtained. Penalty: 40 penalty units.
 38. **Application for consent**
 - (1) An application for consent to use or develop coastal Crown land must be made in a form and manner approved by the Minister.
 - (2) If the responsible authority under the **Planning and Environment Act 1987** gives the Minister, the Secretary or the Department of Environment, Land, Water, and Planning as a referral authority under that Act, a copy of an application under that Act for a permit for a use or development of coastal Crown land, that application is deemed also to be an application under this section for consent to that use or development unless consent has already been given under this division for that use or development."