



Boatshed and Bathing Box Policy

May 2023

Purpose

The purpose of this policy is to:

- guide the preservation and appropriate use of boatsheds and bathing boxes; and
- assist in the assessment of applications for alterations or reconstructions of boatsheds and bathing boxes located on marine and coastal Crown land, managed by Capel Sound Foreshores Committee of Management Inc ('the Land Manager').

Objectives

The objectives of this policy are to:

- document the Land Manager's position as the delegated Committee of Management appointed under section 14 of the *Crown Land (Reserves) Act 1978*.
- set out clearly the rights and obligations of boatshed and bathing box licensees.
- ensure boatsheds and bathing boxes are maintained in good condition to protect the amenity and use and enjoyment of the foreshore by other beach users; and
- provide for a fair and financially viable approach to boatshed and bathing box licensing and management arrangements.

Management of marine and coastal Crown land

The Department of Energy, Environment and Climate Action (DEECA) is responsible for the oversight of marine and coastal Crown land across Victoria. Crown land is either administered directly by DEECA or managed by a delegated committee of management.

Building and structures located on marine and coastal Crown land face many challenges and are often have a high risk of being damaged by storms, erosion, and inundation.

Buildings and structures, including bathing boxes and boatsheds, need to be appropriately sited, designed and maintained to minimise impacts on environmental and cultural values and risk to public safety.

Cultural and heritage significance

The presence of historic bathing boxes on marine and coastal Crown land provides a link to the late 19th and early 20th century. Today these structures are a part of local history and, when appropriately sited and maintained can add to the landscape character of an area.

Bathing boxes and boatsheds have European heritage significance but can be located alongside Aboriginal cultural heritage sites. Therefore, licensees and the Land Manager must be aware of and protect Aboriginal cultural heritage values when undertaking maintenance and repairs.



Aboriginal cultural heritage is protected by the *Aboriginal Heritage Act 2006* and the *Aboriginal Heritage Regulations 2018* and consequently, a permit and or management plans may be required before maintenance and repairs are undertaken. For these reasons it is essential to engage with the relevant Registered Aboriginal Party, Traditional Owner groups and Aboriginal Victoria prior to undertaking any works on bathing boxes or boatsheds on marine and coastal Crown land to ensure Aboriginal cultural heritage is protected.

1. Bathing boxes and boatsheds – general

- 1.1 There shall be no increase in the number of bathing boxes or boatsheds on marine and coastal Crown land.
- 1.2 Existing bathing boxes and boatsheds will be permitted to continue occupying marine and coastal Crown land noting the ongoing need to consider the risks associated with current and predicted coastal inundation and hazards and coastal processes.
- 1.3 Boatsheds and bathing boxes must not be used for residential purposes.
- 1.4 Licensees are not permitted to hire or sublet a bathing box or boatshed or derive any commercial gain from use of the boatshed or bathing box.

2. Licences

- 2.1 The permission for a person to occupy a bathing box or boatshed on marine and coastal Crown land is provided through a licence issued from the Land Manager under the *Crown Land (Reserves) Act 1978* and associated regulations. A licence grants permission for non-exclusive use of part of the reserve, for a set period of time. The Land Manager is the 'licensor' and the person accepting the licence is the 'licensee'.
- 2.2 Licences will be granted for a term of 12 months commencing 1 July.
- 2.3 The Land Manager will renew the licence annually provided there is no breach of conditions as set out in this policy.
- 2.4 No licence will be granted for any bathing boxes or boatsheds that affect public access or use of marine and coastal Crown land.
- 2.5 All licensees must take out public liability insurance for their bathing box or boatshed to a minimum value as specified in their licence and supply evidence (valid Certificate of Currency) to the Land Manager prior to licence grant or renewal.
- 2.6 The Land Manager will conduct an annual audit of boatsheds and bathing boxes and provide each licensee with an inspection report indicating general condition and maintenance required, which must be rectified within 60 days.
- 2.7 If rectification works are not completed within the 60-day timeframe, the Land Manager may revoke the licence in accordance with DEECA's *Guidelines for the management of existing bathing boxes and boatsheds on marine and coastal Crown land* (March 2022).
- 2.8 Any changes to the address of a licensee must be provided to the Land Manager in writing within 30 days of address change.



3. Licence fees

- 3.1 The Land Manager currently collects a licence fee on an annual basis from licensees.
- 3.2 Licence fees are based on a standard rate set for all bathing boxes and boatsheds within a reserve, which may be based on a scale reflecting the site area occupied by the structure or market valuation.
- 3.3 Licence fees will be reviewed as determined by the Land Manager. Review of the licence fee must have regard to the previously levied fee.

4. Transfer

- 4.1 Any proposed transfer of licence must be approved by the Land Manager.
- 4.2 An 'Application to Transfer' form, completed by both parties to the transfer, along with a copy of the current rate notice from the Mornington Peninsula Shire Council ('the Shire') must be submitted to the Land Manager.
- 4.3 The Land Manager determines transfer fees with regard to the administrative costs of transferring the licence.
- 4.4 The Land Manager may request a building inspection and condition report be undertaken by the licensee prior to transfer.
- 4.5 After the inspection and provision of the condition report, transfer may only proceed when any identified defects have been attended to, or if the transferee undertakes in writing to comply with rectifying the itemised defects on the condition report within 30 days from the proposed transfer date.
- 4.6 Transfer fees will be:
 - 4.6.1 5% of the purchase price or Capital Improved Value (CIV), whichever is the higher, plus GST; or
 - 4.6.2 ii) where the transfer is between immediate family members, or as an inheritance, \$500.00. Documentary evidence required.
- 4.7 Once the conditions applicable to the transfer have been completed to the satisfaction of the Land Manager and all applicable fees have been paid, the transfer will be approved.
- 4.8 The Land Manager will advise both the transferor and transferee in writing that the transfer has been approved.
- 4.9 The transferee will notify the Shire of the transfer and will be responsible for any fees or charges levied by the Shire.
- 4.10 The transfer is subject to the transferee's adherence to this policy and the directions of the Land Manager.



5. Connection of service

- 5.1 There is to be no new power, drainage, sewerage, water, gas, telecommunications, surveillance cameras or similar services connected to bathing boxes or boatsheds.
- 5.2 There is to be no installation of fixed solar or wind power systems or non-portable standalone sources such as deep-cycle battery banks.
- 5.3 There is to be no discharge of waste or greywater on or from the licensed site onto marine and coastal Crown land.
- 5.4 Only when permitted by the Land Manager, fuel (up to 40 litres for power boat purposes) can be stored in accordance with 'Australian Standard AS/NZS 2906 – Fuel containers portable plastics and metal'. The licensee will be responsible for the clean-up of any contamination or fire created by the fuel or its use.

6. Safety and maintenance

- 6.1 No licence will be granted for any bathing box or boatshed that is found to be structurally unsound.
- 6.2 A bathing box or boatshed that has sustained structural damage, deemed to pose an immediate risk to the public or is in a state of disrepair, must be secured immediately. The part of the bathing box or boatshed that has sustained damage, must be demolished or reconstructed, if deemed appropriate. This must be completed as soon as is practicable by a suitably qualified person in accordance with the timeframe of relevant permits and approvals.
- 6.3 Vegetation removal may only be undertaken by the Land Manager.
- 6.4 Requests for vegetation management by the Land Manager will be permitted in order to: provide access to entry points; provide sufficient beach access so a small, non-powered watercraft can be stored; or, if practicable, to remove non-native vegetation to enable bay views.
- 6.5 If there is any presence of asbestos in the bathing box or boatshed's construction, it must be managed in accordance to the Land Manager's Asbestos Policy.
- 6.6 The lighting of fires is prohibited at all times throughout the reserve.

7. Alteration and rebuilding (in existing footprint)

- 7.1 Consent for use, development or works under section 65 of the *Marine and Coastal Act 2018* must be obtained for any alteration or rebuilding of a bathing box or boatshed. All works must be completed within the timeframe specified in the conditions of that consent and within 12 months from the date the consent was issued.
- 7.2 Any alteration and re-building of a bathing box or boatshed must be compliant with the Building Code of Australia and the *Building Act 1993*.
- 7.3 The DEECA *Standards for Bathing Box and Boatshed – Construction Guidelines 2015* ('the DEECA Standards') provide a prescriptive code for the selection of appropriate materials and approved construction techniques for any rebuilt or altered bathing boxes or boatsheds. While the DEECA Standards specifically address reconstruction of bathing boxes and boatsheds, they also offer advice for the maintenance of existing structures. The Standards will be governed by the Land Manager who will have final determination of appropriate use of materials and construction techniques.



- 7.4 Rebuilding of a bathing box or boatshed will only be permitted where:
- 7.4.1 an existing structure is being replaced;
 - 7.4.2 the new structure is built within the existing footprint or minimised;
 - 7.4.3 impacts on cultural values are avoided;
 - 7.4.4 the site is not within an identified area that is vulnerable to coastal hazard risk; and
 - 7.4.5 it can be demonstrated that the location is appropriate for the current environmental conditions present (including coastal processes).
- 7.5 The finished height of a bathing box or boatshed may only be raised following an assessment that forms part of any application, that considers whether it is appropriate to do so, and where there are no negative impacts to existing public or private views.
- 7.6 The reconnection of services (e.g. power, drainage, sewerage, water, gas, telecommunications) to a bathing box or boatshed may not be permitted if the service is: a safety risk; at the request of the service authority; a danger to beach users; a threat to the environment; a fire hazard; or illegally connected.
- 7.7 Unless demonstrated vital to satisfy disability access requirements of licensees', construction of replacement decks (including conversion from steps or ramps to a deck) will not be permitted where: a railing is required; public access is impeded; or an area has been identified with risks associated with current or predicted coastal processes and hazards (e.g. inundation or erosion).
- 7.8 Alterations or rebuilding that increase the enclosed or covered areas of a bathing box or boatshed will not be permitted.
- 7.9 Vehicle access to the foreshore for alterations or the rebuilding of a bathing box or boatshed is not permitted except with the prior written consent of the Land Manager.
- 7.10 To preserve the character of bathing boxes and boatsheds, any alterations or rebuilding should use timber, or visually similar material, as the wall, floor and plinth board cladding in accordance with the DEECA Standards.
- 7.11 The use of retractable awnings over existing decking is permitted if they are within the existing footprint.

8. Upkeep and access to boatsheds and adjoining surrounds

- 8.1 The use of bathing boxes and boatsheds will be monitored and managed by the Land Manager to ensure there is minimal impact on the surrounding foreshore environment, public safety, cultural values and heritage, and natural coastal processes.
- 8.2 The use of bathing boxes and boatsheds must be in accordance with the purpose and conditions of the licence. Use of bathing boxes and boatsheds for activities that negatively impact on marine and coastal Crown land values will result in the licence being reviewed and possibly revoked.
- 8.3 The Crown or the Land Manager do not have an obligation to reduce the impact of coastal hazards, sea level rise, or natural coastal processes on bathing boxes or boatsheds.
- 8.4 No new structures to prevent erosion or sand accumulation will be permitted.
- 8.5 Throughout the term of the licence, the site and structure must be kept in good order and condition by the licensee, as per the licence conditions.
- 8.6 Removal, lopping or trimming of vegetation (either within or outside the licensed area) by bathing box or boatshed licensees is prohibited.



8.7 With written approval of the Land Manager, sand management may be undertaken by the licensee by manual methods (e.g. buckets and spades) to ensure the bathing box or boatshed remains functional.

9. Inspection and monitoring

- 9.1 All bathing boxes and boatsheds on marine and coastal Crown land must be properly maintained, secured, painted and repaired to the satisfaction of the Land Manager in accordance with licence conditions.
- 9.2 The Land Manager must routinely visually monitor the conditions of bathing boxes and boatsheds to ensure they are in good condition, do not create a public risk, detract from the visual amenity of marine and coastal Crown land, or have detrimental impacts on marine and coastal Crown land values, uses or coastal processes.

10. Penalties

Non-compliance of conditions as set out in this policy document may result in penalties in excess of \$10,000 or revocation of licence.

Capel Sound Foreshores Asbestos Policy and Bathing Boxes

Committee authorized 10 April 2019.

Capel Sound Foreshores (CSF) contains 92 boatsheds, many of which are constructed from asbestos cement sheeting or roofing. The objective of this policy is to protect persons against the risk of asbestos-related disease resulting from exposure to airborne asbestos fibres. This policy applies in conjunction with the CSF Boatshed Policy. The Committee of Management will make this policy available to all boatshed & bathing box licensees.

Asbestos is the name given to a number of naturally occurring fibrous silicate minerals. The fibres are not visible to the naked eye, but being very light they can travel large distances by wind and air currents. Inhaling asbestos fibres may cause asbestos-related disease and death. Undisturbed asbestos cement materials in good condition do not pose a health risk.

However, if the material is damaged or crumbling, or is disturbed by breaking, cutting, drilling or sanding, fibres are released into the air. Although there is absolutely no safe level of exposure to asbestos fibres, occasional exposure to low levels of fibres poses only a low risk to your health.

Risk Assessment and Notification.

Capel Sound Foreshores staff will carry out an annual audit to determine the condition of boatsheds and bathing boxes. At this time and as appropriate any damage, especially to materials likely to contain asbestos, will be reported to the licensee. The committee will keep records of the results of the audit, inspections and notifications to licensees.

It is also the responsibility of the licensee to notify the committee immediately if there is damage to known or suspected asbestos building materials.



Asbestos Removal.

To protect persons against asbestos exposure, repairs or removal of asbestos by the licensee is not permitted. All asbestos removal must be carried out by a person holding an appropriate asbestos removal licence as approved under O H & S Regs 2017 S.R. No. 22/2017 Part 6.1- Licences. Written permission must be sought from the committee to remove asbestos from boatsheds, if not reported due to damage as above.

If asbestos building materials are damaged, they must be removed (not repaired), by a person licensed to remove asbestos. Complete replacement will be required as soon as is practical but no longer than 30 days after the notification. When an asbestos roof is damaged, the roof must be removed in its entirety (not repaired). Replacement of the roof must be completed within 14 days of the asbestos removal.

No storage of asbestos-containing waste is permitted on the foreshore. Risks to the general public from storm damaged asbestos-containing waste on the reserve will be minimised by the committee arranging its removal immediately and costs will be charged to the licensee of the storm-damaged boatshed or bathing box.

References:

Department of Health & Human Services, State Government of Victoria (2017).

Australian Health Protection Principal Committee, Canberra.

State Govt Victoria (2017) Occupational Health & Safety Regulations 2017 S.R. No. 22/2017.