

# DRAFT POLICY FOR THE MANAGEMENT OF BATHING BOXES AND BOATSHEDS ON CROWN LAND



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# Introduction

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Crown land is a valuable public asset and it is essential that it is managed wisely to maximise social, environmental and economic benefits to the State.

The objective of this policy is to provide clear and consistent direction to licensees, planners and land managers for the use and management of bathing boxes and boatsheds.

Bathing boxes and boatsheds are mostly simple, free-standing, light weight, relocatable, non-commercial, non-residential structures used by private individuals and families primarily for storing beach equipment or boats, as change facilities and for shade and shelter. The exception is some boatsheds which were constructed from brick and concrete and are not relocatable. There are approximately 2000 boatsheds and bathing boxes in Victoria, predominantly located around the eastern and southern shores of Port Phillip and Western Port, and the Gippsland Lakes and Corner Inlet.

This policy is applicable to all bathing boxes and boatsheds located on coastal Crown land as defined in the *Coastal Management Act 1995*.

The Department of Environment, Land, Water and Planning (DELWP) represents the Crown as landowner of Crown land. Coastal Crown land is either administered directly by DELWP or delegated to committees of management appointed under section 14 of the *Crown Land (Reserves) Act 1978*.

The permission for a person to occupy a bathing box or boatshed is provided under the *Crown Land (Reserves) Act 1978* and associated regulations.

Consent for the use and development of coastal Crown land is required pursuant to section 37 of the *Coastal Management Act 1995*. This includes any development works to a Bathing Box. Information regarding how to apply for consent for any development works is found on the Departments website at <http://www.depi.vic.gov.au/forestry-and-land-use/coasts/coastal-committees-of-management>.

This policy primarily applies to bathing boxes and boatsheds that are for private individual use, and does not apply to boat or storage sheds used by land managers or port authorities, structures within club leaseholds or those for commercial use.

## 1. Directions for Management

Bathing boxes and boatsheds provide cultural, landscape, social, tourism and economic (through Licence fees) benefits to the community. The presence of bathing boxes on coastal Crown land provides a link to the late 19<sup>th</sup> and early 20<sup>th</sup> century, when they were used to preserve the modesty of beach goers. Now, these structures are a part of the local history of some foreshores, and when appropriately sited and maintained add to the landscape character of an area. In some locations bathing boxes are a tourist attraction and are often photographed and painted. Bathing boxes and boatsheds also provide a source of revenue for local land managers. This revenue provides funding for the ongoing maintenance of reserves and to the benefit of the wider community.

The *Victorian Coastal Strategy 2014* provides a long-term vision for the planning, management and sustainable use of our coast. It includes a hierarchy of principles and policies to guide decision making. The hierarchy of principles include:

1. Ensure the protection of significant environmental and cultural values
2. Undertake integrated planning and provide clear direction for the future
3. Ensure the sustainable use of natural coastal resources

Only when the above principles have been considered and addressed:

4. Ensure development on the coastal is located within existing, modified and resilient environments where the demand for development is evident and any impacts can be managed sustainably.

The specific policies that relate to use and development of bathing boxes and boatsheds include:

- that new private structures on coastal Crown land that provide no public use benefit (e.g private jetties, bathing boxes, boatsheds) are not permitted;
- the 'Criteria for Use and Development on Coastal Crown land' are applied as appropriate; and
- the risks associated with climate change are considered.

This policy guideline provides further guidance to decision makers when considering the management and replacement of existing boatsheds and bathing boxes.

### *Policy Statement*

- 1.1. There shall be no net increase in the number of boatsheds or bathing boxes within coastal Crown land reserves.
- 1.2. Existing bathing boxes and boatsheds will be permitted to continue occupying coastal Crown land where consideration has been given to the risks associated with current and predicated coastal inundation and hazards and coastal processes. The precautionary principle will be applied to planning and management decisions relating to boatsheds and bathing boxes.

## 2. Tenure

All bathing box or boatshed occupations shall be formalised through a Crown land licence (section 17B pursuant to the *Crown Land (Reserves) Act 1978*) and the term of the licence shall be no greater than 10 years. The licence must be consistent with the standard DELWP licence document, with the addition of any special site-specific conditions requested by the committee of management and approved by the Minister for Environment, Climate Change and Water.

The revised DELWP standard bathing box and boatshed licence document will be used for all new licences. It includes requirements such as the need for licensees to have public liability cover. The revised licence will have special conditions that are consistent with this policy and will also include any special requirements requested by the relevant committee of management.

It is anticipated that if the structure is well maintained, licence conditions are met, and the structure is in an appropriate location, the licence may be renewed at the end of the tenure period.

This does not preclude members of the public owning a bathing box or boatshed. Bathing boxes and boatsheds are available for sale in which case the licence is transferred to the new owner.

### Licence Fee

Committees of management currently collect a licence fee on an annual basis from bathing box and boatshed licensees. The licence fee is normally based on a standard rate set for all boxes within a reserve, which may be based on a scale reflecting the site area occupied by the structure or market valuation.

#### *Policy Statement*

- 2.1 The licence fee must be based on a fair and transparent determination process.
- 2.2 Licence fees and annual increases for all bathing box and boatshed licences shall be determined by the relevant committee of management.
- 2.3 Licence fees will be reviewed every three years by the Committees of Management. Review of the licence fee must have regard to the previously levied fee.
- 2.4 Any bathing box or boatshed that does not have a signed Crown land licence within 6 months of ownership shall be deemed to be an illegal unlicensed occupant. The committee of management may:
  - i) remove the structure and reinstate the site to public foreshore;
  - ii) use the structure and/or site to relocate a licensee from an inappropriate location;
  - iii) sell the structure and/or site.

## 3. Transfer

The local committee of management may levy a transfer fee and/or a administration fee, which will be determined by the Committee of Management. (This should be stated in the Schedule of the Licence).

The transfer and/or administrative fee covers the administrative cost in transferring the licence. Any remaining revenue is invested back into the management and improvement of the foreshore by the committees of management. Consistent with current departmental policy, all transfers of licences will be subject to the approval of the Minister. A building inspection/condition report may be undertaken prior to transfer.

#### *Policy Statement*

- 3.1 Committees of management may charge a transfer and/or administrative fee. The fees charged will be determined by individual committees of management.

3.2 A building inspection/condition report may be undertaken prior to transfer. Removal of existing services may be required prior to transfer.

## 4. Connection of Services

DELWP does not provide consent to any new connections (power, drainage, sewerage, water, gas, telecommunications or similar service) of services to bathing boxes or boatsheds. This is aimed at reducing the proliferation of management issues associated with services to bathing boxes and boatsheds such as the removal of vegetation, risk to public safety, vulnerability to climate change and altering the function of the structures.

Electricity is the most common service currently connected to bathing boxes and boatsheds. The installation of solar power systems also creates management issues due to requirement for airspace to be clear of vegetation and the desire for the installation of additional electrical systems and products. Licensees are encouraged to install laser sheeting on sections of the roof to allow natural light to enter the bathing box or boatshed or to utilise a portable battery operated LED lighting where required.

Some bathing boxes and boatsheds are connected to water which leads to the illegal discharge of grey water onto coastal Crown land. DELWP will continue to work with committees of management to develop community awareness on the damage illegal discharge of grey water causes to the environment and encourage land managers and licensees to disconnect these structures from mains and tank water as the opportunity arises.

Some committees of management allow the storage of fuel in boatsheds for boats. Where committees of management permit the storage of fuel for boats in boatsheds, Australian Standard AS/NZS 2906- Fuel containers- portable-plastics and metal. must be adhered to and will be included as a condition of the licence where applicable. Up to 40 litres of fuel for power boat purposes within the licensed site can be stored.

### *Policy statement*

4.1 There is to be no new power, drainage, sewerage, water, gas, telecommunications or similar services connected to bathing boxes and boatsheds.

4.2 There is to be no installation of solar or wind power systems or non-portable stand alone power sources such as deep cycle battery banks.

4.3 There is to be no discharge of waste or greywater on the licensed site or from the licensed site onto the adjoining Crown Land.

4.4 Where permitted, fuel is to be stored in accordance with the Australian Standard AS/NZS 2906- Fuel containers- portable-plastics and metal.

## 5. Relocation, Removal and Re-Building (including alteration ) of Bathing Boxes or Boatsheds

The *Coastal Management Act 1995* states that all use and development of coastal Crown land must obtain the consent of the Minister. Use and development includes any alteration, rebuilding or relocation of a bathing box or boatshed.

## Re-Location

The Victorian coastline is increasingly being impacted by the combined influence of rising sea levels and storm events. For this reason boatsheds and bathing boxes may create a hazard in their current location or restrict public access along foreshores. If permitted under the local Council planning scheme, a Committee of Management may determine that bathing boxes and boatsheds may be relocated when a location is deemed inappropriate. For example when:

- the structure is having a detrimental impact on public land values such as indigenous vegetation or public access;
- the structure is vulnerable to coastal processes; or
- the structure is identified for removal in a management plan for purposes such as public recreation, environmental rehabilitation, erosion management or to improve visual amenity.

Relocation sites must be assessed for vulnerability to predicted climate change impacts and coastal erosion/recession and have minimal impact on other values of the coastal reserve including public use and access. The Committee of Management may request the a Coastal Hazard Vulnerability Assessment by a suitably qualified person to assess the current site and/or ensure the suitability of the new site.

Where an existing bathing box/boatshed is connected to services and is relocated, consent will not be provided to reconnect services.

Any works proposed must be consistent with the requirements of any relevant legislation, policy or strategy that applies to the land including (but not limited to): Coastal Management Plans, Cultural Heritage Management Plan, Native Title requirements, Biodiversity Assessment Guidelines, the local government Planning Scheme, any Local Government Masterplan, Open Space Strategy and relevant guidelines (such as the Siting and Design Guidelines for Structures on the Victorian Coast and the Coastal Spaces Landscape Assessment Study 2006).

### *Policy Statement*

5.1 Consent under section 37 of the Coastal Management Act 1995 must be obtained for the alteration, rebuilding or relocation of a bathing box or boatshed.

5.2 Relocation of bathing boxes and boatsheds will only be considered when the applicant can demonstrate a significant net benefit, a Coastal Hazard Vulnerability Report is provided and a suitable alternative site can be identified by the Committee of Management or DELWP.

5.3 \*No licence will be granted for any bathing box or boatshed that is located in an area that is deemed inappropriate by the Committee of Management or DELWP.

\*An existing licensee of a bathing box or boatshed that is in a location deemed inappropriate (as per dot points above) by the committee of management or the Department may be granted a licence if the licence contains a condition requiring the licensee to relocate the structure within 18 months to a new site determined by the committee of management and the Department in consultation with the licensee, provided a suitable site can be identified.

## Removal

A Committee of Management may determine that an existing bathing box or boatshed is a risk to public safety due to structural failure or possible structural failure. A risk assessment may be undertaken or a building surveyor engaged to issue a notice. Where a bathing box or boatshed is deemed a risk the site must be secured immediately by the Committee of Management and DELWP notified. Where a structure is deemed unsafe and beyond repair the demolition of the structure should occur as soon as practical by a suitably qualified person in accordance with the timeframe of relevant permits and approvals.

### *Policy Statement*

5.4 \*No licence will be granted for any bathing box or boatshed that is structurally unsound.

5.5 A bathing box or boatshed that has sustained structural damage or is in a state of disrepair, must be secured immediately, DELWP notified and demolished as soon as practical by a suitably qualified person in accordance with the timeframe of relevant permits and approvals.

\*an existing licensee of a bathing box or boatshed that is structurally unsound may be granted a licence if the licence contains a condition requiring the licensee to secure the site and demolish the structure as soon as practical .

## Re-Building

Building of a new bathing box or boatshed will only be permitted where an **existing structure is being replaced** and the new structure is built within the existing footprint of the structure. The reconnection of services (e.g power, drainage, sewerage, water, gas, telecommunications) to bathing boxes and boatshed will not be permitted. The building of the replacement bathing box or boatshed must be completed within the timeframes specified within the permit and Coastal Management Act consent.

The style, form and materials of any rebuilt bathing box or boatshed should be consistent with the DELWP's Standards for Bathing Box and Boatshed Construction Guidelines 2015 (Appendix 1), and should take into account the character of the adjoining bathing boxes and boatsheds and the surrounding foreshore environment.

Rebuilding of bathing boxes and boatsheds will **not** be permitted where the site is vulnerable to the impacts of climate change (including coastal erosion, inundation and other coastal hazards), where the structure is interfering with natural processes (e.g. sand dune accretion) or where a Coastal Management Plan or Cultural Heritage Management Plan has determined that the site is better suited for another purpose.

### *Policy Statement*

5.6 Building of a new bathing box or boatshed will only be permitted where an existing structure is being replaced, the new structure is built within the existing footprint of the original structure and the site is not vulnerable to coastal processes or coastal hazards.

5.7 The finished height of a bathing box/boat shed may only be raised where the floor level is required to be raised (as per a Coastal Hazard Assessment).

5.8 The reconnection of services (e.g power, drainage, sewerage, water, gas, telecommunications) to bathing boxes and boatshed will not be permitted.

5.9 The style, form and materials of any rebuilt bathing box or boatshed should be consistent with the DELWP's Standards for Bathing Box and Boatshed Construction Guidelines 2015 (Appendix 1), and should take into account the character of the adjoining bathing boxes and boatsheds and the surrounding foreshore environment.

5.10 The building of the replacement bathing box or boatshed must be completed within the timeframes specified within the permit and Coastal Management Act consent .

### Alterations and Extensions

Construction of new ramps, verandas, decks, steps and other structural additions to bathing boxes or boatsheds will generally not be permitted. These alterations may be considered if it is demonstrated that such additions are required for the proper use of the structure (e.g. ramps for boat storage and retrieval, or retractable steps for access) and the additions are contained [within the existing building footprint](#).

#### *Policy Statement*

5.11 Extensions or alterations that increase the footprint of an existing bathing box or boatshed will not be permitted.

5.12 Construction of replacement decks (including conversion from steps or ramps to a deck) will not be permitted where:

- a) the deck is more than 400mm above the existing beach level;
- b) a railing is required;
- c) it impedes public access along the beach; or
- e) is in an area susceptible to the impacts of climate change or coastal processes.

5.13 Alterations that increase the enclosed or covered areas of boatsheds and bathing boxes will not be permitted.

5.14 Any repairs, alterations, or additions to existing bathing boxes or boatsheds should be undertaken in accordance with the DELWP Standards for Bathing Box and Boatshed Construction Guidelines 2015 (Appendix 1). The exception is bathing boxes that are constructed from brick or concrete, however any works should attempt to be undertaken in accordance with these guidelines where possible.

### Materials

#### *Policy Statement*

5.15 To preserve the character of bathing boxes and boatsheds, any rebuilding should use timber, or visually similar material, as the wall, floor and plinth board cladding in accordance with the DELWP Standards for Bathing Box and Boatshed Construction Guidelines 2015 (Appendix 1).

## 6. Site Management

Bathing boxes and boatsheds that are well maintained and situated in appropriate locations can provide a point of interest on public beaches and a colourful tourist icon. Bathing boxes are highly valued as they provide a convenient way to use the foreshore and coastal waters. However, where the structures are not well maintained or inappropriately located, they can have a negative impact on the coastal landscape.

It is important that the site surrounding the structure is managed with sensitivity to the foreshore environment and the public use of the foreshore. In some cases, bathing box and boatshed licensees have built structures such as retaining walls, fences and paving that may cause offsite environmental impacts which restrict public access and increase public risk.

Vehicle access to the foreshore for repairs, rebuilding or maintenance of bathing boxes and boatsheds is not permitted except with the written consent of the committee of management.

Planting of local indigenous vegetation (either within or outside the licensed area) by bathing box and boatshed licensees may occur with the [written permission of the committee of management](#).

The construction of physical structures to prevent erosion (e.g. retaining walls, rock revetments) by bathing box or boatshed licensees is prohibited except with the Minister's written consent under section 37 of the *Coastal Management Act 1995*.

[Access to a bathing box](#) or boatshed should be from the beach side or front of the structure and the committee of management will take measures to control and limit the number of access points and access tracks.

### *Policy Statement*

- 6.1 The use of bathing boxes and boatsheds will be managed by committees of management to ensure that there is minimal impact on the surrounding foreshore environment and natural processes.
- 6.2 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 crown land values of the foreshore will result in the licence being reviewed and possibly revoked.
- 6.3 Committees of management do not have an obligation to reduce the impacts of coastal hazards, sea level rise and other natural processes on boatsheds and bathing boxes.
- 6.4 Throughout the term of the licence, the site and structure must be kept in good order and condition as per the licence conditions.
- 6.5 Removal, lopping or trimming of vegetation (either within or outside the licensed area) by bathing box and boatshed licensees is prohibited. All management of natural features and vegetation is the responsibility of the committee of management.
- 6.6 Sand management may be undertaken by the licensee by manual methods (e.g buckets and spades) to ensure the bathing box/boatshed remains functional.

## 7. Inspection and Monitoring

The committee of management may undertake regular inspections of all bathing boxes and boatsheds within the foreshore reserve under its control and the licence footprint and condition of the bathing box or boatshed should be documented during each inspection. Inspections may also take place upon transfer or renewal of a licence.

If the committee of management considers that repairs are required to a bathing box or boatshed, the licensee must be advised in writing to undertake the necessary repairs within a specified time period (indicated by the committee of management).

Failure to undertake repairs deemed necessary by the committee of management may result in the licensee being asked to surrender the site and the Crown land licence being terminated.

All boatsheds and bathing boxes must at all times comply with the provisions of all statutes, regulations, local laws and by-laws relating to the bathing box or boatshed and the surrounds, and all lawful orders or directions made under them.

### *Policy statement*

7.1 All bathing boxes and boatsheds on Crown land foreshores must be properly maintained, secured, painted and repaired to the satisfaction of the committee of management and DELWP as per the licence conditions.

7.2 Committees of management will monitor bathing boxes and boatsheds to ensure they are in good condition and do not create a public risk or detract from the visual amenity of the foreshore.

7.3 All licensees must take out public liability insurance for their bathing box or boatshed to a minimum value specified in the licence and supply evidence to the land manager prior to licence renewal.



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