

Boatshed and Bathing Box Policy 2024



VERSION NO.	3
APPROVAL	Chief Executive Officer Council Manager <i>Property Services</i> <i>Signature:</i> <i>Date:</i>
TRIM REFERENCE	24/9806
REVIEW	2028
RESPONSIBLE EXECUTIVE	Chief Finance Officer
POLICY TYPE	Council
POLICY OWNER	Manager Property Services

REVISION RECORD	Version	Revision Description
20/11/2006	1	Adopted 20 November 2006
22/5/2017	2	<i>Adopted 22 May 2017</i>

1. Purpose

This policy provides guidance for the maintenance and management of boatsheds and bathing boxes.

- Clarity of our role as Committee of Management
- To provide clarity in relation to the transfer of licences and associated fees
- Transparency of the rights and obligations of Licence holders.
- To comply with relevant legislation.
- Ensure that boatsheds and bathing boxes are maintained in good condition and direct the upgrade, improvement, relocation or removal of boatshed and bathing box structures as determined by Council.
- To acknowledge environmental changes to the foreshore.
- Provide for the protection of the amenity and use of the Foreshore Reserve by other beach users.
- Provide a fair and financially viable approach to boatshed and bathing box management arrangements.
- To acknowledge that changes in the foreshore reserves, brought upon by climate change or other unforeseen circumstances may result in a need to remove and/or relocate bathing boxes or boatsheds that are no longer sustainable.

The State Government - Department of Energy, Environment and Climate Action (DEECA) has appointed Council as the Committee of Management of the Foreshore Reserves in Kingston. Any policies or guidelines set by the Department of Energy, Environment and Climate Action (DEECA) formally (DELWP) will be the governing document. The management of the Foreshore Reserves in the area covered by this policy has been delegated to the Committee of Management under section 14 of the Crown Land (Reserves) Act 1978.

The Crown being the landowner has appointed DEECA as the manager for the Foreshore Reserves in Kingston. Any approvals for the use and development of coastal Crown land must be in accordance with section 37 of the Coastal Management Act 1995. This policy works in conjunction with DEECA guidelines for the management of existing boatsheds and bathing boxes on marine and coastal crown land March 2022 guidelines.

This policy aims to formalise Council's commitment to transparent decision-making processes and freely available public access to Council information. It supports and promotes:

- increased community confidence and trust in Council through greater understanding and awareness.
- improved Council visibility and performance; and
- access to information that is current and easily accessible.

2. Scope

This Policy applies to the following Foreshore Reserves managed by the City of Kingston:

- Aspendale
- Edithvale
- Chelsea
- Bonbeach
- Carrum

Council Committee of Management has overall responsibility for the management of the Foreshore reserve, including the Bathing Boxes and Boatsheds. Council is responsible for issuing licences to occupy a boatshed bathing box site on the foreshore Licences will be issued for a period of up to 3 years.

The Kingston Boatshed Association (KBA) was incorporated on 24 May 2002 with core objectives to preserve and promote local heritage and culture and to represent licensees to Local and State Governments. KBA is a key foreshore stakeholder and point of reference for Council. While permit holders/licensees are not required to be KBA members, the Association nevertheless facilitates Council's mandatory licensee annual Public Liability insurance requirement. Council is committed to continuing to work with KBA to resolve issues that impact on its members.

3. Governance Principles and Council Plan alignment

3.1 Governance Principles

Principle (a) - Council actions are to be made and actions taken in accordance with the relevant law

Principle (b) - priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Principle (c) - the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

Principle (d) - the municipal community is to be engaged in strategic planning and strategic decision making.

Principle (e) - collaboration with other Councils and Governments and statutory bodies is to be sought.

Principle (f) - the ongoing financial viability of the Council is to be ensured.

Principle (g) - regional, state, and national plans and policies are to be taken into account in strategic planning and decision making.

Principle (h) - the transparency of Council decisions, actions and information is to be ensured.

The aim of this policy is to provide guiding principles and clarity that will enable the management of boatsheds and bathing boxes in a way that is consistent with Council's Corporate Plan, relevant legislation and DEECA's Guidelines in order to maximise the use of community assets and manage them in a responsible way.

3.2 Council Plan Alignment

Strategic Direction: Well-governed - Council will be collaborative, accountable, transparent, responsive, well-informed, and efficient.

4. Policy Details

4.1 Roles and Responsibilities

As the appointed Committee of Management for the foreshore reserve Council holds the sole right to issue a licence to for the occupation of crown land. No person shall be entitled to sub-let or transfer the right to occupy any part of the reserve or structure on the reserve.

An annual Licence fee is payable to the Council in line with Council's Fees and Charges. The income from boatshed permits assists council in recouping part of the costs of managing the Foreshore Reserves. All income derived from Crown Land Reserves is applied to the management and maintenance of the reserve.

Licence holders are only eligible to hold and renew their licence whilst they are a Permanent Resident or Rate payer of the City of Kingston.

4.2 Transfer of Licenses

When transferring a licence the licensee must comply with the following:

- The proposed licensee is a permanent resident or ratepayer of the City of Kingston. All notices will be mailed to the registered address. No PO boxes permitted.
- If 1 or all licensees cease to be a rate payer or permanent resident of the City of Kingston, the licensee(s) have a 6-month grace period to transfer the Licence after which time Council may at its sole discretion cancel or revoke the licence.
- There are no outstanding fees payable to Council. Any outstanding or unpaid transfer fees and licence fees will be added to the licensee's account; and must be paid prior to transfer.
- An internal boatshed/bathing box inspection must be completed by a Council Officer. The internal and external structure must be compliant, and all required maintenance or rectification orders must be completed to Council's satisfaction prior to transfer.

- Either party pays the transfer and administration fee to Council.
- At the time of a transfer a licence will be issued to the purchaser with a copy of the current policy.
- All purchasers must be a “Natural Person” not a company, trust or other such organisation.
- Only boatsheds that sit within their original footprint as stated in Council’s register will be transferred.

4.3 Transfer Fees

Fees are applicable in the below circumstances:

- Transfer of Licence to one party to another
- Including an additional licensee to a licence
- Removing a licensee name from a licence

4.4 Exemption from Boatshed / Bathing Box Licence Transfer fee

Council recognises that in a limited number of cases it is appropriate for a transfer to be exempt from the payment of a transfer fee if:

- the owner has recently deceased, the inheritor(s) will be exempt from paying a transfer fee. However, the new Licensee will be required to pay the administration fee. Furthermore, the boatshed bathing box must be compliant. The following documents must be presented before transfer.
 - Death Certificate
 - Grant of Probate
 - 100 Points ID
 - Proof of Kingston rate payer or resident

4.5 Renewals of Licence

When renewing a licence the licensee must comply with the following:

- The proposed licensee is a permanent resident or ratepayer of the City of Kingston (Excluding boatsheds owned prior to 2006). All notices will be mailed to the registered address.
- There are no outstanding fees payable to Council. Any outstanding unpaid fees will be added to the licensee’s account; and must be paid prior to renewal.
- Provide evidence to Council that the boatshed is structurally sound and compliant with this policy.
- Upon renewal of a licence the licensee will be issued with a copy of the current policy.

4.6 Use of Boatshed and Bathing Box

A boatshed or bathing box is only to be used for the following purposes and for no other reason:

- The Storage of bathing suits, beach accessories, boats, boating equipment, fishing equipment and items incidental to the use of the foreshore reserve and: Convenience and comfort associated with beach use, i.e. shade, shelter, undressing and dressing before and after bathing.

A boatshed or bathing box cannot be used for the following:

- Residential or commercial purposes or overnight accommodation, and all services including but not limited to the provision of kitchens, showers and toilets, all of which are prohibited.

4.7 Licence Revocation Termination

Council reserves the right not to renew or to revoke a licence / permit agreement, without compensation. Revocation is determined upon the following grounds.

- Non-compliance with the terms of the licence agreement;
- Non-compliance with a written notice to repair or maintain a bathing box or boatshed by the specified date of the notice (which will be not less than one month after the written notice is given, unless they include vandalism, graffiti, asbestos or items that are unsafe to the general public, as detailed in 6.1, Maintenance of this Policy);
- Failure to disconnect services when directed by Council in accordance with this policy;
- If the annual licence fee is not paid within four (4) months of the due date;
- A breach of the Kingston Planning Scheme or other relevant legislation;
- Breaching this policy.
- Failing to comply with a notice issued by council to undertake works.
- Failing to seek appropriate approval for works undertaken.
- A requirement for the relocation or removal of the bathing box or boatshed
- The original footprint of the Bathing Box or Boatshed has been extended without Council's written consent;
- Failure to provide a certificate of currency of public liability insurance by 30th June each year.

Council will give notice of revocation in writing. The process for revocation will be as follows:

- Council issue a notice in writing to Licensees of outstanding issues that require rectification:
- Licensees will be given one month to respond in writing to such concerns and a further period of one month to carry out the required rectification or to develop an agreed plan, including timing to achieve compliance;
- If a Licensee fails to rectify the breach or to develop such a plan within the requisite time, Council will provide a written notice terminating the licence agreement at which point locks will be changed and all belongings will become property of Council.

4.8 Insurance

The Licensee must be the holder of a current Public Liability Policy of Insurance with an insurer approved by Council for an amount no less than \$10 million (or such greater sum as reasonably required by Council). The Public Liability Policy shall extend to cover the City of Kingston in respect to claims for personal injury or property damage arising out of the negligence of the Licensee. The Licensee must produce a certificate of currency annually. If a certificate is not produced annually then this will be considered a breach of the Licence conditions.

4.9 Responsibilities of Council

Council will monitor the use and condition of the structures and surrounding foreshore to minimise any impact on beach amenity, the environment and public enjoyment of the coast. Council will undertake regular audits of the structures and provide requests for maintenance and repairs accordingly.

Council will notify the licensees in writing of all repairs, maintenance, and rectification requirements. If the works are not completed, the request will be repeated, and Council will direct the licensees to complete the said works by a specified date. If the works are not completed by such a date Council will again notify the licensees in writing that Council will conduct the works at the licensees cost. This cost will be noted against the licence until payment has been made.

The monitoring by Council does not alleviate the licensee responsibility.

Council may require an internal inspection of any boatshed or bathing box. Written notice to the Licence holder, shall be given and access will be provided by licensee within seven days. Any required rectification works not carried out in the specified time will be considered as a breach of the licence.

After a Council Officer has inspected the Boatshed/Bathing Box and it is deemed compliant, this compliance certification is valid for 3 months after the inspection date before it lapses. After this period, another inspection will be required before a transfer can occur (this will attract an additional administration fee).

A Council officer may enter at any time to inspect a boatshed or bathing box where Council or its authorised officer has determined that it is in the interest of public safety to do so.

4.10 Access and Equity

If ramps, decks, steps and railings or the like are vital to satisfy disability access requirements for licensees, applications to carry out such works must be made in writing to Council with relevant verification.

Such works must be constructed in accordance with Council guidelines and relevant legislation. When the licence is transferred all additional works must be rectified to Council's satisfaction.

4.11 Construction and ongoing condition requirements

Maintenance

It is the responsibility of the licensees to maintain the structure in good condition. It is important that the structure and its surrounds are managed to avoid a negative impact on the foreshore environment and the public use of the reserve.

The materials used for the construction of the structure are to include timber walls, floors and plinth board, cladding in accordance with DEECA's Draft Guidelines Marine and coastal [Guidelines for the management of existing bathing boxes and boatsheds March 2022 \(marineandcoasts.vic.gov.au\)](https://marineandcoasts.vic.gov.au) and Building Code of Australia, unless otherwise approved by Council & DEECA (if necessary) prior to construction.

As a minimum, the following standards and maintenance levels must be met:

Structure

- Boatsheds/Bathing Boxes are classified as Class 10 structures under the BCA (Building Code of Australia).
- The boatshed/bathing boxes must be maintained in a safe and aesthetically pleasing state to the satisfaction of Council.
- no person shall alter the existing floor level of any boatshed/bathing box from its present position. Construction materials are to comply with DEECA Draft Guidelines and Building Code of Australia.
- All boatsheds/bathing boxes must clearly display their allocated number on the front of the building.
- Boatsheds and Bathing Boxes must be regularly painted and must not be unsightly in appearance, which may result in the degradation of the surrounding amenity. Licensees should have regard to the surrounding environment in selecting a colour scheme. Murals and or other works of art require the prior approval of Council.
- There is no potential risk to users or the public.
- Graffiti must be removed immediately (by the licensees).
- All damage caused as the result of vandalism is to be repaired immediately (by the licensees).
- If asbestos is disturbed/damaged, it must be removed or covered immediately in accordance with the asbestos section of this policy.
- Other than existing structures, infrastructure such as retaining walls, hard paths (i.e. concrete, brick, timber, etc.) are not permitted on or around any foreshore bathing box or boatshed, unless approved in writing by Council.

- Any application to repair or replace existing ramps, decks or steps will be considered approval must be approved by council.
- Any repairs or alterations to existing boatsheds and bathing boxes must be undertaken in accordance with DEECA's Draft Guidelines, the Building Code of Australia, Kingston's Planning Scheme, and with written permission from Council. Works must not exceed the licenced footprint.
- Structures and their surrounds must be kept clear of litter, building materials and other rubbish and all licensees must remove all litter created at each visit to the boatshed or bathing box.

4.12 Surrounds Vegetation and Sand

No person shall remove or excavate sand or vegetation from the Foreshore Reserve except for the purpose of fulfilling boatshed and bathing box maintenance requirements described herein, and within the following constraints:

- Determine if a planning permit is required for the removal or lopping of any vegetation
- Where a planning permit has been granted for the removal of native vegetation or should planning permission not be required, vegetation and sand may be cleared back to a distance no greater than 500mm-1000mm from the boatshed or bathing box structure under the guidance of Council. Permission to clear greater than 700mm must be requested in writing for Council approval. Requests must clearly state the reason(s) for additional vegetation and sand clearance. Planning permit would be required for any native vegetation removal.
- Where a planning permit has been granted for the removal of native vegetation or should planning permission not be required, vegetation and sand may only be cleared using non-powered hand tools (i.e. the use of chainsaws, brush cutters, whipper snippers, etc. is not permitted).
- No person may plant, cultivate or otherwise introduce any plant, seed or other plant material, into the Foreshore Reserve, except where, and in accordance with any conditions, authorised by the Council.
- Sand and vegetation may only be cleared using non-powered hand tools (i.e. the use of bobcats, backhoes, etc. is not permitted).

Any breach of the above constraints will be treated as a breach of the Foreshore Reserves Local Law and will be pursued as such.

4.13 Replacement or alterations

In all cases repair and restoration will be favoured over total demolition and rebuilding.

Property Services will review all of the criteria and work with Council's Planning and Building Department and DEECA to consider and approve all applications.

If Council approves demolition and reconstruction of the boatshed/bathing box, the licensee will be required to obtain relevant permits including Planning and Building permits, Coastal Management Act consent from DEECA and a vehicular access permit/licence from Council.

Replacement structures will only be considered if the current structure is no longer safe and cannot be repaired. Licensees must make a written application to Property Services detailing the reasons and rationale for the replacement of the structure together with written evidence in a form of a report from a registered building practitioner.

Such an application must include the following:

- Plan of the building works including dimensions and area.
- Detailed description of materials and methods of construction. These are to comply with DEECA formally DELWP Draft Guidelines that may alter at any given time and in accordance with standards specified by Council.
- No boatshed or bathing box shall be extended beyond its original, (approved footprint).
- No new services to be connected.
- Approvals for works will only be granted in accordance with the conditions of this policy.
- Reconstruction of boatsheds and bathing boxes must be commenced within six (6) months after permit is issued and completed within one (1) year of the demolition or destruction of the original shed.
- If the works are not carried out within the allocated time line, Council may refuse to reissue a licence for the boatshed or bathing box.

4.14 Relocation

Changes in the foreshore reserve brought upon by climate change such as potential sea level increases storm events may result in a need to remove and/or relocate boatsheds / bathing boxes that are no longer sustainable. The relocation of boatsheds/bathing boxes will be considered on a case-by-case basis if supported by DEECA and Council.

Boatshed/bathing boxes may be relocated when the existing structure is deemed by the Committee of Management to be located in an area that is detrimental to the foreshore or restricts the use of the foreshore by other users and the relocation will, in the opinion of the Committee of Management and DEECA, identifying alternative site will need to be determined through a coastal hazard or vulnerability assessment report.

4.15 Removal

Boatsheds and Bathing Boxes will be removed from the Foreshore Reserve where:

- The structure is dilapidated, beyond repair or represents a public safety hazard (as determined by Council) and there is a failure to effect notices issued by the Council.
- The area is vulnerable to coastal processes and if this results in the structures being at risk as determined by Council & DEECA.
- The structure contributes to the instability of the area or causes a risk to public safety as determined by Council.

- The Foreshore Reserve on which the structure is located is unsafe or access to it is unsafe as determined by Council.
- Removal is in accordance with a management plan or policy relating to the Foreshore Reserve.

4.16 Asbestos

Many of the boatsheds and bathing boxes contain asbestos due to the era in which they were constructed.

If asbestos remains intact and undisturbed it is generally harmless; any damage that exposes it and makes it friable creates a danger that must be addressed.

Damaged or friable ACM must be removed by a Class A Licensed removalist under risk controlled conditions.

- Where asbestos is removed the roof or any other part of the structure should be replaced with a suitable non-asbestos containing product.

If removal is to occur Council requires licensees to forward a written request to the Property Services Department. The Property Services department will liaise with DEECA, EPA and relevant Council departments to provide advice and guidance to the permit holder/licensee. The following items must also be included with the written application:

- A copy of a permit/licence from Local Laws to allow a skip or other such container on the Foreshore Reserve to contain the product.
- A permit/licence is to be obtained from a building practitioner for the demolition.
- The name of the registered asbestos removalist. Note up to 10m² of non-friable ACM totalling 1hr in a week can be removed without a licence under the Act.

Professionals are to be used for such projects. Removal must be undertaken in accordance with Occupational Health & Safety requirements. Asbestos containing material must be disposed of in accordance with EPA (Prescribed Waste) Regulations 1998 and relevant codes. Removalists must be registered asbestos removalist class A, B or C with Environment Protection Authority (EPA). The licence is registered with WorkSafe Vic.

Works must not commence until Council provides written approval.

All completion certificates provided to council.

A management plan for the removal of asbestos must be undertaken before a transfer of a licence or before the renewal of licences.

4.17 Services

Permission will not be given to connect or install to any boatshed or bathing box drainage, sewerage, water, power, gas, telephone, generators, solar power or similar services. Unauthorised or new connections will not be permitted under any circumstances.

Council will order the disconnection, removal and rectification of illegal unauthorised connections after written notice to the licensee. The cost will be passed on to the licensee if illegally connected.

Council will direct the removal of services at the following times:

- At the request of the service authority; and
- If the service is a danger to beach users.
- If it is a threat to environment near vegetation/fire hazard.
- If the service is unauthorised or a new connection.

4.18 Retaining walls, Fences and Paving

Fences and paving are not permitted. Generally retaining walls are also not permitted, however the description below explains the exclusions. Fencing, paving and retaining walls may cause offsite environmental impacts and restrict public access.

Retaining walls will only be considered in extreme circumstances where licensees have maintained site in line with maintenance conditions as outlined in 6.1. It is desirable to keep the perimeter of the shed free from a build-up of sand (500mm-700mm and where possible at 30 degree horizontal. This will assist to protect the stability and integrity of the structure. If this is not achievable, Council will consider granting permission to permit holder/licensee for the erection of a retaining wall subject to DEECA consent.

- Retaining walls applications

All applications for retaining walls must be directed to Property Services in writing Property.Services@Kingston.vic.gov.au

A Building Surveyor, Property Services Officer and Natural Resources Officer will assess each request based on its merits.

If permission has been granted by the Property Services Department and DEECA then the normal course applies for building works as set out below:

- DEECA consent under Coastal Management Act 1995.
- Planning Permit from Kingston's City Development Department (submitting certified engineered plan for approval)
- Building Permit.
- Issuing Property Services Department with copy of final certificate (Building will also receive copy from Private surveyor)

Responsibility for retaining walls

Licensees are responsible for:

- Costs
- Permits

- Construction
- Maintenance
- Public Liability Insurance

Notation: In the event that retaining walls are consented to the licensees must include these within their Public Liability Insurance.

Property Services
Open Space Foreshore
Planning
Local Laws
Inclusive engagement
Kingston Boatshed Association
Boatshed Licensees

5 Internal and External Assessments

5.1 Risk Assessment

Not Applicable

5.2 Delegation and Authorisation

Manager Property Services

Manager Property Services is responsible for the review and management of this policy.

5.3 Gender Impact Assessment

A Gender Impact Assessment is not required for this Policy.

5.4 Privacy Impact Assessment

A Privacy Impact Assessment is not required for this Policy.

5.5 Human Rights Charter

This policy has been reviewed against the Charter of Human Rights and Responsibilities Act 2006.

6 Roles and Responsibilities

Role	Responsibility
Manager Property Services	Manager Property Services has the responsibility for the review and management of this policy.

7 Related documents

7.1 Legislation

- *The Crown Land (Reserves) Act 1978*
- *The Marine and Coastal Act 2018*
- *The Local Government Act 2020*
- *All other relevant laws and local laws relevant to the Foreshore Reserve.*

7.2 Documents and resources

- *Guidelines for the Management of Existing Bathing Boxes and Boatsheds on Marine and Coastal Crown Land.*
[Guidelines for the management of existing bathing boxes and boatsheds March 2022 \(marineandcoasts.vic.gov.au\)](#)
- *Marine and Coastal Policy*
[Marine and Coastal Policy 2020 \(marineandcoasts.vic.gov.au\)](#)
- *Construction Guidelines DELWP 2015*
[1 \(kingston.vic.gov.au\)](#)

8 Definitions

Term	Definition
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<i>Annual Licence Fee</i>	Means the annual fee payable to Council as a Committee of Management appointed under the Crown Land (Reserve) Act 1978 and paid by the licensees to occupy a boatshed/bathing Box
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<i>Boatshed/Bathing Box</i>	Mean a freestanding structure erected on the foreshore which is non-residential, to be used by private individuals, managed by Council and is primarily for storing beach equipment and/or boats, as a change facility, and for shade and/or shelter.
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<i>Council</i>	Kingston City Council
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<i>DEECA</i>	Department of Energy, Environment and Climate Action.
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<i>Footprint</i>	Means area of foreshore occupied by the boatshed/bathing box including any ramps, steps, decks.
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<i>Foreshore</i>	Means land managed by Council in accordance with the provisions within the Crown Land (Reserve) Act 1978
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<i>Natural persons</i>	Is an individual human being, as opposed to a legal person which may be a private business entity or non-governmental organisation or public organisation
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<i>Licensee</i>	Means persons currently occupying the site (footprint)
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<i>Transfer Fee</i>	Is the fee payable to Council at the time of transfer
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