

# Guidelines for the management of existing bathing boxes and boatsheds on marine and coastal Crown land

March 2022



## Acknowledgment

We acknowledge and respect Victorian Traditional Owners as the original custodians of Victoria's land and waters, their unique ability to care for Country and deep spiritual connection to it. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of culture and traditional practices.

We are committed to genuinely partner, and meaningfully engage, with Victoria's Traditional Owners and Aboriginal communities to support the protection of Country, the maintenance of spiritual and cultural practices and their broader aspirations in the 21st century and beyond.



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### Photo Credit

**Cover** – Port Phillip Bay Bathing Boxes. **Credit:** Nicola Waldron

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## Acknowledgement of Aboriginal Victorians

The Victorian Government acknowledges Aboriginal people as Australia's first people and as the Original Custodians and Traditional Owners of the land on which we work and live.

We recognise the strength of Aboriginal people and the need for reconciliation and genuine partnerships to address negative impacts of the past. We recognise and value the ongoing contribution of Aboriginal people and communities to Victorian life and how this enriches us all.

We recognise the diversity of Aboriginal cultures and communities, and the value we gain in celebrating these cultures and communities.

We acknowledge that the land and sea are of spiritual, cultural and economic importance to Aboriginal people. We also recognise the intrinsic connection of Original Custodians and Traditional Owners to Country and acknowledge their contribution in the management of land, water, the natural landscape and our built environments.

We embrace the spirit of reconciliation, working towards equality of outcomes and ensuring an equal voice. We have distinct legislative obligations to Traditional Owner groups that are paramount in our responsibilities in managing Victoria's resources.

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# 1. Introduction

## 1.1 About the guidelines

These guidelines have been prepared by the Department of Environment, Land, Water and Planning (DELWP) and support the implementation of the *Marine and Coastal Policy 2020* (Policy) by providing direction to land managers and decision-makers in managing and maintaining existing bathing boxes and boatsheds on marine and coastal Crown land.

Marine and coastal Crown land is an important publicly owned asset which benefits all Victorians as well as visitors. The land provides environmental, social, cultural and economic values and needs to be managed carefully for current and future generations.

Buildings and structures located on marine and coastal Crown land face many challenges and are often at have a high risk of being damaged by storms, erosion and inundation. Buildings and structures can also impede natural processes such as erosion and accretion cycles and the ability of the natural environment to respond and adapt to change.

Bathing boxes and boatsheds are primarily, free-standing, light weight, non-commercial, non-residential structures used by private individuals and families for storing beach equipment or boats, as change facilities and for shade and shelter. There are approximately 2,000 bathing boxes and boatsheds in Victoria, predominantly located on the shores of Port Phillip and Western Port Bays, the Gippsland Lakes and Corner Inlet.

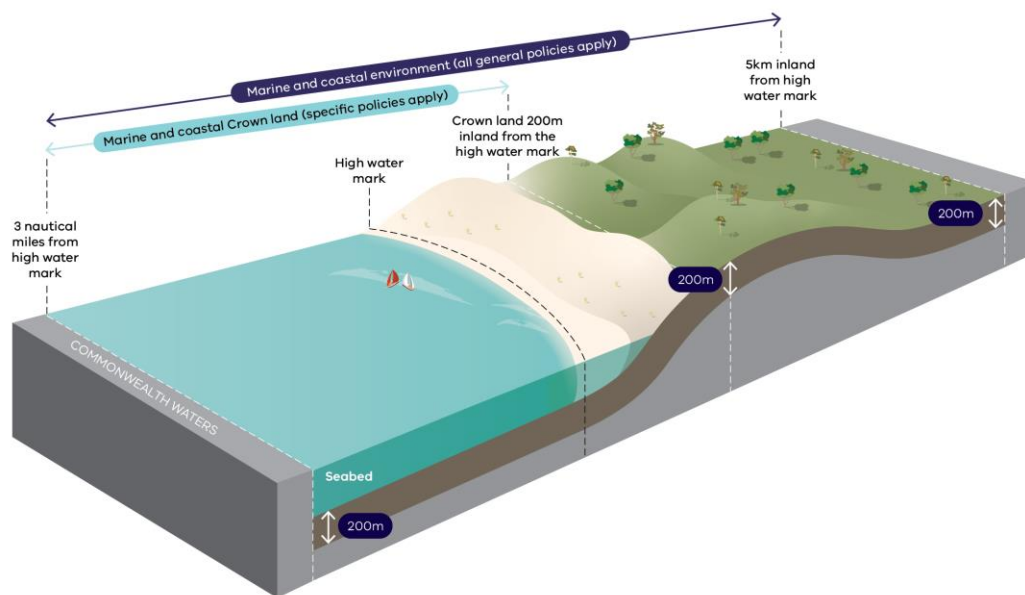
Buildings and structures, including bathing boxes and boatsheds, need to be appropriately sited, designed and maintained to minimise impacts on environmental and cultural values and risk to public safety.

When managing and maintaining structures on marine and coastal Crown land, we need to acknowledge and respect the longstanding and deep knowledge and connection to Country that Traditional Owners have. There is a need to listen to, act upon, and respect Traditional Owners' voices and knowledge throughout planning, management and decision making processes.

## 1.2 Where the guidelines apply

The guidelines apply to existing bathing boxes and boatsheds on marine and coastal Crown land areas that are:

- within the marine and coastal environment as defined in the *Marine and Coastal Act 2018* (refer to Appendix 3 for definition); and
- for private use by individuals who are party to a current licence with the appropriate committee of management.



**Areas where the Marine and Coastal Policy applies**

The guidelines also provide direction for existing bathing boxes and boatsheds on private land by informing the application of policies set out in the State Planning Policy Framework and Local Planning Policy Frameworks.

## 1.3 Management of marine and coastal Crown land

DELWP is responsible for the oversight of marine and coastal Crown land across Victoria. Crown land is either administered directly by DELWP or managed by a delegated committee of management appointed under section 14 of the *Crown Land (Reserves) Act 1978*.

Decisions about the management of marine and coastal Crown land are guided by the *Marine and Coastal Policy, 2020*.

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.

Any development or works associated with a bathing box or boatshed on marine and coastal Crown land requires:

- consent pursuant to section 65 of the *Marine and Coastal Act 2018*. Information regarding how to apply for consent can be sought by contacting a DELWP regional office via the Customer Service Centre [customer.service@delwp.vic.gov.au](mailto:customer.service@delwp.vic.gov.au) or by calling [136 186](tel:136186) between 8.00am and 6.00pm; and
- relevant planning and building permits, issued by the relevant municipal council.

Climate change is exacerbating existing threats (such as inundation and erosion) and introducing new threats (such as sea level rise and increased ocean temperatures). Sea level rise is leading to permanent and periodic inundation and accelerated erosion rates transforming Victoria's coastline.

Any upgrade or rebuilding design must ensure that bathing boxes and boatsheds can adapt to the anticipated increase in coastal hazards, including sea level rise, over the structure's intended life span.

DELWP oversees and supports committees of management on behalf of the Minister for Energy, Environment and Climate Change and can provide information and support on general matters, including the application of these guidelines and implementing and applying the Act and the Policy.

#### **1.4 Cultural and heritage significance**

The presence of historic bathing boxes on marine and coastal Crown land provides a link to the late 19<sup>th</sup> and early 20<sup>th</sup> 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, lessees and committees of management 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.

## **2 State legislation and guidance**

### **2.1 *Marine and Coastal Act 2018***

On 1 August 2018, the *Marine and Coastal Act 2018* (Act) came into effect to protect Victoria's marine and coastal environment now and into the future.

The Act provides a simpler, more integrated and coordinated approach to planning and managing the marine and coastal environment by:

- enabling protection of the coastline and the ability to address the long-term challenges of climate change, population growth and ageing coastal structures
- ensuring that partners work together to achieve the best outcomes for Victoria's marine and coastal environment.



The Act establishes clear objectives and guiding principles that specifically recognise climate change and Traditional Owners. It also provides better direction for land managers.

Additionally, improved controls have been created for access, use, and development in the marine and coastal environment. This will mean greater penalties for non-compliance and better tools to implement policies, plans and strategies on the ground.

## **2.2 The *Marine and Coastal Policy 2020***

The *Marine and Coastal Policy 2020* (MaCP) guides decision makers in achieving the objectives and guiding principles outlined in the *Marine and Coastal Act 2018*. The Planning and Decision Pathway (Appendix 1) in the MaCP provides a clear and consistent process for decision making and applying these objectives and guiding principles. These guidelines support implementation of the MaCP.

### **Specific policies from the *Marine and Coastal Policy 2020* that relate to use and development of bathing boxes and boatsheds include:**

#### **11.1 Design, locate and maintain buildings and structures to effectively manage:**

- a. any increase in exposure to coastal hazard risk including increased rates of sea level rise, erosion, accretion or inundation
- b. exposure to public health and safety risks
- c. any detrimental impacts (in particular increased hazard risk) on neighbouring Crown or private land
- d. adverse effects on the environment and associated uses and values
- e. impacts on marine and coastal functions and processes.

#### **11.2 Design, locate and maintain buildings and structures to:**

- a. minimise impacts on marine and coastal flora and fauna
- b. avoid impacts on cultural values and heritage sites
- c. avoid impacts on sites of geomorphological significance and fossils
- d. accommodate and sustain the natural drainage patterns and hydrology of the area
- e. use materials that respond to the geology and substrate of the site and surrounding area
- f. avoid dominant structures that are not sympathetic to the local heritage or character
- g. complement and enhance the surrounding landscape and coastal character, with the line and form of the structure sympathetic to the surrounding landscape and context
- h. retain public views to and from the water and/or along the coast.

11.6 When a building is being replaced or modified, its footprint or impact should be consolidated or minimised as far as possible to ensure marine and coastal Crown land is being used efficiently and sparingly.

11.7 Use and development of marine and coastal Crown land must not unreasonably affect the amenity of other users or restrict or prevent access for other users.

11.8 Do not permit new private buildings or structures on marine and coastal Crown land that provide no public use benefit (for example private jetties, bathing boxes, boatsheds).

11.9 Manage risk to public safety from unsafe or poorly maintained buildings and structures on marine and coastal Crown land and consider removal if necessary and appropriate.

#### **13.11 Fees and charges for uses and activities on marine and coastal Crown land should be:**

- a. consistent with State Cost-Recovery Guidelines and State government policy.
- b. reflective of the value and benefit provided by the private asset, and compensate for any exclusion of public access or public amenity on marine and coastal Crown land; and
- c. set to maintain fairness and equity for the use and enjoyment of the marine and coastal environment



## 2.3 Other relevant legislation, guidelines and plans

The guidelines are not intended to duplicate information, standards or planning requirements detailed elsewhere. Given this, it is essential that all other relevant legislation, policies, strategies and plans are considered in relation to bathing box or boatsheds on marine and coastal Crown land.

- The *Planning and Environment Act 1987* sets a framework for use, development and protection of land in Victoria. It sets out the process for obtaining permits under municipal planning schemes, settling disputes, enforcing compliance with planning schemes and permits and other administrative procedures. Planning approvals will only be issued once an applicant has approval for any Cultural Heritage Management Plan required under the *Aboriginal Heritage Act 2006* and consent under the *Marine and Coastal Act 2018*.
- The *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018* provide for the protection of Aboriginal cultural heritage in Victoria with reference to the Victorian planning system. To manage activities that may harm Aboriginal cultural heritage, a Cultural Heritage Management Plan or Cultural Heritage Permit may be required. Refer to the Act and Regulations prior to any proposed work on bathing boxes or boatsheds. [www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006](http://www.legislation.vic.gov.au/in-force/acts/aboriginal-heritage-act-2006)
- The *Siting and design guidelines for structures on the Victorian coast, May 2020* provide best practice on the siting and design of structures on the Victorian coast. The guidelines are to be used as a design tool for any works on bathing boxes or boatsheds. <https://www.marineandcoasts.vic.gov.au/coastal-management/siting-and-design-guidelines/>
- Department of Environment Land, Water and Planning *Committee of management guidelines, March 2020* <https://www2.delwp.vic.gov.au/boards-and-governance/committees-of-management>
- Department of Environment Land, Water and Planning Crown land leases, licences and permits [forestsandreserves.vic.gov.au](http://forestsandreserves.vic.gov.au) and *Leasing policy for Victoria Crown land, May 2018* [https://www.forestsandreserves.vic.gov.au/data/assets/pdf\\_file/0015/331503/Leasing-policy-for-Victorian-Crown-land-2018.pdf](https://www.forestsandreserves.vic.gov.au/data/assets/pdf_file/0015/331503/Leasing-policy-for-Victorian-Crown-land-2018.pdf)
- Coastal and marine management plans
- *DELWP standards for bathing box and boatshed construction 2015*
- Cultural heritage management plans
- Native Title requirements
- Native vegetation removal regulations [Previous regulations \(environment.vic.gov.au\)](http://environment.vic.gov.au)
- Local government planning schemes [Browse planning schemes](#)
- Local government masterplans
- Local land manager bathing box and boatshed policies

## 3 Guidelines for the development of land manager policies

### 3.1 General

Buildings and structures on marine and coastal Crown land face many challenges due to their location and are at high risk of suffering damage from damage by storms, erosion and inundation. Many existing buildings and structures were built when natural marine and coastal processes and impacts of climate change were not fully known or well understood.

#### Guidelines bathing boxes and boatsheds - general

- 3.1.1 There shall be no increase in the number of bathing boxes or boatsheds on marine and coastal Crown land.
- 3.1.2 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.
- 3.1.3 The Planning and Decision Pathway in the *Marine and Coastal Policy 2020* will be applied to planning and management decisions relating to bathing boxes and boatsheds.

### 3.2 Licences

All bathing box and boatshed occupations shall be formalised through a Crown land licence (section 17B pursuant to the *Crown Land (Reserves) Act 1978*). A licence grants permission for non-exclusive use, and the term of the licence shall be no greater than 10 years.

The DELWP standard bathing box and boatshed licence document will be used as the basis for all new licences, with the addition of site-specific conditions when appropriate as requested by the committee of management and approved by the Minister for Energy, Environment and Climate Change (Minister) or the Minister's delegate.

Further information on the issuing of a licence can be found in the Committee of Management Guidelines published by DELWP to assist voluntary committees of management of Crown land reserves in Victoria.

#### Guidelines for the licencing of bathing boxes and boatsheds

- 3.2.1 No licence will be granted for any bathing box or boatshed that affects public access or use of marine and coastal Crown land.
- 3.2.2 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 to the land manager prior to licence grant or renewal.
- 3.2.3 No licence will be granted for any bathing box or boatshed that is in an area identified as inappropriate for structures, poses a hazard, health or safety risk, or obstructs access and egress.
- 3.2.4 At the request of the land manager, it is the obligation of the licensee to demonstrate that current environmental conditions (including coastal processes) are such that renewal itself is appropriate.

### 3.3 Licence fee

Committees of management currently collect a licence fee on an annual basis from bathing box and boatshed licensees. The licence fee is 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.

#### **Guidelines for licence fees of bathing boxes and boatsheds**

- 3.3.1 Licence fees must be based on a fair, equitable and transparent determination process.
- 3.3.2 Licence fees and annual increases for all bathing box and boatshed licences shall be determined by the relevant committee of management based on 3.3.1 above.
- 3.3.3 Licence fees will be reviewed as determined by the committees of management. Review of the licence fee must have regard to the previously levied fee.
- 3.3.4 Fees should be set to maintain fairness and equity for the use, while ensuring the system of administration of the licence is both cost effective and efficient. Any fee increases greater than CPI should be justified, and the committees of management should consult directly with licence holders if proposing to increase fees above CPI.
- 3.3.5 Any bathing box or boatshed that does not have a signed Crown land licence within 6 months of ownership or within 6 months if requested by the land manager, shall be deemed to be an illegal unlicensed occupant. The committee of management may remove the structure and reinstate the site to public foreshore.

### 3.4 Transfers

A committee of management may determine and levy transfer and/or administration fees which must be stated in the Schedule of the licence.

These fees cover administrative costs of transferring the licence. Any remaining revenue should be invested back into the management and improvement of the foreshore by the committee of management. Consistent with current DELWP policy, all transfers of licences will be subject to the approval of the licensee. A committee of management may request a building inspection/condition report be undertaken by the licensee prior to transfer.

#### **Guidelines for the transfer of bathing boxes and boatsheds**

- 3.4.1 Committees of management may charge a transfer and/or administrative fee. The fee/s charged will be determined by relevant committees of management
- 3.4.2 Transfer fees must be based on a fair, equitable and transparent determination process.
- 3.4.3 Committees of management may request a building inspection/condition report to be undertaken by the licensee prior to transfer.
- 3.4.4 Removal of existing services, including power, water and sewerage may be required prior to transfer if the committee of management deems any services pose a risk.

### 3.5 Connection of services

Consent under the *Marine and Coastal Act 2018* will not be provided for any new connections of services (e.g. power (including solar), drainage, sewerage, water, gas, telecommunications, surveillance cameras or similar service) to bathing boxes or boatsheds.

The disconnection, removal or rectification of existing services may be required where the service is:

- a safety risk;
- at the request of the service authority;
- a danger to beach users;
- a threat to environment;
- a fire hazard; or
- illegally connected.

Licensees can install polycarbonate sheeting on sections of the roof to allow natural light to enter the bathing box or boatshed or utilise portable battery-operated LED lighting where required.

Some bathing boxes and boatsheds are connected to water and or have rainwater tanks which can lead to the illegal discharge of grey water onto marine and coastal Crown land. DELWP will continue to work with land managers to develop community awareness about the damage illegal discharge of grey water and associated stormwater overflow from rainwater tanks causes to the marine and coastal environment. Land managers and licensees are encouraged to disconnect these structures from mains and tank water as the opportunity arises.

Some committees of management allow storage of boat fuel in boatsheds. This increases the risk of fire which could damage the boatshed and neighbouring structures as well as impact public safety and the environment.

#### **Guidelines for the connection of services to bathing boxes and boatsheds**

- 3.5.1 There is to be no new power, drainage, sewerage, water, gas, telecommunications, surveillance cameras or similar services connected to bathing boxes or boatsheds.
- 3.5.2 There is to be no installation of solar or wind power systems or non-portable standalone power sources such as deep-cycle battery banks.
- 3.5.3 There is to be no discharge of waste or greywater on or from the licensed site onto marine and coastal Crown land.
- 3.5.4 Only when permitted by the committee of management, fuel (up to 40 litres for power boat purposes) can be stored in accordance with the '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.

### 3.6 Safety and maintenance

A bathing box or boatshed must be maintained in a safe condition. A committee of management may require that a bathing box or boatshed is adequately maintained by the licensee to effectively manage any:

- exposure to public health and safety risk;
- detrimental impacts (in particular, coastal hazard risk) on neighbouring Crown or private land;
- impacts on marine and coastal Crown land values and processes;
- possible structural failure;
- interference with public access, use, or enjoyment of marine and coastal Crown land; or
- adverse effects on the environment or associated uses and values of the Crown land.

A committee of management may undertake a risk assessment and issue a notice to the licensee requiring the licensee to get a report from a suitably qualified professional and undertake subsequent repairs to make the structure safe. Where a bathing box or boatshed is deemed to pose an immediate risk to the public, the committee of management may arrange immediate works to secure the bathing box or boatshed to prevent the public from accessing the site. Any reasonable costs incurred may be recovered from the licensee.

Where a structure is deemed unsafe and beyond repair, the licensee must apply for relevant permits to demolish the structure. Following approval, 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.

#### **Guidelines for the safety and maintenance of bathing boxes and boatsheds**

- 3.6.1 No licence will be granted for any bathing box or boatshed that is found to be structurally unsound.
- 3.6.2 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, is deemed to pose an immediate risk to the public or is in a state of disrepair, must be demolished or reconstructed, if deemed appropriate. This must be completed as soon as practical by a suitably qualified person in accordance with the timeframe of relevant permits and approvals.

### 3.7 Alteration and rebuilding (in existing footprint)

The *Marine and Coastal Act 2018* requires that a person must not use, develop or undertake works on marine and coastal Crown land without prior consent. This includes any alteration or rebuilding of a bathing box or boatshed.

The alteration or rebuilding of a bathing box or boatshed will not be permitted where:

- the site has been assessed as inappropriate for structures to be located on marine and coastal Crown land due to the impact of coastal hazards (including coastal erosion, inundation) or climate change;
- the structure is interfering with natural processes (e.g. sand dune accretion);

- the structure interferes with public access, use or enjoyment or poses a risk to public safety;
- a coastal and marine management plan, cultural heritage management plan or local coastal hazard assessment has determined that the site is better suited for another purpose.

The alteration or rebuilding of a bathing box or boatshed will only be permitted where an existing structure is being replaced and the new structure is to be built within the existing footprint of the original structure. Reconnection of existing services (e.g. power, drainage, sewerage, water, gas, and telecommunications) to a bathing box or boatshed may not be permitted if the committee of management deems the service poses a risk (as outlined in 3.7.7). Where alteration or rebuilding is permitted, works must be completed within the timeframe and conditions specified in consent issued under the *Marine and Coastal Act 2018*.

Construction of new access ramps, verandas, decks, steps and other structural additions to bathing boxes or boatsheds will not be permitted. These alterations may be considered if it is demonstrated that the access ramps and railings are vital to satisfy disability access requirements for licensees.

The style, form and materials of any rebuild or alterations to a bathing box or boatshed should be consistent with:

- the *Siting and design guidelines for structures on the Victorian coast 2020*;
- DELWP's *Standards for bathing box and boatshed construction guidelines 2015*;
- the character of the adjoining bathing boxes and boatsheds and the surrounding foreshore environment; and any other planning approvals or consent requirements.

#### **Guidelines for the alteration and re-building (in existing footprint) of bathing boxes and boatsheds**

- 3.7.1 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.
- 3.7.2 Any alteration and re-building must have all relevant planning approvals and permits required.
- 3.7.3 Any alteration or rebuilding of a bathing box or boatshed must be compliant with the Building Code of Australia and the *Building Act 1993*.
- 3.7.4 Any investment in bathing box or boatsheds should follow a life cycle planning approach.
- 3.7.5 Rebuilding of a bathing box or boatshed will only be permitted where:
- an existing structure is being replaced;
  - the new structure is built with the existing footprint or minimised;
  - impacts on cultural values are avoided;
  - the site is not within an identified area that is vulnerable to coastal hazard risk; and
  - it can be demonstrated that location is appropriate for the current environmental conditions present (including coastal processes).
- 3.7.6 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 resulting negative impacts to existing public or private views.

- 3.7.7 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.
- 3.7.8 The style, form and materials of any rebuilt or altered bathing box or boatshed should be consistent with the *DELWP Standards for Bathing Box and Boatshed Construction Guidelines 2015* and the *Siting and Design Guidelines for Structures on the Victorian Coast 2020*. The character of adjoining bathing boxes or boatsheds and the surrounding foreshore environment should also be considered.
- 3.7.9 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 and erosion.
- 3.7.10 Alterations or rebuilding that increase the enclosed or covered areas of a bathing box or boatshed will not be permitted.
- 3.7.11 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 committee of management.
- 3.7.12 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 *DELWP Standards for bathing box and boatshed construction guidelines 2015*.
- 3.7.13 The use of retractable awnings over existing decks is permitted if they are within the existing footprint.



### 3.8 Relocation

The Victorian coastline is increasingly being impacted by the combined influence of rising sea levels and storm events. Increased sea levels pose threats to the built and natural environment through permanent inundation, increased tidal and storm inundation, and changes to coastal erosion.

Relocation of bathing boxes and boatsheds will only be explored in limited circumstances, only where this clause is contained in an existing licence and where an existing structure can be relocated to a suitable alternative site identified by the committee of management and DELWP.

#### Guidelines for the relocation of bathing boxes and boatsheds

- 3.8.1 Consent under the *Marine and Coastal Act 2018* must be obtained for the relocation of a bathing box or boatshed. The following will also be required to be demonstrated as part of the consent:
- a) the proposed site must be a suitable alternative (for example, as determined through a coastal hazard or vulnerability assessment report);
  - b) existing access to marine and coastal Crown land must not be impeded;
  - c) loss of public open space must be minimised; and
  - d) cultural and heritage values must be protected.
- 3.8.2 If an existing bathing box or boatshed is connected to services and is relocated, consent for the connection of services in the relocated site are subject to further approval.

### 3.9 Maintenance and access to structures and the adjoining surrounds

Bathing boxes and boatsheds that are well maintained and situated in appropriate locations, can provide a positive contribution to our coastal cultural identity.

However, where structures are not well maintained or are inappropriately located, they can have a negative impact on the coastal landscape, public safety and amenity, and natural or cultural values. There is a need to manage risk to public safety from unsafe or poorly maintained structures and the committee of management may consider removal if necessary and appropriate.

*The Marine and Coastal Policy 2020* states:

- to manage risk to public safety from unsafe or poorly maintained buildings and structures on marine and coastal Crown land and consider removal if necessary and appropriate; and
- the owners of property or assets exposed to coastal hazard risk, including the State government, have a responsibility to understand their risk exposure based on available information, and act responsibly in light of that information and in accordance with the *Marine and Coastal Policy 2020*.

In some cases, bathing box and boatshed licensees have built structures such as retaining walls, fences and paving that may cause environmental impacts, restrict public access, or increase risks to public safety and values.

Consistent with the *Marine and Coastal Policy 2020*, construction of new physical structures (e.g. retaining walls, rock revetments) that provide no public use benefit are not permitted. Any management, replacement or maintenance of existing structures will be considered on a case-by-case basis by the committee of management and would need to be consistent with the *Marine and Coastal Policy 2020*. Any management, replacement or maintenance of existing structures must be

undertaken by the committee of management with appropriate approvals, including consent under the *Marine and Coastal Act 2018*.

Access to a bathing box or boatshed should be from the beach side or front of the structure. A committee of management can take measures to control and limit the number of access points and access tracks in the area adjoining bathing boxes and boatsheds in line with providing well designed and safe access throughout marine and coastal land to:

- minimise risk to public safety;
- protect cultural values;
- protect natural values and habitats; and
- avoid exacerbating erosion and landslip risk.

Guidelines for the removal, destruction or lopping of native vegetation are incorporated into the Victoria Planning Provisions and all planning schemes in Victoria. Planning permit requirements may apply for the removal, lopping or trimming of vegetation.

#### **Guidelines for maintenance and access to bathing boxes and boatsheds and adjoining surrounds**

- 3.9.1 The use of bathing boxes and boatsheds will be monitored and managed by the committee of management to ensure there is minimal impact on the surrounding foreshore environment, public safety, cultural values and heritage, and natural coastal processes.
- 3.9.2 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.
- 3.9.3 The Crown or delegated committees of management do not have an obligation to reduce the impacts of coastal hazards, sea level rise, or natural coastal processes on bathing boxes or boatsheds.
- 3.9.4 No new structures to prevent erosion or sand accumulation will be permitted.
- 3.9.5 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.
- 3.9.6 Removal, lopping or trimming of vegetation (either within or outside the licensed area) by bathing box or boatshed licensees is prohibited except with the prior written approval of the committee of management.
- 3.9.7 With the written approval of the committee of management, 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.

### **3.10 Inspection and monitoring**

A committee of management must undertake routine inspections of all bathing boxes and boatsheds located on marine and coastal Crown land under its control. The licenced footprint and visual 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 (as 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 for non-compliance with the licence conditions.

Bathing box and boatshed licensees must always comply with the provisions of all statutes, regulations, local laws and by-laws relating to the bathing box or boatshed and the adjoining surrounds, and all lawful orders or directions made under them.

#### **Guidelines for the inspection and monitoring of bathing boxes and boatsheds**

- 3.10.1 All bathing boxes and boatsheds on marine and coastal Crown land must be properly maintained, secured, painted and repaired to the satisfaction of the committee of management in accordance with licence conditions.
- 3.10.2 Committees of management 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.

# Appendices

## Appendix 1 - Marine and Coastal Policy 2020 - Planning and Decision Pathway



The Planning and Decision Pathway shows how the objectives and guiding principles of the Act should be used in decision making in the marine and coastal environment

## Appendix 2 - Extract of relevant policies in the Marine and Coastal Policy 2020

- 4.2 Consider and plan for the impacts of natural marine and coastal process, climate change, and land use change on cultural values and heritage sites.
- 6.1 Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, flooding, coastal processes and local conditions such as topography and geology, when assessing risks and coastal impacts associated with climate change.
- 6.2 Consider available local coastal hazard assessments and localised projections when planning for coastal hazard risks.
- 6.3 Avoid development in identified areas that are vulnerable to coastal hazard risk from impacts such as erosion and flooding (both estuarine and coastal), inundation, landslips and landslides, and geotechnical risk.
- 11.1 Design, locate and maintain buildings and structures to effectively manage:
  - a. any increase in exposure to coastal hazard risk including increased rates of sea level rise, erosion, accretion or inundation
  - b. exposure to public health and safety risks
  - c. any detrimental impacts (in particular increased hazard risk) on neighbouring Crown or private land
  - d. adverse effects on the environment and associated uses and values
  - e. impacts on marine and coastal functions and processes.
- 11.2 Design, locate and maintain buildings and structures to:
  - a. minimise impacts on marine and coastal flora and fauna
  - b. avoid impacts on cultural values and heritage sites
  - c. avoid impacts on sites of geomorphological significance and fossils
  - d. accommodate and sustain the natural drainage patterns and hydrology of the area
  - e. use materials that respond to the geology and substrate of the site and surrounding area
  - f. avoid dominant structures that are not sympathetic to the local heritage or character
  - g. complement and enhance the surrounding landscape and coastal character, with the line and form of the structure sympathetic to the surrounding landscape and context
  - h. retain public views to and from the water and/or along the coast
  - i. avoid generating ongoing noise that intrudes on the local community
- 11.3 Investment in new and existing structures should follow a life cycle planning approach that:
  - a. identifies future operation and maintenance accountabilities and costs, including the effects of climate change
  - b. identifies and considers the structure's ongoing ability to function in light of changed conditions from the impacts of climate change
  - c. plans the structure's decommissioning and removal or repurposing as part of the initial design and installation, or alteration.
- 11.6 When a building is being replaced or modified, its footprint or impact should be consolidated or minimised as far as possible to ensure marine and coastal Crown land is being used efficiently and sparingly.

- 11.7 Use and development of marine and coastal Crown land must not unreasonably affect the amenity of other users, or restrict or prevent access for other users.
- 11.8 Do not permit new private buildings or structures on marine and coastal Crown land that provide no public use benefit (for example private jetties, bathing boxes, boat sheds), unless they provide the only access point to a property and no existing facilities have available capacity for co-location/co-use (such as jetty access to an island).
- 11.9 Manage risk to public safety from unsafe or poorly maintained buildings and structures on marine and coastal Crown land, and consider removal if necessary and appropriate.
- 13.14 Fees and charges for uses and activities on marine and coastal Crown land should be:
  - a. consistent with *State Cost-Recovery Guidelines* and State government policy
  - b. reflective of the value and benefit provided by the private asset, and compensate for any exclusion of public access or public amenity on marine and coastal Crown land
  - c. set to maintain fairness and equity for the use and enjoyment of the marine and coastal environment

## Appendix 3 - Definitions

Term	Definition
Accountability and transparency process	A process that is open, clear, and defensible.
Bathing box/boatshed	Simple, free-standing, light weight, 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
Development (as defined under the <i>Marine and Coastal Act 2018</i> )	includes— <ul style="list-style-type: none"> <li>(a) the <a href="#">construction</a> or exterior alteration or exterior decoration of a building; and</li> <li>(b) the demolition or removal of a <a href="#">building</a> or <a href="#">works</a>; and</li> <li>(c) the <a href="#">construction</a> or carrying out of <a href="#">works</a>; and</li> <li>(d) the <a href="#">subdivision</a> or consolidation of <a href="#">land</a>, including <a href="#">buildings</a> or airspace; and</li> <li>(e) the placing or relocation of a <a href="#">building</a> or <a href="#">works</a> on <a href="#">land</a>; and</li> <li>(f) the <a href="#">construction</a> or putting up for display of signs or hoardings;</li> </ul>
DELWP	Department of Environment, Land, Water and Planning
Minister	Minister for Energy, Environment and Climate Change
Crown	Means the Crown in right of the State of Victoria and includes the Licensor and each employee and agent of the Crown or the Secretary
Committee of management	Appointed land manager under the <i>Crown Land (Reserves) Act 1978</i> , can be voluntary, local council or Parks Victoria.
Construction guidelines	DELWP Standards for Bathing Boxes and Boatshed Construction 2015
Footprint	The perimeter of all legally established components of the bathing box/boatshed in contact with the land within the licensed site, including steps, decks and ramps.
Licence	An agreement for the occupation of a footprint on marine and coastal Crown land. The licence does not provide exclusive rights.
Licensee/Licensor	The person named on the current approved licence
Marine and coastal Crown land	<p>Defined in the <i>Marine and Coastal Act 2018</i> as all Crown land and waters between the outer limit of Victorian coastal waters and 200 metres inland of the high-water mark of the sea, including:</p> <ul style="list-style-type: none"> <li>a. Crown land (whether or not covered by water) to a depth of 200 metres below the surface of that land</li> <li>b. any water covering the land referred to in paragraph (a) from time to time.</li> </ul> <p>In addition, marine and coastal Crown land includes Crown land that extends more than 200 metres inland of the high-water mark of the sea where it has been reserved under the <i>Crown Land (Reserves) Act 1978</i> for the purposes of the protection of the coastline.</p> <p>For this purpose, it includes land (whether or not covered by water) and any water covering that land to a depth of 200 metres below the surface of that land.</p>
Marine and coastal processes	The physical, chemical and biological processes that occur in the marine and coastal environment over both long and short timescales. For example, the natural accretion and erosion of beaches, nutrient cycling and soil formation processes, the structure and functioning of ecological communities.
Works (as defined under the <i>Marine and Coastal Act 2018</i> )	includes any change to the natural or existing condition or topography of land including the removal, destruction or lopping of trees and the removal of vegetation or topsoil.



## Useful links

- *Marine and Coastal Act 2018*  
[Marine and Coastal Act 2018 \(marineandcoasts.vic.gov.au\)](https://www.marineandcoasts.vic.gov.au/marine-and-coastal-act-2018)
- *Marine and Coastal Policy 2020*  
<https://www.marineandcoasts.vic.gov.au/coastal-management/marine-and-coastal-policy>
- *Siting Design Guidelines for Structures on the Victorian Coastal 2020*  
[Siting and design guidelines \(marineandcoasts.vic.gov.au\)](https://www.marineandcoasts.vic.gov.au/siting-and-design-guidelines)
- *State Cost recovery Guidelines Indexation of fees and penalties, Department of treasury and Finance Victoria*  
[Indexation of fees and penalties | Department of Treasury and Finance Victoria \(dtf.vic.gov.au\)](https://www.dtf.vic.gov.au/indexation-of-fees-and-penalties)
- Committee of Management resources  
[Committees of management \(delwp.vic.gov.au\)](https://www.delwp.vic.gov.au/committees-of-management)
- Resources to assist coastal managers in their activities  
[Information for coastal managers \(marineandcoasts.vic.gov.au\)](https://www.marineandcoasts.vic.gov.au/information-for-coastal-managers)
- *Guidelines for developing Coastal hazard Assessments* [Guidelines for Developing a Coastal Hazard Assessment \(marineandcoasts.vic.gov.au\)](https://www.marineandcoasts.vic.gov.au/guidelines-for-developing-a-coastal-hazard-assessment)