



BOATSHED AND BATHING BOX POLICY



PURPOSE

The purpose of this policy is to:-

- Guide the preservation, management and appropriate use of boatsheds and bathing boxes;
- Assist in the assessment of applications for alterations or reconstruction of boatsheds and bathing boxes located on the foreshore managed by Council; and
- Preserve and promote local heritage and culture.

OBJECTIVES

The objectives of this policy are to:

- Document Council's position as Committee of Management in accordance with the provision of the Crown Land Reserves Act 1978 for the foreshore it controls;
- Set out clearly the rights and obligations of boatshed and bathing box licensees;
- Ensure boatsheds and bathing boxes are maintained in good condition to protect the amenity, use and enjoyment of the foreshore by other beach users;
- Preserve and maintain continuity of use of the boatsheds and bathing boxes;
- Provide for a fair and financially viable approach to boatshed and bathing box licensing and management arrangements; and
- Provide a framework for co-operation with the Frankston Boatshed Association Inc.

COUNCIL'S ADMINISTRATIVE TIMETABLE

In order to meet the objectives of the Boatshed & Bathing Box Policy, Licensees should note that Council will undertake various administrative tasks as outlined in the following timetable:

Early September

Inspection of boatsheds & bathing boxes – *this inspection will be carried out by Council's responsible officer with at least two (2) representatives of the Frankston Boatshed Association Inc. During this inspection photographs will be taken of each structure as well as any areas of damage, be they to the structure or the area surrounding the structure. Structures requiring attention of a Building Inspector will be noted along with those that are not clearly numbered.*

Late September

Annual Account and Inspection Feedback to Licensees – *The annual account for licence fees will be issued in conjunction with each individual report of boatshed condition. This report will provide details of items requiring attention (if any) and whether a building permit may be necessary, expected completion date and sanctions for non-compliance.*

November

Clearing of Sand from Boatshed & Bathing Box entrances – *during November, Council will arrange for clearing of sand build up from the entrances to boatsheds and bathing boxes from those licensees that have requested this service. The exact date will be determined by Council staff depending on existing commitments and weather conditions. Any additional service will be at the licensees cost.*

Mid November

Repeat Inspection of Boatsheds & Bathing Boxes – *a repeat inspection will be conducted to note outstanding compliance issues. Licensees will be advised in writing of any issues outstanding or any new issues and reminded of the possible sanctions.*

December

Outstanding Maintenance Issues – *Licensees who have failed to respond to maintenance notices will be advised that their licence has been suspended. They will then have 14 days to show good reason and if failing to do so, the Licence will be revoked.*

February

Revoked Licences – *Where a licence has been revoked a report will be prepared for the February Ordinary Council meeting for Councillors to consider offering any revoked licences for public auction conditional on rectifying any outstanding maintenance issues, unless otherwise determined by Council in accordance with Clause 1.3.*

DEFINITIONS

This policy does not relate to boatsheds or bathing boxes on privately owned land or to boatsheds or bathing boxes that are used for commercial purposes.

In this policy the following words have the following meanings:

“annual licence fee” means the annual fee payable to Council as a Committee of Management appointed under the Crown Land (Reserves) Act 1978 paid by the licensee to use a bathing box or boatshed;

“boatshed/bathing box” means a structure erected on a foreshore managed by Council and used for the storage of marine craft/beach accessories and the convenience and comfort of licensees, but excluding any overnight accommodation;

“beach” means land-forming part of a foreshore managed by Council;

“Council” means the Frankston City Council;

“footprint” means the area of foreshore occupied by the boatshed or bathing box, including any stairs, ramps, decks or the like as specified in the current licence and based on Council recorded data as at 30 April 2006;

“foreshore” means any coastal Crown Land as defined in the *Coastal Management Act 1995* over which Council has delegated management responsibilities under the *Crown Land (Reserves) Act 1978*;

“good condition” means the bathing box / boat shed must be structurally sound in relation to the footings, subfloor, frame and roofing members. Furthermore, the wall cladding, roof material and all associated fixings are in a sound condition.

In establishing sound condition all the aforementioned members must be free of damage including but not limited to rotten timbers, rusted steelwork, or any other form of deterioration or corrosion and be visually appealing;

“licence” means a licence to use the site for a boatshed or bathing box issued by Frankston City Council;

“municipal land rates” has the same meaning as general rates referred to in the Local Government Act 1989;

“peak body representing licensees” means the Frankston Boatshed Association Inc. (FBSA);

“resident ratepayer” means a person or company which owns and occupies a property within Frankston City. Such property can include a holiday home or commercial premises which they operate;

“site” means licensed area by the Council to a licensee whether or not that site has any structure on it;

“structure” means a boatshed or a bathing box, including any stairs, ramps, decks or the like.

POLICY

1. Introduction

Boatsheds and bathing boxes are icons of the Victorian beachscape. These often brightly coloured structures are located mainly on Victorian Coastal Crown Land and occupy a unique role in bayside beach life. There are approximately 1860 bathing boxes, boatsheds, or similar structures located around Port Phillip and Western Port bays under the management of eight different municipalities.

While still serving the functional purpose of providing storage for boats and bathing equipment, these structures also have a historic and cultural value and importance.

Various Crown Land foreshores are located around the bayside perimeter of the municipality. Frankston City Council manages the Frankston foreshore as a Committee of Management appointed by the Minister for Planning in accordance with the provisions of the Crown Land (Reserves) Act 1978.

Currently 61 boatsheds and bathing boxes are sited on foreshore managed by Council. This policy has been developed to provide guidance for the preservation, upgrading, and appropriate use of these beach structures.

1.1 Reconstruction and Alterations

Boatsheds and bathing boxes may be reconstructed or altered by Council, or such works authorised by Council, where this is appropriate and on the basis of the following criteria:-

- Planning and Building approval is obtained;
- Where required, consent is obtained from the Department of Sustainability and Environment for the use and development on Coastal Crown Land pursuant to section 40 of the Coastal Management Act 1995;
- The reconstruction or alterations do not increase the footprint of the original structure;
- The level of reconstruction must be built at the same level as the original, so that the bathing box/boatshed, with the exception of any new approved pitched roof, is no higher than the original bathing box/boatshed.;
- The existing floor level of any bathing box/boatshed must not be altered from its present position, unless exceptional circumstances exist and this has been approved by Council. Where possible timber is to be used for repair or replacing of floor structures;
- Materials and methods of construction are in accordance with the minimum standards specified by Council (Attachment A) and the Department of Sustainability and Environment's Standards for Bathing Box and Boatshed Construction of 1996 or any updated version of the standards, which may be issued by any relevant Authority.

Possible alterations include:

- Openings, structural features;
- Historical restorations;
- Changes of roofing angle from a flat to a pitched roof, where bathing boxes are of timber construction or masonry roofs need to be replaced.

The reconstruction of boatsheds and bathing boxes must be completed within twelve (12) months of the demolition or destruction of the original shed. All approved works must be completed within 21 days of commencement on site unless otherwise agreed in writing by the Council.

Foreshore Access

In most cases, vehicle access to the beach area to carry out approved works on boatsheds or bathing boxes can be obtained within 24 hours of request.

1.2 Relocation

Under certain circumstances Council may permit the relocation of a boatshed or bathing box. These circumstances are limited to a change in the Coastal Management Plan, coastal processes or development. This would be permitted subject to mutual agreement. Any such relocation would be at the licensee's cost unless the relocation is due to Council works. Any such new structure must be of timber construction.

1.3 Removal

After all other options have been explored, Council may determine that boatsheds and bathing boxes will be removed from the foreshore area where:-

- 1.3.1 The structure is dilapidated, beyond repair or represents a public safety hazard and there is a failure to give effect to notices issued by the Council;
- 1.3.2 The area is vulnerable to coastal processes which result in the structure being at risk;
- 1.3.3 The structure contributes to the instability of the area or causes a risk to public safety;
- 1.3.4 The beach on which the structure is located is unsafe or access to it is unsafe;
- 1.3.5 Removal is in accordance with a Management Plan or Policy relating to the area;
- 1.3.6 The structure does not meet with the minimum construction standards specified by Council; or
- 1.3.7 The licence has been revoked in accordance with Council's administrative timetable and
 - (i) any of points 1.3.1 to 1.3.6 above exists; or
 - (ii) sale by auction has been unsuccessful or not preferred by Council.

2. Conditions of Use

2.1 Types of Use

A boatshed or bathing box **may be used** for:

- Storage of boats and boating equipment;
- Storage of beach accessories;
- Convenience and comfort associated with beach use (provision of kitchens, showers, plumbing, air conditioners and toilets are prohibited).

A boatshed or bathing box **may not be used** for accommodation or habitation purposes (which includes overnight accommodation).

2.2 Services

In accordance with the Department of Sustainability and Environment Policy, permission will not be given to connect or reconnect any bathing box or boatshed to any drainage, sewerage, water, electricity, gas or similar service. Although existing services may be maintained, any such maintenance of such services must be undertaken within 6 months of such services becoming inoperable with approval of Council and Department of Sustainability and Environment. Unauthorised new connections or reconnections will not be permitted under any circumstances.

2.3 Maintenance

The licensee must maintain:-

- Display of the approved number of the boatshed or bathing box;
- The boatshed or bathing box in good condition to the satisfaction of the Council;
- the boatshed or bathing box in a manner which ensures the use or condition of the boatshed or bathing box does not prejudice the safety of its users or other beach users.

Council will conduct biannual inspections of boatsheds or bathing boxes in conjunction with at least two (2) representatives of the FBSA. The biannual inspection may result in a licensee being directed to carry out such works or maintenance as may be required to upgrade the structure to an acceptable standard within a stated time. Further inspections will be carried out according to the administrative timetable to ensure that these works are completed.

All works must be commenced within 21 days of approval and completed within 21 days of commencement, unless otherwise agreed with Council. Should the licensee fail to carry out the requested works within this time frame, Council may carry out such works and the licensee will be liable for the costs of such works. Should the licensee fail to reimburse Council, Council will take action to recover the outstanding costs and not renew the licence.

Any significant removal of sand must be approved by Council and carried out under the instruction/guidance of Council's Open Space Co-ordinator. However, small amounts of sand may be moved by hand/shovel to allow access to the Bathing Box.

3. Issuing of Licences

Council reserves the right to issue a licence (see attachment C) to occupy a site on the foreshore managed by Council. (Licences will be issued for a maximum of three (3) years).

An annual licence fee is payable to Council and is established by Council on an annual basis when it sets its municipal fees and charges. Annual licence fees and any other associated fees such as insurance premiums **must be paid within 30 days** of the date of the notice.

Council shall maintain a Register of Licensees.

Licences shall be granted in accordance with Section 17B of the Crown Land (Reserves) Act 1978.

All future licences will be issued on the basis that the applicant does not already hold an existing licence, as multiple licences will not be allowed.

4. Revocation of Licences

Council may revoke a licence without compensation as a result of a licensee: -

- Breaching the terms or conditions of the licence;
- Breaching this policy;
- Breaching the Frankston Planning Scheme or any other relevant legislation;
- Failing to comply with a notice issued by Council to undertake repairs, maintenance, removal of graffiti or other works within the time specified on such notice;
- Failing to pay annual licence fees or other costs such as insurance premiums;
or
- If there is a requirement for the area to revert to public use.

Where Council considers repairs, maintenance, removal of graffiti or other works are necessary:

- a written notice will be forwarded to the licensee followed up with a telephone call to confirm that the written notice has been received, or in the case of an urgent matter, the licensee will be contacted by telephone and followed up with a fax where possible, confirming the time frame for rectification;
- where no action is taken by the licensee to rectify the situation within the specified time line, Council will make good any safety issue at the licensee's cost and issue a second and final notice requesting any additional action be taken within seven (7) days;

- where no action is taken by the licensee after the second and final notice, Council may revoke the licence and take such action as it deems appropriate, at its absolute discretion.

Council may, at its absolute discretion, offer a licence that becomes available as a result of a revocation of licence for sale.

Where a licence has been revoked, Council will secure the boatshed/bathing box against unauthorised entry. Any contents of the boatshed/bathing box will be securely held for 30 days. A notice will be issued to the owner to collect the contents during this period. Failure to do so will result in Council disposing of the contents as it sees fit.

5. Transfer of Licences

A licence may be transferred to another party subject to Council approval, but no person shall sublet any site or structure in or on the reserve.

The proposed Licensee must

- * be a resident ratepayer of Council; or
- * own a holiday home within Frankston City; or
- * own and occupy a commercial premises within Frankston City; or
- * be a family member of the existing licensee;

and have been advised of any orders made or directions given in respect of the licence for the boatshed/bathing box being transferred.

Only one (1) licence is permitted to be held by any licensee, except in the case where multiple licences are already held as at 30 April 2006.

A licensee wishing to surrender a licence to occupy a boatshed/bathing box shall immediately advise Council in writing.

The prescribed Transfer of Licence form must be used and the prescribed transfer fee paid to effect the transfer (see Attachment B).

RESPONSIBILITY

The Governance Services Co-ordinator or other nominated officer has the responsibility for the management of this policy.

RELATED POLICIES

Nil.

RELATED LEGISLATION

- Crown Land (Reserves) Act 1978
- Local Government Act 1989
- Coastal Management Act 1995
- Frankston City Planning Scheme
- Planning & Environment Act

REFERENCES

Standards for Bathing Box and Boatshed Construction (November 1996), released by the Department of Sustainability and Environment.

REVIEW

This policy will be reviewed within three (3) years after its commencement or such earlier date as may be determined by Council.

CONSTRUCTION STANDARDS FOR BOATSHEDS AND BATHING BOXES

The construction principals of Boatsheds and Bathing Boxes do not vary significantly from the construction of any other structure, such as a garage or even a house.

The structure must be constructed using standard building practices, and the material size and strength characteristics must meet the accepted standards and codes.

A bathing box or boatshed is subject to a far greater range of weather conditions than most other structures due to its location and the proximity to prevailing winds and tidal action.

Construction in accordance with these guidelines will provide a safe and well constructed bathing box or boatshed and reduce the possibility of deterioration of the structure due to the harsh environment in which the building is located.

For further details in relation to standards, the publication developed by the Department of Sustainability and Environment for bathing boxes and boatsheds may be of value and can be sourced through that Department at 30 Prospect Street, Box Hill.

STANDARDS

(a) MASONRY STRUCTURES

Existing masonry structures requiring repair can be repaired using materials similar to the existing structure. Should a concrete roof require replacement, Council would prefer that the roof be replaced with a Colorbond or zincalume (or similar material) low pitched roof, ie less than 20°. These materials are appropriate in this environment for maintenance and longevity reasons.

(b) TIMBER STRUCTURES

When a bathing box is to be demolished or rebuilt, it is preferred that timber be used for external wall cladding. It is still probably the most efficient and one of the most stable materials to use in this environment and is able to be readily maintained. It also reflects the historical and cultural values of these structures.

Colorbond or zincalume (or similar material) must be used for roof cladding and are appropriate in this environment for maintenance and longevity reasons.

(i) Foundations of Stumps or Poles

Stumps or poles must be founded to a depth of at least 700mm and placed onto a suitable sole plate. Where the height above the surface level of the ground exceeds the equivalent of the 700mm being 1/3 of the stump into the ground, the depth must be increased so that 1/3 of the stump is into the ground. Stump bracing is required for stumps over 900mm out of the ground.

(ii) Timber Framing

Timber framing must be constructed to a minimum standard as set out in AS 1684 or the Timber Framing Manual in order to ensure that the structure remains in a stable condition for the safety of all parties. These publications also give framing details if assistance is required in relation to standard practices, including material sizes and spans. Material sizes for framing should be 90mm x 38mm studs, not a smaller size, due to the possibility of fracturing when checks are provided for bracing members.

(iii) Bracing and Tie Downs

Bracing of all walls and tying down of roof battens to rafters, rafters to wall framing and wall framing to the floor and stumps must be carried out in accordance with AS 1684 or the Timber Framing Manual to ensure stability of the structure.

(iv) Flooring Materials

Flooring materials must be suitable for 'wet area' use.

(v) Decks, Stairs, Etc

Treated timbers are preferred, but untreated timbers can be used if they are of a durable species and are maintained. Decking members should not be less than 38mm in thickness (75mm x 38 mm preferred). Decking must be spaced so that a build up of sand or windblown debris cannot accumulate on the deck that will eventually cause rotting and collapse.

(vi) Fixings and Fastenings

(Such as nails, bolts, screws, catches, etc)

Stainless steel, brass or hot dipped galvanised material should be used for all nails, bolts, catches and other fixing materials wherever possible in order to provide longevity and reduce maintenance and unsightly rust stains to the structure.

(vii) Doors

Doors must be of solid construction of a material resistant to the salt laden atmosphere and attached using hinges and fittings as described, so that constant maintenance and replacement is avoided.

(viii) Decorative Features

Decorative features such as finials or bargeboards must be adequately fixed and of proportions in keeping with the structure.

[OUT OF DATE ATTACHMENT B: TRANSFER OF LICENCE FORM AND ATTACHMENT C: SAMPLE LICENCE, REMOVED AND CURRENT VERSION ATTACHED SEPARATELY]



Frankston City Council

Who can own a Boatshed or Bathing Box?



Nearly all foreshores, including boatshed and bathing box sites, are owned by the Crown and are designated as Coastal Crown Land. A licence issued by Frankston City Council provides the licensee with the right to **occupy** the site subject to conditions such as maintaining the structure in good condition and payment of an annual site fee along with public liability insurance. Purchasing a boatshed or bathing box from someone else therefore means you are purchasing the rights to **occupy** the site subject to the same conditions as the previous licensee. A license may be transferred to another permanent resident ratepayer in the municipality, subject to approval by the Council and is subject to a Transfer Fee.

Repairs and Maintenance of Boatsheds or Bathing Boxes

Routine repairs and maintenance do not require planning approval

Alterations do require planning approval but the building is restricted to the licensed area (the original “footprint” of the structure). Any extension of the building further into the public beach space is not permitted.

Reconstruction of damaged or destroyed boatshed or bathing box does require planning and building approval. This applies where more than 50% of the structure has been destroyed or damaged but reconstruction must occur within 12 months. For example, if a boatshed is burnt down the site remains vacant for 12 months, the structure cannot then be rebuilt.

All works on boatsheds or bathing boxes, other than routine maintenance and repairs, also require consent from the Department of Sustainability and Environment (DSE). So, when a planning application is lodged it is referred to DSE for consideration as part of the planning process.

All boatsheds and bathing boxes must clearly display their allocated number on the front.

Can I Connect Services to a Boatshed or Bathing Box?

No. In accordance with DSE and Council policy, permission will not be given for any new connections, or reconnections of drainage, sewerage, water, electricity, gas or similar service to boatsheds or bathing boxes.

Do I Require Public Liability Insurance?

Yes. Frankston City Council has organised public liability insurance for all boatshed and bathing box owners at a cost to be notified per annum per boatshed or bathing box. This cost will be notified on an annual invoice.

Who is Responsible for the Maintenance of Boatsheds & Bathing Boxes

The Licensee is responsible for ensuring the structure is in good condition at all times and is not a safety hazard.

Frankston City Council undertakes regular inspections of the boatsheds and bathing boxes and may direct that certain works or maintenance be done to upgrade the structure within a specified time to bring the condition of the structure up to an acceptable standard.

Frankston City Council or its delegate may remove any boatshed or bathing box for the following reasons:

- If the structure is in a state of disrepair and potential danger to users or the public
- due to non compliance with a direction to remove graffiti
- if the structure is unsightly which may result in the degradation of the area, for example the need for repainting etc.

Any removal of sand must be approved by Council and carried out under the instruction/guidance of Council's Open Space Co-ordinator.

Frankston City Council can revoke a license if a licensee fails to comply with the license conditions, the policy, the Planning Scheme or a notice to undertake repairs and maintenance of the structure.

A licence, which becomes available as a result of a revocation of license, may be offered for sale by Council.

How do I become a Boatshed or Bathing Box Licensee?

If you are considering buying, selling or undertaking works on a boatshed or bathing box, please contact:-

[OUT OF DATE CONTACT DETAILS REMOVED]