

FACT FILE

Boatsheds and Bathing Boxes

On Beaches Managed by Mornington Peninsula Shire

OVERVIEW

Boatsheds and bathing boxes are simple, free-standing, 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. Boatsheds and bathing boxes are icons of the Victorian beachscape and occupy a unique role in bayside beach life. Many of these structures also have historic and cultural significance. Most boatsheds and bathing boxes are located on foreshores which are coastal Crown land as defined in the **Coastal Management Act 1995**.

WHICH BOATSHEDS AND BATHING BOXES DOES THIS FACT FILE APPLY TO?

This Fact File applies to boatsheds and bathing boxes on foreshores owned or managed by the Mornington Peninsula Shire Council in its role as the appointed committee of management pursuant to the **Crown Land (Reserves) Act 1978**. Around 840 of the Peninsula's 1300 boatsheds and bathing boxes are located on foreshores owned or managed by the Shire and listed below.

- **Mornington Foreshore:** Fishermans, Mills, Scout, Shire Hall Beaches
- **Mount Eliza Foreshore:** Canadian Bay, Daveys Bay, Earimil North and South, Moondah, Ranelagh, Sunnyside Beaches
- **Mount Martha Foreshore:** Hawker, Mount Martha North and South Beaches
- **Portsea Foreshore:** Fishermans, Shelley Beaches
- **Rosebud Foreshore:** McCrae, Rosebud Beaches
- **Rye Foreshore:** Rye Beach
- **Safety Beach Foreshore:** Safety Beach

Other foreshores such as Capel Sound, Whitecliffs and Dromana are managed by volunteer committees. If you have an interest in a boatshed or bathing box on one of these beaches, you should contact the relevant committee to discuss their requirements.

WHO CAN "OWN" A BOATSHED OR BATHING BOX?

Boatsheds and bathing boxes are approved through the issuing of a licence from the Shire. Licensees do not "own" the land on which the boatshed or bathing box is located. A licence 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 and municipal charges. 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 licence may be transferred to another person subject to approval by the Shire and is subject to a transfer fee.

WHAT CAN I DO WITH A BOATSHED OR BATHING BOX?

Boatsheds and bathing boxes may be used for storage of boats and beach equipment and to provide shade and shelter. Overnight stay or commercial use such as hiring out is not permitted. The structures must be well maintained, and the construction of new ramps, verandahs, steps, decks and other additions will generally not be permitted. Alterations may be considered if it is demonstrated that such additions are required for proper use of the structure (e.g. ramps for boat storage and retrieval, or retractable steps for access) and the additions are contained **within the existing building footprint**.

HOW DO I TRANSFER THE BOATSHED OR BATHING BOX LICENCE?

The following steps are required to transfer a licence:

1. Complete and sign the **Application to Transfer Licence Form** (must be signed by all parties).
2. Provide the completed Transfer Licence Form to the Shire with the requisite Transfer fee.
3. Shire inspection of the boatshed or beach box to ensure there are no outstanding issues such as maintenance or unauthorised improvements or additions.
4. Allow 10 business days for the transfer to be processed.

Note:

- Where the transfer is because of a Deceased Estate, different documentation is required.
- Any outstanding rates, charges and licence fees will transfer to the new licensee. We therefore suggest the parties consider their own adjustment prior to submitting the Application to Transfer of Licence Form.

WHEN IS A PLANNING OR BUILDING PERMIT REQUIRED FOR WORKS TO A BOATSHED OR BATHING BOX?

The whole of the Shire is affected by the Mornington Peninsula Planning Scheme and the Building Act and Regulations. This means: -

- Non-structural routine **repairs and maintenance do not require planning or building approval.**
- **Replacement of like for like** such as steps, decking, wall cladding (including the replacement of metal with weatherboard), bracing, restumping and roof covering **do not require a planning permit but may still require a building permit. The following conditions must be met:**
 - The repair/maintenance is 'like for like'
 - The materials are the same or similar to the existing and are in accordance with the Department of Environment, Land, Water and Planning (DELWP) *Standards for Bathing Box and Boatshed Construction Guidelines 2015*.
 - There is no increase in the size of the 'footprint'
 - There is no increase in the enclosed volumes
 - Permission is first sought and obtained in writing from the Shire's Property Operations Unit.

If any works are carried out without permission, the Shire reserves the right to require reinstatement of the shed prior to the works.

- **Alterations do require both planning and building approval** however the structure is restricted to the licensed area (the original **"footprint"** of the structure). No extension of the structure further into the foreshore is permitted.

- **Changes to reinforce footings (ie changes to the structure of footings) are regarded as structural alterations and these do require planning approval.**
- **Reconstruction of damaged or destroyed boatsheds requires planning approval.** This applies where more than 50% of the structure has been destroyed or damaged but reconstruction must occur within two years. For example, if a boatshed is burnt down and the site remains vacant for two years, the structure cannot then be rebuilt.
- New boatsheds, infill construction between existing boatsheds or alterations which propose any increase to the existing footprint are **prohibited**.
- Most building works will require a building permit. Please check with a private building surveyor.
- Vehicle access to the foreshore for repairs, rebuilding or maintenance is not permitted except with the written consent of the Shire.

All works on boatsheds or bathing boxes, other than routine maintenance and repairs, also require consent from the DELWP. When a planning application is received by the Shire it is referred to the DELWP for consideration as part of the planning process.

(Note: Building permits can be obtained from any private building surveyor - see local yellow pages).

WHAT ABOUT COUNCIL'S BOATSHED AND BATHING BOX POLICY?

Council's **Boatshed and Bathing Box Policy** applies to all boatsheds and bathing boxes on Shire owned or managed foreshores. The Policy:

- formalises the license system for boatsheds and bathing boxes. The license applies to the site covered by the **footprint** of the boatshed or bathing box and includes the enclosed part of the building as well as any attached ramps, decks etc. These are separately listed in the annexure to the licence to avoid any confusion and ensure that licensees understand that by having a 2m long ramp this doesn't mean the enclosed section of the building can be extended out to the line of the ramp.
- allows for the reconstruction of boatsheds in certain cases where planning approval, building approval and DELWP consent is obtained. However, Council's Policy is to encourage the commencement of reconstruction within 6 months and completed within 12 months of the demolition of the structure.
- requires that all works comply with the Building Regulations, the minimum standards of construction attached as part of Council's Policy as well as **DELWP Standards for Bathing Box and Boatshed Construction 2015**.
- states that a licence can be revoked if a licensee fails to comply with the licence conditions, the policy, the Planning Scheme or a notice to undertake repairs or maintenance on the structure.

CAN I CONNECT MY BOATSHED/BATHING BOX TO SERVICES SUCH AS POWER?

No. In accordance with DELWP and Council policy, permission will not be given to connect boatsheds or bathing boxes to any form of power, drainage, sewerage, water, gas, telecommunications or similar services, including solar panels and rain water tanks.

WHO IS RESPONSIBLE FOR MAKING SURE THE BOATSHEDS AND BATHING BOXES ARE KEPT IN GOOD CONDITION?

The licensee is responsible for ensuring the structure is maintained in a good condition and is not a safety hazard. The Shire 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. The licensee is also responsible for the timely removal of graffiti.

FURTHER INFORMATION

The annual licence fee changes from year to year and is determined through the Mornington Peninsula Shire annual budget process.

If you are proposing to buy, sell or undertake works on a boatshed or bathing box and you need further information, please contact:

Property Team
Phone: +613 5950 1164
Email: Property@mornpen.vic.gov.au

Planning Office - Mornington
Phone: +613 5950 1010

Other useful information can be obtained from:

Mornington Peninsula Beach Box Association Inc. (MPBBA)

The MPBBA represents member beach box licensees on the Mornington Peninsula.
PO Box 447 Mount Martha 3934
Tel: 0447 321 257 info@mpbba.org.au

Dromana Foreshore Committee of Management

PO Box 107 Dromana 3936
Phone 03 5981 0933
info@dromanaforeshore.com

Capel Sound Foreshore Committee of Management

PO Box 2041 Rosebud Plaza 3939
Phone 03 5986 4382
info@capelsoundforeshore.com.au

Whitecliffs to Camerons Bight Foreshore Reserve Committee of Management

PO Box 207 Rye 3941
Phone 03 5985 3288
admin@whitecliffs.com.au