



WYNDHAM BOATSHED MANAGEMENT POLICY 2024

Pursuant to the *Crown Land (Reserves) Act 1978*, this policy will apply to all boatsheds on the
Werribee South Foreshore Reserve at
Campbells Cove and Baileys Beach.



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1. PURPOSE

Wyndham City Council (WCC) is the Committee of Management (CoM) for the Werribee Foreshore Reserve under the provisions of section 14 of the *Crown Land (Reserves) Act 1978*. The reserve, and the area for which Council is responsible, extends from the south-western boundary of the Point Cook RAAF base to the mouth of the Werribee River on a narrow strip of land occupying the space between the high-water mark of Port Phillip Bay and the boundaries of privately owned land adjacent to the coast. 143 boatsheds are located at Campbells Cove and Baileys Beach within the Werribee Foreshore Reserve, (otherwise known as the Werribee South coastal reserve). The purpose of the Wyndham Boatshed Management Policy outlines the rights and responsibilities of boatshed licensees and states Council's policy framework for the on-going management and control of boatsheds located within the foreshore reserve.

This Policy builds upon and replaces the Wyndham Boatshed Management Policy 2016.

2. SCOPE

2.1 Management of Crown Land

The Werribee Foreshore Reserve is Crown Land permanently reserved for public purposes. The Department of Energy, Environment and Climate Action (DEECA) represents the Crown as owner of the reserve and has prime responsibility for policy development and implementation regarding the reserve. DEECA is responsible for the oversight of marine and coastal Crown land across Victoria. Crown land is either administered directly by DEECA or managed by a delegated CoM appointed under section 14 of the *Crown Land (Reserves) Act 1978*. Wyndham City Council in their role as the CoM oversees the day-to-day management of the Crown land reserve.

The boatshed structures located within the reserve are privately owned and, on that basis, they are not considered to be a use for which the land was reserved. However, the *Crown Land (Reserves) Act 1978* addresses and enables uses of the land for purposes other than for which it was reserved. The Werribee South boatsheds occupy the land subject to the terms and conditions of a licence issued by reference to Section 17B of the *Crown Land (Reserves) Act 1978* which enables the trustees or CoM of the reserve to, among other things, grant licences to enter and use any portion of the land or any building thereon for a period not exceeding 10 years.

This document sets out the basis for the ongoing management of the boatsheds within the reserve. The DEECA **Guidelines**, sets out its requirements for the management of the reserve and the boatsheds located therein.

2.2 Basis of Historical and Current Occupation of the Reserve

The boatsheds at Campbells Cove and Baileys Beach were predominantly constructed between the 1930's and the 1960's. The majority of boatsheds occupied the land subject to the terms and conditions of a 3-year licence agreement which was renewed and extended several times to confirm the agreed use of the land by the licence holders, until the implementation of the Wyndham Boatshed Policy 2016.

Each licence includes a Licensed Area Plan of the Site, including the Building Footprint based on measurements taken in 2001. The Licensed Area plan includes dimensions for the site boundaries, and all permanent improvements on the site including the boatshed and peripheral elements including decks, (open or roofed), stairs, water tanks, paved areas, and "Ancillary Improvements" including slipways, boat ramps, and stairs physically separated from the boatshed and peripherals but constructed to service the aligned Boatshed. The Building Footprint, for the purposes of this policy and the licences, comprises only of the boatshed itself, and the peripheral elements are also identified, acknowledged and distinguished to ensure

that they are separately defined from the Boatsheds “for the record” and not built on. In some instances, action has been taken to force licensees to remove building extensions constructed over these areas in defiance of this policy and the licence conditions, usually on the pretext that the Licensee assumed that the Building Footprint included all decks, hardstand areas etc. This policy explicitly forbids extensions of the boatsheds beyond the existing eaves. Enclosure of roofed areas over decks by adding walls is not permitted. The Building Footprint and the measurements depict the full extent of the allowable area within the Licensed Site which may be occupied by a boatshed. Any extension of a boatshed beyond the 2001 Building Footprint measurements are deemed unauthorised and Council may enforce removal of such extensions prior to renewing the licence for affected boatsheds. Please note building setback and separation distances shown on the Licenced Area plans are taken from the eaves, not the boatshed walls, so care should be taken to ensure that buildings are not extended into those areas.

2.3 Review of Current Situation

In reviewing the management of boatsheds within the reserve, Council considered the broader issues associated with the current management arrangements including:

- Structural soundness, neglected appearance and doubtful statutory compliance of some boatsheds;
- Possible habitation of some boatsheds;
- Refuse disposal;
- Wastewater disposal;
- Fire risk management;
- Non-compliance with policy and/or licence requirements;
- Introduction of exotic flora and fauna;
- Storage of dangerous goods;
- Vermin infestation/control;
- Unauthorised works/alterations/modifications;
- Confusion and uncertainty regarding requirements for planning and building permits and approvals;
- Management of hazardous waste;
- Public liability insurance; and
- Responsibility for maintenance and insurance of the area and structures adjacent to the boatsheds (“Ancillary Structures”).

2.4 Inclusion of Ancillary Structures

To provide the maximum level of clarity regarding the rights and obligations of licensees and enable improved management of the reserve, Licensed Site boundaries have been realigned where appropriate to enable inclusion of existing structures including stairways, boat ramps, and slipways within the Licensed Site as an ancillary to their boatshed(s). If a stairway, boat ramp, slipway or similar structure is included as an ancillary to a Licensed Site, the licensee(s) must maintain that structure to a safe standard or remove the structure in accordance with the licence terms and conditions. The extended areas beyond the Building Footprints are described as “Ancillary Areas”. Boatsheds may not be extended into the Ancillary Areas, and no impediments to public access over the Ancillary Areas is permitted. Any included structures must have the appropriate approvals from a planning permit and DEECA perspective, to be considered lawful.

3. LEGISLATIVE FRAMEWORK

Coastal planning and management in Victoria are controlled under the provisions of various Acts of Parliament, related Regulations, and administered by statutory authorities including those described on the following pages.

3.1 Crown Land (Reserves) Act 1978

This Act establishes mechanisms which enable Crown Land to be reserved for various public purposes, and the responsibility for management of specific Crown land reserves can be delegated to a CoM. Under the provisions of this Act, the Werribee foreshore is permanently reserved for public purposes and Wyndham City Council is the CoM.

Section 17(B) of the *Crown Land (Reserves) Act 1978* allows the CoM, with the approval in writing of the responsible Minister, to grant licences for the use of any portion of reserved land. Section 13 of the Act allows for the making of regulations governing the use of reserved land.

3.2 Planning and Environment Act 1987

This Act controls the use and development of land through the provisions of the local planning scheme, which among other things designates the zones applicable to land throughout the municipality. The Wyndham Planning Scheme, for which Wyndham City Council is the responsible authority, applies to all land throughout the municipality to the coastline (excluding Commonwealth land such as the Point Cook RAAF base). The planning scheme specifies permitted and prohibited uses of land according to its zoning, and whether a planning permit is required for the use, occupation and/or development of land within the relevant zone.

The Campbells Cove and Baileys Beach boatshed precincts at Werribee South are classified as a Public Park and Recreation Zone, and any use, occupation and/or development of land or proposed works must comply with the requirements applicable to this zone, including obtaining a Planning Permit if required.

The *Planning and Environment Act 1987* also requires that any application for use and development of land subject to the *Marine and Coastal Act 2018* must be referred by the responsible planning authority to the Minister administering that Act for consent.

Please also note that planning permits for any use, occupation and/or development or works including native vegetation removal proposed to be undertaken on coastal land cannot be issued without the written consent of the Minister administering the *Marine and Coastal Act 2018*, and where the Minister refuses consent, no appeal right exists under the *Planning and Environment Act 1987*.

3.3 Building Act 1993

The *Building Act 1993*, the Building Code of Australia (BCA), and the Victorian Building Regulations 2018 apply to the Werribee South boatsheds. Any new structures, or additions to existing structures, are required to comply with this Act and the associated codes and regulations. Please also refer to Sections 5.1 to 5.5 of this Policy regarding boatshed construction, alterations or repairs.

3.4 Public Health and Wellbeing Act 2008

The *Public Health and Wellbeing Act 2008* provides various powers to Councils relating to nuisances; in any nuisances arising from elements or matters associated with premises, water, animals, refuse, noise, emission, state, condition or activity(s); which are, or are liable to be, dangerous to health or offensive.

3.5 Local Government Act 2020

This Act specifies the procedures, administration, regulation and controls applicable to local government areas and entities (“municipalities”) throughout Victoria. The Werribee South boatsheds are located within the City of Wyndham, and various elements of this Act are directly relevant and applicable to including but not limited

to:

- Sections 111 and 116 which enable the application of local laws to the foreshore reserve; and
- Section 154 which decrees that all land is rateable unless the land is specifically excluded by the Act. Crown land occupied by entities other than the Crown, or various public statutory bodies is not excluded; on this basis Council rates are assessed and applied to the boatsheds at Werribee South.

3.6 Marine and Coastal Act 2018

All use, development or works on marine and coastal Crown land by any person, including CoM and local government, requires consent under section 65 of the *Marine and Coastal Act 2018*. This includes uses, developments and works that are considered low risk, such as removing invasive species of plants and animals and clearing existing tracks of vegetation. All works must be completed within the timeframe specified in the conditions of that consent and or where there are no conditions within 12 months from the date the consent was issued.

When considering an application for consent it is important to review,

- DELWP Standards for Bathing Box and Boatshed Construction Guidelines 2015
- Guidelines for the management of existing bathing boxes and boatsheds on marine and coastal Crown land March 2022

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

The **Guidelines** provide direction in respect of management and maintenance of existing bathing boxes and boatsheds on marine and coastal Crown land and support the implementation of the *Marine and Coastal Policy 2020*. Ultimately, any use or works on marine and coastal Crown land, requires consent under the *Marine and Coastal Act 2018* and these Guidelines are considered and referred to in the assessment of proposals. Any use or works on marine and coastal Crown land, requires consent under the *Marine and Coastal Act 2018*.

KEY MANAGEMENT DIRECTIONS

4.1 Future of Boatsheds

This policy seeks to provide clarity and certainty for all parties including boatshed licensees. The policy formalises a management system for boatsheds within the following framework:

- Boatsheds will be permitted to continue to occupy Crown land subject to the issuing of formal tenure documents, compliance with the conditions of the tenure document, compliance with this policy, and relevant legislation.
- There shall be no net increase beyond the number of boatsheds at Campbells Cove and Baileys Beach
- The granting of licences to private individuals to use and maintain boatsheds will not detract in any way from the right of the general public to lawfully access the reserve.
- If a boatshed is altered, modified, replaced and/or reconstructed, there must not be any increase in size which creates a structure larger than the approved building footprint (building envelope) based on the measurements taken in 2001. Any alterations or re-building of a boatshed is subject to *Marine and Coastal Act 2018 (MACA)* consent.
- Licences will be granted on the explicit provision that licence holders accept risks associated with the location of the boatsheds close to the shoreline, including but not limited to exposure to storm damage, inundation, erosion, undermining and corrosion.

4.2 Formal Documentation of Land Use

Subject to compliance with licence and policy provisions, boatsheds will be permitted to continue to occupy areas within the Werribee Foreshore Reserve as designated on individual licence documents. New licence documentation will be issued to formalise the arrangements enabling their ongoing presence.

Previously, boatshed licences were issued for a maximum period of 3 years. Council have now progressed to a 10-year licence, as permitted under Section 17B of the *Crown Land (Reserves) Act 1978*, which among other things allows Council to issue licences to enter and use designated areas of Crown land.

For this to occur, boatsheds must be compliant with construction standards set down by Council and all other licence conditions.

Boatshed licences may be issued subject to the following conditions appurtenant to the *Crown Land (Reserves) Act 1978*:

- The Werribee Foreshore Reserve is certified by the Governor in Council as a reserve for which Council can issue licences;
- As specified in Section 17B of the Act, the licence can be for a period of not more than ten years; and
- The licensee must comply with policy requirements specified by Council in exercising its responsibilities as the appointed CoM.

Ongoing access to boatsheds will be conditional upon compliance with licence requirements and obligations relating to the maintenance and use of boatsheds. Prior to Council's approval for the issue or transfer of a licence, all relevant documentation as may be reasonably requested by Council, must be provided. Council must be advised within 30 days following any change of a Licensee's address or contact details. All contact details will be recorded in Council's lease register.

- Licences can be issued to private individuals or legal entities such as registered companies or incorporated associations, either in their own right or as trustees.
- Private individuals must provide relevant documentation and proof of identity in various forms as may be reasonably requested by Council prior to Council's approval for the issue or transfer of a licence, a valid physical street address (being the licensee's principal place of residence) must be provided to Council. Council must be advised within 30 days following any change of a Licensee's address or contact details. All contact details will be recorded in Council's lease register.
- Legal entities must provide evidence of registration or incorporation and any other relevant documentation as may be reasonably requested by Council. All documentation is to be submitted with an individual's proof of identity. Prior to Council's approval for the issue or transfer of a licence, a valid physical street address (being the licensee's principal place of residence) must be provided to Council. Council must be advised within 30 days following any change of a Licensee's address or contact details. All contact details will be recorded in Council's lease register.
- Licences issued to a trust, must provide evidence of trust documentation and any other relevant documentation as may be reasonably requested by Council. Trust details are to be submitted with an individual's proof of identity. Prior to Council's approval for the issue or transfer of a licence, a valid physical street address (being the licensee's principal place of residence) must be provided to Council. Council must be advised within 30 days following any change of a Licensee's address or contact details. All contact details will be recorded in Council's lease register.

Licence holders will have an on-going first right to renew licences upon expiry, subject to compliance with this policy and the licence terms and conditions unless the Government, Minister, DEECA or their successor department(s) dictate otherwise. If a licence holder does not renew the licence, tenure will cease, and the Council may issue the licence for that site to another party or reclaim the site for public use at its own discretion.

4.3 Use of Boatsheds

Subject to satisfaction of Council's requirements, owners of boatsheds located on Crown land within the foreshore reserve will be issued with a licence enabling the use of the licensed site for the purpose of using and maintaining a boatshed. Boatsheds must only be used in accordance with the following provisions and those specified within the licence appurtenant to each site. If there are any conflict(s) between this policy and the licence, the licence shall prevail.

A boatshed:

- Must be primarily used, or capable of being used, for the purpose of the storage of boats, boating equipment and items ancillary to boats and boating equipment;
- May be used for recreational purposes whilst complying with all parts of this policy; and
- Must not be used at any time for overnight accommodation or any short- or long-term habitation. Regular random inspections are conducted by Council Officers to ensure guidelines are adhered to.

5. SPECIFIC REQUIREMENTS FOR BOATSHEDS

5.1 Existing Boatsheds

The boatshed structures existing at the commencement of this policy will be permitted to remain in place subject to the following:

- Compliance with the licence conditions for the site (including undertaking any repairs reasonably required by Council to a boatshed, or any other improvements located within the boundaries of a licenced site) identified during any inspection of the site;
- Boatsheds must be structurally sound;
- Where boatsheds have open verandahs these must not be enclosed, nor should a planning permit be applied for enabling such modification to the boatshed;
- Boatshed construction must be consistent with the DEECA standards for bathing box & boatshed construction 2015 as referred to in Section 5.5 of this policy;
- Any existing unapproved extension or modification to the original boatshed and/or boatshed footprint (building envelope) based on the measurements taken in 2001 may be required to be removed. Council (in its role as the public land manager and Licensor, as distinct from its separate role as the responsible planning authority) may or may not allow, at its discretion, such existing modifications to remain where planning and building approvals have previously been obtained.
- Where appropriate, Council will provide and maintain safe stairways to allow adequate access for the general public in the boatshed precinct, including public access to the foreshore and beach.
- If a stairway, boat ramp, slipway or similar structure is included as an ancillary item to the footprint of a particular boatshed or sheds, the Licensed Site will include the Ancillary Area and the licence holder(s) must maintain that structure to a safe standard. If the structure is later deemed unsafe, it must be remediated to a satisfactory standard, or removed and the site remediated to Council's satisfaction at the licence holder's expense in accordance with the licence terms and conditions.
- No new slipways or site access stairs will be approved.
- It is noted that the launching of boats directly from the beach is an accepted practice, subject to the proviso that no modifications whatsoever (including removal, relocation and/or importation of vegetation, sand, rocks, or materials conducive to constructing ramps or other facilities) may be made to the foreshore to facilitate such activities.

5.2 Modifications to Boatsheds

Any use or works on marine and coastal Crown land, requires consent under the *Marine and Coastal Act 2018 (MACA)*.

- Before applying for consent, consult with Council’s Property department to determine if a Planning permit is required.
- If a planning permit is required, a copy of a planning permit application can also be taken to be an application for consent under *Marine and Coastal Act 2018*.
- Under section 61(3) of the *Planning and Environment Act 1987*, local government cannot issue a planning permit on marine and coastal Crown land unless consent under the *Marine and Coastal Act 2018 (MACA)* has been issued. If the Minister (or delegate) refuses to issue consent, the local government must also refuse to issue a planning permit.
- When considering a MACA proposal, DEECA will seek the written endorsement of the CoM for the proposal. DEECA recommends that any proponent would contact Council’s Property team, prior to applying.

All boatshed modifications, including alterations, reconstruction, maintenance repair and removal, must be consistent with the DEECA standards for bathing box and boatshed construction 2015 as referred to in Section 5.5 and must be compliant with the Building Code of Australia, and the *Building Act 1993*.

Marine and Coastal Act 2018 requires that no use or development of coastal Crown land, regardless of who is responsible for its management, may occur without the consent of the Minister administering the Act, delegated to DEECA. Information regarding how to apply for consent for any development works is found on DEECA’s website at <https://www.marineandcoasts.vic.gov.au/marine-coastal-management/guidelines>.

A building permit under the *Building Act 1993* is required for most building alterations and works. Planning permits are generally not required for maintenance or repair where the works are on a “like for like” basis; however, licensees should always liaise with Council to confirm what requirements apply prior to commencing any works.

Construction of new ramps, verandahs, decks, steps and other structural additions to boatsheds will generally not be permitted. These alterations may be considered if it is demonstrated that such additions are required for the proper use of the structure (e.g. ramps for boat storage and retrieval, or retractable steps for access) and the additions are contained within the existing building footprint. However, open verandahs identified on the measurements taken in 2001 may not be enclosed within the building and any applications for consents and/or permits to do so, will not be approved. Repairs to existing boat ramps, slipways, and site access stairs located within the Ancillary Area of a Licensed Site may be undertaken, subject to any relevant permits being obtained prior to commencement of works. No new slipways or site access stairs in areas other than those with existing structures will be approved.

5.3 Damaged or Destroyed Boatsheds

Damaged or destroyed boatsheds may be rebuilt subject to the following:

- The provision of the written consent of Council under the provisions of the *Marine and Coastal Act 2018*;
- Compliance with the DEECA standards for bathing box & boatshed construction 2015, as referred to in Section 5.5;
- The issue of:
 - a planning permit under the *Planning & Environment Act 1987*; and
 - a building permit under the *Building Act 1993*.

Applications for approvals for works under relevant legislation must be lodged within 6 months of a boatshed's damage or destruction, or the licence may be deemed to have lapsed and may be cancelled by Council using the procedures described in Section 6.3 of this policy.

The construction or re-construction of a boatshed must be completed within the timeframes specified within

the planning permit and *Marine and Coastal Act 2018* consent.

Where approval is given, replacement and/or reconstructed boatsheds must not occupy an envelope larger than the approved building footprint based on the measurements taken in 2001.

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

5.4 Structurally Unsound Boatsheds

Subject to Section 5.3 above, Council may determine that an existing boatshed is a risk to public safety due to structural failure or possible structural failure. A risk assessment may be undertaken or a building surveyor engaged to issue a notice. Where a bathing box or boatshed is deemed a risk, the site must be secured immediately by the licensee or if the licensee fails to do so, the Council; and DEECA notified. Where a structure is deemed unsafe and beyond repair the demolition of the structure should occur as soon as practicable under the supervision of a suitably qualified person in accordance with the relevant permits and approvals, and the site remediated to Council's satisfaction at the licence holder's expense in accordance with the licence terms and conditions.

5.5 DEECA standards for bathing box & boatshed construction 2015

5.5.1 The 'DEECA standards for bathing box & boatshed construction 2015' form part of this policy and should be read in conjunction 5.5.2 below, which provides examples of construction materials and design elements which may be approved by Council as alternatives to the requirements specified in the DEECA standards document.

These standards are drafted in accordance with the Building Code of Australia and will be used as the basis for planning approval under the *Planning and Environment Act 1987* and by Council in determining what structures are suitable for the coastal reserve.

Council acknowledges that the standards do not take sufficient account of:

- The various construction materials and designs that have been utilised to construct many of the existing, long-standing boatsheds in the Werribee South Reserve; and
- The specific topography of some sections of the Werribee South foreshore which differs from many other foreshore areas around Port Phillip Bay, which is implicit in the standards.

Where existing structures do not comply with the DEECA standards for bathing box & boatshed construction 2015, any variations are subject to MACA consent and ultimately DEECA will determine whether variations to the construction guidelines are acceptable. For example, if a boatshed with an existing concrete floor is rebuilt and the existing slab is demolished, DEECA may (is likely to) require the use of timber or similar material for the new floor, consistent with the **Guidelines**.

5.5.2 The DEECA standards for bathing box and boatshed construction 2015 will be used as the basis for planning approval under the *Planning and Environment Act 1987*.

There are many alternative building materials that may provide equal or better durability in the coastal environment. The following list provides examples of alternatives, however *Marine and Coastal Act 2018* consent must be granted prior to any works.

- Concrete stumps
- Concrete slab

- Weatherboards other than timber. e.g. Hardiplank
- Existing corrugated iron sheeting, brick and masonry construction at Bailey’s Beach may remain in place.

5.6 Services, Facilities and Storage

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 following table outlines what is and what is not permitted as determined by DEECA in terms of facilities.

Facility/ Service Item	Comment
Electricity	<ul style="list-style-type: none"> • There is to be no new power, telecommunications, surveillance cameras or similar services connected to bathing boxes or boatsheds. • There is to be no installation of any new solar or wind power systems or non-portable standalone power sources such as deep-cycle battery banks.
Water	<ul style="list-style-type: none"> • There is to be no new water services connected to bathing boxes or boatsheds. Water tank(s) associated with a boatshed may not have a total capacity of more than 2000 litres; • Water tanks should be located at the rear (inland) end of the boatshed, where possible; and • All water tanks must be made of corrosion resistant materials, although existing tanks constructed of other materials may remain until they require replacement. • Land managers and licensees are encouraged to disconnect these structures from mains and tank water as the opportunity arises.
Gas	<ul style="list-style-type: none"> • There is to be no new gas services connected to bathing boxes or boatsheds. • No more than two gas bottles, each of a maximum size of 45kg, may be used in association with a boatshed; • The gas bottles must be installed external to the boatshed and, where possible, located at the rear (inland) end of the boatshed; • It is recommended that all gas bottles be caged to protect against tampering; and • All fittings must be fitted with appropriate safety mechanisms and proof provided upon request, to demonstrate that they have been fitted and/or checked by a qualified gas plumber within legislated time frames. • Proof of adequacy and currency of relevant certification of inspection of gas bottles must be submitted to Council upon request. If current certification of gas bottles is not provided by the licensee, Council may at the licensee’s cost, have an inspection undertaken by a qualified practitioner. Any rectification or replacement deemed necessary as a consequence of the inspection shall be at the licensee’s cost.
Wastewater	<ul style="list-style-type: none"> • There is to be no discharge of waste or greywater on or from the licensed site onto marine and coastal Crown land. • No connection from boatsheds to sewerage mains is permitted; • “Porta Potti” type temporary sanitary facilities are permitted to be used in conjunction with a boatshed, conditional upon all wastes being removed

	<p>from the foreshore reserve and disposed of in a proper manner consistent with the provisions of the <i>Environmental Protection Act 1970</i></p> <ul style="list-style-type: none"> • Anything that generates waste or grey water that cannot be disposed of off-site to a sewer or licensed dump point is not permitted except water used for the purpose of washing a boat and boating equipment; • Underground tanks and/or discharge facilities are prohibited.
Cooking Facilities	<ul style="list-style-type: none"> • Fixed cooking facilities such as stoves may be installed in boatsheds, but they must be fitted with appropriate safety devices and licensees must be able to demonstrate that they have been installed or checked by an appropriately qualified person.
Fuel	<ul style="list-style-type: none"> • No more than 40 litres of fuel in total may be stored on site. • All fuel must be stored in containers which comply with the relevant standards for the storage of that class of volatile or flammable liquids (i.e., Australian Standard AS/NZS 2906 - Fuel containers – portable - plastics and metal.); and • Any fuel stored within a boatshed must be directly associated with the use of the boatshed as defined by this policy (i.e., for boating equipment and/or maintenance of the shed and the surrounds).
Other	<ul style="list-style-type: none"> • All other facilities, services and items stored within or associated with a boatshed may be assessed on a case-by-case basis by Council and permission may be considered where such facilities, services or items are legitimately required for the use of a boatshed as defined by this policy.

5.7 Fire Prevention

Each boatshed must contain a 4A 60 BE (Dry Chemical) Fire Extinguisher with a minimum capacity of 4.5kg. The extinguisher must be installed in a prominent and easily accessible location in the boatshed and maintained in accordance with the requirements of the responsible authority. Contact numbers for local emergency service agencies must be displayed in a prominent place in the boatshed.

Proof of adequacy and currency of relevant certification of inspection of extinguishers must be submitted to Council upon request. If current certification of the extinguisher is not provided by the licensee Council may, at the licensee's cost, have an inspection undertaken by a qualified practitioner. Any rectification or replacement deemed necessary as a consequence of the inspection shall be at the licensee's cost.

5.8 Identification

All boatsheds are required to prominently display the relevant number assigned by the Council on the front and rear of the building so that it can be clearly identified. The number must be at least 10cm high, and in a contrasting colour to the wall section of the shed on which it is mounted.

Clear and prominent display of boatshed numbers will assist in the identification of individual boatsheds by emergency services and Council.

5.9 Insurance

All boatsheds must have a public liability insurance policy over the buildings, ancillary works and licensed sites providing an indemnity limit for any one occurrence during the policy period of no less than \$20,000,000, endorsed to note as follows:

"Wyndham City Council as the Committee of Management, the Crown in the right of the State of Victoria, the Secretary to the Department of Energy, Environment and Climate Action, its servants, agents and employees in respect to providing indemnity for personal injury and/or property damage caused by an occurrence, and/or for breach of duty arising out of the negligent acts, errors or omissions of the Licensee and/or its servants agents and employees. The endorsement and extension to the policy does not extend to negligent acts, errors or omissions of the Crown (and others above mentioned) and is limited to \$20,000,000 for any one occurrence."

5.10 Maintenance and Environmental Management

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 CoM.

All boatshed licensees will be required to undertake, at their expense, all maintenance and works that are reasonably required by Council. All permits and approvals for maintenance works, where required, must be obtained at the boatshed licensee's expense.

All boatshed licensees are required to ensure that each boatshed, and the site area (including any ancillary area) identified for each boatshed, is maintained to a standard that is consistent with minimising risks to boatshed occupants and other foreshore users and which acknowledges the public nature of the foreshore reserve. This includes keeping boatsheds and their surrounds free of pest animals and weeds.

Boatshed licensees must not obstruct public access to the foreshore area in any way, or create exclusive areas by erecting fences, walls, or other barriers.

Council will undertake certain maintenance activities associated with the general reserve areas such as:

- roadside grass and weed slashing;
- drain clearance; and
- weed control programs.

5.11 Compliance with All Relevant Legislation

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

5.12 Boatshed Inspections

Boatshed Inspections may be carried out by the Licensor to assess the overall condition of the Boatshed and its compliance with the Building Code of Australia ("BCA"), the *Building Act 1993*, Victorian Building Regulations, Boatshed Licence Conditions and this *Wyndham Boatshed Management Policy (2024)*.

For Licence renewal purposes, Inspections will be carried out not more than 9 months prior to the Licence Expiry Date, or the Adjusted Licence Expiry Date (if applicable).

If the Inspection indicates that;

- A. the boatshed **is** fully compliant and no works are required to be undertaken, Council will issue a 10-year licence as soon as possible;
- B. the boatshed **is not** fully compliant and works are required to be undertaken, Council will issue a

Notice to the Licensee specifying what works are required to achieve compliance;

If a licensee has been required to undertake works as a consequence of the inspection and considers that they have completed the works as required and the boatshed is now compliant, they must apply for a further inspection at any time within a three-month period.

If no application is received within the three-month time frame, Council will inspect the boatshed for compliance, on or near the three-month expiry date.

When follow up inspections have been carried out and Council considers that the boatshed is now compliant, Council will issue a 10-year licence.

Where follow up inspections indicate that the boatshed is not compliant, Council may cancel the licence in accordance with the Act (as described in Section 6.3 of the *Wyndham Boatshed Management Policy (2024)*) and in that event, the licensee must remove the boatshed and any other improvements and restore the site to its unimproved condition. All costs associated with the removal and site restoration are to be borne by the terminated licensee.

If Council or their agents are refused access to a Boatshed to carry out the inspections, they will be deemed to be in breach of licence Condition 3.6 and Special Condition 16.5. In that case the Interim Licence will expire on the Expiry Date and no further licence will be issued. The Licensor may also choose to cancel the Licence in accordance with the *Crown Land (Reserves) Act 1978* (as described in Section 6.3 of the Boatshed Management Policy) and in that event, the licensee must remove the boatshed and any other improvements and restore the site to its unimproved condition. All costs associated with the removal and site restoration are to be borne by the terminated licensee.

Inspection Procedures

1. Council will arrange for the initial inspection of all boatsheds during the period to be advised.
2. Licensees will be given a minimum of 21 days written notice of pending inspections.
3. Inspections will consider internal and external building elements as part of the compliance requirements.
4. To simplify licence administration: 10-year licences will be issued with effect from the date of the Council inspection.

6. ADMINISTRATION OF BOATSHED LICENCES

6.1 Licence Fee

An annual licence fee is payable by the boatshed licensees to occupy sites on the foreshore reserve. This fee is invoiced by Council annually on the 1st of April, increasing by CPI (Melbourne All Groups March quarter). The annual licence fee increases to \$650.00 effective from 1 April 2025. This applies to all new licence agreements entered into from this date. CPI will be applied from 1 April 2026 and thereafter.

6.2 Licence Transfers

Licences are issued by Council to boatshed owners for a specific boatshed site. If a transfer of the occupancy rights associated with that site is sought, it must be approved by Council. Non-compliant boatsheds may be refused a licence if rectification works are required, prior to the sale or transfer of an existing boatshed. Transfers will be conditional on the existing licensee complying with all licence conditions. It is a prerequisite that a Boatshed inspection must be carried out and any issues remedied to Council's satisfaction, prior to Council granting consent to a transfer or assignment of the Boatshed Licence. Council may withhold its consent to the transfer or grant of a licence for boatsheds which do not comply with this policy.

A transfer fee of \$750.00 will be invoiced to the boatshed owner seeking the transfer. The transfer fee must be paid prior to a Boatshed inspection being carried out, and any issues remedied to Council’s satisfaction, prior to Council granting consent to a transfer or assignment of a Boatshed Licence.

6.3 Non-Compliance with Licence / Refusal to Seek Licence

Where refusal to seek, enter into or comply with a licence occurs, Council has the right to enforce the removal of the boatshed and reclaim the boatshed site.

Where licence conditions are not complied with, the Council may cancel a licence, provided that the current licensee has been accorded a reasonable opportunity to be heard. The cancellation of a licence requires the publication of a notice in the Government Gazette.

If a licence is cancelled, the licensee is responsible for removing the boatshed at their cost, within 30 days, unless otherwise negotiated with the Council. If the licensee fails to remove the boatshed when required to do so under this clause, Council reserves the right to have it removed and to recover all its costs from the licensee arising from or in connection with that removal and making good the site.

Where a licence is cancelled, the Council may:

- re-issue the licence to another party; or
- return the site to general public use.

6.4 Removal of a Boatshed

If a boatshed licensee seeks to remove a boatshed from the reserve, written consent to do so is required from Council and from the Minister for the Environment under the provisions of Section 65 of the *Marine and Coastal Act 2018*. Council would not normally withhold consent to remove a boatshed.

In approving the removal of a boatshed (or Ancillary Structure):

- Council will require that the site is left in a clean and safe condition and maintained in such condition until the site is transferred, used to rebuild an approved boatshed, or returned to public use.
- Council may charge the licensee for any site restoration works it is required to undertake as a result of the shed’s removal.

7. ROLE ACCOUNTABILITIES & RESPONSIBILITIES

Wyndham City Council Officers	The Werribee Foreshore Reserve is Crown Land, managed by Wyndham City Council in their role as the CoM, appointed under section 14 of the <i>Crown Land (Reserves) Act 1978</i> , oversees the day-to-day management of the Crown land reserve.
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8. DEFINITIONS

Term	Definition
Ancillary Structures	means steps, stairs, ramps, slipways and physical structures ancillary to or providing access to the building, including any such building and works located within and/or associated with, directly

	benefitting and being the responsibility of the Licensed Site
Annual licence fee	means the annual fee payable to Council as committee of management appointed under the <i>Crown Land (Reserves) Act 1978</i> by the licensee to occupy a bathing box or boatshed
Boatshed/ Bathing box	means a structure erected on a foreshore constructed primarily for, or capable of being used for, the storage of small boats, boating equipment and items ancillary to boats and boating equipment; shade and shelter; as a change facility and associated seaside recreational activities; combined with ancillary works, including steps, stairs, ramps and physical structures ancillary to or providing access to the building, including any such building and works located within and/or associated with, directly benefitting and being the responsibility of the Licensed Site
Committee of Management (CoM)	Appointed land manager under the <i>Crown Land (Reserves) Act 1978</i> , can be voluntary, local council or Parks Victoria.
Construction guidelines	DEECA Standards for Bathing Boxes and Boatshed Construction 2015
Council	means the Wyndham City Council
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
DEECA	Department of Energy, Environment and Climate Action
Building Footprint	For the purposes of this policy and the licences, comprises only of the 'boatshed' itself
Licence	An agreement for the occupation of a site for the boatshed/bathing box on marine and coastal Crown land issued by Wyndham City Council. The licence does not provide exclusive rights
Licensed Area Plan	Dimensions for the site boundaries, and all permanent improvements on the site including the boatshed and peripheral elements including decks, (open or roofed), stairs, water tanks, paved areas, and "Ancillary Improvements" including slipways, boat ramps, and stairs physically separated from the boatshed and peripherals, based on the 2001 Footprint Survey

Licensee	The person named on the current approved licence
Licensor	means the Trustees or CoM appointed by the Minister to manage the reserved land
Minister	means the Minister of the Crown for the time being administering the <i>Crown Land (Reserves) Act 1978</i>

9. BREACH OF POLICY

As public sector employees, we are required to perform our duties in accordance with our values and meet the obligations of our roles, as communicated in our organisations policies.

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10. REFERENCES

External reference material:

- *Crown Land (Reserves) Act 1978*
<https://www.legislation.vic.gov.au/in-force/acts/crown-land-reserves-act-1978/130>
- *Planning and Environment Act 1987*
<https://www.legislation.vic.gov.au/in-force/acts/planning-and-environment-act-1987/155>
- *Building Act 1993*
<https://www.legislation.vic.gov.au/in-force/acts/building-act-1993/136>
- *Public Health and Wellbeing Act 2008*
<https://www.legislation.vic.gov.au/in-force/acts/public-health-and-wellbeing-act-2008/043>
- *Local Government Act 2020*
<https://www.legislation.vic.gov.au/as-made/acts/local-government-act-2020>
- *The Marine and Coastal Act 2018*
<https://www.legislation.vic.gov.au/in-force/acts/marine-and-coastal-act-2018/005>
- Guidelines for the management of existing bathing boxes and boatsheds on marine and coastal Crown land
<https://www.marineandcoasts.vic.gov.au/marine-coastal-management/guidelines>
- Siting and design guidelines
<https://www.marineandcoasts.vic.gov.au/marine-coastal-management/guidelines>
- DEECA standards for bathing box and boatshed construction 2015
<https://www.wyndham.vic.gov.au/services/building-planning/other-related-permits/wyndham-boatsheds>
- Boatshed Sale & Transfer process
<https://www.wyndham.vic.gov.au/services/building-planning/other-related-permits/wyndham-boatsheds>

11. VERSION HISTORY

ID	DATE	AUTHOR	REVISION REASON / KEY CHANGES	REVIEW DATE
1.0	XXX (Date of Adoption)	Shanton Te Whata, Property Officer	Revision of Wyndham Boatshed Management Policy 2016	MM/YYYY (5 Years from the date of adoption)
1.1	XXX (Date of Adoption)	Rici Hedditch, Property Officer	Revision of Wyndham Boatshed Management Policy 2024 to incorporate DEECA feedback	MM/YYYY (5 Years from the date of adoption)

12. DOCUMENT CONTROL

DOCUMENT NAME	WYNDHAM BOATSHED MANAGEMENT POLICY - 2024
OBJECTIVE ID	
OWNER	Strategic Property Management
INTERNAL/EXTERNAL	External
APPROVER	Council
DOCUMENT STATUS	
VERSION	1.1
APPROVED DATE	
NEXT REVIEW DATE	5 years from the date of adoption

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