

13 April 2013

Mr Stuart Caldwell
Group Manager Planning
Bayside City Council
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Beaumaris Conservation Society Inc.

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Dear Mr Caldwell,

Storage of Building Materials on Crown Land Reserve adjacent to 401-4 Beach Rd, Beaumaris

Beaumaris Conservation Society Inc. (BCS Inc.) has considered your letter to us of 28 March 2013 on the above subject, which was in reply to our letter to the CEO of 27 February 2013.

The Society noted that, on behalf of Bayside City Council, you stated in that letter, *"The area of land where building materials are being stored during the development at 402 Beach Road is Crown land and is not controlled by Council. We do not therefore have authority to prevent its use in this manner."*

Need for Council to recognize its powers and duties on the Landside Reserve:

BCS Inc. considers your statement above to be an incorrect statement on Council's powers and duties in relation to this land. BCS Inc. has long been aware that the land in question is part of the Crown foreshore reserve in Beaumaris, all of which is managed by Bayside City Council as its Committee of Management under Victoria's [Crown Land \(Reserves\) Act 1978](#) as can be seen from the list at www.coastlinks.vic.gov.au/rolecom.htm#local

The Crown land in question is part of what Bayside City Council has recognized as the Ricketts Point Landside Reserve. That Landside Reserve is an unusual part of the Crown coastal reserve in Beaumaris, as it is the only part of that reserve on the inland side of Beach Road. That unique status derives from the boundary line between freehold land and Crown land, between Reserve Road and Haydens Road, being sited on a steep sandy slope that made it impractical to have the Beach Road road reservation abut that boundary line, as occurs elsewhere in Beaumaris.

The [Bayside Open Space Strategy](#), of April 2012, recommends at Page 104, *"Of the remaining six inland Conservation Reserves, three are relatively straightforward and autonomous spaces: Long Hollow Heathland, **Ricketts Point Landside** and George Street Heathland Sanctuary. It is considered appropriate to rezone these spaces to PCRZ given their relatively small size and the significance to the Gippsland Plains bioregion."*

Bayside City Council is currently seeking public comment on its draft *Ricketts Point and Ricketts Point Landside Management Plan*, as www.bayside.vic.gov.au/ricketts_point_management_plan.htm shows. Indeed, the first paragraph of that Bayside City Council web page reads, *"The draft Ricketts Point and Ricketts Point Landside Management Plan (2013) is a strategic management plan for the public land above the high watermark at Ricketts Point (within the coastal reserve) and the public land located on the landward side of Beach Road known as Ricketts Point Landside. Council is Committee of Management for both of these sites."*

BCS Inc. considers the last sentence in that paragraph to be a clear declaration of what has long been the case. If, as you have stated, Council does not have any control of the Landside Reserve and does not therefore have authority to prevent its misuse in the manner that BCS Inc. and various like-minded citizens are now strenuously objecting to, it is surely reasonable to ask you why that paragraph should appear on the Bayside City Council website, and why Council should be developing a *Ricketts Point and Ricketts Point Landside Management Plan*.

A major Council duty at the Ricketts Point Landside Reserve is to prevent its misuse:

Our letter of 27 February 2013 to the CEO asked that the misuse of the Ricketts Point Landside Reserve be rectified and that those responsible for it be held to account. Although your response on behalf of Council denied any control or power over this land, BCS Inc. trusts that the preceding explanation of the true situation should now enable prompt and decisive action to be taken to remove the offending skip and building materials on this important reserved public land, which is zoned Public Park and Recreation Zone under the Bayside Planning Scheme. What other Bayside land in a PPRZ zone would suffer this?

Council's draft management plan for this area already cited above states on its Page 47, "*Specific enforcement issues at Ricketts Point Landside include extension of private boundaries encroaching on Ricketts Point Landside and dumping of building rubble and garden waste.*"

The photographs below, enlargements of which can be seen by clicking on the dates below them, illustrate the length of time for which the current misuse, and earlier private *de facto* appropriation of this inland side of the Landside Reserve has been facilitated by the absence of a boundary fence or other visible official delineation between the informal public access route for the properties at 401 to 404 Beach Road and the Crown land of the Landside Reserve.

BCS Inc. requests that Council install a boundary fence at the edge of the Reserve alongside the informal access route to discourage illegal development and uses of the type mentioned. BCS Inc. commends Council's recent building of a post and wire mesh fence to protect foreshore plants just south of the Ricketts Point Tea House, and such a type of construction could well be a suitable type here.

The current misuse includes the installation of a picnic table and benches, and rock borders. There are also unauthorized plantings of the recognized pest plant *Agapanthus*, which is a pest plant that Council pays its contractor, Citywide, to remove from all of Council's bushland reserves, at public expense.



06 January 2009



31 August 2012



12 April 2013

Persisting illegal use and development of coastal Crown land, whose Committee of Management is Bayside City Council, on the Ricketts Point Landside Reserve, adjacent to 401-4 Beach Rd, Beaumaris

Contravening the Coastal Management Act 1995:

The Crown land comes within the definition of "Coastal Crown land" in [Section 3](#) of Victoria's *Coastal Management Act 1995*, as it is within 200 metres of the high water mark of the adjoining coast. BCS Inc. draws Council's attention to the provision of [Section 37](#) of Victoria's *Coastal Management Act 1995*, which states, "*A person must not use or develop coastal Crown land unless the written consent of the Minister has first been obtained. Penalty: 40 penalty units*", and to the definitions of "development" and "use" in its [Section 3](#). Council appears to be explicitly condoning the use of coastal Crown land for the storage of building materials for a substantial period for later use on private land. As it is the Committee of Management of that Crown land, it may be assisting with the committing of an offence under that Act.

Yours sincerely,

Ron Morris
President

cc. Hon. Ryan Smith MLA, Mr Murray Thompson MLA, Hon. David Davis MLC, Mrs Andrea Coote MLC, Ms Georgie Crozier MLC, Mr John Lenders MLC, Ms Sue Pennicuick MLC, Cr Stephen Hartney, Cr Heather Stewart, Cr Laurence Evans, Mr Adrian Robb