

09 July 2013

Mr Ken Bott
Manager Asset Management
Bayside City Council
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Storage of Building Materials on the Landside Reserve opposite 402 Beach Road

Dear Mr Bott,

Thank you for [your letter](#) to me (DOC/13/5033) of 21 May 2013 on the above subject, which was discussed at the June 2013 meeting of our Management Committee.

Your letter stated, "The Ricketts Point Landside reserve is Coastal Crown Land and Bayside City Council is the appointed Committee of Management. As such, Council is responsible for the care and management of this reserve and has the authority to control use of this land by others, such as the storage of building materials. Under [Local Law No.2 'Neighbourhood Amenity'](#), a permit is required for the placement of a skip bin and other building materials on Council controlled land during private building works. As part of Council's Asset Protection permit process, a bond is held from the property owner as surety that the public assets are protected from damage and suitably restored following the works."

It is pleasing that your letter acknowledged that the Reserve is coastal Crown Land managed by Bayside City Council. However your letter then proceeds to create the unfortunate impression that, because the Council has the power to control the use of this land by others, it is appropriate that the land can be used for the placement of a skip bin and other building materials on the land during private building works, and that Council's holding of a bond to protect against damage and encourage restoration following the works might somehow legitimize such a use of the Reserve.

Your letter also states, "Under these circumstances, Council's objective is to support appropriate private building development by permitting the temporary use of public land in this way, on the proviso that all public areas are protected from damage and suitably restored following the works."

It is further stated, "However, the enforcement of private encroachment in the reserve is a focus for Council and is addressed as an objective in the Draft Ricketts Point Coastal Reserve and Landside Management Plan."

It is significant that Bayside City Council is currently advertising its intention to have the Landside Reserve rezoned from its present [Public Park and Recreation Zoning](#) (PPRZ) to a still more protective [Public Conservation and Resource Zoning](#) (PCRZ). The Purpose of the PCRZ zoning as stated at that hyperlink is, *"To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values. To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes. To provide for appropriate resource based uses."*

There is surely a gross incompatibility between that stated purpose and 'Council's objective' to permit temporary use of public land in this way. It is hard to believe that the purpose of the present PPRZ zoning's reference to 'commercial uses' extends to having heaps of builder's sand dumped on the land so zoned, or having stacks of metal roofing materials lying about in a public recreation area, as can be seen in the [April 2013 photograph here](#).

Bayside City Council has publicly revealed that it considers the Landside Reserve worthy of the greater protection afforded by a PCRZ zoning, whose reference to 'appropriate resource based uses' cannot credibly be regarded as including temporary storage space for builders. Such space should be obtained by the builders using land on the building site, or leasing some other private land and transporting materials and equipment to the private building site as and when required.

Using coastal Crown land as a spillover site for private builders makes a complete mockery of the Bayside Planning Scheme, and would appear to place Bayside City Council in breach of [Section 37](#) of Victoria's *Coastal Management Act 1995* if the Council has not obtained the written consent of the Minister for the use of coastal Crown land that it is allowing.

It is noted that Council expects the present use of this Crown land Reserve by the builder currently using it will cease on or by 21 July 2013. BCS Inc. asks that the Council install as unobtrusive a barrier as possible along the edge of the Reserve in this short section where vehicles can intrude onto it to demarcate its boundary there and prevent the misuse it has experienced in recent years, without excluding pedestrians wishing to enter the reserve.

Yours sincerely,

Ron Morris
President
Beaumaris Conservation Society Inc.