

2009-01-06

TO: Victorian Environmental Assessment Council

Investigation for Metropolitan Melbourne



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## Submission on Crown and Public Authority Land in Bayside Municipality

Beaumaris Conservation Society Inc. draws [VEAC's](#) attention to its concerns over the following matters relating to the designation of boundaries between foreshore land reserved as a Public Recreation Reserve under the [Crown Land \(Reserves\) Act 1978](#) and adjoining Public Authority land.

### **Apparently Inadequately Documented Boundaries between Authorities:**

It appears that the boundary between the Beach Road road reservation managed by VicRoads and the Beaumaris Foreshore Reserve under the control of the Department of Sustainability and Environment with Bayside City Council as its Committee of Management is not definitively documented. Our discussions with VicRoads revealed that it has a record of the width of the bitumen of the paved road surface, but does not have a record of the seaward boundary of its road reservation. It appears that the boundary is negotiated between DSE and VicRoads officers as needs arise.

A similar lack of adequate definition applies to the section of Beach Road between Haydens Road and Reserve Road, Beaumaris, where the boundary between the landward side of the Beach Road road reservation and the DSE-controlled land between that and the private property line seems to be ill-defined. Recently Bayside City Council was unaware of that Landside Reserve land being Coastal Crown Land as defined by Victoria's [Coastal Management Act 1995](#) until BCS Inc. warned it, to save it from being in contravention of [Section 37](#) of that Act.

The two types of land can be seen on the [eastern](#) and [western](#) maps of the Bayside Planning Scheme, where they are zoned as RDZ1 and PPRZ respectively, but that does not show any dimensions.

This established practice has become evident to BCS Inc. particularly in relation to [the unfortunate threat to the Beaumaris Foreshore Reserve](#) that past laxity about the above boundaries has produced for the proposed extension of the existing concrete bicycle road on the seaward side of the Beach Road road reservation to be built from Cromer Road to Charman Road, Beaumaris. The existing concrete bicycle road is entirely on the inland side of a fence between the foreshore reserve and the road reservation, but there is not a wide enough grassed verge for that style of construction in the Cromer-Charman section. That section is the only part of Beaumaris that was part of the former City of Mordialloc. The section to the west of Cromer Road was part of the former City of Sandringham. As Table 1 shows, there is about a metre more width of bitumen on that former Mordialloc Council section than on the former Sandringham Council section.

The conservation consequence of this looseness is that Bayside City Council is now considering intruding onto the foreshore reserve if VicRoads is unwilling to provide a section of road reservation as it did in the former Sandringham Council section. What both parties seem to be not yet prepared to recognize is the highly undesirable outcome of the foreshore reserve, which is a part of the Beaumaris Bay Fossil Site inscribed on the Register of the National Estate, having indigenous coastal bushland cleared for a concrete bicycle road, and why there should be not be a resolution of the present impasse by either

- creating the same pattern of widths and allocations as already exists west of Cromer Road for c. 10 km, or
- even better, modifying lane widths and speeds on the short Cromer-Charman section so that the existing foreshore reserve fence line can be maintained and registered as the boundary between the two zones.

A publicly accessible plan of these areas with precise distances and bearings shown is urgently needed.

**Boundary of Crown Land so lacking in public definition that Encroachment Prevails:**

The Landside Reserve is the area of Crown Land zoned PPRZ between Haydens Road, Beaumaris, and Reserve Road, Beaumaris, that is bounded by the inland boundary of the Beach Road road reservation and the nearby line of private property boundaries.

At least one of the freehold properties bordering the Landside Reserve has no fence or wall between it and the Landside Reserve. The unfenced front boundary of the large lot at 405 Beach Road, Beaumaris, has invasive exotic *Agapanthus* plants straddling it and posing an obvious infestation threat to the Landside Reserve.

The most conspicuous example of encroachment from a freehold adjoining property is the lot on the south-eastern corner of Point Avenue where that avenue meets the Landside Reserve. The encroachment on the Landside Reserve that can be seen in the photograph of that site below from Point Avenue corner shows mown grass, an outdoor table installation and, in the background of the photograph, a trailered boat parked on a gravelled encroachment.



**Modified land straddling the Landside Reserve boundary at the south corner of Point Avenue**

The VEAC should recommend there be a requirement for boundary fences on such urban land adjoining Crown Land reserves to make the boundary public, and to deter encroachment and *de facto* private use.

The Landside Reserve provides a most worthwhile, and rare, natural landscape backdrop to the thin corridor of coastal reserve on the seaward side of Beach Road, and is an important adjunct to natural ambience of the Ricketts Point Marine Sanctuary opposite. It should not be eroded by the present lax management of its landward boundary.

**Inadequate Consistency between Commonwealth and State conservation purposes:**

VEAC's investigation includes Crown land in the Bayside municipal district, which includes that part of the seabed of Port Phillip that is within that district.

Most of the 30 hectare [Beaumaris Bay Fossil Site](#), which is inscribed on the Register of the National Estate (Identifier 18053) under the Commonwealth's [Environmental Protection and Biodiversity Conservation Act 1999](#) is Crown seabed in Bayside municipality. The placing of that land on the Register of the National Estate should have some accompanying level of statutory protection at a State level made binding upon the State and municipal authorities, which is not yet the case.

The Beaumaris Motor Yacht Squadron Ltd, which leases a 1 hectare enclave of filled Crown seabed land for a rental fee of \$13,000 per year within that 30 hectare area, has notified the Department of Sustainability and Environment, and Bayside City Council, that it is [developing an application](#) to extend its operations and structures both within that enclave, which is zoned Public Park and Recreation Zone and, and beyond it into the internationally noted and nationally registered Beaumaris Bay Fossil Site. The proposals could exploit the relatively weak controls over that highly valuable coastal scenery, which is an important attraction from the sea and nearby Kingston municipality.

There should be stronger controls under State legislation over such an important and beautiful public natural coast and seascape area, and it should not be able to be easily surrendered for private leasehold use. Once such use is granted, experience shows that resumption for public use and enjoyment is rather unlikely. Just as importantly the original natural values tend to be permanently lost by modifications made during private occupation and use.

Yours sincerely,

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President  
Beaumaris Conservation Society Inc.

**Table 1: How Excess Width of Bitumen on Beach Road to the West of Cromer Road, compared with that to the East, can be removed for a 3.5 m Bicycle Road zone, with minimal vegetation pruning**

(Actual bitumen plus present verge is from landward kerb to edge of Crown foreshore reserve)

Municipality when Beach Rd was widened from 3 to 4 lanes	Section of Beach Road	Length of Section of Beach Road (metres)	Suburb	Beach Rd House No.	Width (metres)							Area of Excess Bitumen (square metres)
					Actual bitumen (a)	Retained bitumen (b)	Excess bitumen (a-b)	Present verge (c)	Veg. to be pruned (d)	Total Width (a+c+d)	Mean retained bitumen	
Former Cities of Brighton and Sandringham	West of Cromer Rd, Beaumaris	8,000	Brighton	116	13.03	13.03	0.00	3.50	0.00	16.53	12.92	0
			Hampton	67	12.86	12.86	0.00	3.50	0.00	16.36		
			Sandringham	110	12.78	12.78	0.00	3.50	0.00	16.28		
				151	12.83	12.83	0.00	3.50	0.00	16.33		
			Black Rock	268	13.09	13.09	0.00	3.50	0.00	16.59		
				330	12.85	12.85	0.00	3.50	0.00	16.35		
			Beaumaris	387	12.94	12.94	0.00	3.50	0.00	16.44		
				422	13.06	13.06	0.00	3.50	0.00	16.56		
			471	12.82	12.82	0.00	3.50	0.00	16.32			
Former City of Mordialloc	Cromer Rd to Charman Rd, Beaumaris	800	Beaumaris	3	14.21	12.92	1.29	1.40	0.81	16.42	12.92	898
				16	13.89	12.92	0.97	1.72	0.81	16.42		
				27	14.02	12.92	1.10	1.75	0.65	16.42		
	Mordialloc		187	14.21	12.92	1.29	2.27	-0.06	16.42			
			197	14.16	12.92	1.24	2.14	0.12	16.42			
			206	14.18	12.92	1.26	2.12	0.12	16.42			