

Council Policy

Council Policy Name: Private Works on City Land, Including Private Coastal Protection Works

Responsible Directorate: Community Planning

Version: Adopted

1. PURPOSE

- 1.1. The purpose of this Policy is to set out guidance relating to private works on City Land, where existing laws or other policies do not already provide sufficient guidance, such that City Land is appropriately managed.

2. SCOPE

- 2.1. This Policy is applicable to any proposal for private works on City Land, including private coastal protection works on City Land, and has applicability to any other proposals for private works on City land where existing laws or other policies do not already provide sufficient guidance.

3. DEFINITIONS

Term	Meaning
City Land	land that belongs to, or is vested in, or under the care, control or management of, the City (including land that may be seasonally or permanently inundated), or other Crown land on which the City has infrastructure
Policy	this City of Busselton Council policy titled "Private works on City Land, Including Private Coastal Protection Works"

4. STRATEGIC CONTEXT

Strategic Theme	Strategic Priority
Key Theme 1: ENVIRONMENT	1.1: Ensure protection and enhancement of environmental values is a central consideration in land use planning.
Key Theme 1: ENVIRONMENT	1.2: Work with the community to manage and enhance natural areas and reserves and their biodiversity; and
Key Theme 1: ENVIRONMENT	1.4: Respond to the impacts of climate change on the City's coastlines through informed, long term planning and action.
Key Theme 2: LIFESTYLE	2.8: Plan for and facilitate the development of neighbourhoods that are functional, green and provide for diverse and affordable housing choices.

5. POLICY STATEMENT

- 5.1. City land shall be managed in a manner that is considered by the City to be in the best long-term interests of residents and ratepayers as a whole, and proposals to undertake works or other actions on City land for the benefit, or at the initiative, of particular private interests will generally not be supported, other than where specifically provided for in a plan or policy of the City, provided for in legislation, or where it is clearly necessary for the provision of services to private property, with no significant impact on amenity or the environment.
- 5.2. The City may consider approval of private coastal protection works on City land where property directly adjoins City foreshore reserve and adjoining or nearby properties extend to or beyond the high water mark, if the following applies:

- a. there are, or it is considered likely that there will be, similar structures developed on other nearby land;
 - b. the protection is to consist of an engineered geotextile seawall, capable of being connected with similar structures on adjoining properties (or on City land, but associated with an adjoining property);
 - c. all costs of approvals, construction and maintenance are met by the proponents;
 - d. no other unauthorised works have or will be undertaken within the foreshore reserve, and if there are any existing unauthorised works, they are removed and the land rehabilitated by the proponents;
 - e. no actions or works are undertaken to limit public access to the beach or foreshore;
 - f. the proponents obtain and maintain the currency of insurance associated with the structure;
 - g. the works shall be subject of a time limited approval, of no more than ten years duration; and
 - h. a licence agreement has been entered into with the City or the State as required.
- 5.3. Removal of vegetation on City Land for the purposes of private works (which in law must always be approved the City) may be supported in the following circumstances:
- a. where the vegetation is identified as a cause or likely cause of damage to infrastructure and where there are no other ways of managing the damage or risk of damage; or
 - b. where the works are considered necessary and there are no other reasonable alternatives to removal of the vegetation in order for the works to proceed.
- 5.4. The costs of any required environmental or other regulatory approvals (including the cost of any environmental offsets) will be met by the proponent.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. *Planning and Development Act 2005* and *City of Busselton Local Planning Scheme No. 21*;
- 6.2. *Building Act 2012*
- 6.3. *Local Government Act 1995, Local Government (Uniform Local Provisions) 1996* and *City of Busselton Property and Thoroughfares Local Laws*
- 6.4. Environment Strategy
- 6.5. Adopted foreshore and reserve management plans
- 6.6. Compliance Policy
- 6.7. Environment Policy

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	19 June 2024	Resolution #	C2406/159
Previous Adoption	DATE	13 February 2019	Resolution #	C1902/020