

Council Policy Name: Private works on City Land, including private coastal protection works on City Land

Responsible Directorate: Planning and Development Services Version: Current

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
Policy	This City of Busselton Council policy entitled “Private works on City Land, including private coastal protection works on City land”
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.

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 2 – Places and Spaces, and Key Goal Area 3 – Environment of the City’s Strategic Community Plan 2017, and specifically the following Community Objectives:

- a. 2.2: Attractive parks and open spaces that create opportunities for people to come together, socialise and enjoy a range of activities and Community Objective
- b. 2.3: Creative urban design that produces vibrant, mixed-use town centres and public spaces; and
- c. 3.1: Development is managed sustainably and our environment valued and Community Objective
- d. 3.2: Natural areas are cared for and enhanced for the enjoyment of current and future generations.

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, or 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 to be 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; and
- 6.7. Environment Policy.

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	13 February 2019	Resolution #	C1902/020
Previous Adoption	DATE	N/A	Resolution #	N/A