



15 FEBRUARY 2024

**Shire of Esperance**

**ORDINARY COUNCIL MEETING**

**27 FEBRUARY 2024**

**ATTACHMENTS EXCLUDED FROM AGENDA**





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## POL 0052: Waste Management Services

### COUNCIL POLICY

#### **Purpose**

The purpose of this policy is to provide an efficient and sustainable waste management services with an aim to improve environmental, public health and operational outcomes for the Shire, its residents and businesses.

#### **Scope**

All properties able to be serviced by the waste and recycling collection service are required in accordance with the provisions of the *Waste Avoidance and Resource Recovery Act 2007* to have a refuse and recycling Mobile Garbage Bin (MGB) and will be charged in accordance with the Council's schedule of fees and charges.

Waste collection services can also extend to commercial organisations and when events are held, upon request to the Shire.

#### **Definitions**

**MGB:** mobile garbage bin

#### **Practice**

##### Strategic Context

This policy links to Planet - Outcome 5 Shared responsibility for climate and sustainability within the Shire's Council Plan 2022-2032 and specifically the following outcome:

5.2 Develop a sustainable, low waste, circular economy.

##### Residential Waste (Refuse) Collection

The Shire will provide a weekly domestic waste collection service to every residential property, with adequate access, within the district for the removal of domestic waste. The Shire will provide the waste receptacle. All residential premises, including 'holiday homes', shall be subject to the residential rates charge and waste levy. The refuse collection charge is to be set as part of the annual budget each financial year.

##### Residential Recycling Collection

The Shire will provide a fortnightly recycling collection service to all properties able to be serviced by the waste and recycling collection contractor. The Shire will provide the recycling receptacle. The recycling collection charge is to be set as part of the annual budget each financial year.

##### Street Bins and Public Place Collection

The Shire will provide litter receptacles in appropriate streets, parks and reserves and at buildings under the care, control and management of Council. These will be emptied on a regular basis dependent on usage. Bins with dog poo bags will only be installed at the approaches to approved dog beaches and public open spaces within the Shire.

### Bin Weight

MGBs weighing more than 70kg will not be collected by the Contractor. In such an event the Contractor shall place a notification sticker on the MGB, and the occupant shall be required to empty the MGB to bring it under the 70kg limit before the bin can be collected by arrangement. This clause does not apply for larger bins collected by front or rear loading collection

### Commercial Collection Options

Commercial premises can also request larger recycling bins for collection by a rear /or front-loading vehicle. Available sizes include 1.5 cubic metre, 3 cubic metre, and 4.5 cubic metre commercial bulk recycling bins, the 70kg weight limit will not apply. The refuse and recycling collection charge is to be set as part of the annual budget each financial.

Rural properties without access to recycling may be eligible for 360 litre MGB.

### Contamination

The Shire maintains a three-strike policy regarding the contamination of a recycling bin. On the first occurrence the Contractor or authorised shire staff will place a warning sticker on the receptacle stating "not to collect" until the unacceptable items (contamination) are removed. The removal of unacceptable items (contamination) from the MGB is the responsibility of the occupant, after which the MGB can be placed back out for collection on the next recycling collection day for that premises or by special arrangement. For a second occurrence of contamination, the occupant will also be contacted in writing by a Shire representative to communicate the appropriate use of the service. The recycling MGB will be removed on a third occurrence with fees and charges for the service remaining. The occupant can apply to have the recycling service reinstated after a 30-day cooling off period. When the MGB is returned the occupant will be provided with accompanying education material.

The Shire will promote waste reduction and recycling in the community. The Shire will work with the Keep Australia Beautiful Council and other approved agencies to promote and encourage litter reduction

### Waste Vouchers

The Shire shall issue four waste vouchers to each rateable assessment property. The vouchers will be issued with the first rate notice each financial year. New properties or change of ownerships coming onto the domestic waste service shall be issued with pro-rata waste vouchers on written application by ratepayer or authorised property manager. Lost waste vouchers may be reprinted following written application by ratepayer or authorised representative and payment made in accordance with the schedule of fees and charges. Claims for non-receipt of waste vouchers will only be recognised, if made in writing. Waste Vouchers will expire on the 31 August each year and cannot be extended or transferred. A record will be kept of replacement vouchers issued. Conditions apply for acceptable waste when using a waste voucher as payment for waste disposal.

.....End.....

**Document Information**

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Medium

**Referencing Documents**

- *Local Government Act 1995*
- *Waste Avoidance and Resource Recovery Act 2007*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
July 2007	1			O0707-1081	July 2009
Dec 2007	2			O1207-1187	Dec 2009
Mar 2010	3	D12/68		O0310-1426	Mar 2012
Mar 2016	4		Updates to reflect current legislation.	O0316-008	Mar 2018
April 2018	5	D16/29039	Minor formatting	O0418-075	April 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	7	D16/29039[v2]	No change to wording. Policy mandates that All properties able to be serviced by the waste and recycling collection service are required in accordance with the provisions of the Waste Avoidance and Resource Recovery Act 2007 to have a refuse and recycling bin and will be charged accordingly.	O0620-183	June 2022
Dec 2021	8	D16/29039[v3]	Biennial review, no change.	O1221-225	Dec 2023



## POL 0053: Applications Lodged by Senior Employees or Elected Members

COUNCIL POLICY

### Purpose

To ensure that all applications for development, land use or subdivision lodged by a Senior Employee or Elected Member are referred to Council for consideration.

### Scope

This policy applies to an application for development, land use or subdivision lodged by a Senior Employee or Elected Member.

### Definitions

N/A

### Practice

Notwithstanding any delegation of Council functions, any development application or subdivision application lodged by Senior Employees (as defined in the operative Council Policy: Senior Employees or Elected Member is to be referred to the Council for determination, except for an application -

1. That is for that person's own place of residence or expansion/upgrading of a place of business that was previously approved and satisfies the objectives and development standards in -
  - a. Local Planning Scheme;
  - b. The Acceptable Development provisions of the Residential Design Codes, and
  - c. Any relevant adopted Planning Strategy, Local Planning Policy and/or Local Law.
2. For a minor modification to an approved plan;
3. An extension of time for a planning consent when there has been no circumstantial change other than the expiration of time; or
4. For amalgamation of lots or realignment of boundaries.

.....End.....

### Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

### Referencing Documents

- *Local Government Act 1995*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2004	1		New policy	O0704-0928	Jun 2006
Dec 2007	2			O1207-1187	Dec 2009
Mar 2010	3	D12/9		O0310-1426	Mar 2012
Mar 2016	4		Removal of condition regarding certification of clearance of subdivision and strata title conditions.	O0316-008	Mar 2018
Apr 2018	5	D16/29041	Change document controller title, remove planning scheme number.	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	7	D16/29041[v2]	Amend policy title. Change to wording in line with current terminology. Clarified wording and removed details regarding exemptions that are provided for by Local Planning Scheme No. 24.	O0620-183	Jun 2022
Dec 2021	8	D16/29041[v3]	Biennial review, no change.	O1221-225	Dec 2023

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## POL 0054: Refusal of Planning Applications

### COUNCIL POLICY

#### **Purpose**

To provide guidance as to when a development application can be refused without referral to Council.

#### **Scope**

This Policy applies within the Shire of Esperance and provides guidance as to when a development application can be refused without referral to Council.

#### **Definitions**

N/A

#### **Practice**

##### Applications for Prohibited or "X" Uses

Where a development application is received that is classified as an "X" use (that is a use that is not permitted) or prohibited in accordance with the provisions of Local Planning Scheme No. 24, the application is to be refused as approval to an "X" use can only proceed by way of an amendment to the Planning Scheme.

##### Applications Prohibited by Scheme Provision

Where a development application is received that is inconsistent with a Scheme provision that does not have any discretion it will be refused, with the primary grounds of refusal being -

*"The proposed development is inconsistent with 'Specify Clause' of the Scheme."*

##### Applications Requiring Provision of Further Information

Where a request for further information has been made for a development application, the following procedure is to be followed -

1. A letter requesting more information is to be forwarded to the applicant.
2. If after the expiration of one (1) month no information is received, a further request for the outstanding information is to be sent to the applicant. This letter is to stipulate that should the information not be forwarded to the Shire within one (1) month of the date of the letter the application will be refused.
3. A Development Refusal be issued, with the primary ground for refusal being:

*"Insufficient information has been supplied to enable assessment of the application to occur."*

##### Applications for Unspecified Land Uses that are inconsistent with Objective of the Zone

Where a development application is received that is for a land use that is not defined it will be refused where the use is not consistent with the objective of the zone, with the primary ground for refusal being:

*“The proposed land use is inconsistent with the objectives of the ‘specify zone’ zone.”*

**Applications not acceptable to a Government Department**

Where a development application is received that is referred to a government department it will be refused where the government department identifies that it cannot be approved.

.....End.....

**Document Information**

Responsible Position	Manager Development Services
Risk Rating	Low

**Referencing Documents**

- *Local Government Act 1995*
- Local Planning Scheme No. 24

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2008	1		New policy	O0308-1287	Mar 2010
Mar 2010	2	D12/67		O0310-1426	Mar 2012
Mar 2016	3		Changes to timeframes regarding requests for outstanding information.	O0316-008	Mar 2018
Apr 2018	4	D16/29042	Change document controller title. Added Land Use and Government Department paragraphs	O0418-075	Apr 2020
Mar 2020	5		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	6	D16/29042[v2]	Include information regarding applications prohibited by Scheme Provision. Amend information regarding timeframes and change 'Planning' applications to 'Development' applications.	O0620-183	Jun 2022
Dec 2021	7	D16/29042[v3]	Biennial review, no change.	O1221-225	Dec 2023



## POL 0055: Non-Refundable External Services Application Fees

COUNCIL POLICY

### Purpose

To ensure that time spent on the processing of Planning, Health and Building applications is remitted.

### Scope

This policy applies to all Planning, Health and Building applications lodged with the Shire of Esperance.

### Definitions

N/A

### Practice

That where an application for Planning, Health and/or Building approval has been submitted, no part of the application fee shall be refunded if withdrawn after a period of 7 calendar days from the date received.

Applications withdrawn within the 7 day period are eligible to receive a refund of 50% of the original fee.

Builders Registration Board (BRB) and Building & Construction Industry Training Fund (BCITF) levies, if applicable, will be refunded in full.

If an applicant claims exceptional circumstances, they may apply in writing to the CEO for consideration.

.....End.....

### Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

### Referencing Documents

- *Local Government Act 1995*

### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2009	1		New policy	O0209-1539	Feb 2011
Dec 2009	2				
Mar 2010	3	D12/54		O0310-1426	Mar 2012
Mar 2016	4		Note: Policy not applicable to Statutory Requirements as	O0316-008	Mar 2018

Apr 2018	5	D16/29043	outlined in Building Legislation regarding return of fees. Change document controller title	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	7	D16/29043[v2]	Change to wording regarding BRB and BCITF levies and how they are refunded when an application is withdrawn and specify calendar days.	O0620-183	Jun 2022
Dec 2021	8	D16/29043[v3]	Amend policy title	O1221-225	Dec 2023

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## POL 0056: Outdoor Eating Facilities in Public Places

### COUNCIL POLICY

#### **Purpose**

The Shire recognises that appropriately located and designed outdoor eating facilities (alfresco dining area) can make a significant contribution to the vitality and ambience of public places and urban lifestyles. They offer opportunities for spontaneous and arranged social interactions or quiet reflection while introducing a visual vibrancy that can make a place memorable.

This Policy aims to provide a framework and urban design guidelines to promote the establishment of outdoor eating facilities in public places for the purpose of alfresco dining.

Policy aims are -

1. To ensure that alfresco dining does not interfere with the safe and reasonable movement of pedestrian and vehicular traffic;
2. To encourage high quality alfresco dining which enhances the amenity and vitality of the Shire of Esperance;
3. To provide a comprehensive framework for the development, management and control of alfresco dining throughout the Shire of Esperance; and,
4. To ensure that alfresco dining areas are accessible to all patrons, including people with disabilities.

#### **Scope**

This policy applies throughout the Shire of Esperance district.

#### **Definitions**

N/A

#### **Practice**

##### Alfresco Dining

1. Policy Application Area

Alfresco dining areas will only be permitted to be established on a public place adjacent to a food business that has been issued with a Certificate of Registration of a Food Business by the Shire of Esperance.

2. Development Requirements
  - a. Pedestrian Access;
    - i. A minimum footpath width of 2.0 metres must be provided directly adjacent to the building or running parallel to the street, unless otherwise approved by the Manager Waste and Environmental Health for an alfresco dining area to be considered;

- ii. In areas of heavy pedestrian traffic, the Shire of Esperance may require a wider pedestrian thoroughfare or may prohibit alfresco dining altogether; and,
- iii. Pedestrians must be able to make normal use of the footpath without being obliged to step into the road at any point or make other unwarranted detours.

b. Distance from Kerb

A minimum 0.6 metre setback from the alfresco dining area to any kerb line is required to provide an appropriate separation distance from vehicles using kerbside or parallel parking adjacent to an alfresco dining area, and for the safety of diners

c. Vehicle Sight Lines

Alfresco dining must not obstruct sight lines for either vehicles or pedestrians, both at road junctions and vehicle access crossovers.

d. Demarcation of Outdoor Eating Facilities / Alfresco Dining

The Shire may provide footpath identification of the approved alfresco dining area utilising coloured bricks, small brass plaques or the like, placed at regular intervals (approximately every 2.0m) along the alfresco dining boundary.

3. Furniture

a. Placement of Furniture

- i. All furniture, including barriers must be placed and kept within the alfresco dining area and at all times must not compromise the access and safety of patrons or pedestrians;
- ii. All furniture must be free-standing and removable, unless specific written approval has been given by the Shire;
- iii. Where umbrellas or similar sun protection is provided, they must be adequately secured, contained within the alfresco dining area and of sufficient height (minimum 2.1 metres) above the ground to prevent injury to patrons and pedestrians. Depending upon the structure proposed, structural certification from a practising Structural Engineer may be required.

b. Number of Chairs

A maximum of one chair per square metre may be located in an alfresco dining area. Other items of furniture such as tables and umbrellas can be incorporated as necessary. Note: Number of patrons may be restricted by numbers of toilet facilities available.

c. Design and Materials

- i. The design of the furniture, including barriers used for the alfresco activity should be in keeping with the style and character of the host building and reflect the interior of the business;
- ii. White tabletops and white chairs are not permitted in alfresco dining areas adjacent to public roads due to the possibility of glare;
- iii. Plastic tables and chairs are not permitted;

- iv. All furniture should be durable, waterproof, rust proof and weather resistant and should fold or stack for storage; and,
  - v. All furniture, including barriers must be maintained in a physically sound and aesthetically acceptable condition and in a good state of repair and be designed so that corners and fastenings do not create a potential hazard for patrons and pedestrian traffic to the satisfaction of the Shire.
- d. Removal and storage of furniture
- i. All furniture must be removed from the alfresco dining area at the close of business each day, unless otherwise permitted by the Shire of Esperance; and
  - ii. The Shire of Esperance may require the removal of any furniture or structure from public areas at any time to allow the undertaking of street or footpath works, maintenance, cleaning or other works as necessary.
- e. Advertising
- i. Advertising on furniture and structures may only bear the name of the associated establishment and/or the name of a commercial product sold within the premises; and,
  - ii. Any additional signage must be approved by the Shire of Esperance, and must not restrict access to any public thoroughfare as required by this Policy.
4. Operating Requirements
- a. Hours of Operation
- i. Unless otherwise specified by the Shire, hours of operation of the alfresco dining area may be determined at the discretion of the permit holder for the alfresco dining area;
  - ii. Alfresco dining areas serving alcoholic beverages will be limited to the hours stipulated in the liquor licence; and,
  - iii. The permit holder must ensure that no noise nuisance is created by the alfresco dining activity, and that any music complies in all respects with the *Environmental Protection (Noise) Regulations 1997*.
- b. Consumption of Alcohol
- i. The consumption of alcohol within alfresco dining areas is only permitted subject to compliance with the proprietor obtaining the necessary approvals from the Shire of Esperance and Department of Racing Gaming and Liquor, and must ensure ongoing compliance with all Liquor Licence conditions; and,
  - ii. Where alcohol is served, regular table service is mandatory and patrons must be seated at all times.
- c. Cleanliness and Hygiene

The permit holder is responsible for maintaining the alfresco dining area in a clean and sanitary condition free of visible dirt and food material at all times. This includes removing grease stains, keeping the vicinity clear of litter and waste materials and the

high pressure cleaning of the pavement, as and when required. No material from sweeping of the pavement is permitted onto the road or into the stormwater system.

d. Maintenance

The permit holder for the alfresco dining area is responsible for maintenance of the area over which the dining activity takes place and shall make good, to the Shire's satisfaction, any damage or staining to the surface

e. Lighting

- i. Where alfresco dining occurs outside daylight hours, the permit holder for the alfresco dining area must provide adequate, clear and well distributed lighting to ensure the safety and amenity of both patrons and the public; and,
- ii. Outdoor lighting shall not cause a nuisance by way of light spill to any nearby premises.

f. Electrical Wiring

- i. All electrical wiring connected to lights, devices or appliances situated in or about the alfresco dining area shall not be placed -
  1. On or under the alfresco dining area;
  2. Above any part of a public place so as to interfere or obstruct the passage of vehicles or pedestrians; and,
  3. In any manner or in any place which maybe prejudicial to safety.
- ii. Any electrical wiring must be approved by the appropriate authority and must not be placed across any thoroughfare.

g. Heating

- i. Heaters must be Australian Gas Association (AGA) approved and be used in accordance with manufacturer's instructions, particularly in relation to required clearances from other combustible objects.
- ii. Fixed gas heaters are not permitted without the express written consent of the Shire.
  1. Any fixed or portable gas heater within the outdoor eating area is to be installed and regularly checked by a registered gas fitter to ensure they comply with all relevant Australian Standards

h. Dogs are only permitted in the outdoor eating area under the following conditions:

- i. Area is to be sufficiently signed to advise patrons that dogs are permitted in the alfresco dining area;
- ii. Food premises to develop a dog management plan
- iii. Dogs do not enter the inside of the food premises
- iv. Area is to be kept clean at all times
- v. Pedestrian access ways remain unobstructed at all times.

i. Smoking

- i. The Shire of Esperance supports any State Government initiative to introduce state wide smoking bans in alfresco dining areas



- ii. Smoking is not permitted within the alfresco dining area and the use of appropriate non-smoking signage by the permit holder is required.
- 5. Application and Administration Procedure
  - a. Assessment and compliance
    - i. All applications shall be assessed in accordance with the requirements of this Policy and the Shire of Esperance Activities in Thoroughfares and Public Places and Trading Local Law 2016 and Local Government Property Local Law 2009, by the Shire's Health Services. The Shire's Planning Services shall be consulted during the assessment process.
    - ii. Once an alfresco dining area has been approved and established, the Shire's Environmental Health Department is responsible for ensuring the permit holder complies with all imposed conditions of approval.
  - b. Application for Permit
  - c. Notwithstanding the requirements of the Shire of Esperance Activities in Thoroughfares and Public Places and Trading Local Law 2016 and Local Government Property Local Law 2009, a proprietor of a food business seeking the issue of an Outdoor Eating Facility Permit shall make application to the Shire in writing on the prescribed form (Application for Traders License) and such application shall be accompanied by –
    - i. The appropriate fee
    - ii. A set of plans of the proposed alfresco dining area to a scale of 1:50 showing –
      - 1. the location and dimensions of the proposed alfresco dining area and the means by which the eating area is to be separated from the balance of the street or public place;
      - 2. the position of all tables, chairs and all other structures proposed to be provided in the alfresco dining area;
      - 3. a description of the type and make of all tables, chairs and all other structures proposed to be provided in the alfresco dining area;
    - iii. A set of plans at a scale of 1:200 depicting the alfresco dining area and all land improvements thereon within 30 metres of the boundaries of the alfresco dining area.
    - iv. Photograph(s) or images of the proposed furniture and other structures to be set up in the alfresco dining area.
    - v. Additional information as required.
  - d. Renewal of Permit

On or by the 30 June each year the permit holder may apply to the Shire in writing, or submit an application form (Application for Traders Permit), for a renewal of their Outdoor Eating Facility Permit. This written request must be accompanied by the prescribed fee and certificate of currency confirming public liability insurance.

- 6. Cancellation of Permit

The CEO may, by notice in writing, cancel a permit at any time if the requirements of this policy or any specific condition of approval are not complied with.

7. Fees

Fees and charges are established in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*, listed in the Shire of Esperance Schedule of Fees and Charges.

.....End.....

**Document Information**

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Medium

**Referencing Documents**

- *Local Government Act 1995*
- *Environmental Protection (Noise) Regulations 1997*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016*
- *Local Government Property Local Law 2009*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2012	1		New policy	O0912-022	Sept 2014
Mar 2016	2		Update to current names and titles. Addition of fifth point: No smoking permitted in outdoor eating areas. Additional note outlining patron numbers are subject to number of available toilet facilities.	O0316-008	Mar 2018
Apr 2018	3	D16/29050	Change document controller title and Manager title in 2.1.1	O0418-075	April 2020
Mar 2020	4		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	5	D16/29050[v2]	Remove 'outdoor eating facility' and replace with 'alfresco dining area', minor wording changes, formatting changes to numbering throughout, Amended wording to allow alfresco development adjacent to a building. Addition of dogs and smoking paragraphs to section 4, addition of sections 5-7 relating to the Application and Administration Procedure, Cancellation Procedure and Fees.	O0620-183	June 2022
Dec 2021	6	D16/29050[v3]	Remove reference to officer in 3(v)(b) and replace with Shire of Esperance. Adjust	O1221-225	Dec 2023

numbering for consistency  
throughout. Minor grammar  
adjustment to 4(viii)

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## POL 0057: Dividing Fences

COUNCIL POLICY

### Purpose

To establish a position on Shire contributions towards dividing fences.

### Scope

This Policy applies with the Shire of Esperance and establishes a position on Shire contributions towards dividing fences

### Definitions

N/A

### Practice

The Shire will only contribute towards the cost of dividing fences on land adjoining reserves or land being used for civic purposes where it sees a municipal need for the fence.

.....End.....

### Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

### Referencing Documents

- *Local Government Act 1995*

### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 1993	1		New policy	O0293-172	Feb 1995
Dec 2007	2			O1207-1187	Dec 2009
Mar 2010	3	D12/29		O0310-1426	Mar 2012
Mar 2016	4		Biennial review, no change.	O0316-008	Mar 2018
Apr 2018	5	D16/29053	Change document controller title	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2020
Jun 2020	7	D16/29053[v2]	Amend wording to make clear, remove reference to Council residential lots as these are regulated by the Dividing Fences Act 1961.	O0620-183	Jun 2022
Dec 2021	8	D16/29053[v3]	Biennial review, no change.	O1221-225	Dec 2023



## POL 0058: Arts Collection

### COUNCIL POLICY

#### **Purpose**

1. To manage, conserve and document the Shire of Esperance Art Collection.

#### **Scope**

To ensure processes are in place for the acquisition and management of art works for the Shire of Esperance Art Collection.

#### **Definitions**

N/A

#### **Practice**

##### Management

1. The Shire of Esperance aims to manage and maintain the Art Collection appropriately.
2. The Shire of Esperance ensures the conservation of the collection's holdings and aims for industry standards of environmental control and monitored secure collection storage and exhibition spaces.
3. The Shire of Esperance ensures that the collection is subject to regular valuation and appropriate insurance.
4. The Shire of Esperance maintains a complete catalogue including photographic, location and registration records, detailed provenance and artist's biography

##### Acquisition

The Shire of Esperance is not bound to accept any works.

The Council may -

1. Acquire works of art which build upon strengths of existing holdings of the collection.
2. Acquire original, excellent and significant works by Esperance artists living and/or working in the Esperance region.
3. Acquire works of art which relate to the experience of people living and/or working in the Esperance region.
4. Acquire those works of art which are of regional and aesthetic significance to the existing holdings and relevant to current acquisition priorities.
5. Acquire works by way of purchase, bequest or gift.
6. Not acquire art works which duplicate existing holdings.
7. Acquire art works with due consideration to cost, public safety, display, storage and transport issues at the time of acquisition.
8. Not acquire commercial prints or reproductions.

9. Accept donations that are the sole property of the donor and which accord with the acquisition policy with no conditions attached.

#### Loans

The Shire of Esperance does not accept permanent or indefinite loans. The collection may accept loans from time to time for exhibition purposes only.

#### Public Access

1. The Shire of Esperance, from time to time, will present appropriately documented exhibitions from the collection, and public programs to enhance the appreciation of the collection. Exhibitions may be of a physical or digital nature.
2. Where appropriate, works from the Shire of Esperance Art Collection may be considered for travelling exhibitions subject to appropriate loan agreements being negotiated.

#### De-accessioning and Disposal

1. Works from the collection may be considered for removal from the collection if they are in poor condition, damaged or deteriorated beyond reasonable repair or conservation; duplicate or do not meet with the requirements of the collections policy statement. This process is known as de-accession.
2. From time to time, staff may recommend works for de-accessioning for Council endorsement to proceed.
3. Any funds raised by the sale of a de-accessioned art work will be set aside for maintenance and management of the collection.

.....End.....

#### **Document Information**

Responsible Position	Manager Community Support
Risk Rating	Low

#### **Referencing Documents**

- *Local Government Act 1995*

#### **Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Apr 2009	1	D12/11	New policy	O0409-1590	Apr 2011
Mar 2016	2	D16/29058 (rev 02)	Policy updated to reflect current practices.	O0316-008	Mar 2018
Apr 2018	3	D16/29058 (rev 04)	Change document controller title	O0418-075	Apr 2020
Mar 2020	4		No change, laid on table for further discussion.	O0320-073	Mar 2022

Jun 2020	5	D16/29058[v2]	Removal of reference to the defunct Shire of Esperance Art Advisory Committee and removed reference to rescinded policy.	O0620-183	Jun 2022
Dec 2021	6	D16/29058[v3]	Remove Committee and replace with Staff in De-accessioning and Disposal section	O1221-225	Dec 2023

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## POL 0059: Museum Village Markets

### COUNCIL POLICY

#### Purpose

To regulate the operation of the Museum Village Markets within the Shire of Esperance. The objectives of this Policy are -

1. To encourage a mixture of commercial and non-commercial stall holders to increase the vibrancy and attraction of the Museum Village Markets to tourists and locals.
2. To encourage the participation of local community groups in the operation of the markets.

#### Scope

This policy applies to Markets convened in the Museum Village Precinct or on a Reserve as approved by the Chief Executive Officer (CEO).

#### Definitions

**Food Vendor:** A person or persons preparing food on site for sale direct to the public.

**Stall holder:** A person or persons conducting a trading undertaking whom is authorised to do so by the Market Permit Holder.

#### Practice

Policy Statement (refer Council resolution O0710-1479)

1. From time to time the CEO will call for expressions of interest to operate markets at the Museum Village for a term of up to three years.
2. The CEO is delegated the authority to issue a permit to conduct a market to the person or organisation (the Permit Holder) offering the most advantageous proposition to grow the Museum Village precinct as a tourism focal point on the following conditions -
  - a. The Permit Holder will maintain a Public Liability Insurance Policy for a minimum amount of \$20 million and absolve council and its officers of any liability in relation to the Markets.
  - b. The Market Permit will be reviewed after each 12 month period and will be renewed annually pending satisfactory performance as determined by the CEO. (Local Government Property Local Law 2016 Section 3.13(h))
  - c. The Permit Holder must allow access to each stall area by statutory authorities whenever required to inspect stalls and products offered for sale for statutory compliance requirements.
3. The Permit Holder is authorised to charge a fee to market participants (stall holders, buskers, food vendors etc.). Such fees collected may be retained by the 'Permit Holder'. (Local Government Property Local Law 2016 Section 3.13 (i))



4. Stall holders participating in the Markets will be exempt from the requirement to obtain individual stall holders permits from the Shire. (*Activities in Thoroughfares and Public Places and Trading Local Law 2016 Section 6.7(3)*)
5. Stall holders and food vendors intending to sell or distribute food products must notify the Shire's Environmental Health Services prior to doing so. (*Food Act 2008*) A permit to operate a temporary food premise must be displayed in a prominent location at the point of sale or distribution. The Permit Holder will not allow any stall holders or food vendors to operate in the Museum Village Markets without the required permit.
6. Market stalls may only be located on the grassed areas of the Museum Village precinct unless approval to occupy portions of built premises is obtained from either the occupier of the premise or the Shire of Esperance.
7. Market activities shall not be conducted within the road reserve or on footpaths and must not block or impede direct access to Museum Village businesses.
8. On designated market days Museum Village business proprietors may display and sell products and services from any part of their built premises, including non-leased verandas and decking. This condition is provided to increase the vibrancy and attraction of the Museum Village Markets to tourists and locals in accordance with objective 2 of this Policy. The Museum Village business proprietors will not be required to pay a stall holders fee to the Market permit holder.
9. The Permit Holder shall ensure the market site is cleared of all refuse when trading has ceased.
10. Failure to comply with any of the terms and conditions of this Policy may result in withdrawal of the Market Permit and/or refusal to renew or reissue the Market permit.
11. Any damage to Shire of Esperance infrastructure due to the activity is to be reinstated by the Permit Holder to the satisfaction of Council.

.....End.....

#### Document Information

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Low

#### Referencing Documents

- *Local Government Act 1995*
- *Local Government Property Local Law 2016 Section 3.13(h)*
- *Local Government Property Local Law 2016 Section 3.13 (i)*
- *Food Act 2008*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016 Section 6.7(3)*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2010	1	D12/53	New policy.	O1210-1546	Dec 2012
Mar 2016	2		Removal of key words and statute. Removal of objective to develop the Museum Village Precinct as the tourism focal point of Esperance	O0316-008	Mar 2018
April 2018	3	D16/29059	Insert document controller title. Minor formatting. Amend reference to Thoroughfare local law in point 4	O0418-075	April 2020
Mar 2020	4		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	5	D16/29059[v2]	Minor wording changes, formatting to number Objective section	O0620-183	June 2022
Dec 2021	6	D16/29059[v3]	Remove numbering in Objective section. Include 2016 for references to Local Government Property Local Law throughout.	O1221-225	Dec 2023

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## POL 0060: Fire Management – Roadside Burning

COUNCIL POLICY

### Purpose

To ensure that roadside burning does not take place without the written consent of the Shire of Esperance.

### Scope

This policy applies throughout the Shire of Esperance district.

### Definitions

N/A

### Practice

Roadside burning shall not take place without the written consent of the Shire.

When examining such applications, Shire will -

1. Grant approval only if the burn is to be supervised by the relevant Bushfire Brigade;
2. Only consider the burn as part of a broader fire management plan;
3. Restrict burning to one side of the road only during any one year;
4. Prefer to see that the burn has ecological advantages to the road verge as well as fire hazard abatement;
5. No firebreaks will be permitted to facilitate the burn unless the roadside vegetation strip is greater than 20 metres wide and then only if in the Shire's opinion the break is necessary for the protection of the roadside vegetation; and the firebreak complies with the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*;
6. Refer the proposal to the Department of Water and Environmental Regulation and Department of Biodiversity, Conservation and Attractions in the assessment of the application; and
7. Applicant to advise the Shire of actual burning date so that the frequency/heat of burns and therefore estimate the ecological value/disadvantage of burns to individual roadsides can be monitored.

.....End.....

### Document Information

Responsible Position	Manager Ranger and Emergency Services
Risk Rating	Medium

### Referencing Documents

- *Local Government Act 1995*
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2004	1		New policy	O1004-0967	Oct 2006
Sept 2007	2	D12/38			
Feb 2016	3			O0216-042	Feb 2018
Mar 2016	4		Policy moved from Asset Management to External Services.	O0316-008	Mar 2018
April 2018	5	D16/29060	Update document controller title. Minor formatting and amend department name in point 6.	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table for further discussion.	O0320-073	Mar 2022
June 2020	7	D16/29060[v2]	Minor wording changes, replace 'Council' with 'the Shire'	O0620-183	Jun 2022
Dec 2021	8	D16/29060[v3]	Biennial review, no change.	O1221-225	Dec 2023

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