



**14 MARCH 2024**

**Shire of Esperance**

**ORDINARY COUNCIL MEETING**

**26 MARCH 2024**

**ATTACHMENTS EXCLUDED FROM AGENDA**





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## POL 0070: Private Connections to Shire Drainage

### COUNCIL POLICY

#### Purpose

To ensure suitable engineering details of a proposed drainage connection are submitted for consideration prior to any approval being issued by the Shire.

Water Sensitive Urban Design (USUD) and on-site retention of stormwater run-off is preferred by the Manager Asset Development if the site conditions are appropriate in relation to technical and amenity considerations, with the retention of run-off reducing the peak discharge of the downstream drainage system.

#### Scope

Document defines design requirements and method of determination of costs involved, for the connection of private properties or new developments to the Shire of Esperance stormwater drainage system. Policy affects any private landowner or developer wishing to link property drainage infrastructure in to the Shire's Stormwater drainage system.

#### Definitions

N/A

#### Practice

Any approval for private connection to Shire Drainage shall be subject to the following conditions -

1. The Shire must be given forty-eight (48) hours' notice by the applicant of the intention to undertake works within the road reserve. Shire inspection is required.
2. The applicant shall be responsible for determining and obtaining the necessary permits, etc. if required, to excavate near to or adjacent to any existing services. The applicant is fully responsible for contacting relevant service authorities to determine the exact location of services and will be responsible for any damage caused to services during the course of construction.
3. During the course of the works the applicant/property owner shall ensure the works are carried out by a suitably qualified tradesperson, and shall be responsible for all aspects of the works, including public safety. Traffic Management is to be in accordance with *AS 1742.3* and *MRWA Code of Practice for Traffic Management for Works on Roads*.
4. All works required pursuant to the conditions of approval shall be designed and constructed, at the applicant's cost, in accordance with the requirements of Shire of Esperance and *Australian Rainfall and Runoff*.  
Certified engineering design plans by a registered professional engineer will be required to be submitted for approval by the Manager Asset Development if requested by the Shire. Alternatively, the applicant may request Council to carry out the design and/or construction of the works subject to Shire resource

availability. Work undertaken by the Shire of Esperance shall be costed at Private Works rates.

5. All road verge areas, kerbing or footpaths/dual use paths affected by the works shall be reinstated to the satisfaction of the Manager Asset Development following completion of the drainage connection works. In the event of the work being considered unsatisfactory by the Manager Asset Development, the Shire will reinstate at the applicant's cost to Shire standards. Such cost shall be at Private Works rates.
6. A head works fee, paid by the applicant, for a connection to existing Shire of Esperance drainage shall be on the basis of the impervious area being added to the existing drainage system in relation to the total catchment area. The headworks fee is to be as per Council's annual schedule of fees and charges.
7. Where downstream stormwater drainage will require upgrading as a direct result of a proposed connection, the applicant will be responsible for a portion of the associated augmentation costs as determined by the Shire. In determining such costs the Shire will consider the anticipated stormwater runoff from the relevant fully developed catchment and the proportion of runoff contributed to the system by the proposed connection. The Shire reserves the right to refuse connection or stage augmentation works of downstream drainage to accommodate a specific connection.  
Contributions of actual works, in lieu of cash, may be acceptable subject to the discretion of the Shire.
8. Where stormwater drainage systems deemed necessary to serve a development by the Manager Asset Development do not exist, the applicant will be responsible for a proportion of the design and construction costs of the required system to a nominated legal point of discharge. The applicant's contribution shall comprise the lesser of the following:
  - a. The relevant proportion of the cost to design and construct a suitable drainage system for the fully developed catchment as determined in accordance with Shire of Esperance drainage guidelines, *Water Sensitive Urban Design (USUD)* and current *Australian Rainfall and Runoff*. In determining such costs the Shire will consider the anticipated design discharge from the fully developed catchment and the proportion of runoff contributed by the proposed development; or
  - b. The cost of the design and construction of a suitable stormwater drainage system from the proposed development to a legal point of discharge as nominated by Council. The subject stormwater drainage system shall be constructed in accordance with Shire' drainage guidelines and *Australian Rainfall and Runoff*.

Council reserves the right to refuse connection or staged construction of the downstream drainage to serve a proposed development. Contributions of actual works in lieu of cash may be acceptable subject to the discretion of Council.

.....End.....

**Document Information**

Responsible Position	Manager Asset Development
Risk Rating	Low

**Referencing Documents**

- *Local Government Act 1995*
- *AS 1742.3*
- *MRWA Code of Practice for Traffic Management for Works on Roads*
- *Water Sensitive Urban Design (USUD)*
- *Australian Rainfall and Runoff*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 1994	1		New policy	O0194-164	Jan 1996
Sept 2007	2	D12/60			Sept 2009
Feb 2016	3	D16/28964	Update to current names and titles. Changes to some wording to match current practices, guidelines and standards.	O0216-042	Feb 2018
Aug 2018	4	D16/28964[v2]	Minor changes.	O0818-091	Aug 2020
Dec 2019	5	D16/28964[v3]	Minor amendments to wording.	O1219-268	Dec 2021
Mar 2022	6	D16/28964[v4]	No change.	O0322-062	Mar 2024



## POL 0071: Property Owners Contribution to Underground Power

### COUNCIL POLICY

#### Purpose

To define any contribution that would be required from property owners in the event of the Shire being successful with a State Underground Power Program application.

#### Scope

Document defines how the Shire will determine the amounts required to be contributed by adjacent property owners in the event of a successful State underground power program application. Policy affects property owners adjacent to sections of overhead power supply lines which are intended to be replaced with underground power supply infrastructure under the program.

#### Definitions

**State Underground Power Program:** The State Underground Power Program is an initiative that replaces overhead power lines in established areas with underground power infrastructure. This program is due to conclude in 2024 and be replaced with the Targeted Underground Power Program (TUPP)

#### Practice

That the Shire use the following method when requiring adjacent property owners to contribute towards Underground Power -

1. All property owners pay a pro rata amount based on road frontage, with connections costs being the owner's responsibility.
2. The proportion of the Shire owned land (road intersection, right of way, etc) be included in the calculation of frontage.
3. Property owners are to contribute 50% of the total project cost, excluding the streetlight component that is the Shire's responsibility.
4. Project financing costs are to be accounted for in the total costs. This will be calculated by working out how much the Shire's borrowing costs will be over the period, and adding this to the amount to be collected from property owners.
5. Property owners with switchgear or transformers located on their property (with the exception of the Shire will receive a 20% discount on their contribution.
6. The Shire is to consider at the time of raising the service charge, whether property owners should be charged in instalments over a number of years. The average charge is to be utilised in considering whether a service charge should be over more than one year.
7. Pensioners to be given a 50% rebate, if funding can be recovered by the Shire from the Office of State Revenue (or other Government Instrumentality).
8. Undertake the collection of funds from ratepayers by way of a service charge levied under Section 6.38(1) of the *Local Government Act 1995*.

9. Establish a Reserve fund under Section 6.11 of the *Local Government Act 1995* as required by Section 6.38(2), if funds received by way of service charges exceed the current year's projected expenditure.

.....End.....

#### Document Information

Responsible Position	Manager Asset Development
Risk Rating	Low

#### Referencing Documents

- *Local Government Act 1995*

#### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2007	1	D12/61	New policy	O0907-1117	Sept 2009
Feb 2016	2	D16/28965	Change 'Council' to 'the Shire'.	O0216-042	Feb 2018
Aug 2018	3	D16/28965[v2]	No change.	O0818-091	Aug 2020
Dec 2019	4	D16/28965[v3]	No change to wording.	O1219-268	Dec 2021
Mar 2022	5	D16/28965[v4]	No change	O0322-062	Mar 2024





## POL 0072: Permanent Road Closures

### COUNCIL POLICY

#### Purpose

To allow the Shire to consider applications from adjacent landowners to have a road reserve closed.

#### Scope

Document details points for consideration upon receipt of a request from an adjacent landowner for the permanent closure of a road reserve. Policy affects property owners with lots adjacent to road reserves who wish to have said road reserve closed permanently as well as Shire staff required to assess these requests.

#### Definitions

N/A

#### Practice

The Shire will consider, on representation from adjacent landowners, to approach the relevant authorities to have a road reserve closed.

Processing of such an application will be considered on the following basis -

1. That the closure is consistent with the Shire of Esperance Functional Road Hierarchy.
2. That the road reserve is not required for reasons of planning, particularly in relation to future land development and access.
3. That road reserves containing native vegetation should be retained to preserve the existing flora and fauna within the reserve.
4. That the road reserve has potential for future native vegetation offsets/land swaps in pursuit of natural resources.

That if a road is closed the land within the reserve may be annexed to adjacent holdings.

.....End.....

#### Document Information

Responsible Position	Manager Asset Development
Risk Rating	Low

#### Referencing Documents

- *Local Government Act 1995*

**Revision History**

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2004	1		New policy.	O1004-0967	Oct 2006
Sept 2007	2	D12/57			Sept 2009
Feb 2016	3	D16/28966	Change 'Council' to 'the Shire'. Additional bullet point regarding native vegetation offsets/land swaps.	O0216-042	Feb 2018
Aug 2018	4	D16/28966[v2]	No change.	O0818-091	Aug 2020
Dec 2019	5	D16/28966[v3]	Minor amendments to wording and removal of some wording in points 1 and 3.	O1219-268	Dec 2021
Mar 2022	6	D16/28966[v4]	No change.	O0322-062	Mar 2024

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## POL 0073: Street Verge Development

### COUNCIL POLICY

#### **Purpose**

To provide an opportunity for residents to develop and maintain street verges and to ensure that street verges within the Shire of Esperance are managed and developed to an appropriate and consistent standard, with due regard to streetscape amenity, aesthetics and public safety.

#### **Scope**

This policy applies to townsite street verges within the Shire of Esperance.

#### **Definitions**

N/A

#### **Practice**

##### Background

Street verges make an important contribution to the aesthetic nature of the Shire of Esperance. A street verge can provide amenity value and add character whilst providing a range of environmental, social and economic benefits. Street verges are typically described as the area of land between a road edge and the adjacent property boundary.

The Shire recognises that the appearance of a verge is important to property owners/occupiers because of the significant aesthetic impact on their dwellings. The Shire maintains street verges with available resources with a priority on verges adjacent to public sites, community assets and infrastructure or based on broader community benefit.

##### Policy

Street verge development and maintenance may be undertaken by adjacent landowners in accordance with the relevant conditions.

##### Conditions

1. A person shall not plant and maintain a garden or lawn on a street verge -
  - a. such that it extends beyond the frontage of the adjoining/abutting property in respect of which the approval is granted;
  - b. such that it encroaches on the pavement of the carriageway or a constructed path or adversely impacts on Shire infrastructure;
  - c. such that it encompasses earth mounding, rocks, retaining walls or built structures, i.e. fountains, ponds; or
  - d. to the exclusion of any public pedestrian access.
2. The owner or occupier of land abutting a street verge, in which a lawn or garden is to be planted and maintained, shall make arrangements to determine the

location of public utilities which may be located within the road reserve, prior to installation and shall be liable for damage to any utilities.

3. Street verge development in line with this policy does not give the person the right to clear native vegetation.

#### Permissible Treatments

The owner or occupier of land abutting onto a street verge may, on the street verge in front of such land, install one of the following five treatments:

##### Treatment One – Lawn

1. Plant and maintain a lawn subject to -
  - a. The owner of land abutting a portion of a street verge in which a lawn is planted, ensuring that any water pipe laid to that lawn:
    - b. Is kept beneath the surface of the road reserve, at a depth of not more than 300mm no less than 150mm and so that any fitting connected to a pipe does not project above the surface of the lawn or garden.
    - c. If connected to a public water supply, complies with the requirements of the Water Corporation being the body constituted for, and having control of water in the district.
    - d. If connected to a private water supply, where passing under road, pavement, made footpaths, or crossings, is of at least class 12 PVC piping.
    - e. Has approved valves, located within the private property where they are connected to the water supply and is fitted so as to give complete control of the flow and isolation of water for that supply.
    - f. Irrigation sprinklers must be positioned to minimise water spraying on either pedestrian pathways or vehicle carriageways and adjacent properties.

##### Treatment Two – Garden

Plant and maintain a garden subject to -

1. The Shire encourages the residents to plant native species that are drought tolerant and water saving verge treatments.
2. No part of the garden (plant, or other vegetation making up the garden) exceeding a height of 750mm (excluding approved street trees).
3. No plant or other vegetation making up the garden being of an invasive, thorny or poisonous nature or otherwise creating a hazard.
4. Where there is no footpath, a 2.0m wide strip parallel and adjacent to the kerb being provided and this area being sufficiently stable for pedestrian traffic and as approved by the Manager Asset Development.
5. In the event that portion of the garden being lawn or involving the installation of irrigation infrastructure, that development complying with Treatment One as described above.

##### Treatment Three – Part Paved Areas

Portion of a street verge may be treated with an 'acceptable material' subject to -

1. The area of hard surface being limited to a maximum of 33% of the total area of the verge (excluding any crossover).
2. Hard surface treatments being installed to accommodate vehicle loadings in compliance with the Shire's specifications for the construction of residential crossovers.
3. The remainder of the street verge being developed with lawn or garden.
4. In the event that lawn or garden is planted on the remaining portion of the road reserve, that development complying with Treatment One and or Treatment Two described above.

#### Treatment Four – Complete Paved Area

The Shire at its discretion may approve the paving of an area which is greater than 33% of the total verge (excluding existing crossovers) with an 'acceptable material' subject to -

1. A proven need
2. In the opinion of the Shire, not constituting a negative impact on the aesthetic and amenity value of the existing streetscape.
3. An appropriate storm water drain disposing of excess water into an approved soak well system.
4. The construction of the drain and soak well being installed to specifications approved by the Shire.

#### Treatment Five – Verge Stabilisation

The street verge may be stabilized with a 50mm thick permeable layer of gravel or scalps to stabilize sandy surfaces. It is the landowner's responsibility to maintain the surface to a smooth uniform finish.

#### Obligations of Owner or Occupier

Maintenance of street verge landscaping (apart from a street tree if present) is the responsibility of the owner and/or occupier of the property adjoining the street verge.

An owner or occupier who installs or maintains an approved verge treatment shall -

1. Keep the approved verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment.
2. Not place any obstruction on or around the verge treatment.
3. Not disturb a footpath on the verge.

#### Interpretation

This Policy is to be read in conjunction with the Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2016* and *Shire Street Tree Policy*.

The term 'acceptable material' includes brick paving, bitumen, concrete, compacted metal dust/scalps and paving slabs. Materials not classified as acceptable include crushed brick rubble, limestone, pea gravel or any other material deemed by Council to be unstable or unsuitable.

#### Implementation

1. Verge development in accordance with Treatments Two, Three and Four require written approval of the Shire.
2. Applications for verge development in accordance Treatments Two, Three and Four are to include a plan detailing the proposed verge development, including the portions of any proposed garden beds, trees, shrubs and paved areas.
3. Applications must include details of any proposed plant species, noting that unsuitable species, such as those of an invasive, thorny or poisonous nature will not be approved.

.....End.....

#### Document Information

Responsible Position	Manager Parks and Environment
Risk Rating	Low

#### Referencing Documents

- *Local Government Act 1995*
- *Activities in Thoroughfares and Public Places and Trading Local Law 2016*
- *Street Tree Policy*

#### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2003	1		New policy	O0203-0509	Feb 2005
Sept 2007	2	D12/71			Sept 2009
Feb 2016	3	D16/28968	Remove statement of intent – covered under objective. Remove item 3 under associated procedure and move to 'Treatment Two – Garden' item 5. Addition of fifth permissible treatment – Verge Stabilisation	O0216-042	Feb 2018
Aug 2018	4	D16/28968[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	5	D16/28968[v3]	Change responsible officer, minor wording changes, inclusion of landowner responsibility to maintain verges adjacent to their property.	O1219-268	Dec 2021
Mar 2022	6	D16/28968[v4]	Update background to specify Shire responsibilities. Include paragraph in Obligations of Owners and Occupiers to specify responsibilities. Minor wording updates throughout.	O0322-062	Mar 2024



## POL 0074: Mineral Exploration Within Land & Road Reserves Managed by the Shire of Esperance

### COUNCIL POLICY

#### **Purpose**

To allow consideration of applications from mining companies to undertake exploratory drilling in reserves, freehold land and road reserves under the management of the Shire.

#### **Scope**

This policy applies to all mineral exploration within land and road reserves managed by the Shire of Esperance.

#### **Definitions**

N/A

#### **Practice**

The Shire will consider application from mining companies to undertake exploratory drilling in reserves, freehold land and road reserves under the management of the Shire. Approval will generally be granted subject to applicant agreeing to and undertaking the conditions and requirements as outlined in the below section, excluding the following areas (and adjacent areas) -

1. Within any town site boundaries.
2. Rural residential, rural small holdings and industrial zoned land as defined by the latest Local Planning Scheme.
3. Coastal reserves, conservation reserves, waterways or sensitive area deemed to have social, cultural, commercial, local economic or environmental value.

A breach of any of the conditions and requirements by the applicant (or their contractor or sub-contractor or agent etc.) will result in their approval being revoked, with exploration to immediately cease within any land managed by the Shire. The applicant will need to reapply for approval demonstrating how they will not breach the conditions and requirements again.

#### **Conditions and Requirements**

The following are the conditions and requirements relating to applications for Mineral Exploration within reserves, freehold land and road reserves under the management of the Shire -

1. The Shire is to be provided with a plan showing the sites of all proposed drilling operations prior to commencement.
2. No drilling is permitted within the running surface or shoulder of any road unless explicitly approved by the Shire of Esperance. This will only be considered on minor tracks outside the farming land.

3. Exploration to proceed with minimal interference with flora and fauna contained within the area under exploration. Any removal of native vegetation to be in accordance with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
4. The applicant must, where necessary, rehabilitate exploration sites where native vegetation is disturbed.
5. Exploration to be in accordance with the requirements under the current Aboriginal Cultural Heritage Act, Regulations and associated Guidelines.
6. Drilling operation to cease during periods when there is a total fire ban declared or a harvesting and vehicle movement issued in the area of exploration.
7. The Shire is to be provided with detail of any gravel reserves or potable water supplies which may be discovered during the drilling operation.
8. The holder of the Exploration License must undertake drilling operations in such a manner so as to -
  - a. prevent the interaction of aquifers (this may require casing of drill holes); and
  - b. avoid interference with aquifers tapped by private water supplies.
9. Where the exploration is within a road reserve or near a public road, a Traffic Management Plan (TMP) is required to be submitted as part of the application. The TMP is to be undertaken by a qualified person be in accordance with -
  - a. AS 1742.3:2019 Manual of uniform traffic control devices Part 3 Traffic control for works on roads;
  - b. MRWA Code of Practice for "Traffic Management for Works on Roads"; and
  - c. Austroads Guide to Temporary Traffic Management (AGTTM).
10. The applicant must indemnify the Shire against any claims for injury and property damage that may be sustained by members of the public as a result of drilling operations.
11. All drill holes in the road reserve are to be maintained to ensure public and animal safety. All drill holes are to be reinstated upon completion of the exploration.
12. Any surfaces disturbed during the operations to be reinstated to the satisfaction of the Director of Asset Management. In the event of the work being considered unsatisfactory by the Director of Asset Management the Shire will reinstate at the applicant's cost to Council standards. Such cost will include the Shire of Esperance Private Works On-Cost.
13. A breach of any of the conditions and requirements by the applicant (or their contractor or sub-contractor or agent etc.) will result in their approval being revoked, with exploration to immediately cease within any land managed by the Shire.

The applicants must provide the Shire with correspondence agreeing to or addressing the 13 dot points above.

This Policy does not remove the need for any approvals required under relevant legislation, including the *Mining Act 1978* and the *Environmental Protection Act 1986*.



.....End.....

#### Document Information

Responsible Position	Manager Asset Development
Risk Rating	Medium

#### Referencing Documents

- *Local Government Act 1995*
- *Mining Act 1978*
- *Environmental Protection Act 1986*
- MRWA Code of Practice for "Traffic Management for Works on Roads"
- AS 1742.3:2019 Manual of uniform traffic control devices Part 3 Traffic control for works on roads
- *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*
- Aboriginal Cultural Heritage Act, Regulations and associated Guidelines
- Austroads Guide to Temporary Traffic Management (AGTTM)

#### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2004	1		New policy	O1004-0967	Oct 2006
Sept 2007	2	D12/50			Sept 2009
Feb 2016	3	D16/28969	Addition of current standards and Code of Practice for Traffic Management purposes and guidelines regarding drill holes in road reserve. Update to current names and titles. Remove prescriptive descriptions regarding Private Works on costs.	O0216-042	Feb 2018
Aug 2018	4	D16/28969[v2]	No change	O0818-091	Aug 2020
Dec 2019	5	D16/28969[v3]	No change to wording.	O1219-268	Dec 2021
Mar 2022	6	D16/28969[v4]	No change	O0322-062	Mar 2024
Aug 2023	7	D16/28969[v5]	Include land managed by the Shire instead of just road reserves, exclusion of specific areas, revocation of approval if breaches occur, and provision that drilling within road running surface or shoulder is only allowed upon explicit approval by the Shire. Changes to reflect current terminology and references.	O0823-150	Aug 2025



## POL 0075: Delegated Authority to Approve Off-Site Signage on Main Roads

### COUNCIL POLICY

#### **Purpose**

To allow the Shire to consider applications for off-site signage, under delegation of authority on Main Roads.

#### **Scope**

Document details the principles to be considered when approving signage which is visible from the road carriageway but is located within private property. Policy affects land and business owners wishing to install signage on private property and Shire required to assess these requests.

#### **Definitions**

**Off site:** refers to locations outside the road reserve.

#### **Practice**

The following principles are to be applied when using delegated authority relating to applications for off-site signage on main roads.

Delegated Authority Relating to Main Roads Sign Categories 2, 3 and 4.

The following principles will form the basis of the Shire's consideration of applications for off-site signage, under Delegation of Authority relating to Main Roads.

1. Farm signage of a directional, non-commercial nature will be permitted in road reserves in compliance with relevant Main Roads General Permission Criteria. Wherever possible, directional farm signage will be positioned adjacent to the farm property entrance.
2. All approved signage must be kept in a well maintained condition and remain relevant to the advertised business name and activity, or farm locality.
3. Approved signage will be licensed for a five (5) year period, with common expiry date of 31 December.
4. To assist the Shire to comply with Main Roads General Permission Criteria Chapter 9.1.2 (Traffic Hazard Potential), private landowners are permitted one (1) commercial sign only per lot/location.
5. Failure to comply with Statement of Principles or maintain Main Roads General Permission Criteria will terminate the license and require removal of signage by owner.

Under these arrangements, approved commercial advertising is restricted to private property and directional signage only may be permitted in road reserves.

The Chief Executive Officer is authorised to convey the requirements to existing off-site owners and ensure compliance is maintained with Main Roads General Permission Criteria.

Council first accepted Mains Roads delegated authority for the management of Category 2 signs within the Shire in 1997.

In 1998 Council accepted Main Roads delegated authority for the control and management of Category 3 and 4 type signage within the Shire.

.....End.....

#### Document Information

Responsible Position	Manager Asset Development
Risk Rating	Low

#### Referencing Documents

- *Local Government Act 1995*

#### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Dec 2003	1		New policy	O1203-0751	Dec 2005
Sept 2007	2	D12/27			Sept 2009
Feb 2016	3	D16/28971	Change 'Council' to 'the Shire'	O0216-042	Feb 2018
Aug 2018	4	D16/28971[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	5	D16/28971[v3]	Point one deleted as this forms part of the Signage Local Planning Policy.	O1219-268	Dec 2021
Mar 2022	6	D16/28971[v4]	No change	O0322-062	Mar 2024



## POL 0076: Guidelines for Subdivisional Development

COUNCIL POLICY

### Purpose

To provide a guide to assist the Shire and the development industry in managing the assessment and approval processes relating to the installation of roads, drainage, footpaths, earthworks, streetscapes and public open space in new subdivisions and developments.

### Scope

Document intended to provide Shire staff and Developers information on the required standards/specifications on roads, drainage, footpaths, earthworks, streetscapes and public open space in new subdivisions and developments.

### Definitions

N/A

### Practice

The Shire will use the latest versions of the *Local Government Guidelines for Subdivisional Development* document produced by the Institute of Public Works Engineers Australia (WA Division Inc.) (IPWEA) as the base guidelines for assessing and approving subdivisions and developments in relation to asset infrastructure requirements.

.....End.....

### Document Information

Responsible Position	Manager Asset Development
Risk Rating	Low

### Referencing Documents

- *Local Government Act 1995*
- *Local Government Guidelines for Subdivisional Development*

### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2010	1	D12/43	New policy	O0310-1426	Mar 2012
Feb 2016	2	D16/28973	Remove prescriptive descriptions regarding Regional Road Development Strategy. Change 'Council' to 'the Shire'	O0216-042	Feb 2018
Aug 2018	3	D16/28973[v2]	Minor changes	O0818-091	Aug 2020
Dec 2019	4	D16/28973[v3]	Removal of operational wording which is contained within the Guidelines.	O1219-268	Dec 2021
Mar 2022	5	D16/28973[v4]	No change	O0322-062	Mar 2024



## POL 0077: On-Farm Drainage

### COUNCIL POLICY

#### **Purpose**

To ensure guidelines are in place for the placement of drainage infrastructure within Shire controlled road reserves for the management of On-Farm Drainage.

#### **Scope**

Document provides guidance on the requirements for land owners and Shire officers involved in the process of obtaining/approving on farm drainage modifications where this drainage discharges into shire reserves.

#### **Definitions**

N/A

#### **Practice**

Where appropriate, Council may allow drainage infrastructure to be placed within the road reserve to control and direct the disposal of on farm drainage from a rural property.

This policy will deal with the two main types of drainage being subsurface drainage and overland flow drainage.

#### Subsurface Drainage

The following conditions need to be met for approval of drainage infrastructure within the road reserve –

1. All pipes are to be class 4 concrete pipes unless otherwise agreed by the Director Asset Management.
2. Pipes are to be installed from property boundary to property boundary unless otherwise agreed by the Director Asset Management.
3. Pipes are to have a minimum of 300mm of compacted gravel as coverage.
4. The minimum pipe size for drains over 1m deep will be 600mm.
5. The minimum pipe size for drains less than 1m deep will be 450mm.
6. End walls are to be installed on both ends of the pipe including concrete foot and toe walls.
7. Overland flows should be excluded through the use of bunding or embankments on the channels.

#### Overland Flow Drainage

The following conditions need to be met for approval of drainage infrastructure within the road reserve –

1. The applicant shall engage a suitable qualified engineer to provide all details including the upstream catchment area, natural catchment characteristics, design discharge calculations and the size and type of drainage structure

- required to cater for the catchment discharges based on design storms as defined in Council's Subdivisional Design requirements for Rural Subdivisions.
2. Catchment information provided shall accurately define the contributing areas and include contour information at a maximum of 1m intervals.

### Common

The following conditions are common to both the Subsurface and Overland Flow drainage requirements for infrastructure within the road reserve –

1. All appropriate permits and approvals need to be obtained by the applicant. The approvals must be sited by shire staff prior to works commencing on site.
2. The applicant must provide written approval from all downstream property owners within the subject discharge area.
3. All works within the road reserve are to be carried out by the shire or its nominated sub- contractor and shall be charged at private works rates.

Applicants will be required to complete a Rural Drainage Management application form and address all of the above requirements, dependent on the type of drainage discharge to be directed across the road reserve, prior to approvals being issued.

Council reserves the right to pursue payment of compensation from any landowner for damage to Council infrastructure caused by drainage operations that have occurred without adherence to this policy or Council approved conditions.

.....End.....

### Document Information

Responsible Position	Manager Asset Operations
Risk Rating	Low

### Referencing Documents

- *Local Government Act 1995*

### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2009	1		New policy	O0709-1264	Jul 2011
Feb 2016	2	D16/28974	Change to reflect approval requirements and minimum sizing of pipes.	O0216-042	Feb 2018
Aug 2018	3	D16/28974[v2]	No Change	O0818-091	Aug 2020
Dec 2019	4	D16/28974[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	5	D16/28974[v4]	No change	O0322-062	Mar 2024



## POL 0078: Street Tree

### COUNCIL POLICY

#### Purpose

This policy is designed to protect and preserve trees in streets and public open space. It provides rules to determine what species can be planted, circumstances under which they can be removed or pruned, and their ongoing management.

#### Scope

This policy applies to all street trees within the Shire of Esperance.

#### Definitions

**Tree:** is defined in the Shire's Thoroughfares and Public Places Local Law as a woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 4 metres or more.

**Naturally Occurring Tree:** has developed through the Shire's Parks and Reserves' practices to mean a remnant of a natural area (e.g. Bushland, wetland, and coastal dune) that was originally intact but subsequently cleared for development as recreational parkland, residential lot, road reserve etc.

#### Practice

The Shire recognises the significance of street trees within the urban setting in terms of creating functional and aesthetic streetscapes and has the responsibility of planning, establishment and maintenance of all street trees in the town site. The Shire recognises street trees as a Shire asset and the retention of street trees will be considered as a priority.

In general, the Shire will plan for the retention and protection of suitable trees within public open space, verges and proposed road reservations, and for urban enhancement by the planting of selected trees. Specifically -

1. The Shire shall give consideration to the use or retention of street trees as a priority as part of any streetscape in its planning process.
2. Naturally occurring trees, where appropriate, shall be retained within the streetscape.
3. Selection of new varieties shall be in accordance with landscape requirements, taking into account local conditions and circumstances.
4. Public utility providers and land owners shall consult with the Shire prior to undertaking any work on public open space, verges and road reservations containing street trees and any works within tree protection zone.

#### Street Tree Planting

The Shire is responsible for the planting of all street trees, specifically -

1. The Shire shall undertake tree planting on streets, as identified under its long term programme.

2. Subject to Shire approval Residents/occupants may be permitted to plant their own street tree in accordance with the Shire specifications.
3. The following serve only as guidelines for all street tree plantings. Variations under exceptional circumstances shall be at the discretion of the Director Asset Management.
  - a. Plant at least three metres away from any public utility junction box, manhole, pole or aerial feeder line.
  - b. Plant in accordance with utility providers *Code of Practice* relating to the street tree alignment.
  - c. Generally plant trees on a spacing interval of one tree per property frontage with similar spacing being maintained on large frontage lots.
  - d. Plantings near road intersections and driveway crossover will be subject to pedestrian and motorist safety assessment.

#### Street Tree Watering

The Shire is responsible for the post planting care and maintenance of all street trees. However, residents/occupants are encouraged to assist with street tree watering. Specifically -

1. Council shall undertake the watering of all new street trees, as and when required, until the trees are established.
2. Street tree watering shall include all Council's programmed plantings.
3. Residents/occupants shall be encouraged to water their street tree during the establishment period.
4. Council shall adopt appropriate practices of post planting care to ensure the survival of all trees planted.

#### Pruning of Street Trees under Power Lines

The Shire is responsible for the pruning of all street trees under power lines.

1. The Shire shall undertake the pruning of all street trees under powerlines on a programmed basis.
2. Programmed street tree pruning shall include trees on the side of the street affected by overhead powerlines as well as trees affected by electrical feeder lines to individual properties on the opposite side of the street.
3. Programmed pruning shall not normally include trees on the opposite side of the street to powerlines.
4. Programmed pruning is to be planned each year, on a needs basis.
5. Pruning will be undertaken in accordance with *Australian Standard 4373 – Pruning Amenity Trees*
6. Programmed street tree pruning shall be to normally fulfil any of the following requirements -
  - a. To clear the canopy from interference with overhead powerlines and other essential services
  - b. To remove overhanging branches considered hazardous to traffic, buildings or structures



- c. To under-prune low growing branches considered hazardous to traffic or pedestrians
- d. To form the shape of developing trees
- e. To re-define the framework of mature trees
- f. To rejuvenate vigour into unthrifty growth
- g. To reduce crown density or to redistribute growth to lateral branches
- h. To remove dead, dying, diseased or pest infested limbs and branches
- i. Other as required based on tree inspections by shire staff

#### Pruning of Street Trees not Affected by Powerlines

The Shire is responsible for the pruning of all street trees not affected by powerlines.

The Shire will investigate requests for pruning street tree not under power lines and respond in accordance with adopted procedures. Specifically -

1. Under its programmed pruning schedule, the Shire shall crown thin, under prune, property line prune and remedial prune selected street trees unaffected by power lines, this pruning will be undertaken in the interests of -
  - a. Public safety
  - b. Reducing structural risk to the tree
  - c. Removing growth abnormality or disease, from the tree
  - d. Other as required based on tree inspections by shire staff
2. Where residents/occupants contact the Shire with a request to prune a tree unaffected by power lines, the following procedure is to be followed -
  - a. The tree is physically inspected. An inspection report is to be completed, containing relevant statistical details.
  - b. All results and recommendations from these inspections and reports are to be considered prior to any discussion and a final decision on action to be taken with the tree.
  - c. In the event of a specific issue relating to pruning of significant trees, unaffected by power lines not being adequately covered by this policy/procedure, the matter is to be referred to Council for consideration and determination.
3. The following are not considered sufficient reasons for pruning trees -
  - a. The tree obscures or may potentially obscure views (other than traffic / pedestrian sight lines).
  - b. The tree variety is a nuisance by way of leaf, fruit and bark shedding or the like.
  - c. The tree shades private gardens, solar hot water systems or the like.
4. Ownership and maintenance of all street trees is the responsibility of the Shire; Residents are not permitted to prune any street tree without prior approval.

#### Unauthorised Street Tree Planting

Street trees planted without the Shire's approval are considered unauthorised plantings, but may be retained subject to certain conditions being met. Specifically -

1. An unauthorised street tree planting shall constitute any one of the following -
  - a. A tree planted without the authority of the Shire

- b. A tree planted of an inappropriate variety for verge planting or under powerlines
2. Where an unauthorised street tree planting is identified, the Shire shall determine whether the planting can be retained if it conforms to the Shire's Specifications.
3. Where the planting is of a recent origin and the tree is of a conforming variety but on the wrong alignment or spacing, the Shire shall appropriately relocate the tree after the resident/occupant has been notified and providing the variety lends itself to transplanting.
4. All unauthorised street tree plantings that are retained will become the ownership of the Shire.

### Street Tree Removal

The Shire recognises the significant contribution made by street trees to both the aesthetic and environment aspects of existing streetscapes within the Shire. The Shire recognises street trees as a Shire asset and the retention of street trees will be considered as a priority.

It also recognises that in some cases, tree retention may not be desirable, feasible or reasonable, owing to condition, location or species of the tree, its implications for development on an abutting site and/or the achievement of other Council objectives. The Shire will not remove street trees except where retention is considered undesirable, such as where: exceptional circumstances exist relating to public risk and safety; the tree species is not an approved variety and is not acceptable to the Shire; or the tree precludes redevelopment of an adjoining site, with no other reasonable design alternative to removal.

The Shire is responsible for the removal of street trees. Unauthorised removal of any street tree is not permitted. Owing to the hazardous nature of the task, residents/occupants will not be permitted to remove any street trees themselves. All approved removals shall be undertaken by the Shire or its nominated contractor.

Specifically -

The Council shall normally undertake the removal of trees (based on quotation from its preferred contractor) under the following circumstances -

1. The tree is diseased and beyond remedial treatment, or dead; The tree has been assessed by the Shire as structurally weak and dangerous, placing the public at risk;
2. The tree has been irreparably damaged by a storm;
3. The tree is hazardous to motorists/pedestrians owing to interference in suitable sightlines presented by the trees alignment or spacing;
4. The tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the tree have been deemed by the Shire to be inappropriate;
5. The tree is dangerously in contact with overhead powerlines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping;

6. The tree impinges on the development potential of the abutting property(s) with no reasonable design alternatives existing. A 'reasonable design alternative' may involve -
  - a. Deletion of second/additional crossovers to development sites and the requirement for shared access;
  - b. The altering of development design to relocate crossovers out of the way of street trees;
  - c. The tapering of driveways to a maximum of 1 in 5 to avoid the street tree.
7. Driveways/crossovers should be located a minimum of 1.0m away from a street tree depending on tree type and location, sight lines and traffic safety, and the capacity to avoid future damage to the crossover through the installation of root barriers.
8. Redesign to retain street trees involving the following will not normally be required of applicants -
  - a. Access design not meeting the Shire's traffic safety requirements;
  - b. Changes affecting the number of dwellings the lot is capable of sustaining under the zoning;
  - c. For developments involving 3 or fewer dwellings, the relocation of infrastructure/services costing more than \$5,000, or, in other circumstances, an unreasonable cost impost. Redesign costs will not be taken into account as the R-Codes clearly require avoidance of street trees as a routine requirement;
9. Where street tree removal is approved as part of a development approval, this will be noted as advice on the approval. The approval will also be conditioned to require the applicant to meet the cost of removal by the Shire or authorised contractor and the replacement of the tree(s) with a 45L (or as otherwise approved) tree of a species acceptable to the Shire. The applicant will also be required to maintain (water) the new trees for the first two summers.
10. Relevant planning approvals may include the following advice note: *"The vehicular access shown in this application has been assessed and determined based upon the location of street trees as shown on the submitted plans. It is the responsibility of the applicant to ensure this information is correct as any inaccuracy of the plans will not be considered justification for removal of the trees in the event that their positions incorrectly shown. Removal of street trees without written approval of the Council is an offence."*
11. Significant conflict with another planning objective of the Shire.
12. The following are not considered sufficient reason for the removal of trees -
  - a. The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
  - b. The tree variety is disliked;
  - c. The tree variety is a nuisance by way of leaf, fruit and/or bark shedding or the like;
  - d. The tree causes allergy and/or health problems;
  - e. The tree is in the way of a non-essential crossover or verge paving option;
  - f. The tree shades private gardens, solar hot water installations or the like.

.....End.....

#### Document Information

Responsible Position	Manager Parks and Environment
Risk Rating	Low

#### Referencing Documents

- *Local Government Act 1995*
- *Street Tree Strategy 2023*
- *Shire Road Verge Development Policy*

#### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2013	1		New policy	O0913-005	Sept 2015
Feb 2016	2	D16/28976	Update to current names and titles. Remove prescriptive description regarding street tree planting and change to reflect utility providers Code of Practice. Additional section regarding non-sufficient reasons for tree pruning.	O0216-042	Feb 2018
Aug 2018	3	D16/28976[v2]	Rewording to determine Shire's responsibility, minor formatting.	O0818-091	Aug 2020
Dec 2019	4	D16/28976[v3]	Change responsible officer, minor wording amendments, inclusion of trees being shire assets and retention being priority, to be read in conjunction with Verge Development Policy.	O1219-268	Dec 2021
Aug 2023	5	D16/28976[v4]	minor updates to better reflect the policies application and the inclusion of the policy apply to public open spaces.	O0823-148	Aug 2025



## POL 0079: Commercial Wildflower Harvesting and Native Seed Collecting

### COUNCIL POLICY

#### **Purpose**

To maintain control of the number of commercial wildflower picking and native seed collecting operations via licensing.

#### **Scope**

The Council may approve applications from persons licensed as Commercial Wildflower Pickers and Native Seed Collectors by the Department of Biodiversity, Conservation and Attractions to pick flora, or seeds of flora, from road and crown reserves under the control and management of the Shire of Esperance.

#### **Definitions**

N/A

#### **Practice**

Applications shall be considered on the following basis -

1. The applicant shall hold a current Commercial Wildflower Pickers and Native Seed Collectors Licence issued by the Department Biodiversity, Conservation and Attractions.
2. The applicant shall submit a Commercial Wildflower Harvesting and Native Seed Collectors permit application form to the Shire for consideration.
3. The applicant shall nominate the specific roads, portions of roads or reserves from which they seek permission to pick and harvest from.
4. The applicant shall supply detail of the vehicle/s they will be using for picking activities.
5. All permit applications will be assessed by the Shire Environmental Services Team in Asset Management to determine if the nominated site/s are suitable and to ensure the proposed activities will not cause any long term environmental impact.
6. The permit holder shall maintain records of the quantity of all varieties picked and harvested and provide an annual report to the Shire.
7. The permit holder shall not clear any portion of a road or reserve to gain access to flora, only existing access tracks may be used.
8. The permit holder shall comply with all conditions imposed by the Department Biodiversity, Conservation and Attractions in accordance with their Commercial Pickers and Seed Collectors Licence, failure to comply with these conditions may result in the Shire permit being revoked.
9. The permit holder shall comply with all traffic management requirements in accordance with AS 1742.3 and the relevant Main Roads WA Code of Practice whilst undertaking picking and harvesting activities within a road reserve.

10. The permit holder shall comply with any Dieback or invasive species hygiene management practices imposed as part of the permit conditions.
11. Permits will be issued on a standard form.
12. An annual fee as determined by Council or part thereof is payable.
13. Permits to have a common expiry date being 30th June.
14. Permits are not transferable.

.....End.....

#### Document Information

Responsible Position	Manager Parks and Environment
Risk Rating	Low

#### Referencing Documents

- *Local Government Act 1995*

#### Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 1998	1		New policy	O0998-094	Sept 2000
Sept 2007	2	D12/21			Sept 2009
Feb 2016	3	D16/28978	Changes to reflect updated department name.	O0216-042	Feb 2018
Aug 2018	4	D16/28978[v2]	Rewording to amend Department Title, additional points to include adherence to practices and conditions	O0818-091	Aug 2020
Dec 2019	5	D16/28978[v3]	No change to wording	O1219-268	Dec 2021
Mar 2022	6	D16/28978[v4]	Amend title to include Native Seed Collecting. Include references to native seed collecting/collectors throughout. Minor wording updates throughout.	O0322-062	Mar 2024



## POL 0080: Asset Management

### COUNCIL POLICY

#### Purpose

To set out Shire of Esperance's approach to managing its assets in a sustainable manner which meets the needs of the community, considering the balance between service levels and costs.

#### Scope

This policy directs how the integration of asset management and long term financial planning will deliver sustainable management of assets for the provision of community services.

#### Definitions

**Infrastructure Asset:** in accordance with the *International Infrastructure Management Manual*, is a physical component of a facility which has value, enables services to be provided and has an economic life of greater than 12 months. Dynamic assets have some moving parts, while passive assets have none.

#### Practice

The Shire of Esperance's physical infrastructure includes transport, buildings, parks and open reserves, coastal marine, drainage, fleet asset and commercial asset classes. The infrastructure is essential for delivering the services provided by Council.

We are committed to -

1. Satisfying applicable legal and regulatory requirements
2. Delivering financial sustainability by making decisions that lead to a cost effective asset base, by focussing on whole of life costs, asset renewal, rationalising under-utilised assets and limiting asset expansion unless justified;
3. Providing a level of service to the community that responds to community needs;
4. Ensuring the services currently provided are available for future generations;
5. Providing infrastructure in a condition that supports the services provided;
6. Identifying funding to support and maintain our infrastructure; and
7. Continual improvement of asset management and the asset management system.
8. Council will set strategic priorities for Asset Management including timelines, responsibilities and resources required for implementation, which will be detailed in Council's Strategic Asset Management Plan.

#### Asset Management Framework

Asset Management underpins Council's other strategic frameworks by ensuring that appropriate infrastructure is developed and maintained enabling the delivery of programs, services and activities to the community.

The structure of Asset Management within the Shire of Esperance works through association with various plans and documents as represented in the following diagram.

























































































































