



13 FEBRUARY 2026

Shire of Esperance

ORDINARY COUNCIL MEETING

24 FEBRUARY 2026

ATTACHMENTS EXCLUDED FROM AGENDA



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POL 0023: Dealing with Difficult People

COUNCIL POLICY

Purpose

Customer satisfaction is one of the Shire's values however, at times, a customer's demands or expectations may exceed the Shire's ability to deliver. This policy explains how the Shire will deal with customers who -

1. Cannot be satisfied;
2. Make unreasonable demands;
3. Constantly raise the same issue with different staff; and/or
4. Are rude, abusive, inappropriate or aggressive/intimidating.

The intent is to ensure Shire services are available to all and that resources are being used efficiently and effectively when interacting with ratepayers, residents and community members.

Scope

This policy is a guideline for all Shire employees.

Definitions

N/A

Practice

Service Commitment

Councillors and staff will -

1. Treat each person as a valued customer;
2. Provide a safe, accessible and inclusive environment for all members of the community;
3. Provide customers with as much relevant information as possible, ensuring it is accurate and timely;
4. Acknowledge and apologise for mistakes that have been made or excessive time that has been taken in responding to a customer enquiry;
5. Always express appropriate concern and empathy for a customer's problem or situation;
6. Understand and empathise with the customer's position and try to see the situation from their perspective;
7. Explain the rationale of any Council Policy, Protocol or Procedure that guides the actions the Shire must adhere to; and,
8. Where possible, identify and offer alternative options/solutions.

Policy Threshold Considerations

Prior to enacting this Policy, Councillors and staff must ensure they have complied with the provisions of the Council Policies listed below -

1. *Code of Conduct*;
2. *Customer Service Charter* – Organisation minimum expectations in relation to customer service;
3. *Complaints Handling Policy* outlining the actions to be followed when a complaint is received; and,
4. *Records Management Policy* – all interactions being recorded.

Other items that must be considered prior to provisions of this Policy being implemented are as follows -

1. Has the complaints policy been correctly implemented and no material element of the complaint overlooked or inadequately addressed?
2. Has the behaviour of the person become so habitual, obsessive or intimidating that it constitutes an unreasonable demand on Shire resources?
3. Have staff and/or members of the public been made to feel threatened or uncomfortable by behaviours exhibited requiring an immediate response?

Where a Shire staff member feels threatened or intimidated, the staff member must remove themselves from the situation in the safest way possible and immediately report their experience to their Supervisor.

It is not appropriate to limit access to services purely due to a complaint being made about Council, Shire staff or Shire services. An investigation is required to determine the veracity of the complaint and any subsequent actions.

Internal Review or appeal procedures must be exhausted before service or access restrictions are placed on the person/s (for an ongoing occurrence). The potential cessation or restriction of a service must be recorded and a full report provided to the CEO for approval.

Difficult People Categories

1. A person who cannot be satisfied

Despite the best efforts of Council and/or Shire staff, some members of the public may not be satisfied with the action taken or the service provided by the Shire in the resolution of a complaint or service request.

If, in the opinion of the Chief Executive Officer, a member of the public cannot be satisfied where all appropriate avenues of internal review or appeal have been exhausted and the person continues to write, telephone and/or visit the Shire, the following actions may be taken.

The Chief Executive Officer will notify the person in writing advising that if the person continues to contact the Shire regarding the matter, the Shire may -

- a. Not accept any further calls from the person;
- b. Not grant any further interviews;
- c. Require all further communication to be put in writing; and
- d. Continue to receive, read and file correspondence but only acknowledge or otherwise respond to it, if -

- i. The person provides significant new information relating to their complaint or concern; or
 - ii. The person raises new issues which, in the Chief Executive Officer's opinion, warrant fresh action.
2. A person who makes unreasonable demands

Demands or levels of contact are deemed to be unreasonable when the matter begins to impact excessively on the work of Staff and Councillors or the time dealing with the issue impacts on service levels available to other customers. This can be due to -

- a. The quantity of information the customer is requesting;
- b. The nature and scale of service the customer is seeking; or
- c. The number of approaches the customer makes.

If a customer is seen to be making unreasonable demands, the following actions may be taken.

The Chief Executive Officer will notify the person in writing advising them of the Shire's concerns, and ask that they limit and focus their requests. If the customer continues to place unreasonable demands on the organisation, the Shire may -

- a. Not respond to any future correspondence and only take action where, in the opinion of the Chief Executive Officer, the correspondence raises specific, substantial and serious issues; or
 - b. Only respond to a certain number of requests in a given period.
3. A person who constantly raises the same issue with different staff

A person who is dissatisfied with the action taken or service provided and continues to raise the same issue with different staff.

If, in the opinion of the Chief Executive Officer, a person is continually raising the same issue with different staff, the following actions may be taken.

The Chief Executive Officer will notify the person in writing that -

- a. Only a nominated person will discuss their concerns in the future;
 - b. An appointment must be made with the nominated person if they wish to discuss their matter; and
 - c. All future contact with the Shire must be in writing.
4. A person who is rude, inappropriate, intimidating, angry, threatening or harassing

For a range of reasons, a person may display inappropriate, rude, angry, harassing or intimidating behaviour whilst using Shire facilities, attending a Shire activity, or during other interactions with Councillors, Shire staff, customers and/ or clients.

Shire staff can take the following actions when subjected to a person who displays the above behaviour during the course of their duties -

- a. Ask the person to stop their current behaviour and warn the person that if the behaviour continues the conversation, interview or access to the facility/activity will be terminated;

- b. Cease the conversation or interview if the rude, angry or harassing behaviour continues after a warning has been given;
- c. Where this behaviour continues to occur at a Shire facility/activity, the person will be asked to leave; and
- d. Call the Police, should the situation require.

Where a conversation or interaction is terminated, or a person is asked to leave a facility, in accordance with this Policy, the staff member must notify the relevant Director/Manager as soon as practicable with a report on the matter. It is the responsibility of the relevant Director/Manager to notify the Chief Executive Officer of any reported incident.

Where a person or persons have been asked to leave a Shire facility or activity, the Chief Executive Officer may notify the person in writing, advising them of Council's concerns and that they could be banned from Shire facilities and future functions if the behaviour continues to occur.

If, in the opinion of the Chief Executive Officer, correspondence received by the Shire contains personal abuse, inflammatory comments or material clearly intended to intimidate, this correspondence will be returned to the sender and not otherwise acted upon.

General Management of Policy

If the Chief Executive Officer determines that service or access restrictions are necessary in line with this policy, the customer must be notified accordingly and given an opportunity to make representations about the proposed course of action to the Chief Executive Officer and, if applicable, the Director of the appropriate Directorate.

The Chief Executive Officer must advise the Council as soon as practicable of the relevant circumstances and action taken if a decision is made to withdraw service or limit/refuse access in accordance with this policy.

In circumstances related to 'difficult people' which have not reached a point of service being withdrawn, which may present a risk of reputational damage or other detriment being suffered by the Shire, the Chief Executive Officer will inform Council.

The duration of any service or access restrictions will be at the discretion of the Chief Executive Officer.

.....End.....

Document Information

Responsible Position	Director Corporate & Community Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 2020	1	D19/9389	New policy	O0120-013	Jan 2022
Feb 2022	2	D19/9389[v2]	Update responsible officer. Minor changes to grammar throughout.	O0222-033	Feb 2024
Mar 2024	3	D19/9389[v3]	Change responsible officer, remove policy references in threshold section, and include a paragraph within the General Management of Policy section to ensure that Council is made aware of circumstances which may present a risk of reputational damage or other detriment to the Shire	O0324-025	Mar 2026



POL 0051: Bushfire Management

COUNCIL POLICY

Purpose

1. Imposing, managing and reviewing harvesting, machinery and vehicle movement bans within the district of the Shire of Esperance.
2. Exemptions to Harvest and Vehicle Movement Bans on non TFB days.
3. To ensure Bushfire Control Officers have the necessary experience and training to hold these positions.
4. Minimum standard requirements for Bush Fire Brigade Volunteers.

Scope

To ensure adequate measures are in place to reduce the risk and spread of fire in the community.

Definitions

Harvest and Vehicle Movement Ban (Harvest Ban) - A ban on all harvesting, machinery and vehicle movements within a Shire, or part of the Shire, when the Fire Behaviour Index (FBI) reaches 50 or above.

Fire Behaviour Index (FBI) – Is a scale of potential fire behaviour. Fire agencies use the FBI to inform decisions about fire danger ratings for the district, along with information about other conditions.

Practice

Management of District for Harvest Bans and Burning Permits

That for the purposes of fire incident management and imposing and reviewing Harvest Bans and the district of the Shire of Esperance be divided into six zones – West Coast Zone, West Zone, North Zone, East Zone, East Coast Zone and Urban Rural Zone and include the following sub-zones -

1. West and West Coast Zones be divided into two sub-zones down the Lort River, which provides a natural boundary.
2. East and East Coast Zones to be divided into two sub-zones from Mt Ridley, along Bronzewing Road, Kau Rocks Road, Kettles Road and Daniels Road.
3. North Zone be divided into two by the Brigade boundaries of Southern Mallee and Salmon Gums.
4. Naming of the sub-zones be by numbering 1 and 2 within each existing Zone, using Esperance town as a “hub” and numbering away from town.

Each zone is to have a 'senior' control officer referred to as a Senior Bushfire Control Officer. It is accepted that the Chief Bushfire Control Officer may also be appointed a Senior in control of a zone.

The Chief Bushfire Control Officer shall have ultimate authority for fire control imposing of and reviewing Harvest Bans. When managing Harvest Bans every effort to liaise and consult with the Senior Control Officers in each zone should be made. Senior Control

Officers should make every effort to be available to assist the Chief Bushfire Control Officer with implementation and review of Harvest Bans.

Guidelines for Harvest and Vehicle Movement Bans

On non-Total Fire Ban (TFB) days, a Harvesting, Machinery and Vehicle Movement Ban will be put in place when the Fire Behaviour Index (FBI) reached 50 on the Fire Behaviour Index calculator – Grassland Model.

The Senior Fire Control Officers will use WHATSAPP as the primary communication method to discuss fire weather condition. On days a High fire danger or above is forecast by the Bureau of Meteorology, a radio sched may take place, to discuss weather conditions and a plan for the day will be established by the Senior Fire Control officers across the Shire.

A Harvest and Vehicle Movement Ban will be implemented when the FBI of 50 is reached, or is requested by Fire Control Officers to the Chief Bush Fire Control Officer. A Ban can be in place across the whole Shire or individual Zones.

Lifting the Ban, will occur when weather conditions are deemed appropriate by the CBFCO for harvesting operations to resume.

When a Ban is implemented, it will be communicated by text message, updates on the Harvest Ban Hotline, Social Media, the Shire Website and ABC Radio.

There will be an automatic Harvest and Vehicle Movement Ban in place on Christmas Day and New Year's Day annually. Other days may be considered by the Chief Bush Fire Control Officer depending on seasonal conditions.

Exemptions to Harvest and Vehicle Movement Bans

There are some examples of operations whereby the requirements of Harvest Bans can be exempt.

1. Loading and offloading of grain, fertiliser and feed is only permitted on sites which are approved and registered by Council on an annual basis and which are clear of all inflammable material save live standing trees to a radius of at least 25 metres. A mobile firefighting unit shall be in attendance at all times and accompany the grain carting vehicle when travelling on a laneway between the registered site and a made gazetted road.
2. Water carting for stock and domestic purposes provided it is accompanied by a mobile firefighting unit, or alternatively, the water carting vehicle acts as the mobile firefighting unit and meets minimum specifications (this also requires the retention of 400 litre of water at all times).
3. All necessary travel within piggeries, sheep or cattle feed lots, provided this is undertaken in a mobile firefighting unit.
4. All necessary carting of livestock provided that such a vehicle is accompanied by a mobile firefighting unit.
5. Essential Services such as power, water, telecommunications disruption provided that a vehicle is accompanied by a mobile fire fighting unit.

6. All other activities or operations may only be undertaken during Harvest and Vehicle Movement Bans after approval has been granted by the Chief Executive Officer. Approval has to be sought on an individual basis. Approval may be subject to specified conditions. It should be noted that approval may not be granted.

Post-Harvest Stubble Slashing

As per Regulation 38A of the *Bush Fires Regulations 1954*, that post-harvest stubble slashing can only be undertaken during the Restricted and Prohibited Burning Periods under the following conditions -

1. A mobile firefighting unit of not less than 800 litres capacity be situated in the paddock whilst stubble slashing is in progress.
2. A minimum of 2 x 9 litre fire extinguishers must be carried on all slashers.
3. A 2-way radio communications unit must be installed on all vehicles.

There is to be a total ban on stubble slashing between 23 December and 2 January annually.

Qualifications of Bushfire Control Officers

That a person being nominated and elected to the position of Bushfire Control Officer is required to have practical firefighting experience and to have successfully completed the Fire and Emergency Service Authority Fire Control Officers (FCO) Course within twelve (12) months of being appointed and to undergo subsequent refresher training every 5 years.

Minimum Standard Requirements for Bush Fire Brigade Volunteers

Any person responding to an incident upon a Shire of Esperance bush fire appliance must;

1. Be registered to a shire of Esperance Bush Fire Brigade;
2. wear minimum Personal Protective Clothing/Equipment, as provided by the Shire; and
3. must have completed the Bushfire Safety Awareness and Firefighting Skills training.

.....End.....

Document Information

Responsible Position	Manager Community Support
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Bush Fires Act 1954*
- *Bush Fires Regulations 1954*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Apr 2008	1	D12/16	New policy.		Apr 2010
May 2012	2			O0512-029	May 2014
May 2014	3		Include burning of blue gum provisions.	O0514-100	May 2016
Mar 2016	4		Move from COR to EXT. Policy rewritten to reflect current practices.	O0316-008	Mar 2018
Apr 2018	5	D16/29062	Update document controller title, minor formatting changes	O0418-075	Apr 2020
Mar 2020	6		No change, laid on table.	O0320-073	
Jun 2020	7	D16/29062[v2]	Amendment to exemption/variation paragraph, update department name to Department of Biodiversity, Conservation and Attractions (DBCA), remove Facebook and replace with social media and removal of a form from policy.	O0620-183	Jun 2022
Dec 2021	8	D16/29062[v3]	Update to Exemption/Variation and Machinery Movement Ban sections. Remove form from policy.	O1221-225	Dec 2023
Nov 2023	9	D16/29062[v4]	Remove Management Practice information, include minimum training and operational requirements for volunteers, update to reflect change in new fire danger rating system.	O1123-193	Nov 2025



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 <u>Sustainability & Resource Recovery</u>
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		New policy.	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
Feb 2024	9	D16/29039[v4]	Change title, rewrite of policy for consistency with proposed local law.	O0224-018	Feb 2026



POL 0053: Applications Lodged by Planning Staff, Senior Employees or Elected Members

COUNCIL POLICY

Purpose

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

Scope

This policy applies to any application for development approval, land use or subdivision lodged by or on behalf of a member of the Planning Staff, a Senior Employee or Elected Member.

Definitions

development means the development or use of any land, including —

- a. any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- b. the carrying out on the land of any excavation or other works;
- c. the case of a place to which a protection order made under the *Heritage Act 2018* Part 4 Division 1 applies, any act or thing that —
 - i. is likely to change the character of that place or the external appearance of any building; or
 - ii. would constitute an irreversible alteration of the fabric of any building;

Practice

Notwithstanding any delegation of Council functions, any development application or subdivision application lodged by a member of the Planning Staff or Senior Employees (as defined in POL 0035: Senior Employees) or Elected Member is to be referred to the Council for determination, except for an application -

2. That is for the 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.
3. For a minor modification to an approved plan;
4. An extension of time for a planning consent when there has been no circumstantial change other than the expiration of time; or
5. For amalgamation of lots or realignment of boundaries.
6. For a single house irrespective of any objections being received.

Where an application is for one of the above exceptions, the application is to be referred to the Shire CEO, or in the case an application by the Shire CEO the application is to be referred to the Director External Services for determination.

.....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
Feb 2024	9	D16/29041[v4]	Remove old policy reference number, amend responsible position title.	O0224-018	Feb 2026
Nov 2024	10	D16/29041[v5]	Update in line with legislative change. Include reference to Planning staff. Insert definition of 'development'. Delete 'that person's own place of residence, proposed place of residence' reference. Add exception 'For a single house irrespective of any objections being received'. Add referral to CEO or Director External Services for determination for exceptions.	O1124-073	Nov 2026



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
Feb 2024	8	D16/29042[v3]	Amend responsible position title.	O0224-018	Feb 2026



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

			outlined in Building Legislation regarding return of fees.		
Apr 2018	5	D16/29043	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
Feb 2024	9	D16/29043[v3]	Amend responsible position title.	O0224-018	Feb 2026



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

Feb 2024	7	D16/29050[v4]	numbering for consistency throughout. Minor grammar adjustment to 4(viii) Amend references to Manager Development & Statutory Services to Manager Waste & Environmental Health. Remove specific standards and include general reference. Remove requirement for two sets of plans, proof of public liability insurance and indemnity from 'Application and Administration Procedure'. Amend 'renewal of permit' section to simplify insurance requirements.	O0224-018	Feb 2026
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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
Feb 2024	9	D16/29053[v4]	Amend responsible position title.	O0224-018	Feb 2026



POL 0058: Arts Collection

COUNCIL POLICY

Purpose

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-	O1221-225	Dec 2023

			accessioning and Disposal section		
Feb 2024	7	D16/29058[v4]	Update wording to remove aspirational information to better reflect current practices.	O0224-018	Feb 2026



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
Feb 2024	7	D16/29059[v4]	Increase public liability insurance required.	O0224-018	Feb 2026



POL 0060: Fire Management – Roadside Burning

COUNCIL POLICY

Purpose

To ensure roadside burning within the Shire of Esperance is only undertaken with prior written approval issued in accordance with applicable bushfire, environmental, and local government legislation. To ensure that roadside burning does not take place without the written consent of the Shire of Esperance.

Scope

This policy applies to all roadside burning activities within the Shire of Esperance district. This policy applies throughout the Shire of Esperance district.

Definitions

Firebreak - A strip of land cleared of flammable material to prevent or slow the spread of fire, as defined under the *Bush Fires Act 1954*.

Fire Management Plan - A documented plan outlining proposed fire management activities and objectives, including risk mitigation measures, prepared to support the assessment and approval of works.

Roadside burning - The intentional burning of vegetation within a road reserve or roadside verge for the purposes of fire hazard management, vegetation management, or ecological outcomes.

Practice

Roadside burning within the Shire of Esperance is a regulated activity and must not be undertaken without prior written approval issued by the Shire. Roadside burning shall not take place without the written consent of the Shire.

4. Shire assessment of roadside burning is subject to, but not limited to, the following - When examining such applications, Shire will -

1. Grant Approval will only be granted where the burn is to be supervised by the relevant Bush Fire Brigade or other approved authority, approval only if the burn is to be supervised by the relevant Bushfire Brigade;
2. Roadside burning will only be considered where it forms part of a broader fire management plan or program,
3. Only consider the burn as part of a broader fire management plan;
4. Restrict burning to one side of the road only during any one year;

- ~~5.—Burning will generally be restricted to one side of a road in any given year to minimise cumulative impact, Prefer to see that the burn has ecological advantages to the road verge as well as fire hazard abatement;~~
- ~~3.~~
- ~~6.—Firebreaks to facilitate roadside burning will only be permitted where the roadside vegetation strip is greater than 20 metres wide and the Shire considers the firebreak necessary for the protection of roadside vegetation. Any such firebreak must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, where applicable. 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*;~~
- ~~4.~~
- ~~7.5. 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 Where required, proposals will be referred to relevant State agencies, including the Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions, to inform assessment and approval.~~
- ~~8.6. Applicant The applicant must advise the Shire of the actual burning date to enable monitoring of burn frequency and intensity, and to inform assessment of ecological impacts on individual roadsides. 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

- [Bush Fires Act 1954](#)
- *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	O0418-075	Apr 2020

			amend department name in point 6.		
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
Feb 2024	9	D16/29060[v4]	Update responsible position. Replace 'Council' with 'the Shire' in point 5.	O0224-018	Feb 2026
Jan 2026	10	D16/29060[v5]	Minor terminology updates in points 1, 2, 4 and 6. No change to intent or application.		Feb 2028



POL 0061: Museum Collection

COUNCIL POLICY

Purpose

To provide a clear and consistent framework for the acquisition, management and development of the Shire of Esperance Museum Collection. The purpose of the Collection is to -

1. Create a sense of place
2. Build a unique historical resource available to the public
3. Conserve heritage for the benefit of the community and future generations
4. Provide a supportive role for education and research for the community

Scope

The aim of the collection is to provide a range of materials reflecting the rich diverse heritage of the region. The collection will include -

1. Physical objects
2. Paper based records
3. Digital based records

The Collection -

1. Will cover a time frame from the earliest recorded information about the area to the present day
2. Should contain both current and retrospective materials in a range of formats
3. Will reflect the diversity of the community including collecting items relating to First Nations and multicultural people

Definitions

Accession: refers to the process of documenting an item for inclusion in a museum collection.

Acquisition: refers to the process of obtaining legal possession of an item for accessioning into a collection. Acquisitions can be by donation, purchase and bequest.

Collection: includes physical objects and archives. Archive material includes items such as photographs, documents, audio files, digital files artworks, published items, community organisation records.

Deaccessioning: refers to the process of removing an item from a museum collection and the recording of the disposal of this item from a collection.

Item: can be a physical object or archive material.

Ownership: refers to an item or collection where a clear legal title, without restrictions or conditions, has been established. The Esperance Museum seeks to obtain clear legal title for all items acquired for its collections.

Provenance: The origin and/or subsequent history of the material can be thoroughly documented and authenticated. Assessment of museum collection material includes documentation of its known chain of ownership.

Significance: refers to the historic, aesthetic, scientific and social values that an item or collection has for past, present and future generations.

Practice

Acquisition Principles

The Museum Collection will acquire material through purchase, copying, donation, gifting or creation.

No conditional donations will be accepted. Materials will only be accepted and included into the collection where it is open for public access after processing.

All materials acquired will become the property of the Shire of Esperance.

All materials will be assessed against the following criteria -

1. Relevance to the region
2. Significance including rarity, aesthetics, social/spiritual. Historic and technical values
3. Establishment of provenance
4. Representation of Collection themes
5. Maintenance, conservation and storage limitations

All materials will be assessed and processed in accordance with the Collection Management Practices.

Deaccessioning

As part of the ongoing collection management, there may be situations where it is necessary to remove materials from the collection. Deaccessioning may be required if -

1. it does not comply with current collection policy
2. It is damaged beyond repair or the conservation costs are beyond the means of the collection budget
3. It is a lesser quality duplicate of another item
4. It lacks any supporting information to enable proper identification to establish relevance to the collection
5. A substantiated request of the return of the item to its original owner/donor is received

Method of Disposal

The methods of disposal in order of desirability are -

1. Return to the donor or donor descendants.
2. Transfer or exchange to another appropriate organisation.
3. Sale with proceeds retained by the Museum.
4. Destroy or recycle.

Loan Principles

From time to time, items from within the Museum Collection may be loaned to other organisations on a temporary basis.

Council may also seek to borrow items from other organisations or individuals.

Items of the Shire of Esperance Museum Collection will not be loaned to individuals.

All loan requests will be reviewed on a case by case basis and approved by the CEO.

Loans will be subject to the Terms and Conditions as set out in the Loan Agreement.

Ethics

The Esperance Museum will only acquire items having a legal and ethical provenance and in accordance with State and Federal law and international agreements between Australia and other countries.

The collection of items will always be conducted in accordance with the standards of the Code of Ethics of Museums Australia Inc. or its subsequent review and National Standards for Australian Museums and Galleries.

.....End.....

Document Information

Responsible Position	Manager Community Support
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- Code of Ethics of Museums Australia Inc.
- National Standards for Australian Museums and Galleries

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Sept 2017	1		New policy	O0917-214	Sept 2019
Apr 2018	2	D17/25901	Biennial review, no change.	O0418-075	Apr 2020
Mar 2020	3		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	4	D17/25901[v2]	Minor change reflecting that the Code of Ethics of Museums Australia is currently under review.	O0620-183	Jun 2022
Dec 2021	5	D17/25901[v3]	Biennial review, no change.	O1221-225	Dec 2023
Feb 2024	6	D17/25901[v4]	Update purpose, include scope, rewrite Practice sections to reflect current practice.	O0224-018	Feb 2026



POL 0062: Advertising Signage in a Thoroughfare or Public Place

COUNCIL POLICY

Purpose

The purpose of this policy is to provide a regulatory framework for the design and placement of portable advertising signs within the Local Government. Council supports the need for signage to promote tourism, business, public events and community groups and services but also supports the need for regulation so that signage does not adversely impact the amenity and streetscapes of the Shire.

Scope

This policy will guide the Shire, local business and the community on circumstances where portable advertising signs may be displayed in public places within the District; and also circumstances where signs may be removed from public places if displayed contrary to this policy and/or our Local Law.

This policy does not cover -

1. fixed directional tourism signs or signs promoting public events;
2. signs and advertising devices on or in the vicinity of highways and main roads that come under the control of the Commissioner of Main Roads; or
3. signs, advertising or otherwise, that are covered under separate legislation (including election signage), local planning policies or the local planning scheme.

Definitions

General Definitions

Advertising Sign: A sign that is used for the purpose of advertisement or to draw attention to a product, business, person or event and includes a home open sign and garage sale sign. In the case of signs advertising a business or commercial venture they shall only display material which advertises the business or the products available from the business to which the sign relates.

Local Government: means the Shire of Esperance

Carriageway: A portion of a road that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayment's, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of these portions divided by a median strip, the expression means each of those portions separately.

Event: An occurrence proposed to be held within the Local Government on private or public land, either indoor or outdoor by a person(s) / group / organisation, where people assemble at a given time for entertainment, recreation, cultural or community purposes. This includes but is not limited to -

1. concerts and music festivals;
2. motorsport events, motor vehicle rallies and displays;

3. sporting events;
4. cultural and community events;
5. shows and fairs; and,
6. exhibitions, wine and food festivals.

Footpath: An area that is open to the public that is designated for, or has as one of its main uses, as use by pedestrians and includes dual use or shared paths.

Local Law: The Shire of Esperance, Activities in Thoroughfares and Public Places and Trading Local Law 2016.

Median Strip: Any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate two one-way carriageways for vehicular traffic proceeding in opposing directions.

Portable Sign: Includes 'A' frame or inverted 'T' signs, garage sale signs, home open signs, horizontal and vertical banner signs, and variable message signs (including trailer mounted).

Public Place: Any thoroughfare or place the public is allowed to use, whether or not the thoroughfare is on private property, and includes local government land/property but does not include premises on private property from which trading is lawfully conducted.

Sporting and Community Sign: A portable advertising sign erected by not-for-profit sporting, or community groups or services for the purpose of advertising a sporting or community event (e.g. cultural activities, sporting registration days, arts and craft fairs, market days or other events of public interest).

Thoroughfare: A road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Traffic Controlled Intersection: An intersection that has traffic control lights, stop signs, or give way signs directing traffic.

Traffic Island: Any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection to guide vehicular traffic.

Sign Types

'A' Frame of 'T' Frame: A self-supporting sign of rigid, lightweight material that is capable of being easily moved by hand, in 'A' or 'T' frame configuration.

Garage Sale: A sign made from cardboard/corflute, paper or other lightweight material that is used to direct persons to a garage sale at residential premises.

Home Open: A sign made from cardboard/corflute or other lightweight material used to direct persons to a home for sale that is open for inspection and includes display homes.

Horizontal Banner: A sign made of lightweight, non-rigid material such as cloth, canvas or similar attached by rope or similar material to poles or other vertical anchoring points.

Shire Project: A sign made from cardboard/corflute or other lightweight material used to promote construction projects being undertaken by the Shire.

Verandah: an advertisement above, on or under a verandah, cantilever awning, cantilever verandah and balcony over a public thoroughfare and maybe either of -

1. be a verandah sign – verandah fascia, where the verandah sign is fixed to the outer or fascia of a verandah and shall not project beyond the outer frame or surround of the fascia; or,
2. be a Verandah sign – under verandah, where the verandah sign is fixed at right angles to the front wall of the building to which it is to be affixed, except at the corner of a building at a thoroughfare intersection, where the sign maybe placed at an angle with the wall so as to be visible from both thoroughfares

Vertical Banner: A fabric or similar material sign with a single mast constructed of carbon- fibre or similar flexible material attached to a weighted base or otherwise anchored to the ground. These are typically marketed as 'teardrop', 'feather' or 'blade wing' signs.

Variable Message: An electronic sign that is capable of displaying a single message, or a series of messages

Practice

Strategic Context

This policy links to Growth – outcome 12. A prosperous and diverse economy within the Shire's Council Plan 2022-2032, and specifically the following outcome:

12.1 Attract and retain diverse industries and enterprises to grow the economy and local jobs.

Policy Statement

Portable advertising signs are not to be -

1. erected, placed or maintained on roundabouts, traffic islands, median strips, or within 10m of traffic controlled intersections at or around the following locations -
 - a. Norseman / Harbour Road / Coolgardie Esperance Highway;
 - b. Dempster & Andrew Street;
 - c. Andrew & Windich Street;
 - d. Dempster & William Street;

Note: Harbour Road come under the control of Main Roads Western Australia (MRWA) and as such, the control and placement of signs at those locations requires MRWA approval. Where there are compliance issues regarding the placement of signs at those locations, the Shire and MRWA work closely together to resolve those issues; or

2. attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, or on or between trees or other vegetation; or
3. electronically illuminated or have an electronic or animated display; or

4. placed on any footpath where the speed limit on the road abutting the footpath is 60 kilometres per hour or greater; or
5. mounted to a vehicle and/or trailer.

Portable advertising signs in public places shall -

1. have no moving parts once the sign is in place;
2. be placed on the property boundary and provide a minimum of 1.2 metres clearance from the abutting thoroughfare;
3. be weighted or anchored to retain their position in all weather conditions other than the circumstance in (d) below;
4. be removed by the owner during periods of severe weather warnings issued by the Bureau of Meteorology;
5. be manufactured from high quality materials (metal, plastic, wood or fabric) and have professional sign writing and/or graphics (including blackboards that are professionally presented);
6. be designed and supported in a manner that ensures there is no risk of injury to the public through sharp edges, projections, potential trip hazards or similar and
7. in the case of signs that advertise a business or other commercial venture, only be displayed when the business or other commercial venture to which it relates is attended by a representative of the business or commercial venture.

Signs requiring a permit

The Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2016* establishes the need for a permit to display certain types of portable advertising signs.

Subject to clause 2.2, permits are required for 'A' or 'T' frame signs, verandah, horizontal and vertical banner signs; and variable message signs that -

1. promote or advertise a business or any other commercial venture; and
2. promote or advertise a sporting event, community event, community group or community service.

A permit application fee will be charged for signs that advertise a business or commercial venture, but will not be charged for signs promoting charitable not-for-profit sporting or community events or services. To not be charged a fee, an organisation or individual is required to be a not-for-profit organisation (with an incorporation certificate) or a charitable organisation. The permit application fee is prescribed in Council's adopted Schedule of Fees and Charges.

The owner of a portable advertising sign advertising a business or commercial venture will be required to provide evidence of current broad form public liability insurance to the minimum value of \$10,000,000

Portable advertising signs for which a permit is required and has been issued will be required to indelibly display, the current permit number at the top right hand corner on one external face of the sign. Permits will be issued annually, unless the sign is only required for a short duration, or unless this policy requires otherwise; after which the permit holder will be required to apply for a permit renewal.

'A' or 'T' frame signs shall -

1. be limited to a maximum of one sign per business premises and placed directly in front of, or as near as is practically possible to the business to which it relates;
2. be placed with a set back from the carriageway of no less than 0.5m, and placed to maintain a clear thoroughfare (footpath) width of no less than 1.8m; and
3. have a maximum vertical or horizontal dimension of 1.2m and have an area allocated for advertising of no more than 0.9m² on either side.

Horizontal banner signs -

1. will only be approved when promoting or advertising sporting or community events or services;
2. shall have a maximum height of 1.5m;
3. shall have a maximum width of 2.5m; and
4. may be displayed for a maximum period of 14 days before an event and removed by the owner no later than one day after the event.

Vertical banner signs shall -

1. be a fabric sign with a single mast;
2. have a maximum flag size of 2.8m by 1.0m with a maximum height, including the stand, of 3.5m (when placed on an open verge);
3. have a maximum flag size of 2.0m by 1m with a maximum height, including the stand, of 2.5m (when placed on a footpath);
4. be no more than 60cm wide below 2m high; and
5. have no more than one vertical banner per 4m of street frontage (with a maximum of four banners per business) and excludes the use of an 'A' or 'T' frame sign (where more than one vertical banner is displayed, each banner shall display a different product or message).

Verandah sign shall -

1. where illuminated have any boxing or casing in which it is enclosed constructed of non-combustible material;
2. not have a light of such intensity of colour as to cause annoyance to the general public or to owners and patrons of adjacent land
3. not comprise flashing or intermittent or running lights;
4. have a minimum clearance of 2.75m from finished ground level

The Shire will not approve the use of variable message signs in a public place for the purpose of advertising a business or commercial venture.

Owners of approved business or commercial ventures that have no fixed business location may apply to use up to two portable advertising signs ('A' or 'T' frame, or other lightweight signs but not including banner or variable message signs) to advertise the location from which the business is currently being undertaken. The first sign to be at the approved trading location, the second is to be located within 500 metres driving distance of that location and shall otherwise comply with the requirements of this policy and the Local Law.

Signs not requiring a permit

Permits are not required for garage sale signs or home open signs. The owner of the signs is responsible for their placement and removal in accordance with this policy and the Local Law. Removal of the signs includes all materials from which the sign is constructed, and all materials used to secure the signs in place.

Garage sale signs are to include the address details, street number and street name, of the premises in which the garage sale is being held.

Restrictions -

1. no more than six separate signs shall be used to advertise or promote the same garage sale, or home open;
2. signs are not to be displayed more than one kilometre from the garage sale or home open, (two kilometres in rural and rural residential areas), within 250m of any other sign advertising or promoting the same garage sale or home open, or within 50m of any other portable advertising sign; and
3. signs should not delineate any more than two alternative routes to the garage sale, or home open.

Garage sale signs, and home open signs shall -

1. be free standing and not affixed to any sign, post, power or streetlight pole, or similar structure (including trees and other vegetation);
2. not exceed 500mm in height or 0.5m² in area;
3. not obstruct the vision of a driver of a vehicle entering or leaving a street or other public place; and
4. not interfere with the safe and convenient passage of pedestrians.

Government, Public Authority or Local Government Signage

Despite any other provision of this policy a government, public authority or local government in the carrying out of their respective duties are exempt for the requirement to gain a permit,

Refusal of applications

Applications that do not comply with the requirements of the Local Law and this Policy will be refused by the Shire.

Removal of unauthorised signs

Portable advertising signs placed contrary to this policy and/or the Local Law may be impounded by the Shire.

Impounded signs may be claimed by the owner following payment of an impound fee as prescribed in Council's Schedule of Fees and Charges. In addition to the impound fee, owners of impounded signs may also receive a written caution and/or an infringement.

.....End.....

Document Information

Responsible Position	Manager Waste and Environmental Health
Risk Rating	Medium

Referencing Documents

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

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jan 2018	1		New policy	O0118-013	Jan 2020
Apr 2018	2	D18/374	New Policy Res O0118-013, amend point 1 under 'size, structure and stability of signs' section.	O0418-075	April 2020
Dec 2021	3	D18/374[v2]	Rewrite of policy	O1221-225	Dec 2023
Feb 2024	4	D18/374[v3]	Update strategic context section. Increase public liability required to \$10 million. Amend responsible position title.	O0224-018	Feb 2026



POL 0064: Shark Hazard Response

COUNCIL POLICY

Purpose

The purpose of this policy is to –

1. Provide direction for responding to shark interactions and shark sightings, as well as the broader approach to water safety warnings and information provided to the public.
2. Guide the administration of the Shire of Esperance Property Local Law 2009, under which a sign may be erected to regulate, prohibit or restrict specific activities on the beach or in the water and the giving of directions to swimmers to leave the water if a shark is suspected of being in the vicinity of the beach.

Scope

This policy applies to beach areas under the care, control or management of the Shire of Esperance.

Definitions

Authorised Person: means the Chief Executive Officer or a person or class of persons appointed under section 9.10 of the *Local Government Act 1995* for the purpose of administering the Shire of Esperance Property Local Law 2009

DPIRD: mean Department of Primary Industries and Regional Development

DBCAs: means Department of Biodiversity, Conservation and Attractions – Parks and Wildlife Service

Patrolled Beach: means a beach that has a SLSWA beach safety and surveillance service in operation.

Shark Interaction: means an incident where a shark bumps, nudges, chases or attacks or person

SLSWA: means Surf Life Saving Western Australia

Unverified Shark Sighting: means a shark sighting reported to the Shire from Water Police WA and forwarded to the Shire from the Water Police WA.

Verified Shark Sighting: means a shark sighting reported to the Shire from WA Government Shark Monitoring Network, that is tagged shark detected through the shark monitoring network

In determining the level of shark response, the following Beach Categories and summary response protocols have been established.

Beach Categories

Category 1: Patrolled by SLSWA, Beach Life Guards (during vacation swimming lessons) or VacSwim educators

Response: Evacuate / close beach – re-open 1 hour post last sighting. Warning sign in place for 24 hours.

Category 2: Not patrolled, easy road access, regularly populated, car parking and amenities provided.

Response: Notify beach goers as soon as practicable. Post signage indicating recent shark sighting / activity. If frequency > 4 times/annum, consider permanently beach signage. Remove signage 2 hours post last sighting. Warning sign in place for 24 hours.

Category 3: Not patrolled. Access available but not regularly occupied by crowds, no amenities.

Response: As soon as practicable, post signage indicating recent shark sighting/activity. If frequency > 4 times/annum, consider permanently sign beach.

Category 4: Not patrolled. Remote, limited access, no amenities, not thought to have crowds of 10 persons or more.

Response: If practicable, post signage indicating recent shark sighting/activity. If frequency > 4 times/annum, consider permanently sign beach.

Practice

The Chief Executive Officer will prepare a more detailed internal procedures/protocol to supplement this policy and to guide operational staff in the exercise of their functions. The Chief Executive Officer will consult with Councillors as appropriate in the development of those procedures/protocol.

The policy acknowledges the length of the Esperance coastline. Beaches have been categorized using factors such as SLSWA patrols, vacation swimming, access and use. Response to shark sightings at the different categories are reflective of these factors.

This policy recognises that at a beach patrolled by SLSWA, the on duty life saver will be responsible for implementing shark sighting response in accordance with the SLSWA standard operating procedures. In addition Rangers will respond advising beach users and the shark sighting and place signs (warning or beach closed) 1kilometre either side of the sighting.

The Shire will be responsible for activation of Shark Warning Towers (Spectur) at Kelp Beds, West and Twilight Beaches where an unverified shark sighting has been reported. (Note: Verified (detected) shark triggers an automatic activation of the Shark Warning Tower at the relevant beaches).

Surfcomm will be notified by Rangers when Shark Warning Tower is activated on SLSWA patrolled beaches when they are patrolled.

The Shire will engage with SLSWA with the aim of updating coastal risk and safety signage.

Shark sighting reports received by the Shire through the Shark Monitoring Network generally provide details about the location of the shark, species, size and in some instances direction of travel, which are essential for making decisions about swimmer

safety. The Shark Monitoring Network service available will inform the Shire's response to a shark sighting.

Shark sighting reports received by the Shire from the WA Water Police will be assessed acknowledging the source of the information i.e. a public report.

In the event of a shark attack fatality, WA Police are the lead agency. The Shire will provide assistance with the management of the shark attack and implement beach safety measures as considered necessary and under the direction of the WA Police.

Where a direction is given to swimmers to leave the water following a shark attack, the decision to re-opening a beach for swimming shall occur after consultation with lead agencies.

Policy recognizes the need for improving community awareness and education about the shared responsibility of risk. The Shire will actively promote -

1. Report Shark Sightings to Water Police on 9442 8600;
2. WA Governments Shark Smart website; and,
3. Other communication mechanisms to inform the community of recent reports of shark activity/management.

Policy Content

At a Patrolled Beach, when the beach is patrolled, an SLSWA life guard is the authorised person for responding to a shark sighting and for implementing the SLSWA response procedure which may include sounding alarms* to alert swimmers, clearing the water of swimmers and monitoring shark presence.

* Note – this alarm is separate to the Shark Warning Tower (Spectur) system managed by Shire Rangers.

All shark sightings are to be reported to Water Police on 9442 8600.

Due to the minimal risk associated, if the shark sighted is less than 2 metres in total length, the Shire will monitor but maintain normal operations and not take any action.

The Shire may also mobilise as outlined below in the event of an Unverified Shark Sighting to minimize risk to the community -

1. The Shire will be responsible for activation of Shark Warning Towers (Spectur) at Kelp Beds, West Beach and Twilight Beach
2. If the shark sighted is greater than 2 metres in total length and less than 500 meters from the shore, temporary signage is to be placed on the beach immediately adjacent to the shark sighting location, at intervals of approximately 500 metres and/or on key beach entry points, for a distance of approximately 1000 meters from a point on the beach immediately adjacent to the shark sighting location.
3. Warning Signage installed on a beach or access points to a beach will remain in place for at least 24 hours from the time of the last notification after the last shark sighting. Beach Closed signage, when installed, will remain in place for a

minimum of 1 hour post last sighting for Category 1 Beach or a minimum of 2 hour post last sighting for Category 2 Beach.

Shark Interaction at Shire Managed / Controlled Beaches) -

1. Where there is a shark interaction i.e. bump/nudge/chase, the beach maybe closed by Authorised Persons.
2. Where a shark attack fatality occurs, the beach will be closed by Shire Authorised Person(s) under the direction of the Incident Controller. The beach will re-open 48 hours post incident.
3. Incident Controller, managing the incident, will provide direction to Shire response activity, (i.e. beach closure, manned or unmanned) until responsibility of land management is returned to the Shire.
4. The Shire will consult with relevant agencies in the consideration of activities that may include the re-opening of beaches after an incident has occurred.
5. Shark Warning Tower activated (Mode 2 – Evacuation) by Shire authorised persons.
6. In the event that the Twilight Beach Shark Warning Tower is activated an authorised person will notify SurfCom on 137873.
7. Beach closed signs will be erected at critical locations car park / beach entry points as soon as practicable to notify beach goers of the potential danger and beach closure.
8. An Authorised Person or support agencies will also patrol the relevant beach area one kilometre each side of the attack to notify beach goers of the potential danger.
9. Where it is identified that the public is in clear immediate danger from shark threat, an Authorised Person will endeavour to notify the public via the use of a vehicle horn, air siren or whistle, where available and practical.
10. Where a shark interaction occurs, the Shire may consider installing permanent static signs to notify the public of the potential risk.
11. Permanent signage may contain relevant information provided by DPIRD and Surf Life Saving WA outlining safer water use practices / considerations.
12. If a shark interaction occurs between Bandy Creek Boat Harbour and Cape Le Grand National Park an authorised person will notify DBCA on 9083 2100.

Community awareness of shark hazard will be promoted by -

1. Providing information on the Shire website about how to access recent reports of shark activity from the WA Government information and encourage swimmers to SLSWA patrolled beaches.
2. Installing permanent signage at key beach car parks to inform and promote to beach users, how to access the most recent information on local shark activity.
3. Temporary signage installed in accordance with this policy shall be used to inform beach users and swimmers that a shark has been sighted in the vicinity and provide information on how to access the latest shark sighting report information from the WA Government information and communication platforms.

Prioritisation of response activities

Shire Rangers / Authorised Persons will respond to shark sightings as a matter of priority, except where currently engaged in or mobilised to respond to the following -

1. Fire / emergency;
2. Dog attack on person; or
3. Stock on road.

Where priority activities divert Shire resources from dealing with immediate shark matters, secondary support resources will be activated as soon as possible to assist from the following -

1. Other on-duty Shire Ranger / other Authorised Persons;
2. WA Police and other Emergency Service agencies (where relevant);
3. Other Shire Services as required.

Record Management

Responding Authorised Persons are required to collate and archive records containing the following -

1. Date, location, type, size and time of shark sighting / attack and summary of activities undertaken in each instance.

The Rangers will also collate and maintain a record of -

1. Number of shark related activations within each financial year;
2. Number of shark related closures within each financial year;
3. Number of shark attacks in each financial year.

.....End.....

Document Information

Responsible Position	Manager Ranger and Emergency Services
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- Shire of Esperance Property Local Law 2009

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jun 2020	1	D20/15285	New policy	O02620-184	Jun 2022
Dec 2021	2	D20/15285[v2]	Remove attacks and replace with interactions in 1.1 under Purpose. Include definition of interaction. Updates to wording throughout.	O1221-225	Dec 2023
Feb 2024	3	D20/15285[v3]	Simplify scope. Include definitions of DPIRD, DBCA	O0224-018	Feb 2026

			and beach categories. Include 'shark interactions at Shire managed/controlled beaches', 'prioritisation of response activities' and 'record management' sections. Amend responsible officer position.		
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POL 0066: Compliance

COUNCIL POLICY

Purpose

To enable a standardised approach to compliance and enforcement, by -

1. Ensuring a consistent and proportionate approach to compliance and enforcement related matters;
2. Providing transparency, applying procedural fairness and upholding natural justice for all compliance and enforcement related matters;
3. Providing an educational, cooperative and collaborative process, aimed at achieving voluntary compliance; and
4. Guiding decision-making processes and subsequent actions to be taken.

To outline the Shire's approach to addressing compliance related issues and to ensure any decisions made for enforcement action are timely, consistent and reasonable. This Policy will apply to the Shire's compliance responsibilities with respect to the following Acts (and any subsidiary legislation made under the Acts) -

1. *Building Act 2011*;
2. *Bush Fires Act 1954*;
3. *Caravan Parks and Camping Grounds Act 1995*;
4. *Cat Act 2011*;
5. *Cemeteries Act 1986*;
6. *Dog Act 1976*;
7. *Emergency Management Act 2005*;
8. *Environmental Protection Act 1986* (Public Health component only);
9. *Food Act 2008*;
10. *Health (Miscellaneous Provisions) Act 1911*;
11. *Litter Act 1979*;
12. *Local Government Act 1995*;
13. *Local Government (Miscellaneous Provisions) Act 1960*;
14. *Planning and Development Act 2005*; and
15. *Public Health Act 2016*.

Responsible officers are not limited by this Policy in their use of discretion and the exercise of their functions. The full circumstances of each case will be considered and a decision made on the merits of each individual matter.

The Policy is intended to complement (not substitute) the below external references -

1. Compliance and Enforcement Guideline for Enforcement Agencies published by the Western Australian Department of Health for compliance and enforcement of the *Food Act 2008*, *Food Regulations 2009* and *Australia New Zealand Food Standards Code*; and
2. Compliance and Enforcement Policy published by the Department of Water and Environmental Regulation applicable to the *Environmental Protection Act 1986*, *Litter Act 1979* and related legislation.

Scope

This Policy applies to all compliance and enforcement actions by any Officer with responsibilities under statutory or delegated authority for ensuring compliance with Western Australia state legislation and Shire of Esperance (the Shire) local laws.

Definitions

Authorised Person: a person or a member of a class of persons who have statutory (including delegated) power or who are otherwise authorised to commence and carry out legal proceedings relating to an offence, as provided in the relevant legislation.

Compliance: acting in accordance with relevant legislation and lawful directions.

Enforcement: both action taken against parties in response to evidence of unlawful activity, and to the processes preceding such action: responding to allegations of breaches, inspecting, assessing and investigating potential unlawful activity. Enforcement also includes processes prior to making a decision not to enforce the law in particular circumstances, despite evidence or allegations of non-compliance.

Investigation: the process of establishing and analysing facts and applying fair and reasonable interpretations to determine whether a non-compliance or an offence have occurred and the person most likely responsible.

Offence: a form of non-compliance that is classified as an offence in legislation.

Officer: an employee of the Shire of Esperance.

Proactive Compliance: the commencement of compliance investigations into an activity without a written complaint.

Shire: the Shire of Esperance.

Standard of Proof: the desired standard of proof, to be applied to all relevant facts, is 'beyond a reasonable doubt', as required for a successful prosecution in criminal proceedings.

Practice

Compliance and Enforcement Action

The Shire is required to administer its statutory responsibilities under applicable legislation in a transparent and fair manner in the interest of public health, safety, and amenity. The Compliance Matrix contained in this Policy is not a complete list of compliance matters the Shire may investigate under its responsibilities.

Each investigation into an alleged offence undertaken by the Shire will be assessed on a case-by-case basis as per this Policy. An Offence Category may be varied to ensure the response is appropriate under the circumstances and is proportionate to the nature of the offence, and the harm caused or likely to be caused. Where there is a deviation, the responsible Manager or Director will be informed to confirm the divergence from the Policy and proposed actions.

Conflict of Interest

Where a real or perceived conflict of interest may exist, the Officer affected will ensure the responsibility to investigate and respond is transferred to another appropriately-authorized person.

Investigation Process

Process of investigation -

1. Assess the information/allegation of alleged breach;
2. Determine the appropriate investigative approach;
3. Ensure the Officer has the appropriate powers and authority;
4. Plan the investigation;
5. Collect information and evidence;
6. Apply standard of proof;
7. Record all relevant information;
8. Prepare investigation documentation with any recommendation for enforcement action; then
9. Close investigation.

The investigation process must be read in conjunction with any statutory provisions and guidelines applicable to a particular investigation being undertaken.

Reactive Compliance Investigations

Reactive compliance investigations will be undertaken and prioritised based on the Offence Categories set out in this Policy.

In some circumstances compliance issues may be the result of neighbourhood disputes. The Shire may discontinue an investigation of a complaint where it can be reasonably ascertained the complaint is unsubstantiated or pertains to a civil matter. The Shire will not provide advice in relation to civil matters.

Proactive Compliance

Proactive compliance may be carried out in the following circumstances -

1. Audits of Approvals, Permits and/or Refusals;
2. Assessments conducted in response to Pre-Sale Report requests;
3. Education and awareness raising to encourage voluntary compliance;
4. Investigation of issues observed by officers during the course of work-related activities; and
5. Investigation of issues identified through annual work programs in which the principles outlined in the Policy will also be applied.

Conclusion of Investigation

At the conclusion of an investigation, officers shall use the most appropriate action based on this Policy in conjunction with the Compliance and Enforcement Matrix, unless approved otherwise by the appropriate Manager or Director.

Complainants and alleged offenders will be advised in writing, or another appropriate form of communication, of the investigation outcome (subject to confidentiality requirements) and the matter closed.

Offence Categories

Where an investigation is undertaken, and it is considered there is sufficient evidence to substantiate an allegation of a breach, the Shire will take the appropriate enforcement action. The action will be based on the specific circumstances of each individual case, with considerations to the Offence Categories.

Offence Categories

Minor: A breach of legislation, which has a minimal impact on the community, a person or the environment. The breach may be able to be resolved in a relatively short timeframe without any further impact once compliance has been reached.

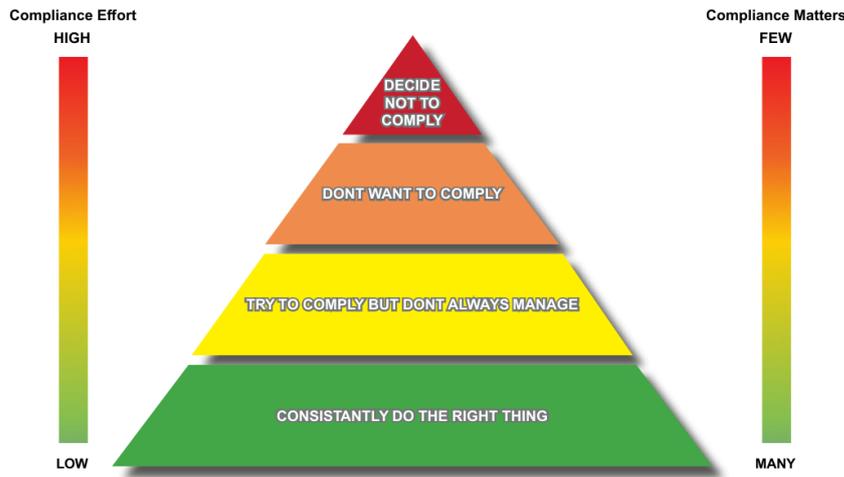
Moderate: A breach of legislation that may initially have minimal impact on the community, life, critical infrastructure, property, or the environment but if allowed to continue the impact may have a major or more significant impact. The breach may initially be able to be resolved with a formal warning, infringement, directions notice or order under relevant legislation.

Major: A breach of legislation that significantly affects or risks the health and safety of the community, life, critical infrastructure, property, or the environment. It may also be a case where the issue cannot be resolved in a short timeframe, or where the alleged offender is not willing to cooperate or negotiate in order to achieve compliance, which may lead to a prosecution action.

Offence Categories are a guide only and are subject to review during the investigation process. Enforcement actions contained in the above definitions are not exhaustive or limiting to each particular definition.

Enforcement Options

The Shire will apply a graduated and proportionate approach consistent with the below diagram:



Any enforcement action commenced is to be timely in order to provide the best chance of achieving a desired outcome.

Enforcement Options

At the conclusion of an investigation, officers shall use the most appropriate action. This may include one or more of the following enforcement options (listed in increasing order of severity) -

1. No enforcement action taken, or information provided on how to achieve compliance;
2. Referral to an external agency or relevant authority;
3. Request for retrospective approval (if applicable), or remedy in accordance with relevant legislation;
4. Formal Warning issued;
5. Penalty Infringement Notice issued;
6. Statutory Notices, Orders, or Declarations issued *;
7. Prosecution action commenced; or
8. A combination of the above.

* Notices, Directions or Orders may require, amongst other things, the land owner, occupier, or recipient to obtain subsequent approvals, cease the unapproved development, remove unapproved structures or undertake prescribed work.

Enforcement Action

Decisions on enforcement action may have regard to any or all of the following factors -

1. Whether there has been a failure to comply with any request, direction or notice;
2. Internal recommendations, including those made by the Development Coordination Unit;
3. Whether the breach or offence was committed wilfully or unknowingly;
4. Whether the breach or offence is ongoing;
5. Any mitigating or aggravating circumstances;

6. Any demonstrated history of non-compliance;
7. The length of time since the incident (including statutory time frames);
8. The potential short and long-term consequences of non-compliance; and
9. Legal precedents, advice received or the existence of an estoppel situation.

Circumstances Where No Enforcement Action Necessary

The Shire may take no enforcement action after an investigation, where -

1. It is considered that an educative approach through issuance of a written warning or verbal instruction to prevent continuance or reoccurrence of the matter is most appropriate;
2. There is insufficient evidence to prove non-compliance after reasonable attempts have been made to investigate the matter;
3. The individual or entity has remedied the alleged breach, discontinued or removed the unauthorised development or has obtained the relevant approval(s);
4. Having regard for the capacity of the alleged offender, it is determined that an alternative approach to achieving compliance is more appropriate;
5. The matter is considered trivial in nature, or would be an unreasonable use of the Shire's resources;
6. It is likely a consent would have been given for the activity if it had been sought; and
7. Considerable time has elapsed since the breach occurred, in circumstances where the potential for harm is minimal and the matter is minor in nature.

Acting in Default of Notices or Orders

Legislation may permit the Shire to undertake works as specified in a Notice or Order to restore the land as nearly as practicable to its condition immediately before the development started, or execute that work as it directed that person. The Shire may be entitled to recover its expenses in a court of competent jurisdiction.

Prosecution Actions

Initiation of Proceedings

The Shire may instigate prosecution proceedings under an Act, regulation or local law where the Shire considers the offence warrants such action. The Shire may also become involved in prosecution proceedings if -

1. At the election of the alleged offender;
2. Escalation following a court decision; or
3. Escalation following a State Administrative Tribunal (SAT) decision.

The Shire may consider the following when determining whether to initiate prosecution proceedings -

1. The seriousness and nature of the offence;
2. Legal advice received including the prospects of success;
3. Any evidence of contempt or disregard for the law;

4. Any public health or safety impacts resulting from the offence; and
5. Whether the prosecution is in the public interest.

Withdrawal of Proceedings

The Shire may consider the following factors when determining whether to withdraw from prosecution proceedings -

1. Legal advice received; or
2. The Chief Executive believes an appropriate level of compliance has been achieved; or
3. The matter has been settled out of court; or
4. An error of law or fact occurs; or
5. The owner or occupier of the land is deceased or cannot be located.

Right of Review and Appeals

Offenders will be notified in writing of their right to appeal a direction or decision of the Shire when applicable. Where a right of review is lodged with the State Administrative Tribunal or Shire, no further enforcement action will be taken until a determination has been made.

This does not prevent the Shire from pursuing other matters in instances where numerous non-compliances relate to the offender.

Disclosure of Information

Requests for information from members of the public in relation to compliance or enforcement matters will be handled in accordance with the Shire's Freedom of Information Statement.

Requests made pursuant to the Freedom of Information Act 1992 (FOI Act) will be handled in accordance with the processes set out in the FOI Act. Any decision to release or refuse to release information will be considered on a case-by-case basis in accordance with the provisions of the FOI Act.

Officers shall not release information on specific compliance and enforcement activities, such as active investigations to the public.

Delegations

Refer to Register of Delegations and Sub-delegations (as amended).

Compliance Matrix

Offence Description	Statutory Authority	Offence Category		
		Minor	Moderate	Major
Building Services				
Building Regulations 2012				
Non-compliant pool barrier – non-compliant barrier	r50			X
Unauthorised building work	s9		X	
No Notice of Completion	s33	X		
Occupying a building without Occupancy Permit	s41		X	
Planning Services				
Planning & Development Act 2005				
Unauthorised land use1	s218		X	
Unauthorised development1	s218		X	
Extractive Industries				
No approval / major breach of conditions	s218			X
Ranger Services				
Dog Act 1976 & Cat Act 2011				
Unregistered animal (dog / cat)	Dog s7(1) Cats 5(1)	X		
Dog Act 1976				
Wandering dogs - private property (dog in a place without consent)	s33A(3)		X	
Dog attack - causing physical injury	s33D(1)			X
Dog attack - causing no physical injury	s33D(2A)		X	
Restricted breed or declared Dangerous Dog offences	s33E		X	
Dog causing a nuisance by barking	s38(5)		X	
Local Government (Miscellaneous Provisions) Act 1960				
Livestock - wandering at large – thoroughfare	s.484(1)			X

Litter Act 1979				
Illegal dumping	s 23		X	
Private Property Local Law				
Unightly / untidy properties	Local Law		X	
Bush Fires Act 1954				
Fire – offences relating to fires in the open air during a Total Fire Ban	s22(B)2		X	
Failure to meet Fire Hazard Reduction Notice requirements	s33(3)		X	
Local Government (Uniform Local Provisions) Regulations 1996				
Interfering with, or taking anything from, land that is local government property without lawful authority	r. 5(1)		X	
Placing on a public thoroughfare anything that obstructs it without lawful authority	r. 6(1))		X	
Constructing anything on, over, or under a public thoroughfare or other public place that is local government property without lawful authority	r. 17(1))		X	
Cat Local Law 2024				
Cat not to be nuisance	2.1(4)		X	
Cat in cat prohibited area	2.2		X	
Keeping more than prescribed number of cats without a permit	3.2(1)(a) & (b)		X	
Keeping a cattery without a permit	3.2(1)(c)		X	
Failure to comply with permit condition	3.7(3)		X	
Environmental Health Services				
Health (Miscellaneous Provisions) Act 1911				
Construction or installation of apparatus for the treatment of sewage without the approval of the local government or Chief Health Officer	s107(2)		X	

Inhabiting or occupying a house that has been declared unfit for human habitation	s136F		X	
Failure to comply with a notice issued under Part V of the Health Act	s140(1)		X	
Open or use a public building without a valid certificate of approval	s178(4)		X	
Causing a nuisance and allowing it to continue	s182		X	
Carrying out an offensive trade in breach of the Health Act	s189		X	
Food Act 2008				
Handling and sale of unsuitable food	s18		X	
Failure to comply with requirements of authorised officers	s45		X	
Contravention of a prohibition order	s68			X
Failure to provide notification of conduct of food business	s107		X	
Environmental Protection Act 1986				
Unreasonable noise emissions from premises	s79		X	
Failure to comply with a Noise Abatement Direction	s81(2)		X	
Caravan Parks and Camping Grounds Act 1995				
Caravan park or camping ground not to be operated without licence	s6		X	
Failure to maintain a register of occupiers, copies of the act and regulations and facility rules if any on the premises	s13(1)(b) & (c)	X		
Failure to display a licence, conditions if any, a plan of the facility, facility rules if any and name, address and telephone number of a person to be contacted in an emergency.	s14(2)	X		
Obstructing an authorised Officer	s19		X	

Failure to comply with a works specification notice	s21		X	
Local Laws				
Shire of Esperance Local Laws				
Contravenes a provision of the local laws	Local Law	X		

[1] Where a non-compliant use or development (excluding signage) has occurred in Special Control Area (SCA)4, or SCA5, the offence automatically moves up one category.

The offences contained in the above Compliance Matrix are indicative only and do not form a complete list of compliance matters the Shire may investigate under its regulatory responsibilities.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Medium

Referencing Documents

- *Local Government Act 1995*
- Acts and subsidiary legislation as listed in Purpose.

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Mar 2022	1	D17/11724	New policy	O0322-059	Mar 2024
May 2024	2	D17/11724[v2]	Update title, update responsible position, minor change to wording in Purpose and Enforcement Options sections and Compliance Matrix table.	O0524-052	May 2026



POL 0067: Body Worn Camera

COUNCIL POLICY

Purpose

The objective of this policy is to formalise the use of by Body Worn Cameras (BWC) and manage the records generated through their use.

The use of a Body Worn Camera provides a ~~means~~ method to document law enforcement activity through contemporaneous audio and visual recording ~~of incidents as they are occurring~~. The purpose of using a BWC-s is to reduce aggression and complaints against compliance and regulatory officers, increase their officer safety and provide ~~collaborating corroborating~~ evidence for to support prosecutions.

Scope

Body Worn Cameras ~~will be~~ intended to be worn routinely by Rangers and compliance officers completing investigations, inspections, or assessments.

Definitions

Body Worn Camera - A wearable camera providing high definition and high quality ~~high-quality~~ audio ~~that is~~ used to record interactions between local government officers and community members.

Recording – Any audio, visual, or audio-visual data captured by a Body Worn Camera, including associated metadata, that constitutes a record for the purposes of the State Records Act 2000, subject to access, disclosure, and evidentiary requirements.

Practice

- ~~1.~~ Use of ~~Body Worn Cameras~~ BWC by officers to assist in the administration of their duties and dealings with the public is to be authorised by the Chief Executive Officer or authorised delegate.
- ~~1.~~
2. Visual and sound records captured by Body Worn Cameras will be stored, accessed and disposed of in accordance with the Shire's Records Management Policy ~~COR-009~~, *Freedom of Information Act 1992*, *State Records Act 2000*, *Surveillance Devices Act 1998*, and the *Evidence Act 1906*.
3. Authorised staff who use ~~Body Worn Camera~~ BWC devices are to follow Shire procedures, to ensure the appropriate and proper use of BWC devices in the performance of their duties and ~~their~~ dealings with the public, where ~~the~~ recordings are consistent with this policy and the law.
4. BWC devices will be stored in a secure location when not in use. Loss or theft of any BWC is to be ~~immediately reported~~ reported immediately.
5. BWC devices will only be used by on-duty officers wearing a Shire uniform or displaying formal identification.

6. BWC devices will be used in an overt manner, ~~and~~ attached in a prominent location on the officer's body, uniform, or clothing in a manner that maximises the ~~cameras~~ camera's ability to capture video footage.

~~6.~~

7. Where reasonably practicable, officers will identify themselves to any person, (or group of persons,) likely to be captured in the field of view and give notice that the BWC is switched on and actively recording. Notice is not required ~~in the event that where~~ there is a real or perceived danger to the officer or another person ~~that which~~ precludes the giving of notice. A written record is to be created to justify that decision.

8. Recordings (data) must not be deleted from the BWC by an officer in the field. All ~~BWC~~ recordings captured must be retained for assessment and classification in accordance with Shire records management requirements.

~~8.~~ Requests for access to, or copies of, BWC data will be assessed and managed in accordance with Shire Policy and applicable privacy and records legislation.

9.

.....
End.....

Document Information

Responsible Position	Manager Waste & Environmental Health <u>Rangers and Emergency Services</u>
Risk Rating	Medium

Referencing Documents

- Local Government Act 1995,
- Evidence Act 1906.
- *Freedom of Information Act 1992,*
- *State Records Act 2000,*
- *Surveillance Devices Act 1998,*
- ~~Evidence Act~~ Records Management Policy

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Feb 2023	1	D23/3062	New policy	O0223-028	Feb 2025
Feb 2024	2	D23/3062[v2]	Include definition and scope.	O0224-018	Feb 2026
<u>Feb 2026</u>	<u>3</u>	<u>D23/3062[v3]</u>	<u>Added clause 9 to clarify record governance. Minor terminology, and reference updates for currency.</u>		<u>Feb 2028</u>



POL 0068: Sporting Association Ground Fees

COUNCIL POLICY

Purpose

This policy provides the methodology for utilising the Sporting Association Ground Fees “Charge per Unit” as specified within the Annual Shire of Esperance *Schedule of Fees and Charges*.

Scope

This policy applies to seasonal users of Shire of Esperance sporting grounds.

Definitions

N/A

Practice

Council will set a ‘unit’ charge for the seasonal use of Shire of Esperance sporting fields. Seasonal sporting association fees will be calculated based on the following formula:

Number of Grounds x Field Size x Length of Season x Impact x Junior Discount = No. of units.

The number of units is then multiplied by the “charge per unit” to determine the total owing by each seasonal user.

Notes:

Field size is determined per 5000m² (approximately). All football/cricket ovals are rated as being 20,000m².

Season Length is measured either as ½ year or full year.

Impact of each sport on the grounds is measured as either high or low.

The Junior Discount (at a rate of 75%) is only applied in instances where there is no senior competition with regards to that particular sport.

Allowance is for 1 day of competition or club day per sport per field. No charge for training however competition/club days have priority. Additional days attract an additional charge, although discretion is available where a full day’s activity is split across two days without impacting on other sports and/or resulting in a lower impact on the sporting grounds.

Sports will not have their fee increase by more than \$300 or 10% (whichever is greater) in a single year (unless they add an additional ground or day to their previous booking).

.....End.....

Document Information

Responsible Position	Director External Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Jul 2017	1	D17/20732 (rev 03)	New policy	O0717-169	Jul 2019
Apr 2018	2	D17/20732 (rev 05)	Biennial review, no change.	O0418-075	Apr 2020
Mar 2020	3		No change, laid on table for further discussion.	O0320-073	Mar 2022
Jun 2020	4	D17/20732[v2]	Policy moved to Executive Services area reflecting the reporting line under the organisational structure.	O0620-183	Jun 2022
Jan 2022	5	D17/20732[v3]	No change to wording – move to Corporate & Community Services.	O0122-012	Jan 2024
Feb 2024	6	D17/20732[v4]	Update responsible officer.	O0224-018	Feb 2026



POL 0069: Local Planning Scheme No. 24 Advertising Requirements

COUNCIL POLICY

Purpose

To ensure consistency when advertising Development Applications that are an A use under the Shire of Esperance Local Planning Scheme.

Scope

This policy applies to all development that requires advertising as an A use under the provisions of the Shire of Esperance Local Planning Scheme.

Definitions

development. means the development or use of any land, including –

1. Any demolition, erection, construction, alteration of or addition to any building or structure on the land;
2. The carrying out on the land of any excavation or other works;
3. In the case of a place to which a protection order made under the *Heritage Act 2018* Part 4 Division 1 applies, any act or thing that –
 - a. Is likely to change the character of that place or the external appearance of any building; or
 - b. Would constitute an irreversible alteration of the fabric of any building.

A use: means that the use is not permitted unless the Shire has exercised its discretion by granting development approval after advertising the proposal.

Practice



COUNCIL POLICY

USES	Shire of Esperance Hope, Discovery, Adventure. It Happens Here!											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Abattoir	X	Webpage & Social Media	X	X	X	X	Webpage	X	X	X	X	X
Aged care facility	Letter	X	X	X	X	X	X	X	X	X	X	X
Agriculture – Intensive	X	D	X	Letter & Webpage	X	X	X	X	X	X	X	
Amusement parlour	X	X	X	X	X	X	X	D	Webpage	Webpage	D	D
Animal establishment	X	D	Letter	D	Letter	X	X	X	X	X	X	X
Animal husbandry – intensive	X	D	X	Letter	X	X	X	X	X	X	X	X
Art gallery	I	D	Webpage & Social Media	X	Webpage	X	X	D	Webpage	Webpage	D	D
Betting agency	X	X	X	X	X	X	X	X	Webpage & Social Media	Webpage & Social Media	X	Letter & Webpage
Brewery	X	D	X	Letter & Webpage	Letter & Webpage	D	D	I	I	I	D	X
Caravan park	X	Letter, Webpage & Social Media	X	Letter & Webpage	Letter & Webpage	X	X	X	X	X	D	X
Child care premises	Letter	X	X	X	Letter	X	X	D	D	D	X	D
Civic use	X	D	X	X	Webpage	D	D	D	D	D	X	D
Club premises	X	Letter & Webpage	X	X	D	D	X	D	D	D	X	D
Commercial vehicle parking	Letter	D	Letter	D	Letter	D	D	X	X	X	X	X
Community purpose	X	X	X	X	Webpage	D	D	D	D	D	X	D

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Consulting rooms	Letter & Webpage	X	X	X	D	X	X	D	D	D	X	X
Convenience Store	X	X	X	X	Letter & Webpage	Webpage	X	P	D	D	Webpage	X
Corrective institution	X	Letter & Webpage	X	X	X	X	X	X	X	X	X	X
Educational establishment	Webpage & Sign	Webpage & Social Media	X	Letter & Webpage	Webpage & Sign	X	X	Webpage	Webpage	Webpage	X	Letter & Webpage
Exhibition centre	X	D	Letter & Webpage	Letter & Webpage	D	X	X	D	D	D	Webpage	X
Fuel depot	X	D	X	X	Webpage	D	D	X	X	X	X	X
Funeral parlour	X	X	X	X	Webpage & Sign	Webpage	D	Webpage	X	X	X	X
Garden centre	X	D	X	D	X	D	D	X	Webpage	Webpage	X	X
Holiday accommodation	X	Webpage & Social Media	X	X	Letter & Webpage	X	X	D	X	X	D	X
Holiday house	Letter	D	Letter	D	Letter	X	X	X	X	X	P	X
Home store	X	D	X	Webpage	Letter & Webpage	X	X	X	X	X	X	X
Hostel	Letter	Letter or Webpage	X	X	X	X	X	X	X	X	Webpage	Letter & Webpage
Hotel	X	X	X	X	Letter & Webpage	X	X	D	X	X	D	X
Industry – Cottage	X	D	D	D	Letter & Webpage	X	X	X	X	X	X	X
Industry Extractive	X	D	X	Letter & Webpage	X	X	D	X	X	X	X	X

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Liquor store – large	X	X	X	X	X	D	X	D	Webpage	Webpage	Webpage	X
Liquor store – small	X	X	X	X	Letter & Webpage	D	X	P	D	D	D	X
Marina	X	X	X	X	X	X	X	X	X	X	Webpage & Social Media	Letter & Webpage
Market	X	X	X	X	Letter & Webpage	D	X	D	D	D	D	X
Medical centre	X	X	X	X	Letter & Webpage	X	X	D	D	D	X	X
Motel	X	X	X	X	Letter & Webpage & Sign	X	X	D	Webpage	Letter & Webpage	D	X
Nightclub	X	X	X	X	X	Webpage	X	Webpage	X	X	Webpage	X
Place of worship	Webpage, Social Media & Sign	Letter & Webpage	X	X	Letter & Webpage	Webpage	X	Webpage	Webpage	Webpage	X	D
Reception centre	X	Letter & Webpage	X	Letter & Webpage	D	X	D	D	D	D	D	Webpage
Renewable energy facility	X	D	Letter & Webpage	D	Letter & Webpage	D	D	D	Letter & Webpage	Letter & Webpage	X	X
Recreation – private	X	D	Letter & Webpage	Letter & Webpage	X	D	D	D	X	X	X	D
Repurposed dwelling	X	D	D	D	X	X	X	X	X	X	X	X
Resource recovery centre	X	Letter & Webpage	X	X	X	X	Webpage & Social Media	X	X	X	X	X
Restaurant/café	X	Webpage	X	Letter & Webpage	D	X	X	P	D	D	Webpage	D

USES	ZONES											
	1	2	3	4	5	6	7	8	9	10	11	12
	Residential	Rural	Rural Residential	Rural Smallholdings	Rural Townsite	Light Industry	General Industry	Commercial	Local Centre	Mixed Use	Tourism	Private clubs, Institutions and Places of Worship
Restricted premises	X	X	X	X	X	Webpage & Social Media	D	Webpage	X	X	X	X
Road house	X	X	X	X	Webpage	D	D	Webpage	X	X	X	X
Rural home business	X	D	Letter	D	Letter	X	X	X	X	X	X	X
Serviced apartment	Webpage & Sign	X	X	X	X	X	X	Webpage	Webpage	Webpage	Webpage	X
Service station	X	X	X	X	D	D	D	D	D	D	Webpage	X
Small bar	Letter & Webpage	X	X	X	Letter & Webpage	X	X	D	D	D	D	Webpage
Supermarket	X	X	X	X	X	X	X	D	Webpage	Webpage	X	X
Tavern	X	X	X	X	Letter & Webpage	X	X	Webpage	Webpage & Social Media	Webpage & Social Media	Webpage	Letter & Webpage
Telecommunications infrastructure	P	P	P	D	P	P	P	P	P	P	P	P
Tourist development	X	X	X	X	X	X	X	Webpage & Social Media	X	X	Webpage	X
Transport depot	X	D	X	Webpage & Social Media	Letter & Webpage	D	P	X	X	X	X	X
Tree farm	X	D	X	Webpage	X	X	X	X	X	X	X	X
Veterinary centre	X	Webpage	X	X	Webpage & Social Media	D	D	X	X	X	X	X
Workforce accommodation	X	D	X	X	Letter & Webpage	X	X	X	X	X	X	X

Note: The above table only shows land uses that have mandatory advertising as a consequence of the Zoning and Land Use Table.

For reference:

X = the use is not permitted by the Local Planning Scheme.

D = the use is not permitted unless the local government has exercised its discretion by granting development approval;

P = the use is permitted if it complies with all relevant development standards and requirements of this Scheme;

I = the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.

Note - None of these categories have a mandatory advertising requirement, however variations to other provisions of the Local Planning Scheme may trigger a separate requirement for advertising.



COUNCIL POLICY

Additional Uses (Schedule 3)

Additional Use Area	Land Use	Advertising
A4	Motor Vehicle Repair	Sign
A6	Amusement Parlour	Webpage & Social Media
	Caravan Park	Letter & Webpage
	Club Premises	Webpage & Social Media
	Fast Food Outlet	Webpage & Sign
	Holiday Accommodation	Webpage
	Hotel	Webpage & Sign
	Lunch Bar	Webpage
	Nightclub	Letter, Webpage, Social Media & Sign
	Reception Centre	Webpage
	Serviced Apartment	Webpage
	Shop	Webpage & Social Media
	Tavern	Letter, Webpage & Sign
	Tourist Development	Webpage
	A7	Educational Establishment
Home Store		Webpage
Place of Worship		Letter & Webpage
Restaurant/Cafe		Letter, Webpage & Sign
A10	Reception Centre	Letter, Webpage & Sign
A17	Aged Care Facility	Webpage
A19	Holiday accommodation	Webpage
	Tourist development	Webpage & Social Media
A22	Tourist development	Webpage & Social Media
A24	Community Purpose	Letter
A25	Workforce accommodation	Letter

Restricted Use (Schedule 4)

Restricted Use Area	Land Use	Advertising
R3	Agriculture - Intensive	Webpage
	Caretaker's dwelling	Webpage
	Dwelling	Webpage
	Holiday accommodation	Webpage
	Tourist development	Webpage
	Motor Vehicle Repair	Webpage

Special Use (Schedule 5)

Special Use Area	Land Use	Advertising
SU1	Restaurant/cafe	Letter, Webpage & Sign

Letter is to all adjoining landowners except in relation to a complex application in which owners and occupiers of every property that is within 200 m of the proposed development are sent a letter.

Webpage is advertised on the Shire Webpage.

Webpage and social media is advertised on the Shire Webpage and Facebook Page.

Sign is a sign or signs placed in a prominent location on the development site.

Extract from the Deemed Provisions.

64. Advertising applications

- (1) The local government —
 - (a) must advertise a complex application for development approval in accordance with subclause (3); and
 - (b) must advertise an application for development approval in accordance with subclause (4) if the application is not a complex application and —
 - (i) relates to development that is a class A use in relation to the zone in which the development is located; or
 - (ii) relates to the extension of a non-conforming use; or

- (iii) relates to development that does not comply with the requirements of this Scheme; or
 - (iv) relates to development for which the local government requires a heritage assessment to be carried out under clause 11(1); or
 - (v) is of a kind identified elsewhere in this Scheme as an application that is required to be advertised;
- and
- (c) may advertise any other application for development approval in accordance with subclause (4).
- (2) Subclause (1)(b)(iii) does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.
- (3) For the purposes of subclause (1)(a), a complex application is advertised by doing all of the following —
- (a) publishing in accordance with clause 87 —
 - (i) a notice of the proposed development in the form set out in clause 86(3); and
 - (ii) the application for development approval; and
 - (iii) any accompanying material in relation to the application that the local government considers should be published;
 - (b) giving notice of the proposed development —
 - (i) to the owners and occupiers of every property that is within 200 m of the proposed development; and
 - (ii) to any other owners and occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).

Note for this subclause:

Under clause 88, the Commission may approve varied requirements that apply if it is not practicable for the local government to comply with subclause (3)(b) or (c).

- (4) For the purposes of subclause (1)(b) or (c), an application that is not a complex application is advertised by doing any or all of the following, as determined by the local government —

- (a) publishing in accordance with clause 87 —
 - (i) a notice of the proposed development in the form set out in clause 86(3); and
 - (ii) the application for development approval; and
 - (iii) any accompanying material in relation to the application that the local government considers should be published;
 - (b) giving notice of the proposed development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - (c) erecting, in the manner and form approved by the Commission, a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in clause 86(3).
- (5) A notice published or given, or on a sign erected, in accordance with subclause (3) or (4) in relation to an application for development approval must specify —
- (a) the manner and form in which submissions may be made; and
 - (b) the applicable period under subclause (6) or (7) for making submissions and the last day of that period.
- (6) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (3) in relation to a complex application is —
- (a) the period of 28 days after the day on which the notice of the application is first published under subclause (3)(a); or
 - (b) a longer period agreed in writing between the applicant and the local government.
- (7) The period to be specified in a notice published or given, or on a sign erected, in accordance with subclause (4) in relation to an application that is not a complex application is —
- (a) the period of 14 days after the day on which the notice of the application is first published or given, or the sign is first erected, as the case requires; or
 - (b) a longer period agreed in writing between the applicant and the local government.

complex application means —

- (a) an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or
- (b) an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval;

The Default advertising for a variation the R-Codes or an oversized outbuilding is by Letter except where the applicant has provided non objections from the affected landowners in which case the advertising is waived.

The relaxation of a Scheme Standard will be advertised either by Letter, Webpage or not advertised under Clause 64.(2) depending on the nature and scale of the relaxation.

.....End.....

Document Information

Responsible Position	Manager Development Services
Risk Rating	Low

Referencing Documents

- *Local Government Act 1995*
- *Heritage Act 2018*
- Shire of Esperance Local Planning Scheme

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Aug 2021	1	D21/14011	New policy	O0821-132	Aug 2023
Dec 2021	2	D21/14011[v2]	Updates made to reflect changes in the Local Planning Scheme amendment no.7	O1221-225	Dec 2023
Mar 2024	3	D21/14011[v3]	Insert definitions Amendment advertising uses in accordance with the outcomes of Amendments 8 and 9 to Local Planning Scheme No. 24	O0324-021	Mar 2026



POL 0090: Temporary Accommodation

COUNCIL POLICY

Purpose

This policy provides guidance to support applications seeking an approval for temporary accommodation on private property or in an area other than a caravan park.

Scope

A person may stay in temporary accommodation on a property for up to 5 nights per 28-day consecutive period without a shire approval. Any period greater than this, requires an application to the local government for assessment and possible approval for a maximum of 24 consecutive months. An applicant may reapply after 24 months to renew their application. If an applicant is seeking to camp on a state or federal reserve, approval must be obtained from the relevant authority who manages that land. If there is more than one approved application on a private lot, an additional approval may be given for up to 3 months by the local government. Any period longer than 3 months is required from the Minister for Local Government, Sport and Cultural Industries.

Practice

This policy is supported by the Shires temporary accommodation guidelines, application and assessment process. For applications to be considered, the requirements detailed in the guidelines must be adhered to.

The applicant must own or have a legal right to occupy the land and is to complete the application form (insert link) and submit to the Shire with the applicable fee.

Applications will not be considered outside the following zoned areas;

- Residential
- Rural Residential
- Rural Smallholdings
- Rural Townsite
- Rural
- Tourism

Any camp is to be located wholly on the property and be at least 1 metre from the property boundary, at least 1 metre from vehicle access areas, and at least 1.8 metres from structures.

Occupiers of adjacent properties will be notified in writing and the responses will be considered prior to the approval of any application.

Approvals will only be granted where health, safety and hygiene requirements have been met. This includes the following requirements;

- power
- potable water

- waste water management
- cooking and laundry facilities
- emergency management (fire suppression and smoke detection)
- waste and recycling (rubbish collection service or waste management plan is required)
- any other requirement at the request of the Shire.

Upon receipt of an application and fee, Environmental Health will assess the application, conduct an evaluation of the site, and issue a permit where the application is approved. Follow-up site assessments may be conducted throughout the duration of the approval period.

Approval can be for a maximum period for 24 months, and any reapplication will require the completion of a new form, fee payable and be accompanied by a structural report confirming the integrity of the habitable camp.

The temporary accommodation cannot be used as holiday rental or for tourism purposes.

Should the temporary accommodation cease prior to the expiry of the permit, the local government must be notified. No refund is applicable.

The Shire reserves the right to withdraw an approval, where a breach of an approval condition has occurred.

.....End.....

Document Information

Responsible Position	Manager Waste & Environmental Health
Risk Rating	High

Referencing Documents

- *Local Government Act 1995*
- *Caravan and Camping Ground Act 1995*
- *Caravan and Camping Ground Regulations 1997 (as amended 1 September 2024)*
- *Health (Miscellaneous Provisions) Act 1911*
- *Building Code of Australia / National Construction Code*
- *Shire of Esperance Local Planning Scheme 24*

Revision History

Date	Version	CM Reference	Reason for Change	Resolution #	Next Review
Oct 2024	1	D24/29067	New Policy	O1024-051	Oct 2026



Shire of Esperance

DISABILITY ACCESS AND INCLUSION PLAN

2025 - 2030

Shire of Esperance
Disability Access and Inclusion Plan

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PART 1 INTRODUCTION

The Western Australian *Disability Services Act 1993* (DSA) as amended, require all State and Local Government Authorities to implement a Disability Access and Inclusion Plan (DAIP) to ensure that people with a disability have equity of access and inclusion to functions, facilities, services and information.

A key goal of all Local Governments is to build strong communities. Strong communities are friendly and welcoming places where everyone can experience a sense of belonging, can feel valued and can make their contribution.

The overarching goal of the DAIP is to provide equity of access and inclusion to all services, facilities, functions and information being provided by the Shire of Esperance by identifying and combating any barriers that either restrict or prevent the full participation of people with a disability.

The concept of “equity” means the Shire of Esperance is working toward an environment that people with a disability, their carers, and families will be able to access and participate in all aspects of community life without having to contend with unreasonable or unnecessary barriers.

Addressing the issues that affect people with a disability is not an easy task, however the Shire of Esperance is committed to working toward equity for all members of the community. This DAIP provides guidance to the Shire of Esperance about issues that exist within the community and how these issues can be overcome to promote inclusivity for all.

1.0 Inclusion

Inclusion in this context refers to an individual’s ability to participate as fully as possible in programs and services provided by organisations in an integrated and holistic manner that does not ostracise, embarrass, or humiliate an individual.

1.1 Discrimination

Discrimination is defined as treating people with disability less favourably than people without a disability would be treated under the same circumstances.

1.2 Related Legislation

There is a range of legislation and strategic framework that guides and directs the Shire of Esperance’s delivery of services and facilities, including:

Equal Opportunity Act 1984 (WA)

The Equal Opportunity Act recognises that people with disability require and are entitled to the same level of service and facility as is available to other members of the community. This Act makes it unlawful for a person to discriminate against any person on the grounds of impairment.

Disability Services Act 1993 (WA)

The Disability Services Act states that a person with a disability has the right to be respected for their human worth and dignity and has the same human rights as other community members, regardless of the degree and nature of their disability.

Disability Discrimination Act 1992

The Disability Discrimination Act is a Commonwealth Act providing protection against discrimination based on any form of disability for everyone in Australia. Under this Act it is unlawful to discriminate against a person or their associates (partner, carers, friends, family, or business partner), if they have a disability.

National Construction Code

The National Construction Code (NCC) applies to new buildings and buildings undergoing significant refurbishment or alteration. The NCC provides a statement on the technical requirements relevant to the design and construction of buildings and other related structures.

Australian Standards

The Australian Standards set out requirements which must be referred to in the decision-making process on issues relating to people with disability e.g. Australian Standard 1428 – Design for Access and Mobility. This Standard prescribes the basic requirements for the physical access which must be adhered to in the planning, development, and construction of all buildings.

United Nations Convention on the Rights of People with Disability

Australia is one of 108 countries to have signed and ratified the UN Convention on the Rights of Persons with Disabilities, which came into effect in May 2008. As a party to the Convention, Australia is required to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity.

1.3 Related Documents

The Shire of Esperance Disability and Inclusion Plan complements and forms an important part of the Shire of Esperance strategic level planning in relation to organisational management, as well as project and service provision. Current Plans and documentation in place to support the overall strategic direction of the Shire include:

- Esperance Council Plan
- Equal Employment Opportunity Management Plan and Workforce Plan
- Asset Management Plan
- Playground and Open Space Strategy
- Coastal Management Plan
- Age Friendly Community Report and Youth Friendly Community Report
- Sports Facility and Services Plan

PART 2 INFORMATION ABOUT THE SHIRE OF ESPERANCE

The Shire of Esperance is located approximately 720km southeast of Perth. The Shire covers an area of 44,366k m² and has a population of 13,883.

Within Esperance there are 2 high schools, both with boarding facilities, and 5 primary schools, with an additional 4 primary schools located in the outlying town sites.

A variety of social interests are catered for with a number of arts and creative groups, including pottery, textiles, photography, painting, drawing, writing, gardening, music, dance, and multiple sporting clubs, including AFL, soccer, netball, hockey, tennis, golf, lawn bowls, squash, volleyball and many more. Many of these groups participate in inclusive programs during school holidays and throughout their seasons during the year.

Within the 2021 Census, 21.4% of the Australian population were identified as living with disability. Based on this National average it is assumed some 2,971 people are living with disability in the Shire of Esperance region.

It was also revealed that 10.1% of the Esperance population provided unpaid assistance to a person with a disability in the two weeks leading up to the 2021 Census.

Table 1 Outcomes and Strategies from Council Plan 2022-2032

Objective	Priority Projects
3.3 Support vulnerable groups, including aged persons and those with disability	3.3.1 Advocate for improved aged care facilities and palliative care
	3.3.2 Advocate for community and care services to support active aging in home
	3.3.3 Advocate for local shops, hospitality and entertainment venues to improve access and employment opportunities for people with disability
	3.3.4 Provide appropriate level of ACROD parking bays
	3.3.5 Provide improved beach access for people with disability
	3.3.6 Implement actions and initiatives resulting from DAIP discussions and forums
8.1 Facilitate access to diverse housing options	8.1.1 Advocate for more social and low-income housing for vulnerable people (including seniors, people with disability and low-income earners)

PART 3 PREVIOUS DISABILITY ACCESS & INCLUSION PLANS

In February 1996 Council adopted its first Disability Service Plan, as was required under the *WA Disability Services Act 1993*. In 2004 *Disability Services Regulations 2004* were adopted requiring public authorities to develop and implement Disability Access and Inclusion Plans. The requirements of DAIP’s were to build on the existing Disability Service Plans, ensuring people with disabilities could access services, facilities and information in a way that promoted independence, opportunity and inclusion within the community.

The first Shire of Esperance Disability Access and Inclusion Plan was completed and adopted by Council in July 2007, expiring in 2012. A new DAIP was then adopted by Council in July 2012, expiring in 2017.

A review of this Plan was undertaken in 2017/18 whereby it was identified a full rewrite of the Plan was required to reflect the work done in this area and meet the requirements of the *Disability Services Act 1993*.

This resulted in the adoption of the Disability Access and Inclusion Plan 2020 – 2025.

3.0 Achievements through previous DAIP's

The Shire's achievements under the previous Disability Access and Inclusion Plan 2020 – 2025 have been plentiful. Some of these successes are highlighted below;

- (1) Demonstrated disability access improvements to Shire of Esperance buildings during upgrades and redevelopment works.
- (2) Esperance Airport upgrades saw wider, self-opening doors installed at entry and easier access to toilet facilities.
- (3) Cannery Art Centre access improvements.
- (4) Home Care building Day Centre refurbishment.
- (5) New Indoor Sports Stadium and refurbishment of the Noel White Centre.
- (6) Constructed a new Jetty that has incorporated accessible features, including fishability section that specifically cater for people in wheelchairs or require aids.
- (7) Undertook an access audit of the Shire of Esperance Administration Building which resulted in a number of recommendations that are being delivered through the Shire of Esperance Building Maintenance Team.
- (8) Worked in partnership with Escare Incorporated to run the Esperance One and All Community Program, a holiday activity program for all ages and all abilities.
- (9) Developed a trailer mounted accessible toilet that could be used at events.
- (10) Installed eight new pedestrian crossings in the Esperance town centre to facilitate safer crossing for vulnerable users.
- (11) Reviewed the Esperance town centre ACROD bays, which resulted in increasing the number of bays from 1 in 58 to 1 in 34 and ensuring all bays met the required standards.

- (12) The Shire of Esperance can now provide information about services and facilities in a range of formats including multiple languages, larger print, Braille or electronically.
- (13) Youth Advisory Council established with representation from Educational Support Unit students.
- (14) Increased accessibility to Bay of Isles Leisure Centre pool and gym with all abilities equipment purchased and alternative water access available.
- (15) The recruitment processes and documentation identify the Shire of Esperance as an equal opportunity employer.
- (16) Constructed a new fully accessible Esperance Sports Stadium.
- (17) Worked with Esperance Surf Club to obtain Occupancy Permit which required substantial upgraded modifications including the installation of a lift.
- (18) Installed 2 Sets of Accessible Toilets – at the West Beach Carpark and the Skate Park.
- (19) Installed microphone and speakers in the Council Chambers to assist those with hearing loss

PART 4 DISABILITY AND BARRIERS TO ACCESS AND INCLUSION

4.0 What is Disability?

The concept of disability can have a range of different meanings depending on the context and/or circumstance. For the purpose of this DAIP, the context is one of community inclusion. In this context, the definition of disability is extremely broad. Community inclusion focuses less on the disability and more on the individual and their ability, capacity and interests. In consideration of this Plan, we can consider all disability types to fit in into one of the following categories;

Physical

Including, but not limited to, wheelchair users, amputees, reduced or restricted physical mobility, dexterity and control.

Some of the key issues impacting on inclusion for people with physical disabilities are;

- Public attitudes and understanding,
- Communication and assistance techniques; and

- Mobility, including moving from a to b in the environment and ability to control movement in their own personal space.

Sensory

Vision - Including, but not limited to, total blindness, legal blindness (less than 10% vision) and low or restricted vision conditions.

Some of the key issues impacting on inclusion for people with vision impairments are;

- Public attitudes and understanding,
- Communication and assistance techniques; and
- Independent safe mobility and information provision.

Hearing - Including, but not limited to, deafness and reduced hearing conditions.

Some of the key issues impacting on inclusion for people with hearing impairments are;

- Public attitudes and understanding,
- Communication and assistance techniques; and
- Information provision

Cognitive

Includes any condition that impacts on a person's thought processes i.e. intellectual, psychiatric, mental health, dementia, schizophrenia etc.

Some of the key issues impacting on inclusion for people with physical disabilities are;

- Public attitudes and understanding,
- Communication and assistance techniques; and
- Information provision.

4.1 Barriers to Access and Inclusion

There are a multitude of different barriers faced by people with disability as they attempt to build a good life and pursue their citizenship entitlements. It is important that staff at all levels and in all departments have some understanding of the types of barriers, how they might impact on people with different disabilities, and then take this into account when completing the work they are required to do as part of their role within the organisation.

Most, if not all, of these barriers can be categorised under the following types;

Attitudinal Barriers (People)

This is by far the most commonly experienced barrier. It comes about when people in society misunderstand what it means to have a disability and how it might impact on an individual. It tends to be characterised by a range of negative stereotypes and assumptions about a person's capacity, abilities and entitlement to belong and participate. When it is experienced by people with disability its impact can be severe and profound. It can result in people being made to feel different, as though they do not belong and as if they are not welcome. Working to reduce this attitudinal barrier is primarily about awareness raising through educational and training initiatives.

Physical Barriers (Places)

The level of awareness around physical barriers is variable. A common misunderstanding is that inclusion for people with disability is only about the built environment.

Physical barriers or obstacles can limit a person's capacity to move independently within the environment in a safe and dignified manner. Physical barriers can also result in people with a disability experiencing difficulty accessing the built environment, or their total exclusion from it all together.

Working to reduce physical barriers is primarily about ensuring that infrastructure is designed, built, and maintained in a manner that enables it to be accessed by everyone. There are a range of codes, standards, and guidelines available which provide information on best practice physical access for people with disability. The *Disability (Access to Premises - Buildings) Standards 2010* was incorporated into the National Construction Code (NCC) which should ensure that these issues are now captured by the formal building approvals mechanisms. The NCC, however, does not apply to all aspects of the built environment. For example, the NCC does not apply to pedestrian infrastructure, and as such alternative measures should be put in place to work towards accessibility by all.

Procedural Barriers

Policies and procedures can present unfair or unreasonable barriers for people with disability.

The impact of disability is unique for every person and every person's capacity to deal with that impact will vary. As a result, people with disability often have to do things in a different way to others. Sometimes, this can cause conflict with a policy or procedure or with "the way we do things".

Working to reduce procedural barriers is about ensuring that disability access and inclusion becomes an integrated part of the mainstream way of doing things. Initiatives to reduce additional and physical barriers will assist this process.

PART 5 POLICY STATEMENT

5.0 Equity for People with Disabilities

The concept of equity refers to the idea that everyone gets a fair go at accessing and participating in all aspects of community life. The Shire of Esperance acknowledges that people with disability have the same fundamental rights and responsibilities as all other members of the community.

The Shire of Esperance is committed to furthering the principles and objectives of the *Disability Services Act 1993* and the *Disability Services Regulations 2004* by working towards having a community that is accessible for, and inclusive of, people with disabilities, their families and carers.

The Shire of Esperance understands that an accessible and inclusive community is one in which, where attainable, all functions, facilities, service, and information (both in house and contracted) are open, available and accessible to people living with disabilities, providing them with the same opportunities, rights and responsibilities as other people in the community.

The Shire of Esperance:

- (a) Recognises that people with disability are valued members of our community who make a variety of contributions socially, economically and culturally; and
- (b) Values diversity and believes that supporting participation and inclusion for all, makes a stronger more vibrant community; and
- (c) Believes that people living with disabilities, their families, and carers should be supported to remain connected, included, and visible within our community; and
- (d) Is committed to consulting with people with disability, their families, carers and organisations that assist people living with disabilities in addressing barriers to access and inclusion; and
- (e) Will encourage agents and contractors appointed by the Shire, to work toward the desired outcomes identified within the DAIP; and
- (f) Is committed to supporting local community groups and businesses to provide access to, and inclusion of, people with disability; and

- (g) Is committed to working towards achieving the 7 specified outcomes of the DAIP; and
- (h) Will work in partnership with other relevant agencies, organisation and authorities as appropriate.

PART 6 AGENTS & CONTRACTORS

The *Disability Services Act 1993* requires agents and contractors of public authorities to conduct their business in a manner that is consistent with the contracting public authority's DAIP.

The Shire of Esperance will take all practicable measures to work towards the DAIP implementation by its officers, employees, agents, and contractors. Where agents and contractors provide external services for the Shire, they are to be informed of the Shire of Esperance DAIP by including it in all our procurement documentation including but not limited to requests for quotes, requests for tenders, and expressions of interest requests.

Definitions for the purpose of the DAIP

- An agent is a person or business authorised to act on another's behalf
- A contractor is an entity who performs a service or delivers a product under an agreement (or contract) with a public authority
- There is an exchange of money for service (including grants)

6.0 Responsibilities of agents and contractors

Where agents and contractors are used as go-betweens in the provision of services to the community for a public authority, the agent and contractor should take the needs of people with disability into account.

Agents and contractors do not have to develop their own DAIP.

Agents and contractors are expected to conduct their business in a manner consistent with the contracting public authority's DAIP.

Agents and contractors should implement strategies which directly relate to the task they are undertaking.

Contracted services in which the public authority itself is the recipient of the services are not relevant to the DAIP.

6.1 Role of Agents and Contractors

The Shire of Esperance has developed a contract clause to be included, where applicable, in services to be provided by Agents and Contractors. A progress report must be provided each year to the Minister for Disability Services about DAIP implementation across Western Australia. This report is produced from information submitted to the Commission from public authorities via their annual DAIP Progress Report, which includes progress by their agents and contractors.

Agents and contractors are requested to provide annual reports to the Shire of Esperance providing information on activities and/or initiatives undertaken in line with DAIP requirements. This information is then included in the Shire of Esperance annual DAIP report to the Disability Services Commission, where the Shire of Esperance also provides information on actions taken throughout the year to satisfy the seven strategy outcomes identified within the DAIP.

PART 7 DEVELOPMENT OF THE 2025-2030 DAIP

7.0 Review

In preparing the Shire's DAIP, a review of the Disability Access and Inclusion Plan 2020-25 was undertaken to provide information on the progress made on the key areas to determine relevant or ongoing strategies that might be carried forward into this plan.

In order to research trends and good practice in the area of access and inclusion, a review of DAIPs from various other local governments was completed. Other Shire & City plans and policies were examined, in particular the Council Plan 2022-2032.

7.1 Engagement

In developing the DAIP 2025-2030, we consulted with various members of the community to hear their thoughts, ideas and experiences to ensure that the DAIP is relevant to the local community. These included:

- People with disability or aged and their carers who live or work in the Shire of Esperance
- Agencies and organisations working with or supporting people with disability or aged and their carers who live or work in the Shire of Esperance
- Shire of Esperance Staff

Comment was sought on the Shire of Esperance DAIP by way of written submissions, or by appointment. The opportunity to comment on the DAIP was promoted through media, public notices in the Esperance Weekender, the Shire’s website, and direct mail to identified stakeholders.

PART 8 OUTCOME STATEMENTS & STRATEGIES

Within the *Disability Services Act 1993* strategies have been identified to provide seven desired outcomes from Disability Access and Inclusion Plans. These outcomes are outlined in the following pages and linked to strategies that the Shire of Esperance can use to achieve each outcome.

Table 1 Outcomes & Strategies

Outcome – Events and services	
C1	People with disability have the same opportunities as other people to access the services and events of the Shire of Esperance
Strategy	
C1.1	Coordinate a Community Access and Inclusion Plan Working Group to guide the implementation of the DAIP strategies
C1.2	Conduct services and events in buildings and facilities that are as accessible and inclusive as possible
C1.3	Ensure that people with disability and their carers are provided with an opportunity to comment on access to services
Outcome – Buildings and facilities	
C2	People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Esperance
Strategy	
C2.1	Ensure where practicable, that all new or re-development works provide access to people with disability
C2.2	Ensure where practicable, the location and quantity of ACROD parking spaces meet the needs of people with disability and relevant statutory planning standards
C2.3	Continue to provide and maintain public spaces and pedestrian walkways to meet access requirements
Outcome - Information	
C3	People with disability receive information from the Shire of Esperance in a format that enables them to access the information as readily as other people
Strategy	

C3.1	Wherever possible, all promotional material and documentation regarding services, facilities, and customer feedback are in an accessible format using clear and concise language
C3.2	Continuously work towards the improvement of staff awareness and education to provide for accessible information needs and how to obtain information in other formats
C3.3	Continuously work towards the improvement of community awareness that Shire of Esperance information can be provided in alternative formats upon request
Outcome Service quality	
C4	People with disability receive the same level and quality of service from the staff of the Shire of Esperance as other people receive
Strategy	
C4.1	Continuously work towards staff being educated appropriately and have the knowledge, skills, and confidence to be able to offer quality customer service to people with disability
C4.2	Work towards consistency between the Shire of Esperance Customer Service Charter and the DAIP
C4.3	Continuously work towards having all Shire of Esperance policies and procedures relevant to customer service which are consistent with the DAIP
Outcome - Complaints	
C5	People with disability have the same opportunities as other people to make complaints to the Shire of Esperance
Strategy	
C5.1	Investigate that the grievance mechanisms are accessible for people with disability
C5.2	Investigate grievance mechanism processes and outcome satisfaction survey forms to be available in formats to meet the needs of people with disability
Outcome - Consultation	
C6	People with disability have the same opportunities as other people to participate in any public consultation by the Shire of Esperance
Strategy	
C6.1	Proactive awareness that people with disability to have access to any consultative process by the Shire of Esperance in relation to the DAIP
C6.2	Continuously work towards the Shire of Esperance consultation policies and procedures being consistent with the DAIP

C6.3	Provide opportunities for people of all abilities to comment on facilities, services, and events delivered by Shire of Esperance
Outcome - Employment	
C7	People with disability have the same opportunities as other people to obtain and maintain employment with the Shire of Esperance
Strategy	
C7.1	Continue to select on merit for open employment opportunities and give fair and due consideration to all candidates, including people with disability
C7.2	Foster an organisational culture that values and is responsive to the diversity of the Shire of Esperance council and staff
C7.3	Investigate and implement fair and inclusive practices that work towards a broader and more diverse participation in employment
C7.4	Provide support for employees with a disability where practicable, including but not limited to making available work-place flexibility, modifications and adaptive technologies

PART 9 IMPLEMENTATION & REVIEW

9.0 Annual DAIP Implementation Plan

An internal working document (DAIP Implementation Plan) outlining the actions to deliver the strategies identified for each of the outcomes will be developed annually with the assistance of the Shire of Esperance Community Access and Inclusion Plan Working Group. This plan will allow the Shire of Esperance to monitor progress and actions within Shire of Esperance Disability Access and Inclusion Plan 2025-2030. The Implementation Plan will be reviewed and amended annually.

9.1 DAIP Working Group

The Disability Access and Inclusion Plan Working Group meet on a quarterly basis. As part of each meeting, the group will initially assist to develop and then review the progress of the annual implementation plan and any associated issues. The group will be comprised of the following Shire and community representatives:

- At least one (1) Councillor
- At least one (1) staff member from each Directorate
- One (1) staff member from Homecare.
- At least three (3) Community members
- Up to four (4) Community Organisation members

9.2 Annual Reporting

The *Disability Services Act 1993* describes the reporting requirements for public authorities to lodge its Disability Access and Inclusion Plan with the Commission by:

- (1) Submitting an annual progress report to the Department of Communities using the supplied template; and
- (2) Reporting on the implementation of the Shire's DAIP in the Shire's Annual Report.
- (3) The strategies used to advise agents and contractors, employed by the Shire of Esperance, is via email and reference in contracts.

9.3 Review Frequency

This plan will be reviewed in accordance with the DAIP requirements. At the end of each financial year the progress of the Disability Access and Inclusion Plan is documented in each local government's Annual Report, and this is forwarded to the state government. Legislation outlines that Disability Access and Inclusion Plans will be reviewed at least every five years and a copy of the plan must be lodged with the Minister for Disability Services.

Once endorsed by Council, an advertisement will be put in the local newspaper advising the community that a copy is available from the Shire of Esperance's website and available in alternative formats upon request.

PART 10 SHIRE OF ESPERANCE DAIP IMPLEMENTATION PLAN 2025 – 2030

The Implementation Plan details the task, timelines and responsibilities for each broad strategy to be implemented in 2025-2030 to progress the strategies of the DAIP.

It is intended that the Implementation Plan will be updated annually to progress the achievement of all the strategies over the duration of the five-year plan.

Table 1 Outcome 1: People with disability have the same opportunities as other people to access the services and events of the Shire of Esperance

Strategy	Action	Responsibility	In Consultation with	Timeline					Anticipated Budget
				Year 1	Year 2	Year 3	Year 4	Year 5	
C1.1 Coordinate a Community Access and inclusion Plan Working Group to guide the implementation of the DAIP strategies	a. Investigate mandatory Disability Access and Inclusion awareness training for the Community Access and Inclusion Working Group	Human Resources	Executive Assistants	✓	✓				Operational
	b. Work towards implementing mandatory Disability Access and Inclusion awareness training for the Community Access and Inclusion Working Group	Human Resources	Executive Assistants			✓	✓	✓	Operational
	c. Investigate making online onboarding training on Disability Access and inclusion	Executive Assistants	Governance Services		✓				Operational

	available to Elected Members								
	d. The Community Access and Inclusion Plan Working Group meet on a quarterly basis	DAIP Responsible Officer		✓	✓	✓	✓	✓	Operational
	e. Consult with the community on a biennial basis to assess the success of the DAIP	DAIP Working Group			✓		✓		Operational
C1.2 Conduct services and events in buildings and facilities that are as accessible and inclusive as possible.	a. Consult with Community Development on accessibility when updating event guidelines	Community Development	Development Services	✓	✓	✓	✓	✓	Operational
	b. Work towards developing a volunteer program seeking to promote Shire of Esperance events and volunteer opportunities to older adults and people with disability	Requesting party within Shire	Volunteer Resource Centre Community Development	✓	✓				Operational
	c. Support community organisations	Community Development		✓	✓	✓	✓	✓	Operational

	through the Shire of Esperance community grants and partnerships program to deliver inclusive and accessible events, activities, and programs								
C1.3 Ensure that people with disability are provided with an opportunity to comment on access to services	a. Develop procedures for holding accessible events and encourage consistent use across the Shire of Esperance	External Services			✓	✓			Operational
	b. Investigate and facilitate the creation of an Accessible Events Policy	External Services	Community Development		✓	✓			Operational
	c. Embed and promote accessibility features for Shire of Esperance events and activities on related promotional materials and on the Shire of	Community Development		✓	✓	✓	✓	✓	Operational

	Esperance website								
	d. Investigate the inclusion of accessible zones at Shire of Esperance events	Community Development			✓	✓	✓	✓	Operational
	e. Work towards the implementation of outcomes from the investigation of the inclusion of accessible zones at Shire of Esperance events	Community Development				✓	✓	✓	Operational
	f. Connect with local schools to promote accessible events and consult with families of children with disabilities	Community Development			✓	✓	✓	✓	Operational
	g. Expand and promote the Books on Wheels volunteer program to support housebound community members residing within the Shire of Esperance	External Services	Esperance Library	✓	✓	✓	✓	✓	Operational

	h. Investigate AUSLAN interpretive service for Shire of Esperance Events	Community Development		✓	✓				
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Table 2 Outcome 2: People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Esperance

Strategy	Action	Responsibility	In Consultation with	Timeline					Anticipated Budget
				Year 1	Year 2	Year 3	Year 4	Year 5	
C2.1 Ensure where practicable, that all new or re-development works provide access to people with disability	a. Identify key accessibility information to be promoted for Shire of Esperance buildings for hire, parks, and reserves	Asset Management Corporate and Community Services	Development Services Media & Communications	✓	✓				Operational
	b. Works towards promoting accessibility information for Shire of Esperance buildings for hire, parks, and reserves on Shire of Esperance website and any Shire managed webpages	Executive Services	Media & Communications		✓	✓	✓		Operational
	c. If available, deliver accredited training to wardens for effective	Corporate and Community Services	Human Resources	✓	✓	✓	✓	✓	Operational

	evacuation of people with disability in emergency situations at all Shire of Esperance staffed buildings								
d.	Work towards undertaking access audits of Shire of Esperance buildings	Asset Management	Relevant Facilities Manager		✓	✓	✓	✓	Operational
e.	Work towards implementing the recommendations of the access audits undertaken for Shire of Esperance buildings	Asset Management	Relevant Facilities Manager		✓	✓	✓	✓	Building Maintenance Reserve
f.	Investigate & develop Communication Boards for Inclusive Spaces	Asset Management	Relevant Facilities Managers		✓	✓	✓	✓	Operational
g.	Investigate hearing loops and promote their installation in relevant new buildings	Asset Management	Relevant Facilities Manager		✓	✓	✓	✓	Operational

	h. Consider a Changing Place facility within the James Street Precinct	Executive Services	Media and Communications	✓	✓				Unspecified
	i. Continue to ensure all accessible toilets are in working order and open to the public where practicable	Asset Management	Relevant Facilities Manager	✓	✓	✓	✓	✓	Operational
	j. Ensure that all new buildings and major refurbishments comply with the Disability (Access to Premises – Buildings) Standards 2010 and the National Construction Code	Asset Management	Development Services	✓	✓	✓	✓	✓	Operational
C2.2 Ensure where practicable, the location and quantity of ACROD parking spaces meet the needs of people with disability and	a. Indicate number of ACROD bays in public parking and show on a public facing GIS package	Asset Management	Information Services		✓	✓			Operational
	b. Continue to review Shire of Esperance owned and managed accessible parking	Asset Management			✓	✓	✓	✓	Operational

relevant statutory planning standards	to ensure they are fit for purpose								
C2.3 Continue to provide and maintain public spaces and pedestrian walkways to meet access requirements	a. Proactively monitor and work towards the maintenance and improvement of public spaces and pedestrian walkways to meet access requirements	Asset Management		✓	✓	✓	✓	✓	Operational
	b. Continue to review pavement/pathways to check on accessibility and ease of use	Asset Management		✓	✓	✓	✓	✓	Operational

Table 3 Outcome 3: People with disability receive information from Shire of Esperance in a format that enables them to access the information as readily as other people.

Strategy	Action	Responsibility	In Consultation with	Timeline					Anticipated Budget
				Year 1	Year 2	Year 3	Year 4	Year 5	
C3.1 Wherever possible, promotional materials and documentation regarding services, facilities, and customer feedback options are in an accessible format using clear and concise language	a. Work towards public documents including a statement that the document is available in alternative formats upon request, and review the website for compliance with the 'Web Content Accessibility Guidelines' (WCPCG)	Executive Services	Media and Communications	✓	✓	✓	✓	✓	Operational
		Corporate and Community Services	Document Control						
	b. Provide a Disability Access and Inclusion Plan in plain English for people with low English literacy	Executive Services	Media and Communications	✓	✓	✓			Operational
		Corporate and Community Services	Document Control						

	and learning disability								
	c. Update the Shire of Esperance's style guide to include information on document accessibility and explore ways to promote consistency in the organisation	Executive Services Corporate and Community Services	Media and Communications Document Control	✓	✓				Operational
	d. Promote Shire of Esperance communication tools to engage with people with disability, carers, and service providers	Executive Services	Media and Communications	✓	✓				
	e. Investigate plain English foundations training for all relevant staff	Corporate and Community Services	Human Resources	✓	✓				Operational
C3.2 Continuously work towards the improvement of staff awareness and education to	a. Work towards developing an access and inclusion intranet page	Executive Services	Media and Communications	✓	✓	✓	✓	✓	Operational

provide for accessible information needs and how to obtain information in other formats									
	b. Investigate and develop annual upskilling staff sessions to address access and inclusion provisions in Shire of Esperance services	Corporate and Community Services	Human Resources	✓	✓	✓	✓	✓	Operational
	c. Investigate inclusive language guide and annually promote to Shire of Esperance staff	Corporate and Community Services	Human Resources	✓	✓	✓	✓	✓	Operational
C3.3 Continuously work towards the improvement of community awareness that Shire of	a. Continuously strive to provide Shire of Esperance documents and publications which include a notation that it is available in	Corporate and Community Services	Document Control	✓	✓				Operational

Esperance information can be provided in alternative formats upon request	alternative formats upon request								
	b. Conduct regular reviews of Shire of Esperance documentation and work towards it being formatted clearly with appropriate font	Corporate and Community Services	Document Control	✓	✓	✓	✓	✓	Operational
	c. Continuously strive to provide all online communication which is accessible and inclusive. Content should be written in plain language, aiming for a reading level of grade 8 to encourage understanding for the community	Corporate and Community Services	Document Control	✓	✓	✓	✓	✓	Operational

Table 4 Outcome 4: People with disability receive the same level and quality of service from the staff of the Shire of Esperance as other people receive.

Strategy	Action	Responsibility	In Consultation with	Timeline					Anticipated Budget
				Year 1	Year 2	Year 3	Year 4	Year 5	
C4.1 Continuously work towards staff being educated appropriately, and have the knowledge, ability, skills, and confidence to be able to offer quality customer service to people with disability	a. Continuously strive to have Shire of Esperance generated documents include a statement that the document is available in alternative formats upon request	Corporate and Community Services	Document Control	✓	✓	✓	✓	✓	Operational

<p>C4.2</p> <p>Work towards consistency between the Shire of Esperance Customer Service Charter and the DAIP</p>	<p>a. Endeavour to conduct a biennial review of the Shire of Esperance Customer Service Charter to achieve consistency with the DAIP</p>	<p>Corporate and Community Services</p>	<p>Corporate Services</p>		<p>✓</p>		<p>✓</p>		<p>Operational</p>
<p>C4.3</p> <p>Continuously work towards having all Shire of Esperance policies and procedures relevant to customer service which are consistent with the DAIP</p>	<p>a. Conduct a biennial review of Council Policies and Procedure and consider DAIP input when doing so.</p>	<p>Corporate and Community Services</p>	<p>Corporate Services Specialist Staff DAIP Working Group</p>	<p>✓</p>		<p>✓</p>		<p>✓</p>	<p>Operational</p>

Table 5 Outcome 5: People with disability have the same opportunities as other people to make complaints to the Shire of Esperance.

Strategy	Action	Responsibility	In Consultation with	Timeline					Anticipated Budget
				Year 1	Year 2	Year 3	Year 4	Year 5	
C5.1 Investigate that the current grievance mechanisms are accessible for people with disability	a. Continue with current feedback and grievance mechanisms by accepting complaints via phone, post, web-form, email, in-person and continue to monitor and review	All Staff		✓	✓	✓	✓	✓	Operational
C5.2 Investigate grievance mechanism processes and outcome satisfaction survey forms to be available in	a. Continue to improve staff awareness through training, staff induction processes, and regular updates at staff meetings	Executive Management		✓	✓	✓	✓	✓	Operational

formats to meet the needs of people with disability									
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Table 6 Outcome 6: People with disability have the same opportunities as other people to participate in any public consultation by the Shire of Esperance.

Strategy	Action	Responsibility	In Consultation with	Timeline					Anticipated Budget
				Year 1	Year 2	Year 3	Year 4	Year 5	
C6.1 Proactive awareness that people with disability have access to any consultative process by the Shire of Esperance in relation to the DAIP	a. Advertise and promote DAIP review process and final adopted DAIP	Executive Services	Media and Communications	✓	✓	✓	✓	✓	Operational
C6.2 Continuously work towards the Shire of Esperance consultation policies and procedures being	a. Proactive awareness that consultation can take form in different mediums as required to meet the needs of people with disability	All Staff		✓	✓	✓	✓	✓	Operational

consistent with the DAIP	b. Continuously works towards consultation documents which are available in different formats	Corporate and Community Services	Document Control	✓	✓	✓	✓	✓	Operational
	c. Work towards feedback being able to be given in a range of formats	All Directorates	Document Control	✓	✓	✓	✓	✓	Operational
	d. Wherever possible, encourage consultation to be held in an accessible location	All Directorates		✓	✓	✓	✓	✓	Operational
C6.3 Provide opportunities for people of all abilities to comment on facilities, services, and events delivered by the Shire of Esperance	a. Proactive awareness that consultation can take form in different mediums as required to meet the needs of people with disability	All Directorates		✓	✓	✓	✓	✓	Operational

Table 7 Outcome 7: People with disability have the same opportunities as other people to obtain and maintain employment with the Shire of Esperance.

Strategy	Action	Responsibility	In Consultation with	Timeline					Anticipated Budget
				Year 1	Year 2	Year 3	Year 4	Year 5	
C7.1 Continue to select on merit for open employment opportunities and give fair and due consideration to all candidates, including people with disability	a. Councillors and Staff to be aware that a disability is not a barrier to employment for some positions within the Shire of Esperance	Councillors Executive Management	Human Resources	✓	✓	✓	✓	✓	Operational
	b. Investigate job descriptions and applications to include a breakdown of skills required to allow prospective employees with a disability to determine if they are suitable or able	Corporate and Community Services	Human Resources	✓	✓	✓	✓	✓	Operational

	to do a job as advertised								
	c. Shire of Esperance to participate in regular contact with Local Service Providers and promote internally	Corporate and Community Development	Community Development	✓	✓	✓	✓	✓	Operational
	d. Wherever possible, hold job interviews in an accessible location	Corporate and Community Development	Human Resources	✓	✓	✓	✓	✓	Operational
	e. Ensure that any prospective candidates are made aware of the opportunity to request any special requirements to assist them at an interview if they have a disability	Corporate Community Development	Human Resources	✓	✓	✓	✓	✓	Operational

	f. Continuously work towards providing workplaces which are accessible	Asset Management	Building & Projects	✓	✓	✓	✓	✓	Operational
	g. Application process must enable persons with a disability to apply for positions within the Shire	Corporate Community Development	Human Resources	✓	✓	✓	✓	✓	Operational
	h. Investigate options to become a member of the Australian Network on Disability	Executive Management Team	DAIP Working Group		✓	✓			Operational
C7.2 Foster an organisational culture that values and is responsive to the diversity of the Shire of Esperance council and staff	a. Equal Employment Opportunity and Annual Returns are completed	Executive Services	Relevant Staff	✓	✓	✓	✓	✓	Operational

<p>C7.3</p> <p>Investigate and implement fair and inclusive practices that work towards a broader and more diverse participation in employment</p>	<p>a. Ensure that the Shire of Esperance makes allowances for reasonable workplace adjustments if required</p>	<p>All Directorates</p>	<p>Relevant Staff</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>Operational</p>
<p>C7.4</p> <p>Provide support for employees with a disability, including but not limited to making available work-place flexibility, modifications, and adaptive technologies</p>	<p>a. Ensure that the Shire of Esperance makes allowances for reasonable workplace adjustments if required</p>	<p>All Directorates</p>	<p>Relevant Staff</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>✓</p>	<p>Operational</p>

