

## P110309 Denmark-Nornalup Heritage Rail Trail – Vehicles, Gates and Fences

Council aims to promote safe recreational use of the Denmark-Nornalup Heritage Trail (Rail Trail), which, in areas, coincides with the internationally-marketed Bibbulmun Track and Munda Biddi Trail. To this end, it is aware of frequent unauthorised vehicular traffic on the Rail Trail, as well as gates belonging to adjoining landholders causing access problems for recreational users of the Trail. Gates left closed across the Rail Trail impede access on Council land, requiring constant opening and closing by trail users. In addition, fencing alignments for some properties along the Rail Trail are not located on the cadastre boundary, potentially impacting on the enjoyment, and sometimes safety, of trail users.

### Objectives

- 1 Protect recreational users of the Rail Trail.
- 2 Ensure ease of use of a valuable community recreational asset.
- 3 Ensure that adjoining land uses suitably allow for on-going and unimpeded enjoyment of the Rail Trail.

### Definition

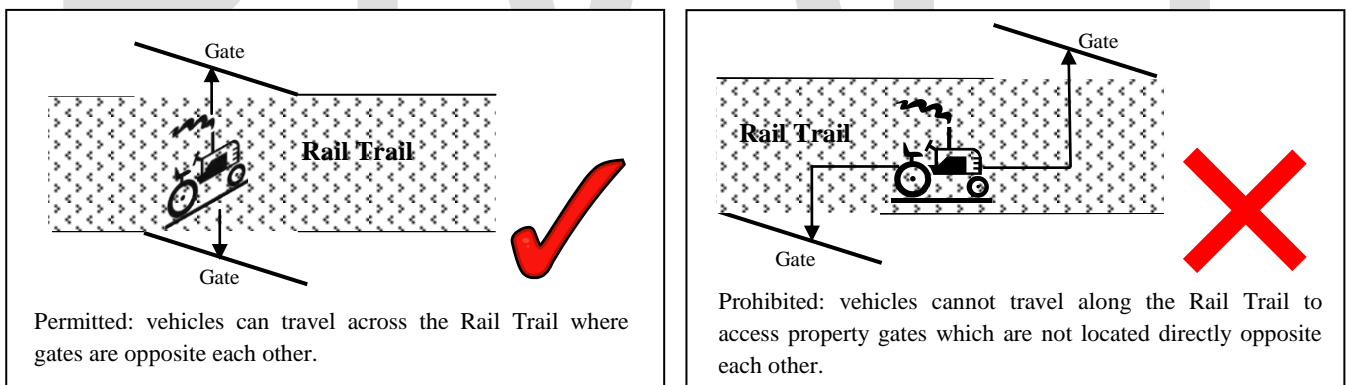
'Gate' may refer to a single isolated gate *across* the Rail Trail (not on the cadastre boundary of). Pairs of gates in close proximity also occur to allow the managed movement of stock from one side of a property to another across the Rail Trail.

### Policy

#### VEHICLES

Motorised vehicles, machinery and equipment, including motorbikes and all-terrain vehicles, are not permitted to be driven on the Rail Trail, unless otherwise sign-posted or permitted by formal agreement with the Shire through a management plan or easement lease. This exclusion does not apply to:

- Shire-approved vehicles (for maintenance purposes);
- Emergency services; or,
- Traffic across the Rail Trail where property gates are located on the Rail Trail's cadastre boundary and the gates are located directly opposite each other (see Figure 1). This traffic must give way to recreational users of the Rail Trail under all circumstances.



**Figure 1:** Prohibited and exempted vehicle traffic across the Rail Trail to access Lot(s) located on either side of the Rail Trail (drawings not to scale).

#### GATES

The following applies to gates already erected, and/or to be erected, across (not on the cadastre boundary of) the Rail Trail:

- a) Gates are to be licenced on an annual basis and registered in the Shire's Gate Permit Register. Each individual gate is to be registered (regardless of whether it occurs as a parallel pair).
- b) The licence is renewable annually upon payment of the applicable Gate Permit fee (for each individual gate), as per Council's operative Fees and Charges Schedule.

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- c) The ownership of and responsibility for maintenance of any licenced gate lies with the licence holder.
- d) In order to assist the efficient and safe movement of pedestrians, cyclists and horse riders, gates must be kept in the 'open' position to allow uninterrupted thoroughfare of the trail unless required by the adjoining landowner and licence holder for temporary stock movement or management purposes. The maximum time a gate can be closed is two (2) hours within any given day unless otherwise agreed by the Shire of Denmark's CEO.
- e) Any application for a new gate needs to be approved by the Shire of Denmark's CEO or Director of Infrastructure Services, as per delegation D120108: Gates Across Public Thoroughfares.
- f) This policy and the effect of permitting gates within the Rail Trail may be reviewed by Council from time to time.

This gate policy does not apply where an existing formal agreement is already in place for the possession and operation of a gate across the Rail Trail, such as in the conditions of an easement lease.

#### FENCES

The following policy applies to existing fences erected within (not on the cadastre boundary of) the Rail Trail:

- a) Council land excluded from general access to the public will be subject to a standard management agreement between the Shire and the Department of Lands with the following non-exhaustive list of inclusions:
  - i Term not to exceed five (5) years with a further right of review not to exceed five (5) years;
  - ii The responsibility for maintenance of the fencing lies 100% with the lessee; and,
  - iii Any replacement fences shall be positioned on the correct alignment of the Rail Trail.
- b) The management agreement acknowledges the rights of the adjacent landowner and/or occupier to utilise the Rail Trail land the subject of the agreement in accordance with the following:
  - i For property access;
  - ii For grazing purposes;
  - iii For replanting local endemic vegetation; and,
  - iv Apart from water pipes and infrastructure constructed prior to 2000, no permanent infrastructure or development is permitted without the express written permission of the Shire of Denmark's CEO.

**SCHEDULE OF SUBMISSIONS: DRAFT DENMARK-NORNALUP HERITAGE RAIL TRAIL POLICY**

Submission Number	Submitters Details	Submission	Officers Comment
1	AJ Pedro	<p>Having been involved in the transformation of the Denmark to Nornalup Heritage Trail from an unused old railway line in 1987, along with help from Alex Syme, Mary Rose O'Connor and 12 CEP employees I feel in a position to offer some suggestions.</p> <p>As a matter of interest a grant of some \$112,000 was gained to re-open the railway line from Ocean Beach Road to Caruso Beach Road as a Heritage Trail, transport the old Post Office and establish interpretive shelters while providing employment for 12 unemployed local people. My position was the Project Leader of this innovating and interesting achievement. It lasted 6 months and provided Denmark with a valuable tourism asset now and into the future.</p> <p>I find the submission objectives too restrictive and feel that the Policy needs to be broadened to include the following objectives:</p> <ol style="list-style-type: none"> <li>1. The future upgrading of the Denmark to Nornalup Heritage Trail to the standard achieved within the section upgraded in 1987. Primarily this was achieved by placing 75mm/100mm of gravel (lime rubble could be used) where needed along the old railway line and installing edge drainage and culverts where necessary. This would vastly improve the tourist potential and access through to Nornalup.</li> <li>2. Explore opportunities via grants or similar to replace light bridges across the Kent and Bow Rivers, as the cement pillars are still in place and therefore could be easily achieved.</li> <li>3. Explore opportunities to establish additional interpretive shelters along the Heritage Rail Trail from the Hay River to Nornalup involving locals and their recollections of the construction of the railway line also a display of pre-European history available for example from A. Hillman's 1827 diaries.</li> </ol> <p>A local man Ernie Plozza (now deceased) was a magnificent help to our group when upgrading the line in 1987, telling stories of how he operated a steam shovel along the Wilson Inlet and through hills and swamps along the railway line. I believe this information should be gathered and displayed before it fades and is lost. It is however unreasonable and restrictive to hand this work to the Historical Society as they are overwhelmed and under resourced already. I feel the Shire Council should show some leadership and call for public input and help in the matters mentioned above, thereby involving a broader aspect of our community rather than just handing over to established committees.</p>	<ul style="list-style-type: none"> <li>• The draft Rail Trail Policy seeks to address access issues only, not fire, heritage, new infrastructure or standard of maintenance – noting these matters are dealt with via other existing mechanisms (i.e. Budget processes, Municipal Heritage Inventory, emergency management arrangements etc).</li> <li>• Strict conditions are proposed to be imposed on requests for grazing of the Rail Trail. In accordance with the draft Policy, the CEO will only allow grazing where the Rail Trail is in a degraded state and as a weed or bushfire mitigation strategy, until such time as another more appropriate management measure is implemented by Council.</li> <li>• Gates across the Rail Trail already exist and given they belong to the landowner, will be their responsibility to maintain to an acceptable standard, as specified in the draft Rail Trail Policy and in accordance with <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ul>

		<ol style="list-style-type: none"> <li>4. Referring to part 'B' of the Policy, it is vitally important that no grazing takes place on the Denmark to Nornalup Heritage Trail Reserve. The policy in this regard appears to allow grazing, I refer to the work done by Wilson Inlet Catchment Committee (WICC) whereby grazing has been shown to lead to native vegetation degradation.</li> <li>5. The management of the vegetation within the railway reserve running from the Hay River to Nornalup is also of most importance. Much of this reserve is in very good condition primarily because it has not been burnt and grazed, in fact many Km's of our local vegetation has achieved their traditional character of open floor and declining fuel levels due to being spared from burning and I believe introducing prescribed burning to this reserve would be a major mistake. Furthermore, if accidental or arson fires were to occur then every effort should be made to extinguish them as quickly as possible, rather than using the event to burn out larger portions of this valuable habitat.</li> <li>6. Regarding gates and fences where the Heritage Trail divides farmer's properties, the principle suggested looks sensible; however the cost of achieving this should be shared between the community and the land holder. So that clearly visible and easy to operate gates can be installed without licence fees.</li> <li>7. Regarding joint access by other trails i.e. Bibbulmun and Munda Bididi as well as strategic fire brakes, then I believe it reasonable that any improvement and management costs be shared between these groups and the Denmark Shire Council.</li> <li>8. The prime naming of this trail is also very important, built in the 1920's to service the beginning of Denmark's agricultural industry by the group settlement scheme and tourist potential of the South Coast, it is very important that the Heritage Trail naming is linked to the railway line and not become lost to a new naming strategy as appears to be taking place. The Denmark to Nornalup Rail Heritage Trail should be retained as a mark of respect to those who designed, built and were involved with its valuable benefits to the community until its closure in the late 1950's. I am keen to help achieve this if asked.</li> </ol>	
2	B & A Averill	<p>We write in response to your invitation to comment on the above draft policy.</p> <p>First we would like to thank the Shire for their recent maintenance to the access area of our driveway. We would like it to be recorded that this access area to our driveway at 106 Ocean Beach Road is shared with households 104 and 108 as well as providing access to the users of the trail. We have noticed that there is an ongoing increase in the users of the trail and many of these users cross the access and the beginning of our driveway to park their vehicles alongside the trail, thereby avoiding leaving their vehicles on the road. Up to date we have had no problem with this but the room for leaving vehicles is limited and this may need to be addressed in the future.</p>	<p>According to the Shire's cadastral mapping, property access is via a battleaxe which lies on the boundary of the Rail Trail and is not within the Rail Trail reserve tenure. No need to review means of access.</p>

3	CL & A Grain	<p>We refer to the Shires letter dated 11<sup>th</sup> June 2014 concerning the vehicular access to the rear of our property (Lot 585/2023 South Coast Hwy) from the Rail Trail reserve. Thanks Dale, for taking the time to discuss the matter briefly last week.</p> <p>The previous owner Mr Len Apfelbaums (deceased 2007) acquired the property in the late seventies and in 1980 obtained approval from the Shire to construct a storage shed with accommodation above at the very southern part on the lot, on the narrow portion of land between the creek and the Rail Trail reserve. We understand that until his passing in 2007 Mr Apfelbaums used the rail trail for vehicular access. It is apparent from the many documents we have in our possession regarding the construction that Mr Apfelbaums was a meticulous type, who we have no doubt would have obtained formal permission for access if it was required. It's most likely that at the time no permission was required and thus no formal permission was sought.</p> <p>Copies of plans left to us (courtesy of Mr Apfelbaums Estate) indicate that the Shire would have had awareness that access to the accommodation/shed was to be gained from the Rail Trail reserve. Further our records show there have been four planning applications spanning many years lodged since the initial approval for the accommodation/shed giving the Shire every opportunity to raise the issue of permission being required for the southerly access.</p> <p>We purchased the property in 2008 and along with other family members and friend have resided in the accommodation from time to time always using the rail track for vehicular access. Since then we have built the "Chocolate Lounge" that has a newly constructed dedicated drive from the South Coast Hwy to the car park.</p> <p>We seek support of the Shire for us to continue to have the benefit of vehicular access from the Rail Trail reserve on the following grounds:</p> <ul style="list-style-type: none"> <li>• We and the previous owner have been utilising the Rail Trail for vehicular access to the accommodation/shed (with the knowledge of the shire) for over 30 years without complaint or sanction.</li> <li>• If vehicular access from the Rail Trail was denied we would be unable to have water, firewood and other necessities carted to the accommodation/shed as the existing bridge across the creek is only suitable for light vehicles.</li> <li>• Given the crowds visiting the "Chocolate Lounge" during busy periods it would seem prudent to have an alternative means of exit in the event of an emergency.</li> <li>• We have recently completed maintenance on the subject access way at considerable expense. The existing gravel track was graded and new</li> </ul>	This access request will require consideration if Council adopts the draft Rail Trail Policy.
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		<p>gravel put down and compacted.</p> <ul style="list-style-type: none"> <li>• Restriction of vehicular access from the Trail would be an impediment to us renting the accommodation at a fair and reasonable rent. Easy vehicle access is a requirement for many tenants. When the “Chocolate Lounge” is closed tenants would have to open and close three sets of chained gates to get access to the highway.</li> <li>• Vehicular access is sought from the Trail only to service needs of the occupants of the accommodation and for the ongoing and periodic maintenance of the same by us. All goods and receivables in connection with the “Chocolate Lounge” come via the highway to the car park.</li> </ul> <p>An option that could be considered would be to give the Rules and Grains access only from Wentworth Road. The Trail east of the access to Lot 585 could be closed to vehicular traffic. Jill Rule has suggested this arrangement but I have been unable to contact David to ascertain if it would meet with his approval. Another option would be to restrict vehicle access to Permit Holders.</p> <p>We support wholeheartedly the Denmark-Nornalup Heritage Rail Trail Policy subject to long standing vehicular access arrangements being accommodated where justified. The Shire is to be congratulated on having the vision to realise the potential of this wonderful asset. We feel however, more emphasis should be given to family pursuits. When our kids were young we cycled many similar (former railway) trails all over Europe that because of their level nature were patronised by group’ all ages basing a holiday around cycling. This is an untapped market in WA with massive potential but the surface of the existing Trail in some areas would require improvement to facilitate the safety of younger less experienced cyclists.</p>	
4	SH & JR Wheeler	<p>Following your communication of June 11<sup>th</sup> we wish to apply for a formal agreement to allow vehicular access along the rail trail to our property at 395 Board Rd (Location 7208), as the property is completely land locked with no other access.</p> <p>At the time of purchase (1995) there was no suggestion of the need for a formal access agreement to use the old railway line as the purchase predated the development of the Denmark-Nornalup Heritage Rail Trail. Thank you for bringing this agreement to our attention.</p>	Report recommends that Shire staff submit a formal Management Plan to Minster of Lands for approval to continue vehicle access.
5	Green Skills Inc.	<p>Great to see the draft policy now developed and going out for public comment. At a first glance it looks most satisfactory to me, and if adopted will make a very valuable contribution to ongoing management of the Denmark to Nornalup Rail Trail.</p> <p>Upon further reflection, there are further comments on the draft policy that Green Skills could make, although I would welcome the chance to discuss</p>	<ul style="list-style-type: none"> <li>• Boundary fencing which is not on the correct alignment is addressed in the draft Rail Trail Policy. Standard of fencing is addressed in the Shire’s Local Laws and State Government Regulations.</li> <li>• It is proposed that vehicle access is allowed with issue of a permit by Council, in accordance with</li> </ul>

		<p>them with you before formally submitting them.</p> <p>These relate to the section covering fencing within the rail trail reserve.</p> <p>I am aware of at least one section (that between South Coast Highway and Wentworth Road), where the fencing in sections is very close to the actual trail, and probably poses an ongoing hazard to trail users.</p> <p>I think it would be desirable to have a clause allowing the shire to require landowners to replace or relocate fencing deemed too close to the trail or otherwise posing a hazard to trail users. The complexity arises if this fence was historically installed not by the landowner but as part of the development of the trail - in which case there may be a case for the Shire to assist with relocating such fencing.</p> <p>I also think it is worth explicitly mentioning that where fencing is currently within the rail reserve, that adjoining landowners have the responsibility to ensure that the fencing is maintained in a way that ensures stock do not enter onto the trail rail.</p> <p>Further to our discussion today, I would like to indicate that I don't see a problem with adjoining landowners being provided permission by the Shire to occasionally drive along the Denmark Heritage Rail Trail close to their properties (where they don't already have access rights through easements). Often such landholders do play a role in helping keeping logs and debris off the trail after storm events, in checking and maintaining fences, and for other land assessment or maintenance reasons. I have found that the occasional landholder vehicle driving down an adjoining section of Rail trail can have a benefit in keeping the trail more open from encroaching vegetation and with a double track...</p>	<p>the provisions of draft Rail Trail Policy.</p>
6	M Thornton	<p>I am a regular user of the Rail trail on my mountain bike, often up to 3 times a week. I have never had issues with the adjoining landowners, re gates or traffic movement. I accept that sometimes I have to stop and open and close a gate. I accept for the efficient management of farms dissected by the rail trail, farmers will need to cross and <b>also travel along the rail trail.</b></p> <p>The issues I have encounter are non-authorized Motorbike riders and 4 wheel drives traveling along the rail trail at speed. Rather than making life difficult for adjoining landowners I would suggest that council be constructive in authorising/licencing landowners to move animals and machinery along the trail when it complies with some fair and reasonable test. This is not to say the trail becomes a farm laneway constantly covered in cowshit, but I would be equally adverse to forcing a farmer to create kilometres of adjoining laneway to move farm vehicles on. I think all users can co-exist with suitable licence authorization. I would prefer the farmers to be involved in monitoring/controlling of the unauthorized and dangerous fast traffic use. I</p>	<ul style="list-style-type: none"> <li>• It is proposed that adjacent landowners can apply for vehicle access with issue of a permit by Council, in accordance with the draft Rail Trail Policy.</li> <li>• Vehicles without a permit, including motorbikes, are not permitted on the Rail Trail where tenure is reserve for the purposes of 'Heritage Trail'. Where the tenure is road reserve, Council cannot prohibit access. Report recommendations include Shire staff review tenure of the Rail Trail.</li> <li>• The annual permit is in accordance with the existing Gate Permit fee in Council's operative Fees and Charges Schedule.</li> </ul>

		also think annual licence applications are draconian, and think it should be a 3-5 year licence as long as conditions of licence are not breached.	
7	W Miller	<p>In reference to your letter 11 June, 2014.</p> <p>We have gates across the trail and we have been paying a gate permit on them for at least 16 years. When Basil Schur started to open up the trail and installed the gates, it was an agreement that we have access to drive along the short distance at anytime and it was not going to interfere with our farming activity. We also graze the cattle every six to eight weeks to keep grasses down and lower the fire risk through the summer.</p> <p>We have signs up when they are grazing. We drive slowly at all times and pull over if people come along. We have always been very safety conscious and aware that children may be in the area.</p> <p>The farm has been operating for over 50 years and in that time access has always been used as the Trail cuts through the middle of the farm.</p> <p>We have receipts/letters going back to 1998 showing granting of Permits from Denmark Shire.</p> <p>We were also assured by Basil that all dogs would be on leads when using the Trail, when this is not happening. A serious safety issue for cyclists and other walkers.</p>	<ul style="list-style-type: none"> <li>• Gates were on Gate Permit Register. No record of renewal since 2003. Gate Permit to be considered for renewal by Council with conditions if it adopts the draft Rail Trail Policy.</li> <li>• This access and grazing request will require consideration if Council adopts the draft Rail Trail Policy.</li> </ul>
8	P Ross G & TJ Ross & Co.	<p>In relation to the letter received 11 June 2014 I would like to clarify the following points in relation to our formal easement lease on the rail trail;</p> <ol style="list-style-type: none"> <li>1. Our easement allows us to move vehicles or cattle along as well as across the rail trail,</li> <li>2. There are 5 gates adjacent to our property,</li> <li>3. These gates were installed prior to the opening of the rail trail,</li> <li>4. We maintain these gates and also maintain fences between our property and the rail trail.</li> </ol> <p>In relation to the gate policy I would like to make the following points;</p> <ol style="list-style-type: none"> <li>1. We are happy for gates to be left in the open position when we are not moving cattle along the rail trail,</li> <li>2. There can be no justification for the charging of a gate fee to landowners as there is no cost incurred by the shire in relation to these gates,</li> <li>3. When considering charging landowners a fee the Shire should consider the services landowners provide to the shire and the public in relation to the rail trail;</li> </ol> <p>- We clear the rail trail of karri branches and debris after every winter storm</p>	No change to current arrangements is required as a result of draft Rail Trail Policy. No fees will be charged given conditions are governed by an Easement Lease approved by the Minister of Lands.



		<p>eg twice in the last fortnight. The commercial rate for this service using tractor and front end loader would be in excess of \$100/hr. The rail trail would not be useable without the trail being cleared.</p> <p>- Blackberries have taken root where the rail trail has been replanted with native plants. We spray these annually to prevent them spreading through our property. Once again the commercial rate for a tractor and mounted sprayer would be in excess of \$100/hr.</p>	
9	C Carter Roydon Nominees Pty Ltd	<p>I am the owner of properties on both sides of the Denmark-Nornalup Heritage Rail Trail between Happy Valley Road and Kordupbup Road. My properties adjoin the trail on both sides for about 1200m.</p> <p><b>These properties are held in the name of Roydon Nominees Pty Ltd.</b></p> <p>The Directors of Roydon are supportive of the Shire supporting and developing the various tourism initiatives contemplated, and we appreciate the opportunity to comment and contribute to your Policy document.</p> <p>Clearly the management and administration for the amenity becomes the responsibility of the Shire, hopefully with the support of the community and landowners. Some of the obvious increased Shire liabilities that come to my mind are -</p> <ul style="list-style-type: none"> <li>- reckless motorbikes,</li> <li>- litter and rubbish,</li> <li>- unauthorised camping,</li> <li>- fire **,</li> <li>- Emergency.</li> </ul> <p>No doubt the Shire has turned its mind to these obligations and liabilities, and has its own public liability strategy to manage the extra risk on behalf of the ratepayers.</p> <p>Along the Roydon boundary fences that adjoin the trail, on both the north and south side, are numerous old gates. These gates are not utilised to move stock or machinery between the 2 properties. We have an easement from 313 Happy Valley Road that provides our “shortcut”. Our gates are rarely if ever used, so I am confident in declaring that the simple existence of old gates made impenetrable by vegetation has never “caused access problems for recreational users”.</p> <p>Several old gates along our boundaries have never been used, and nor could they be used given the vegetation that exists. The vegetation prohibits either quad bike, livestock, vehicle, machinery, and in many cases pedestrian access. These are very old gates and pre-date Roydon’s ownership, and probably the result of fire access points in bygone eras when clearing native vegetation was less regulated.</p>	<ul style="list-style-type: none"> <li>• Draft Rail Trail Policy does not deal with gates <i>along</i> the Rail Trail boundary, only those that are <i>across</i> the Rail Trail and potentially impede access by recreational users.</li> <li>• The draft Rail Trail Policy seeks to address access issues only, not fire or standard of maintenance – noting these matters are dealt with via other existing mechanisms (i.e. Budget processes, emergency management arrangements etc).</li> </ul>

Roydon agrees with your 3 objectives (protect users, ease of use, and unimpeded enjoyment) but we would advise and strongly encourage the Shire to manage its own public liability, especially with regard to the problems that fire and emergency services represents. Roydon is not confident that your “draft” gate policy facilitates an optimal outcome.

At many points along our boundary line, the distance between our properties and therefore the trail easement is circa 100m. If we assume the trail is 10m wide, then there is 45m on each side of impassable bush that is enjoyed in most part by responsible and educated recreational users. But I am sure you agree it would be naive to believe that there does not exist a significantly increased risk of various liability issues, especially with regards fire and emergency. Fire represents Roydon’s largest concern.

Our concern is significantly elevated if Trail traffic increases and our ability to access and assist the Shire deal with its fire and emergency obligations unrealistic. We are certainly not willing to pay for our community responsibility. An outbreak of fire along either and most likely both sides of the Trail will create an obligation upon the Shire to deal with the issue and make possible restitution for a matter that in all reasonableness, is predictable.

Roydon acknowledges that the Shire will become the administrator of the “Trail and Gates” with the associated liabilities and obligations, so we would recommend that it creates a policy and platform that -

1. Better mitigate these increased risk outcomes,
2. Allow for the gates to be opposite one another,
3. Helps facilitate the alignment of gates and the clearing of the buffer to and from those “opposite gates”,
4. Allow for sufficient clearing through the vegetated buffer so Machinery can be despatched to deal with emergencies on the Trail,
5. Allow registered gates (opposite) and unregistered gates (ones that are not opposite for emergencies).

While we are definitely not eager to encourage recreational visitors to remote parts of our farm through gates that could become more “inviting” and accessible, the existence of these access points might help to manage some of those threats that exist that the Shire is needing to manage with the help of the community.

We understand why your draft plan prohibits offset gates in favour of aligned (opposite) gates. As I have highlighted earlier, existing access to the most vulnerable parts of the Trail is dubious because of vegetation, whether they are aligned or otherwise. But it seems non- aligned gates that are not designed to be crossing points should not incur a tariff.

		<p>Our existing 6 very old gates most of which are made untrafficable by the Easement vegetation do not represent –</p> <ol style="list-style-type: none"> <li>An accessible point for the Shire to productively place on a register that is intended to be useful,</li> <li>A map that could be useful for emergency services,</li> <li>A reasonable excuse to charge an annual gate permit fee,</li> <li>An access point for an adjoining landowner to help discharge its community obligations with regards fire and emergency services,</li> <li>An asset that is capable of assisting the Shire to manage its own public liability, or the landowner a framework to protect his property.</li> </ol> <p>Any gate that is untrafficable due to vegetation should not be any register because it is meaningless. Only gates that allow “crossing of vehicle or livestock” should be on a register that incurs a fee, and non-aligned gates for fire and emergency purposes should be on a register but not incur a fee. The Shire should help facilitate these outcomes.</p> <p>Clearly an unusable gate because of vegetation erected “30 years ago” incurring a fee would have Roydon contemplating their removal, and in turn increase the Shires ability to deal with fire and emergency issues.</p> <p>We would be delighted to meet and discuss any of these issues on our properties at you convenience.</p>	
10	S & P Irving	<p>Further to the recent notice received by ourselves regarding access from the rail trail to adjoining properties we would like to present our situation to the Council.</p> <p>Our family has owned the property at Lot 4325 or 105 Wentworth Road since late 1978/79. When we bought the property there was no access other than via our bottom gate which is the subject of this discussion, this entrance was insitu at the time of purchase. An easement was subsequently created through the adjoining property accessible from Wentworth Road. This access has caused some angst to our subsequent neighbour over the years. As it happens this property was purchased well and truly after we had secured ours.</p> <p>In the ensuing years access is on occasion compromised due to the fact that our neighbour expanded his dam which in fact encroached quite significantly onto our 20 mtr wide right of way. The result of this construction is that at certain times of the year, winter, the overflow and seepage from this dam makes access via the right of way impassable for most vehicles. We do have a 4 x 4 and even then it can be a problem. At this time access from our bottom gate which runs off the rail trail is the best and safest option.</p> <p>You will be aware that we are only part time residents, usually once every six weeks for a week or 10 days unless we have animals giving birth when</p>	<p>Report recommends that Shire staff submit a formal Management Plan to Minister of Lands for approval to continue vehicle access.</p>

		<p>the stays are for anything up to two months at a time. Being part time residents we rely heavily on local contractors to do our hay making, fertiliser spreading and feeding out of animals at the appropriate times of the year, plus the odd slashing of thistles - these contractors usually access our property via the bottom gate.</p> <p>You may not be aware but a significant area of our property is Karri Forest, quite a large untouched (by us) area, and with the what seems increasing threat of bush fires recently it makes sense that we have an alternative access/escape plan in place.</p> <p>Our family is extremely aware of the importance of the rail trail and have always observed the speed limits etc imposed whilst using it, and for this reason, as responsible landowners we would ask the council that they continue to allow us to use our bottom entrance keeping in mind that it is not an every day occurrence.</p> <p>Just as a matter of interest, my lawnmower man rang last night and mentioned that the very area mentioned above, i.e. the back of the dam is getting to the stage that unless we have a few dry days access is not possible via the Wentworth Road access.....the rail trail entrance is our saviour.</p> <p>In view of the above I am sure you will appreciate the importance of us having access to, our property via the rail trail.</p>	
11	Water Corporation	<p>Thankyou for your letter of 11 July 2014, requesting the Corporation's advice in relation to the heritage Rail Trail.</p> <p>The Corporation owns Reserve 36260 which contains the Denmark Wastewater Treatment Plant. Access to the Plant is via a gate in Hodgson Street.</p> <p>The Water Corporation would object to the licencing of gates that provide access to the Wastewater Treatment Plant on the southern side of the heritage trail.</p> <p>Since this facility is an essential utility service for the town of Denmark and its continued growth, the Corporation requests that it be a exception within the Policy.</p>	Draft Rail Trail Policy does not deal with gates <i>along</i> the Rail Trail boundary, only those that are <i>across</i> the Rail Trail and potentially impede access by recreational users.
12	D Rule	<p><b>Response to Draft Denmark-Nornalup Heritage Rail Trail Policy</b></p> <ol style="list-style-type: none"> <li>1. Thank you for the copy of the proposed draft policy. While encouraging in that it seeks to foster safe and easy use of the trail by recreational users, I believe in some cases the adjoining residents and farmers are not as well served as they could be.</li> <li>2. I urge you to consider the following points and re-draft the policy accordingly.</li> </ol>	<ul style="list-style-type: none"> <li>• This access request will require consideration if Council adopts the draft Rail Trail Policy.</li> <li>• The Rail Trail is public land for the purposes of 'Heritage Trail' in most areas. The needs of adjoining landowners will be assessed through the Gate Permit and proposed Vehicle Access and</li> </ul>

		<p>a. A few years ago I was approached by the team setting up the Heritage Trail project – as, I assume, were other affected residents – and was asked if I had any reservations or objections to the idea of the use of the rail-bed by recreational users as well as its [then] current use. I had no objection and thought it was a good idea. There was never any indication that making the track into a recreation trail would limit the way the community was already using it. To now introduce the notions of paid gate licences, a ban on tractor movement along the track, a formal agreement for adjacent residents to be allowed to access the track is not in the spirit of that discussion or of historic use, and is, I believe, unreasonable.</p> <p>b. In this light, the draft policy objectives imply that the Heritage Trail is for the benefit and unimpeded enjoyment of recreational users [your three dot-points]. This goes against the traditional use of the asset which has always been for the benefit of all local residents, in particular those who live beside or have properties adjacent to the line. For example, the original railway was built to service the Denmark community, farmers and other primary producers. When the rails were removed the rail bed was used as a country road for vehicles, stock and recreation [such as horse riding and walking among others]. All of these managed to coexist without undue problems.</p> <p>c. Further, the idea that one set of users must at all times give way to another set of users takes no account of the myriad circumstances that can arise. People are generally rational and should be able to decide at the time what is the best course of safe and appropriate action. In the same way that people use country roads throughout Australia, no one group has a divine right of priority. I see no justification to ban the use by farmers <i>along</i> the trail.</p> <p>3. On the other hand, I think the draft policy lays down some worthwhile considerations. For example:</p> <p>a. I agree with the restrictions proposed for <b>gates</b> across the trail. Gates across the trail impede use by all. The two-hour stock movement limit seems very reasonable. However I can see no justification for a licence fee or for annual renewals.</p> <p>b. I think the policy proposed for <b>fences</b> erected within the trail cadastral boundaries is clear and fair.</p> <p>c. Trail use by high-speed <b>motorbikes</b> and other vehicles has certainly become an occasional safety and noise concern. This may need legal remedy. Clearly visible signage and, if need be, policing by the Shire Rangers might be all that is required.</p> <p>4. Finally, thank you for your consideration and support for our continued access to the Rail Trail from 41 Wentworth Road. Perhaps you may need to use the information that this access was put into place by the Shire in the 1980s.</p>	<p>Grazing Access Permit. This allows Council to regulate use of the land it manages and address potential conflicts between recreational users and adjoining landowners and limit any liability risk to Council. Until Council reviews tenure of the Rail Trail, Council cannot prohibit use of vehicles on sections of the Rail Trail which are road reserve tenure.</p> <ul style="list-style-type: none"> <li>• The fee for a Gate Permit already exists in Council's Operative Fees and Charges Schedule.</li> </ul>
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13	Bibbulmun Track Foundation	Thank you for inviting the Bibbulmun Track Foundation to comment on the draft Denmark-Nornalup Heritage Rail Trail Policy. We are happy with the guidelines as set out and have no further input to make.	Noted.
14	P Koza	<p>In regards to the last letter I received from you, the issue has 3 points of note .</p> <p>#1 ) Access from South Coast Highway . This particular access point is rarely used by me as I use the Rail Trail. It is used mainly by the Synergy maintenance people as an access point for pole inspections. It was also used extensively by the local volunteer fire brigades when a fire broke out on my property several years ago. It is also the only access point from the highway to the rail trail, which is in between my driveway and Benson Rd. So if an emergency were to happen (eg – fire ), then this would certainly be a useful access point to have. If the access point were to be permanently blocked off, then other legitimate trail users (Synergy, Denmark Shire, DEC ) might not be easily able to access this part of the trail and I would object as well. A better solution might be to install a controlled access point. A key for me to access this driveway would also be much appreciated if the need ever arose to use it for emergency purposes.</p> <p>#2 ) Firebreak parallel to the highway On your satellite photos, you will note that there is a section of firebreak near the above mentioned access point. This is part of the Old Coast Road that I keep cleared as an auxiliary firebreak.</p> <p>#3 ) Rail Trail I am seeking permission to access my property via the Rail Trail. As can be seen from satellite photos, the Rail Trail effectively splits my property into 2. I currently use the Rail Trail to access the south side of my property for maintenance purposes. I also maintain this part of the track to allow access to other legitimate user by clearing fallen trees, slashing back and removing impediments that may affect other users. I do not have any other access point to the southern part of my property except via the Rail Trail. On the west side of the property is National Park and permission to allow a access point through the park has been declined previously. This part of the trail is also my designated part of the Strategic Firebreak System that was introduced many years ago by the Denmark Shire and which has not been rescinded as far as I am aware. So since the Eighties ???, I have always maintained this part of the track , even before it became the Bibbulmun Track. And as such, it forms part of my firebreak system. If access is denied to me to use this trail, then I will have little option except to construct firebreaks running parallel to the track and the reserve associated with it. This will then comply with Denmark Shire firebreak regulations. I understand that I will still be allowed to use existing crossovers at each end of the trail bordering my property. I thank you for your attention to this letter and look forward to a favourable reply</p>	This access request will require consideration if Council adopts the draft Rail Trail Policy.

15	R Bentink	<p>Further to you letter , I Richard Bentink own a property located at 220 Kordabup Rd, Denmark, require access to this property via section of the railway line that is proposed to be a Horse trail and walking trail.</p> <p>On the west side of Kordabup Rd, access is required to enable maintenance of the fence line for approximately 2km, together with current access on the East side of Kordabup Rd, which required significant maintenance due to being sand bogged during the dry months, however gravel sheeting of this section would rectify this issue.</p> <p>I have no issue with Kordabup Rd becoming a horse and walk trail provided access to my property is enabled.</p> <p>Should you wish to discuss further, please do not hesitate to contact me.</p>	This access request will require consideration if Council adopts the draft Rail Trail Policy.
16	Conservation Commission WA	<p>The Conservation Commission of Western Australia notes your letter of 11 June 2014. The Conservation Commission is the body in which Western Australia's terrestrial conservation estate is vested under the <i>Conservation and Land Management Act 1984</i>, replacing the National Parks and Nature Conservation Authority as the responsible body in 2000.</p> <p>As the vesting authority, the Conservation Commission establishes the strategic frameworks within which the management of lands is undertaken by the Department of Parks and wildlife.</p> <p>In the matter of the Draft Denmark – Nornalup Heritage Rail Trail Policy, the Conservation Commission's interest is to ensure that the strategic objectives for the park and reserve management are not impacted upon by activities within the a park or reserve, or by those of adjacent landholders or land users.</p> <p>In relation to recreational use of those parks and reserves the Conservation Commission's objectives include, for example:</p> <ol style="list-style-type: none"> <li>1. Providing a wide range of opportunities to experience different environments of foot, with an emphasis on experience of the wild environment.</li> <li>2. Minimising conflicts between bushwalkers and other users.</li> <li>3. Providing cyclists with opportunities to experience landscapes, in areas able to sustain such use, while minimising safety risks.</li> <li>4. Protecting the environment from the impacts of horses (and directing the use of horses to areas able to sustain such use).</li> </ol> <p>Comment in relation to operational matter raised in the draft policy as they relate to operational management of conservation reserves is left to the Department of Parks and Wildlife.</p>	The draft Rail Trail Policy seeks to maintain and enhance the existing recreational uses.
17	Bruce Richardson Kentdale Grazing Co.	<p>Thank you for the chance to make comment on the Draft Denmark-Nornalup Rail Trail Policy.</p> <p>Tourism, understandably, has a large impact on the Shire of Denmark and the promotion and safe keeping of the Rail Trail for recreational use is great. As a landholder and ratepayer whose property adjoins the Rail Trail I do have some concerns in regards to the draft policy.</p> <p>As a full-time farm, the use of the Rail Trail by me and my family is on a</p>	This access and gate permit request will require consideration if Council adopts the draft Rail Trail Policy.

		<p>daily basis, multiple times a day. We are running a business, where the people using the Rail Trail are usually on holiday and have quite a lot of leisurely time to make their way along the trail. It is an inconvenience to farmers along the rail trail to have to open and close the gates each and every time we have to 'cross' the Rail Trail.</p> <p>People using the Rail trail may actually find it to be a 'novelty' to open and close gates on the Rail Trail (as they do so now) and this may even add to the 'rural essence' of their journey. Our family enjoys recreational time along the rail trail and even as farmers who have to open and shut gates on a daily basis, the opening of gates along the rail trail has added to our enjoyment of the use of the trail.</p> <p>Is it necessary to have the gates closed off to the Ratepayer/full-time farmer, who uses the area on a daily basis, than to have them open permanently for the minimal number of trail users who come along so infrequently? We wish for the Shire to take serious consideration of any requests by landowners who have gates abutting the rail trail, to leave them open for longer periods of time than the suggested two hours as noted in the draft policy.</p> <p>Our other concern lies within the 'gate permit fee' that is to be sought from landholders adjoining the Rail Trail. As already financially contributing by way of Rate payments, is it necessary to charge such a fee at all? If a 'gate permit fee' is to go ahead, I suggest that it not be assessed 'per gate' but instead be for general access across the trail - and also for the agreement to be for a period of time longer than one year.</p>	
18	Department of Parks and Wildlife	<p>Thank you for your letter dated 13 July 2014 regarding the Draft Denmark-Nornalup Rail Trail Policy and the opportunity for the Department of Parks and Wildlife to provide comment.</p> <p>I would like to congratulate the Shire of Denmark for developing the policy to manage the access and interactions between the rail trail and the adjoining land uses. As you are aware, the Munda Biddi Trail and Bibbulmun Track both overlap the sections of the Denmark-Nornalup Heritage Rail Trail, which adds to the range of walking and riding opportunities in the Shire.</p> <p>The Department is supportive of the objectives and content of the policy, which provides clear guidance on access along and across the trail for adjacent property owners.</p> <p>In the interests of clear management with both trail users and adjacent property owners, the Department suggests including additional information on the way trail closures will be communicated with trail users, (eg the use of signs) and trail users rights and responsibilities for opening and closing gates.</p>	Noted.



19	Paths and Trails Advisory Committee	<p>That the Paths and Trails Advisory Committee advise that the Committee appreciate the opportunity to comment on Shire of Denmark Policy P110309 – Denmark-Nornalup Heritage Rail Trail – Vehicles, Gates and Fences and are happy to accept it as a guiding document with the following items included:</p> <ol style="list-style-type: none"> <li>1. That the official name of the Denmark-Nornalup Heritage Rail Trail be maintained and used in all official signage and references.</li> <li>2. That the Objectives be expanded to include <ol style="list-style-type: none"> <li>i) Vegetation Reserve for preservation of local native species.</li> <li>ii) Interpretive information for retention and dissemination of historical values of the trail.</li> </ol> </li> </ol>	<ul style="list-style-type: none"> <li>• The draft Rail Trail Policy seeks to address access issues only, not fire, heritage, new infrastructure or standard of maintenance – noting these matters are dealt with via other existing mechanisms (i.e. Budget processes, Municipal Heritage Inventory, emergency management arrangements etc).</li> </ul>
20	Department of Lands	I wish to inform you that the Department of Lands has no objections to the proposal as it is consistent with the approved management plan for the reserve.	Noted.

## **P110309      Denmark-Nornalup Heritage Rail Trail**

### Aim

The Denmark-Nornalup Heritage Rail Trail (Rail Trail) is a multi-use trail located on Crown land under management of the Shire of Denmark and dedicated for public purpose. The Rail Trail is public land, for the enjoyment of all. Primary uses of the Rail Trail are recreation, heritage and strategic firebreak. Council aims to protect these uses of the Rail Trail, which, in areas, shares an alignment with the internationally-marketed Bibbulmun Track and Munda Biddi Trail.

### Policy

Uses of the Rail Trail other than for recreation (walking, bicycling and horse-riding) will be considered by Council only where it does not unduly impact on the recreational uses. Other uses may include:

- Vehicle access over or along the Rail Trail;
- Grazing of stock on the Rail Trail; and,
- Erection of fencing and gates across the Rail Trail.

### Vehicles

In accordance with Clause 2.8(1)(c) of the *Shire of Denmark Local Government Property Local Law*, motorised vehicles, machinery and equipment, including motorbikes and all-terrain vehicles, are not permitted to be taken, ridden or driven on sections of the Rail Trail where the tenure is reserve for the purpose of 'Heritage Trail'. This exclusion does not apply to:

- Shire-approved vehicles;
- Approval granted via conditions of a formal Management Plan or Easement Lease approved by the Minister of Lands;
- Public utilities;
- Emergency services; and,
- Permit holders issued by Council under the *Local Government Property Local Law*.

Permits will be required in accordance with Clause 3.13(1)(g)(i) of the *Local Government Property Local Law* for vehicle access:

- Across or along the Rail Trail, where the permit applicant owns land directly opposite and on either side of the Rail Trail, and the access is required to facilitate the current land use eg. farming; and,
- Where other means of access to the property, or parts of the property, is severely hampered, except via the Rail Trail.

Council should endeavour to ensure that the appropriate warning signage is in place on the Rail Trail for both vehicles and recreational users of the trail in areas where permits, formal Management Plans or Easement Lease provisions allow vehicle access.

### Grazing of stock

Under very limited circumstances, Council may deem grazing of stock an acceptable use where stock containment can be appropriately demonstrated and the grazing is part of a Shire-approved weed management strategy and/or bushfire hazard mitigation measure in degraded areas of the Rail Trail. A permit will be required, in accordance with Clause 4.1(1) of the *Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*. The permit holder will be required to erect appropriate warning signage for recreational users of the Rail Trail, to the satisfaction of the CEO or delegate.

### Gates

The following applies to gates already erected across (not on the cadastre boundary of) the Rail Trail and is in accordance with Clause 9 of the *Local Government (Uniform Local Provisions) Regulations 1996*:

**2 December 2014 - Attachment 8.1.4c**

- a) Gates are to be registered in the Shire's Gate Permit Register. Each individual gate is to be registered (regardless of whether it occurs as a parallel pair in close proximity);
- b) Issue of a permit is dependant upon payment of the applicable Gate Permit fee for each individual gate, as per Council's operative Fees and Charges Schedule;
- c) The ownership of and responsibility for maintenance of any licenced gate lies with the licence holder;
- d) Standard of gate and fencing directly adjoining the gate (connecting it to the property boundary fencing) is to be in accordance with the *Shire of Denmark Local Laws Relating to Fencing*; and,
- e) In order to assist the efficient and safe movement of recreational users, gates must be kept in the 'open' position to allow uninterrupted thoroughfare unless required by the adjoining landowner and permit holder for temporary stock movement or management purposes. The maximum time a gate can be closed is two (2) hours within any given day unless otherwise agreed by the CEO.

A permit for a gate is not required where an existing formal agreement is already in place for the possession and operation of a gate across the Rail Trail, such as in the conditions of an Easement Lease approved by the Minister of Lands. No new gates should be permitted.

Council should endeavour to ensure the appropriate warning signage is in place on the Rail Trail for recreational users in areas where gates have been permitted by Council.

#### *General Conditions for Permits*

Council will require a landowner to obtain a permit before authorising any use other than recreation, unless a more formal agreement exists, such as a Management Plan or Easement Lease approved by the Minister of Lands. Permits will only be issued:

- On written application to the Shire's Chief Executive Officer (CEO);
- To landowners adjoining the Rail Trail; and,
- In accordance with this policy.

Delegations for approving permits under this policy are in accordance with Council's Delegation Register:

- D120108 Gates Across Public Thoroughfares – CEO or delegate;
- D110201 Local law – Local Government Property (for vehicle permits) – Council; and,
- D100602 Local law – Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law (for grazing) – CEO.

Permits issued for Rail Trail access should be recorded in the relevant Council register:

- Gate Permit Register;
- Vehicle Access Permit Register; and,
- Grazing Permit Register.

Council may consider the following general conditions for inclusion in permits for other uses of the Rail Trail:

- Permits will expire after one year of issue.
- Permit holders will be required to re-apply at permit expiry.
- The permit is dependant upon payment of the applicable fee, as per Council's operative Fees and Charges Schedule.
- Permit holders will be liable for any damage to local government property associated with the permit use.
- Recreational users have right-of-way in all situations.
- Permits are non-transferrable on sale of property.
- Council may cancel a permit if the permit holder has not complied with any conditions of the issued permit.
- For grazing permits - the permit holder will be required to erect appropriate warning signage for recreational users of the Rail Trail, to the satisfaction of the CEO or delegate.

- For gate permits - The ownership of and responsibility for maintenance of any gate lies with the permit holder.
- For gate permits - Standard of gate and fencing directly adjoining the gate (connecting it to the property boundary fencing) is to be in accordance with the *Shire of Denmark Local Laws Relating to Fencing*.
- For gate permits - In order to assist the efficient and safe movement of recreational users, gates must be kept in the 'open' position to allow uninterrupted thoroughfare unless required by the adjoining landowner and permit holder for temporary stock movement or management purposes. The maximum time a gate can be closed is two (2) hours within any given day unless otherwise agreed by the CEO.
- For vehicle permits – Maximum speed limit for any motorised vehicles, machinery and equipment, including motorbikes and all-terrain vehicles, is 40 km/hr.

#### USES DEEMED NOT ACCEPTABLE

Uses which are not considered acceptable on the Rail Trail will not be considered by Council and include:

- Encroachment into the Rail Trail for farming or any other activity by adjoining landowners;
- Erection of buildings or infrastructure on the Rail Trail, including fencing not on the adjoining landowner's cadastral boundary; and,
- Storage of any item on the Rail Trail.

#### *Fences not on the cadastral boundary*

The following policy applies to existing adjoining property boundary fences which have been erected within and not on the cadastre boundary of the Rail Trail:

- a) Where it is known that Council land has been excluded from general access to the public by the boundary fencing of adjoining landowners, the land will be subject to a standard management agreement between the Shire and the Department of Lands with the following non-exhaustive list of inclusions:
  - i Term not to exceed five (5) years with a further right of review not to exceed five (5) years;
  - ii The responsibility for maintenance of the fencing lies 100% with the lessee; and,
  - iii Any replacement fences shall be positioned on the correct alignment of the Rail Trail and the management agreement terminated.
  
- b) The management agreement acknowledges the rights of the adjacent landowner and/or occupier to utilise the Rail Trail land the subject of the agreement in accordance with the following:
  - i For property access;
  - ii For grazing purposes;
  - iii For replanting local endemic vegetation; and,
  - iv Apart from water pipes and infrastructure constructed prior to 2000, no permanent infrastructure or development is permitted without the express written permission of the Shire of Denmark's CEO.

**Attachment 8.1.4d Existing and Requested Access to the Denmark-Nornalup Heritage Rail Trail by Adjoining Landowners**

Known existing agreements for adjoining land owners to access the Denmark-Nornalup Heritage Rail Trail						
Access		Owner		Address	Existing Agreements	Comment
5 x GATES, VEHICLE		TJ Ross		796 South Coast Hwy	2004 Easement Lease. Easement document states Council is responsible for maintenance of gates across trail and associated signage. Gates cannot be closed for longer than 30 minutes. Lease permits vehicle and stock movement across and along the Rail Trail.	The land owner has stated they maintain the gates and associated fencing. No change required as a result of draft Rail Trail Policy.
VEHICLE		SL Bellekom		Lot 605 South Coast Hwy	2008 Easment Lease. Permits vehicle use.	No change required as a result of draft Rail Trail Policy.

Formal approval for access still required for existing use						
Access		Owner		Address		Comment
4 x GATES		K Birkbeck		Lot 2 Wentworth Rd	Stock movement	Gate Permit to be considered by Council with conditions if it adopts the draft Rail Trail Policy.
3 x GATES		BJO Richardson		4108 South Coast Hwy	Stock movement	Gate Permit to be considered by Council with conditions if it adopts the draft Rail Trail Policy.
2 X GATES		DJ Pennington		2 Parker Rd	Stock movement	Gate Permit to be considered by Council with conditions if it adopts the draft Rail Trail Policy.
GATE		Smith (Estate of)		271 South Coast Hwy	Stock movement	Gate Permit to be considered by Council with conditions if it adopts the draft Rail Trail Policy.
4 x GATES		WB Miller		45 Crusoe Beach Rd	Stock movement	Gates were on Gate Permit Register. Council first issued a permit in 1995. No record of renewal since 2003. No conditions specified. Gate Permit to be renewed by Council with conditions if it adopts the draft Rail Trail Policy.
VEHICLE		D Rule		Lot 5911 Wentworth Rd	Primary means of access is via Rail Trail, although the property is bordered by both Wentworth Road and South Coast Highway. Building licence implies knowledge of primary access from Rail Trail.	Recommend that Shire staff submit a formal Management Plan to Minster of Lands for approval.



Landowners who have requested formal access to the Denmark-Nornalup Heritage Rail Trail during the draft Rail Trail Policy public submission period						
Access		Owner		Address	Reason	Comment
VEHICLE		CL & A Grain		Lot 585 South Coast Hwy	Historical use to access rear of property. Property is not land-locked.	Council will need to consider access request if it adopts the draft Rail Trail Policy.
VEHICLE		SH & JR Wheeler		Lot 7208 Board Rd	Property is land-locked. No other means of access.	Recommend that Shire staff submit a formal Management Plan to Minster of Lands for approval.
GRAZING		WB Miller		45 Crusoe Beach Rd	Historical. To keep grasses short and reduce fire risk.	Council will need to consider access request if it adopts the draft Rail Trail Policy.
VEHICLE		WB Miller		45 Crusoe Beach Rd	Access along Rail Trail to enable farming activity to continue.	Council will need to consider access request if it adopts the draft Rail Trail Policy.
VEHICLE		S & P Irving		105 Wentworth Rd	Access along Rail Trail as part of primary access to property. Property is land-locked.	Recommend that Shire staff submit a formal Management Plan to Minster of Lands for approval.

VEHICLE		S Birkbeck	Lot 2 Wentworth Rd	Primary means of access is via Rail Trail, although the property is bordered by both Wentworth Road and South Coast Highway.	Council will need to consider access request if it adopts the draft Rail Trail Policy.
VEHICLE		P Koza	Lot 665 South Coast Hwy	Rail Trail bisects property into two. Access requested to move between portions of property.	Council will need to consider access request if it adopts the draft Rail Trail Policy.
VEHICLE		R Bentink	Lot 120 Kordabup Rd	Access along Rail Trail to enable farming activity to continue and for secondary access to infrastructure/dwelling. The Lot number is formally signposted on the Rail Trail.	Council will need to consider access request if it adopts the draft Rail Trail Policy.
VEHICLE		B Richardson	Lot 52 South Coast Hwy	Access along Rail Trail to enable farming activity to continue.	Council will need to consider access request if it adopts the draft Rail Trail Policy.