Policy Manual

Version: 30 September 2025

Copies of this document are also available to people with disability in alternative formats upon request.

BACKGROUND TO POLICY MANUAL

The purpose of policy documents is to enable the effective and efficient management of Council resources and to assist staff and Council achieve an equitable decision making process. Written policies also enable the Community to be aware of the reasoning behind administrative and Council decisions and to be familiar with the philosophy behind individual decisions. Policy statements enable much of the day-to-day business of Council to be handled by the Administration, freeing up the time of the Elected Members in determining major policy and strategic direction.

It is important to note that this manual contains the policy statement of the Council and does not contain procedural matters.

A current policy manual of any organisation proves to be a valuable tool in improving the decision making process. This manual should be that for the Shire of Denmark.

The policies contained within this manual are those that project a corporate image and are not controlled by individual Directorates. The development of each policy involves input from staff across the organisation and Elected Members.

A policy statement is not binding on Council but provides a guideline for Elected Members and Staff in determining individual applications or requests. Generally, policies evolve as issues come before Council and should continue to evolve though a process of review and refinement. For this reason, it is important that a review process in place. It is also possible for members of the community to seek an early review of a specific policy.

This Policy Manual forms part of Shire's public documentation. The Policy Manual is available for public inspection on Council's website and during office hours, at the Council office, on request.

Policy framework
Each policy is developed in order to address specific matters. They relate to objectives of the Shire of Denmark, and, in some instances, as required by legislation. The principles behind the policies are directly related to the Shire's values as an organisation. These are that the Shire;

- Will work with the Community in a way which is friendly, helpful, professional and inspires confidence;
- Council and Council Staff are honest, dedicated and show respect for others;
- Will aim for equity and fairness in all we do; we will focus on the needs of the customer; and strive for continuous improvement;
- Will be dynamic, flexible and innovative, with strong team spirit – a great place to work and a welcoming place for the community to visit;
- Is committed to the principles of transparency, accountability and Freedom of Information.

Essentially, policies developed by the Shire of Denmark are aimed at ensuring and encouraging equity, fairness, access to information and decision making and effective management of community resources.

Each policy should include:
- An objective statement (what the policy aims to achieve);
- A policy statement (what the policy is);
- A nominated person responsible for the policies implementation;
- The date of adoption, including Council resolution number.

POLICIES

P030102	Pensioner/Senior Rebate Entitlement Calculation (Commercial Use)
P030103	Amendment to Rate Book Errors
P030201	Reserve Fund Interest
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P040221	Fines & Infringements
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P040227	Debt Collection Policy
P040229	Investment Policy
P040232	Municipal Budget Policies
P050110	Hazard Reduction Burning on Private Property Procedure
P050120	Prescribed Hazard Reduction Burns on Shire of Denmark Managed Reserves
P050201	Attending to Kangaroos
P050202	Attending to Snakes
P050304	Shark Hazard & Beached Whale Policy
P070403	Gas Guns & Acoustic Bird Scaring
P070404	Principles Supporting The Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law
P070405	Fireworks Usage
P090101	Designated Senior Staff Housing Policy
P100104	Compulsory Waste Collection Services
P100505	Tree Removal/Lopping

P100513	Irwin Inlet Sandbar Opening Protocol
P100514	Parry Inlet Sandbar Opening Protocol
P100515	Wilson Inlet Sandbar Opening Protocol
P100516	Sustainable Events
P100601	Scheme Amendment Requests
P100602	Consultation Privacy Policy
P100606	Payment of Planning & Building Fees by Not For Profit Community Organisations
P100608	Town Planning Scheme No. 3 – Colour Interpretations
P100610	Peaceful Bay Leasehold – Legal Advice (Demolitions & Inspections)
P100612	Bush Fire Assessments for Private Developments Adjoining Council Land
P100701	Denomination Signs - Denmark Cemetery
P100702	Shrubs & Trees - Denmark Cemetery
P100703	Privately Conducted Funerals & Plot/Niche Reserve Holders
P100704	Plot & Niche Compartment Reserve Holders
P100705	Installation of Memorial Furniture & Plaques
P100706	Cemetery Income
P100707	Relaxation of Headstone Only Policy at the Denmark Cemetery
P110102	Leasing of Land and/or Buildings to Community Groups
P110103	Denmark Civic Centre Reserved Booking – Denmark Village Theatre
P110303	Recreation Centre Refunds
P110307	Fee Setting Policy for McLean Park & High School Ovals & Recreation Facility Usage
P110309	Advertising Signage at Mclean Park
P110310	Denmark-Nornalup Heritage Rail Trail
P110311	Personal Training Sessions & For Profit Fitness Activities in Council Reserves
P110312	Recreation Centre – School Holiday Program Inclusion Fund
P110502	Library Charges
P110701	Functions in Recognition of Volunteers
P110703	Returned Services League - Budget Allocation
P110705	Art Collection Management
P110706	Aboriginal Heritage
P110707	Recognition of Local Centenarians
P110708	Denmark Historical Society – Annual Funding Contribution
P110709	Recognition of People with Disability
P110711	Woodturners of Denmark Annual Exhibition
P110712	Denmark Crafty Quilters – Triennial Exhibition
P120101	Street Trees
P120102	Roadside memorials (Erection, Maintenance & Removal)
P120103	Road Program Seal Advancement
P120104	No Spray Register Policy
P120602	Private Jetties in Wilson Inlet and Denmark River
P130202	Parry's Beach Management
P130205	Geocache Friendly Council
P130301	Guidelines for Temporary Accommodation
P130302	Building Statistics
P130303	Compliance with Mobility Standards by Denmark CBD Buildings (that are renovated)
P130601	Retail Trading Hours Exemption Order
P140101	Private Works Policy
P140401	Council Tools & Equipment

APPENDICES

Appendix 1	Shire of Denmark Noise Management Plan – for the use of Gas Guns within the Shire of Denmark
Appendix 2	Social Media Policy
Appendix 3	Shark Hazard & Beached Whale Policy
Appendix 4	Irwin Inlet Sandbar Opening Protocol
Appendix 5	Parry Inlet Sandbar Opening Protocol
Appendix 6	Wilson Inlet Sandbar Opening Protocol

P030102 PENSIONER/SENIOR REBATE ENTITLEMENT CALCULATION (COMMERCIAL USE)

Objective

To determine, in an equitable and administratively efficient manner, the extent (percentage) of entitlement to a State Government Rebate, in accordance with section 28(2) of the Rates and Charges (Rebates and Deferments) Act 1992, where the land parcel contains a commercial (non-residential) use.

Policy

In accordance with the Procedural Manual, issued under section 9(3) of the Rates and Charges (Rebates and Deferments) Act 1992, the following methods shall be used to determine the percentage of the prescribed charges that are entitled to a State Government Rebate, for when there is an approved commercial use occurring upon the land parcel(s) subject of the application:

1. Where the basis of rating is the Gross Rental Valuation of the land parcel(s):
    a. Where a sub valuation can be provided by Landgate (at no cost to the Council), the entitlement shall be expressed as a percentage by dividing the sub valuation attributed to the residential component of the property by the total valuation recorded for the property; or,
    b. Where a sub valuation is not available the entitlement shall be expressed as a percentage and calculated by dividing the area of the residential building component by the total area of all buildings on the property.

2. Where the basis of rating is the Unimproved Valuation of the land parcel(s), the entitlement shall be expressed as a percentage and calculated by dividing two (2) hectares by the total area (expressed in hectares) of the land parcel(s).

For the purpose of this policy a commercial use is defined as any income-producing activity, but not where the income or activity is incidental to the main residential use component (e.g. hobby, home occupation).Transitional Provisions

The application of this Policy will take effect from the date of adoption by Council and will not be applied retrospectively. Where a change in circumstances occurs this Policy will be applied.

Responsible Officer

The Director Corporate and Community Services is the responsible officer for implementing this policy. Rating Services staff shall administer the day-to-day implementation of the policy under direction of the Director Corporate and Community Services.

ADDED by Res: 080414 / 15 April 2014

P030103 AMENDMENT OF RATE BOOK ERRORS

Objective

To provide guidance to the Chief Executive Officer in determining the manner of application of Section 6.39 (2) of the Local Government Act 1995 and in seeking to observe the principles of objectivity, fairness and equity, consistency and transparency by ensuring that any errors found in the Rate Book are amended.

Policy

That where errors are discovered in the Rate Book that the Chief Executive Officer is authorised to amend it for the preceding five (5) years pursuant to section 6.39 of the Local Government Act 1995.

ADDED by Res: 090414 / 15 April 2014

P030201 **RESERVE FUND INTEREST**

Reserve fund interest earnings in any year be transferred from the Municipal Fund to the Reserve Account on which the interest was earned.

P030202 **DENMARK CO-OPERATIVE SHAREHOLDING**

With respect to Councils minor shareholding in "The Denmark Cooperative Company Limited', that it not participate in responding to voting on matters affecting the Company out of respect for other businesses operating within the Shire. Nothing in this policy prevents the Council from accepting its rights of dividend, trading bonuses or other entitlements due to it as a result of becoming a shareholder in 1993.

ADDED by Res: 150508 / 27 MAY 2008

P030203 **FEDERAL GOVERNMENT FINANCIAL ASSISTANCE GRANTS PROGRAM**

Objective

To acknowledge the importance of the Federal Government Financial Assistance Grants Program for the continued delivery of Council's services and infrastructure and confirm support for the Western Australian Local Government Association's endeavours to raise the profile of its importance.

Policy

The Shire of Denmark will ensure that funding through the Financial Assistance Grants program and other funding provided by the Federal Government under relevant grant programs are clearly and primarily identified and promoted as Commonwealth grant funding in Council publications, including Annual Reports.

ADDED by Res: 090915 / 8 September 2015

P040105 **REPORTS TO COUNCIL OR COMMITTEE MEETINGS**

In order to ensure adequate and informed decision making, reports to meetings of the Council or its Committees, by Councillors and Officers will contain information relating to the following prompts;

REPORT NAME:
FILE REFERENCE:
APPLICANT / PROPONENT:
SUBJECT LAND / LOCALITY:
OFFICER DISCLOSURE OF INTEREST:
REPORT DATE:
AUTHOR:
AUTHORISING OFFICER:
ATTACHMENTS:
SUMMARY:
BACKGROUND:
CONSULTATION:
STATUTORY OBLIGATIONS:
POLICY IMPLICATIONS:
BUDGET / FINANCIAL IMPLICATIONS:
STRATEGIC & CORPORATE PLAN IMPLICATIONS:
SUSTAINABILITY IMPLICATIONS:
Governance
Environment

☐ **Economic**
☐ **Social**
☐ **Risk**
COMMENT/CONCLUSION:
VOTING REQUIREMENTS:
OFFICER RECOMMENDATION:

ADDED by Res: 457/07 / 18 DEC 07
AMENDED by Res: 060914 / 9 September 2014
AMENDED by Res: 110217 / 21 February 2017

P040109 **CODES OF CONDUCT & REQUIRED PLANS**

Objective

To have current, accurate and effective Codes of Conduct and adopted Plans as required by Legislation or Best Practice.

Policy

Council will adopt Codes of Conduct, Plans as required by legislation and other Strategic Plans / Guides as required, in accordance with legislative or best practices requirements as follows;

	Date Last Reviewed	Date for next Review
Codes of Conduct		
Electoral Code of Conduct	2011	Next election, by RO within 12 months after an Ordinary Election
Plans Required by Legislation		
Municipal Heritage Inventory (MHI)	2011	4 years from last
Disability Access & Inclusion Plan 2013 - 2018	2013	2018
Strategic Community Plan (SCP)	December 2017	2019
Corporate Business Plan	July 2016	2020
Asset Management Plan	being developed	Annually
Workforce Plan	being developed	
Record Keeping Plan	2009	5 years
Local Emergency Management Arrangements	2012	3 years
Water Management Plan	being developed	
Equal Employment Opportunity Management Plan (S145 EEO Act 1984)	2012	Annually
Freedom of Information Statement	2013	2014
Public Interest Disclosure Procedures	August 2009	
Annual Budget	Annually	Annually
Plans Desired as Best Practice		
Local Health Plan	1999 - 2002	5 years
OHSW incl Evacuation Plans	February 2010	5 years
State of the Environment Report	wish list	5 years
Risk Management Plan	9 September 2014	5 years
Bush Fire Prevention Plan	23 October 2001 & 22 March 2005	5 years

Shire of Denmark Development & Subdivision Guide 2008	24 June 2008 (Res: 200608)	
Business Continuity Plan	July 2012	2 years
Developer Contributions/Community Infrastructure Plan	being developed	
Town Planning Scheme 3	Government Gazette - 25 April 1994	
Local Planning Strategy	4 October 2011	5 years
Cultural Heritage & Historical Strategic Plan (refer Policy P110704)	January 2007	
A Study into the Risk of Phytophthora Dieback in Ten Peri-Urban Reserves within the Shire of Denmark (refer Policy P100507)	August 2008	
Wilson Inlet Foreshore Reserves Management Plan 2008 (see Policy P100509)	November 2008	November 2018
Owingup Swamp - A Reconnaissance Study of its Stratigraphy, Hydrology and Ecology	July 2001	
Bow River Floodplain Management Study	23 February 2010 (Res: 120210)	
Local Recreation Plan	24 June 2003 (Res: 196/03)	
Five Year Occupation Safety and Health Management Plan	6 November 2012	2017
Shire of Denmark Coastal Reserves Management Strategy and Action Plan 2010-2020	2011	2020

Responsibility for implementation

The Chief Executive Officer is responsible for implementation of this policy.

Note: refer to the Council's Delegations Register for Officers delegated under those policies/plans.

ADDED by Res: 220708 / 22 JULY 2008
AMENDED by Res: 290808 / 26 August 2008
AMENDED by Res: 111108 / 25 November 2008
AMENDED by Res: 191208 / 23 December 2008
AMENDED by Res: 070609 / 23 June 2009
AMENDED by Res: 200912 / 25 September 2012
AMENDED by Res: 071112 / 6 November 2012
AMENDED by Res: 511013 / 22 October 2013
AMENDED by Res: 060914 / 9 September 2014
AMENDED by Res: 110217 / 21 February 2017

P040110 **POLICY MANUAL**

1. It is the policy of Council to maintain a manual, recording the various policies of the Council.
2. Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.
3. The objectives of the Council's Policy Manual are:
   a) to provide Council with a formal written record of all policy decisions;
   b) to provide the staff with precise guidelines on which to act in accordance with Council's wishes;
   c) to enable the staff to act promptly in accordance with Council's requirements, but without continual reference to Council;

d) to enable Councillors to adequately handle enquiries from Electors without undue reference to the staff or the Council.
e) to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
f) to enable ratepayers to obtain immediate advice on matters of Council Policy.

4. The Policy Manual will be maintained in a loose-leaf binder and updated as and when a policy is varied by the Council.
5. The Council will carry out a total review of all policies in September of each even year, being the year between each Election Year (ie. Biennially).
6. A copy of the Policy Manual, together with details of variations as they occur, shall be distributed to all Councillors and appropriate staff. The manuals are to remain the property of the Council.
7. Changes to Council Policy shall be made only on:
   a) Notice of Motion; or
   b) an agenda item clearly setting out details of the amended policy.

AMENDED by Res: 291009 / 27 October 2009
AMENDED by Res: 200912 / 25 September 2012

P040111 PUBLIC RELATIONS – MEDIA RELEASES

1. The Local Government Act 1995 provides that the Shire President is to speak on behalf of the Local Government and accordingly, the Shire President is the official spokesperson for the Council. If approached by the media for formal comment on any issue, Councillors and staff are in the first instance, to suggest that the media make direct contact with the Shire President as the Council's official spokesperson.
2. When the media does not make direct contact with the Shire President and a member of staff is asked to respond/comment to the media, the staff member will direct the enquiry to the Chief Executive Officer who will, where appropriate and practical, liaise with the Shire President to determine who will respond/comment and the nature of the response/comment.
3. Without express authority from the Shire President or the CEO, staff and Councillors are not to offer a Council view, attitude, stance, etc on any issue.
4. A Councillor's right to express a personal opinion on any issue of public interest is recognised.
5. Nothing in this policy shall act to prevent the CEO proactively authorizing, preparing and distributing written Media Releases, which shall be copied to all Councillors for information.

P040116 COUNCIL PHOTOGRAPHS

A photograph of Council, as a group and of individual Councillors is to be taken within six months following the biennial election, by a professional photographer, framed and hung in the vicinity of the Council Chambers.

AMENDED by Res: 291009 / 27 October 2009
AMENDED by Res: 200912 / 25 September 2012

P040117 SHIRE CREST

1. The Council records having adopted a design as its official crest which is to be shown on letterheads, envelopes and other Council material and stationery, as and when considered appropriate.

2. Any application for the use or reproduction of the crest is to be considered on its merits and such applications shall be determined by the Chief Executive Officer. As a policy, Council supports the use of the crest by local organisations seeking to identify geographically with the district.
3. When approvals are given for use on publications, productions or advertising the CEO shall ensure that the organisation utilising Council's crest is to ensure that the message, content and accuracy of the material is in keeping with Council's expectations.

AMENDED by Res: 200912 / 25 September 2012

P040118 **PUBLIC QUESTION TIME, PRESENTATIONS, DEPUTATIONS AND PETITIONS**

In accordance with The Local Government Act Section 5.24, Local Government (Administration) Regulations Sections 5, 6 and 7 and Council's Standing Orders Local Law Section 3.3 and 3.13, the procedure for the Presiding Officer of a Council or Committee Meeting dealing with Public Questions or Presentations, Deputations and Petitions shall be as follows;

1. Presentations and Deputations
   a. Where the subject matter is one of general information for all Councillors, Council supports the scheduling of guest speakers, deputations and presentations based on the following guide;
      i. Where it is likely, or intended to take longer than 15 minutes (inclusive of question time) the presentation or deputation will be scheduled prior to a Council meeting on a scheduled Council meeting day, whether relevant to the agenda on that day or not.
      ii. Where it is likely, or intended to take less than 15 minutes (inclusive of question time), and subject to the proponent noting it is likely that it will be conducted with members of the public present, the presentation or deputation will be scheduled during a Council or Committee Meeting, but only if relevant to the particular agenda on that day.
   b. The Shire President, or CEO in conjunction with the Shire President, is authorised to approve or disapprove requests to address Council.
   c. The Presiding Officer, or CEO in conjunction with the Presiding Officer, is authorised to approve or disapprove requests to address a Council Committee.
   d. A deputation invited to attend a Council or Committee meeting –
      i. In the case of a Council Meeting
         - is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from the members; and
         - is not to address the Council for a period exceeding 10 minutes, plus 5 minutes for question time without the agreement of the Council.
      ii. In the case of a Committee Meeting
         - is not to exceed five persons, only two of whom may address the Committee, although others may respond to specific questions from the members; and
         - is not to address the Committee for a period exceeding 30 minutes, plus 5 minutes for question time without the agreement of the Committee.

e. Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

2. Petitions
Petitions shall be dealt with in accordance with Section 3.4 of the Council's Standing Orders Local law and be referred to the first available Council meeting after which it is received.

3. Public Question Time
The procedure for public question time is as follows:
   a. A minimum time of 15 minutes is allocated for public question time. Council does not set a maximum time, however to enable all speakers to address Council or ask questions Council does restrict each speaker to 5 minutes. A buzzer will sound at 4 minutes to indicate to the speaker that they have one minute to conclude their address.
   b. A member of the public who raises a question or wishes to address Council is to state his/her name and address.
   c. A question may be taken on notice for a later response.
   d. When a question is taken on notice a response is to be given to the member of the public in writing by the CEO and a copy or summary of the question and response is to be included in the agenda for the information of the public and Councillors (as to the response) for the next ordinary meeting of the Council or Committee.
   e. Every question or address shall relate to the business of Council (or relevant Committee), but need not be restricted to items on the relevant agenda, but must be submitted as briefly and concisely as possible. If more than one question/issue is to be raised by a member of the public, the questions/issues are to be asked individually to allow the presiding person to respond.
   f. In responding to issues/questions raised the presiding person may invite other Councillors and/or the CEO or relevant staff member to make comment.

AMENDED by Res: 250110 / 27 JANUARY 2010

P040120 USE OF COUNCIL CHAMBER/RECEPTION ROOM

Objective
To ensure this meeting venue is available for Council purposes at the times and dates required.

Policy
That the Council Chamber and/or Reception Area be used only for meetings of the Council, Council Committees and/or approved regular events (refer also Policy P110711 – Woodturners of Denmark Annual Exhibition) and otherwise at the discretion of the Shire President or the Chief Executive Officer.

AMENDED BY Res: 210315 / 24 March 2015

P040121 COMMUNITY ORGANISATIONS – PURCHASE OF GOODS

Under no circumstance is Council to become involved in the purchase of goods or assets on behalf of any group or organisation, unless those bodies are procuring fixed assets of a non removable nature, which become the property of Council.

P040122 CIVIC RECEPTIONS – APPROVALS / REJECTIONS OF REQUESTS

1. Any request for a civic reception is to be referred to the Shire President who may approve or reject the request provided that a specific or general budget authority exists.
2. Arrangements for civic receptions (format, invitation list, etc) are to be made by the Shire President and Chief Executive Officer without referral to Council.

P040124 **LEGAL REPRESENTATION COSTS INDEMNIFICATION**

Objective

This policy is designed to protect the interests of council members, employees and council committee members (including past members and former employees) where they become involved in the civil legal proceedings because of the official functions. The local government may assist the individual in meeting reasonable expenses and any liabilities incurred in relation to those proceedings.

In each case it will be necessary to determine whether assistance with legal costs and other liabilities is justified for the good government of the district. This policy applies in that respect.

Policy

EXPLANATION OF KEY TERMS

approved lawyer is to be –

(a) a 'certified practitioner' under the *Legal Practice Act 2003*;
(b) from a law firm on the Shire of Denmark's panel of legal service providers, if relevant, unless the council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
(c) approved in writing by the council or the CEO under delegated authority.

council member or employee means a current or former commissioner, council member, non-elected member of a council committee or employee of the Shire of Denmark.

legal proceedings may be civil, criminal or investigative.

legal representation is the provision of legal services, to or on behalf of a council member or employee, by an approved lawyer that are in respect of –

(a) a matter or matters arising from the performance of the functions of the council member or employee; and
(b) legal proceedings involving the council member or employee that have been, or may be, commenced.

legal representation costs are the costs, including fees and disbursements, properly incurred in providing legal representation.

legal services includes advice, representation or documentation that is provided by an approved lawyer.

payment by the Shire of Denmark of legal representation costs may be either by –

(a) a direct payment to the approved lawyer (or the relevant firm); or
(b) a reimbursement to the council member or employee.

1. PAYMENT CRITERIA

There are four major criteria for determining whether the Shire of Denmark will pay the legal representation costs of a council member or employee. These are –

(a) the legal representation costs must relate to a matter that arises from the performance, by the council member or employee, of his or her functions;
(b) the legal representation cost must be in respect of legal proceedings that have been, or may be, commenced;

(c) in performing his or her functions, to which the legal representation relates, the council member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
(d) the legal representation costs do not relate to a matter that is of a personal or private nature.

2. EXAMPLES OF LEGAL REPRESENTATION COSTS THAT MAY BE APPROVED

2.1 If the criteria in clause 1 of this policy are satisfied, the Shire of Denmark may approve the payment of legal representation costs -

a) where proceedings are brought against a council member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the council member or employee; or
b) to enable proceedings to be commenced and/or maintained by a council member or employee to permit him or her to carry out his or her functions - for example where a council member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the council member or employee; or
c) where exceptional circumstances are involved – for example, where a person or organization is lessening the confidence of the community in the local government by publicly making adverse personal comments about council members or employees; or

2.2 The Shire of Denmark will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by a council member or employee.

3. APPLICATION FOR PAYMENT

3.1 A council member or employee who seeks assistance under this policy is to make an application(s), in writing, to the council or the CEO.

3.2 The written application for payment of legal representation costs is to give details of –
(i) the matter for which legal representation is sought;
(ii) how that matter relates to the functions of the council member or employee making the application;
(iii) the lawyer (or law firm) who is to be asked to provide the legal representation;
(iv) the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
(v) an estimated cost of the legal representation; and
(vi) why it is in the interests of the Shire of Denmark for payment to be made.

3.3 The application is to contain a declaration by the applicant that he or she has acted in good faith, and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

3.4 As far as possible the application is to be made before commencement of the legal representation to which the application relates.

3.5 The application is to be accompanied by a signed written statement by the applicant that he or she –

a) has read, and understands, the terms of this Policy;
b) acknowledges that any approval of legal representation costs is conditional on the repayment provisions of clause 7 and any other conditions to which the approval is subject; and
c) undertakes to repay to the Shire of Denmark any legal representation costs in accordance with the provisions of clause 7.

3.6 In relation to clause 3.5(c), when a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the Policy.

3.7 An application is also to be accompanied by a report prepared by the CEO or where the CEO is the applicant by an appropriate employee.

4. LEGAL REPRESENTATION COSTS – LIMIT

4.1 The council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

4.2 A council member or employee may make a further application to the council in respect of the same matter.

5. COUNCIL'S POWERS

5.1 The council may –
a) refuse;
b) grant; or
c) grant subject to conditions,
an application for payment of legal representation costs.

5.2 Conditions under clause 5.1 may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

5.3 In assessing an application, the council may have regard to any insurance benefits that may be available to the applicant under the Shire of Denmark council members or employees insurance policy or its equivalent.

5.4 The council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

5.5 The council may, subject to clause 5.6, determine that a council member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved –
a) not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
b) given false or misleading information in respect of the application.

5.6 A determination under clause 5.5 may be made by the council only on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

5.7 Where the council makes a determination under clause 5.5, the legal representation costs paid by the Shire of Denmark are to be repaid by the council member or employee in accordance with clause 7.

6. DELEGATION TO CHIEF EXECUTIVE OFFICER & URGENT PAYMENTS

6.1 In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the CEO may exercise, on behalf of the council, any of the powers of the council under clause 5.1 and 5.2, to a maximum of $10,000 in respect of each application.

6.2 An application approved by the CEO or the Shire President under clause 6.1, is to be submitted to the next ordinary meeting of the council. Council may exercise any of its powers under this Policy, including its powers under clause 5.4.

7. REPAYMENT OF LEGAL REPRESENTATION COSTS

7.1 A council member or employee whose legal representation costs have been paid by the Shire of Denmark is to repay the Shire of Denmark –

a) all or part of those costs – in accordance with a determination by the Council under clause 5.7;
b) as much of those costs as are available to be paid by way of set-off – where the council member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the Shire of Denmark paid the legal representation costs.

7.2 The Shire of Denmark may take action in a court of competent jurisdiction to recover any monies due to it under this Policy.

Responsible Officer
The Chief Executive Officer is the responsible officer for implementing this policy.

Note: this Policy has been modelled from the Department of Local Government Guideline no. 14.

AMENDED by Res: 250310 / 23 March 2010

P040126 HONORARY FREEMAN OF THE MUNICIPALITY

NOMINATION PROCEDURE

Background
Section 619A of the Local Government Act 1960 prescribed that, Council may, by absolute majority, pass a resolution which confers the title of 'Honorary Freeman of the Municipality' on any person. This does not confer any right or privilege on that person other than the right to use the title so conferred.

Although the Local Government Act 1995 does not provide for conferring this title, Council has resolved to introduce the award.

Statement of Intent
This Policy stipulates the procedures for the nomination, selection and induction of persons designated as 'Freeman of the Municipality'.

Policy

Subject to the eligibility and selection criteria of this policy being met, Council may, by an absolute majority decision, confer the title of 'Honorary Freeman of the Municipality' on any person. The title shall be reserved for persons who have rendered exceptional service to the community. The process for nomination and selection of persons for the title are as follows:

1. Eligibility Criteria

   Nominees for the conferring of the title 'Honorary Freeman of the Municipality' should be residents of the Shire of Denmark who have given distinguished service to the Shire, preferably in more than one capacity.

2. Selection Criteria

   Nominees will be judged on their record of service to the community. The selection criteria are to include:

   a) Length of service in a field (or fields) of activity.
   b) Level of commitment to the field (or fields) of activity.
   c) Personal leadership qualities.
   d) Benefits to the community of the Shire of Denmark and/or State of Western Australia resulting from the nominee's work.
   e) Special achievements of the nominee.

3. Nomination Procedure

   a) Nominations for the Award may be made by individuals or organizations and are to be sponsored by a Councillor of the Shire of Denmark. They are to be submitted to the Chief Executive Officer on the Official Nomination Form (as appended to this policy) for consideration by the Council.
   b) Nominations are to be made in the strictest confidence without the knowledge of the nominee.
   c) On receipt of a nomination the Chief Executive Officer shall circulate a copy of the nomination and any supporting information to all Councillors.
   d) On receipt of the information, Councillors shall have at least two weeks to consider the proposal. If a Councillor is not in favour of the proposal then he/she should either submit his/her views;
      (i) In writing to the CEO, who will provide a copy to all Councillors; or
      (ii) Verbally at the relevant Council meeting.

      Councillors who do not formally respond will be presumed not to object to the nomination.
   e) If it is considered by Council that it would not be appropriate to pursue such nomination, then no record is to be made in the Minutes and if the Councillor sponsoring the nomination is not in attendance, the Shire President shall verbally advise that Councillor that the nomination has not been supported.

4. Awarding the Title

   Once a nomination has been accepted by Council, the nominee and any person(s) or organization(s) involved in the nomination are to be informed of the decision and a suitable press statement is to be released.

   The formal conferring of the title is to be carried out at a reception held by Council. This may be a special reception for this purpose, or the ceremony may form the focal point of any other suitable reception hosted by Council. The decision on the occasion and format of the ceremony shall rest with the President, in consultation with the Chief Executive Officer.

   The successful nominee shall receive a framed certificate and lapel pin which confirms his or her status and shall be invited to attend all civic functions.

Photographs of the Honorary Freeman of the Municipality will be displayed in the Council Chambers which will show pertinent information identifying the recipient and their service to the community.

5. Current Awardees
Percy Berridge *[dec.]* November 1973), Eileen Lunan *[dec.]* (February 2006) and Beth Franz OAM (November 2020).

AMENDED by Res: 453/07 & 456/07 / 18 December 2007
AMENDED by Res: 291211 / 20 December 2011

P040131 COUNCILLOR SERVICE & FAREWELL POLICY

Objective
To show appreciation to Councillors who have served the Council and the Community in a volunteer capacity.

Policy
Upon resignation of a Councillor midterm, and for a length of service not less than 2 years, an official presentation function shall be held to recognise the Councillor's service to the Council as part of an evening meal following a Council Meeting.

Upon retirement of office or failure to secure an additional term of office as a continuing Councillor, an official presentation and partners function shall be held to recognise the Councillor's service to the Council. The reception to include former Councillor(s) and their partner(s) as well as new Councillor(s) and their partner(s).

At either of the functions mentioned above a suitable gift shall be presented to the Councillor based on the following;

1. 0-4 years of Service: Certificate of Service;
2. 5-8 years of Service: Certificate of Service Plaque and a gift to the value of $200;
3. 9 + years of Service: Certificate of Service Plaque and a gift to the value of $400 & a recommendation to WALGA of the issue of a meritorious service or similar award.

The CEO is to consult with the Shire President and Deputy Shire President to determine a suitable gift for a Councillors service.

Note: Minister for Local Government Regional Director's exemption from Financial Interest provision required in adopting or reviewing this policy.

Note: Local Government Act 1995, section 5.100A and the Local Government (Administration) Regulations 1996, Regulation 34AC relates.

ADDED by Res: 130908 / 23 September 2008

P040132 **PRIVACY STATEMENT**

This privacy statement explains how the Shire of Denmark collects and uses information. The Shire of Denmark values the privacy of our customers and stakeholders, and views the protection of an individual's privacy as an integral part of our commitment to being a high functioning, open, transparent, ethical and responsive organisation. This privacy statement outlines how we deal with your personal information.

Collection of personal information

The Shire of Denmark collects information about its customers and stakeholders in the performance of its services and functions and as required by law.

The Shire of Denmark maintains a database of properties within the Shire, which includes personal information relating to property owners such as names, addresses, email addresses, telephone numbers etc. and also records of any complaints and enquiries related to a property.

Personal information is also collected when you give it to us, for example:

- When you join one of the Shire of Denmark services or facilities (Library, Recreation Centre etc.);
- Through correspondence, communication and service requests; or
- When you register for an event or program.

Collecting through our website

Where our website allow you to make comments or give feedback we collect your email address and sometimes other contact details. We may use your contact details to respond to your feedback.

Some services and functions on the Shire of Denmark website are delivered and hosted by third parties. These services have their own privacy policies, so when you choose to use these functions, the personal information you provide will be used and stored in accordance with their privacy policies.

Cookies and website analytics

The Shire uses a range of tools provided by third parties, including Google and our Internet Service Provider to collect or view website traffic information. These sites have their own privacy policies. We also use cookies and session tools to improve your experience when accessing our website.

The information collected by these tools may include the IP address of the device you are using and information about sites that IP address has come from, the pages accessed on our site and the next site visited. We use the information to maintain, secure and improve our websites and to enhance your experience when using them. In relation to Google Analytics you can opt out of the collection of this information using the Google Analytics Opt-out Browser Add-on.

Social media

The Shire of Denmark uses social media sites to share and promote its services and functions. When you communicate with us using these services we may collect your personal information to help us communicate with you and the public. The social networking service will also handle your personal information for its own purposes. These sites have their own privacy policies.

Email addresses, telephone numbers

We collect your email addresses, telephone numbers (mobile and landline), address(es) and, sometimes other contact details, for the purposes of contacting you as a ratepayer or resident, when you log a request with the Shire or when you subscribe to services.

We use this information for the purpose of communicating with you in regard to Council business, such as rates, debts, complaints, for sending you updates on the activities of the particular service, conducting surveys for ongoing research and development of our services, and to administer contact lists.

Public internet services

Shire of Denmark monitors the use our public wi-fi network and the public computers at our Library and other sites in order to maintain security and to prevent or detect criminal or unauthorised use of the Shire's computer hardware, software, network or systems.

Disclosure and use of personal information

Any personal information collected by the Shire of Denmark will only be used for the purpose for which it has been collected, or for a purpose you would reasonably expect in carrying out the Shire's activities and functions. Your information may also be used for ongoing research and development of our services.

The Shire will not disclose customer and stakeholder information to third parties to use for their personal or commercial advantage, but will disclose information to contracted third party providers who act on behalf of the Shire to provide services for the Shire.
The Shire will disclose personal information in circumstances such as the following:

- To undertake market research for the Shire in which case the supplier is prohibited from using your personal information except to provide these services to the Shire of Denmark. The Shire has a robust procurement process and only engages reputable market research companies;
- If, on an application by a person for information under the Freedom of Information Act 1992, the Shire (or the Western Australian Information Commissioner on appeal), adjudges that disclosure of that personal information would on balance be in the public interest;
- As required by a court order;
- As otherwise required or authorised by law;
- In order to complete the purpose or function for which the information was provided;
- For collecting monies owed to the Shire;
- In the recovering of outstanding library materials or monies, through a contracted debt collection agency; or
- Otherwise, only with the consent, express or implied, of the customer or stakeholder.

Compliance

Where information is disclosed to third party providers to act on behalf of the Shire to provide services for the Shire, the Shire of Denmark requires the provider to:

- Manage data and personal information in accordance with the Australian Privacy Principles; and
- Notify the Shire of Denmark should a privacy breach or suspected privacy breach occur, or should the entity fail to manage data and personal information at any time in accordance with the Australian Privacy Principles.

Should third-party providers act in contravention of the Australian Privacy Principles, the Shire of Denmark reserves the right to take action as required, including reporting breaches or suspected breaches to the Office of the Australian Information Commissioner.

Storage

The Shire of Denmark is committed to keeping secure the data you provide us. The Shire works actively to ensure that information about customers and stakeholders is stored securely and accessed for approved purposes only.

Access

Requests for access to documents that are not publicly available and held by the Shire of Denmark Council are handled under the Freedom of Information Act 1992 and can be directed to:

Freedom of Information Officer
Shire of Denmark, PO Box 183, Denmark WA 6333
Email: enquiries@denmark.wa.gov.au

ADDED by Res: 120109 / 27 January 2009
AMENDED by Res: 320310 / 23 March 2010
FORMER POLICY REPEALED by Res: 280219 / 18 February 2019
ADDED by Res: 150320 / 17 March 2020

P040136 ATTENDANCE BY INSTANTANEOUS COMMUNICATION

Objective

To provide guidance to Elected Members of the interpretation of the provisions of the Local Government (Administration) Regulations 1996, Regulations 14A and 14B by the Department of Local Government & Communities, which advises Local Governments that they are only able to approve attendance by Elected Members by instantaneous communication (when they are not physically in attendance) under certain parameters.

The Department's Governance Bulletin (Issue 7, August 2014) notes that "It is not possible to use Regulation 14A to allow an Elected Member who is outside the State of Western Australia to participate in a meeting".

Policy

The Shire of Denmark has determined that a "suitable place" for the purposes of Section 5.25 (1) (ba) of the Local Government Act 1995;

- may only be within a townsite or residential area within the State of Western Australia; and
- a minimum of 150km from the location of the proposed meeting; and
- at a place where the Council has, by resolution, determined that the Elected Member will, as far as can be reasonably expected, have access to sufficient quality of continuous telephone, video conference or other electronic instantaneous communication means to enable uninterrupted participation at the approved meeting.

ADDED by Res: 210315 / 24 March 2015

P040204 ENROLMENT OF NON-RESIDENT OWNERS & OCCUPIERS

That occupiers currently enrolled on Council's electoral roll be given a reminder, at the expiry of their enrolment, of the need to re-apply to be included on the local government electoral roll in order to participate in the elections.

That a biennial invitation be forwarded to all non-resident ratepayers who are not currently on the roll.

AMENDED by Res: 260610 / 22 June 2010

P040207 COMMON SEAL OF THE SHIRE OF DENMARK

Objective
This policy covers the proper use of Council's common seal, on what documents it can be applied and under what circumstances. In addition, the policy streamlines the decision making process relating to the affixation of the seal by not requiring such use to be presented to Council on all occasions when the sealing of a document may be necessary.

Policy
The Chief Executive Officer is to have charge of the common seal, and it is to be responsible for the safe custody and proper use of it.

The President and Chief Executive Officer are authorised to sign and affix the common seal to documents where such action is necessary to protect Council's interest, to give effect to a Council resolution, or to complete a legal document.

In the absence of the President and Chief Executive Officer, as the case may be, and the Deputy President and a senior employee authorised by the CEO are authorized to affix the common seal on their behalf.

Details of all transactions where the common seal has been affixed shall be recorded in a register and this is to include the date on which the common seal was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed via the monthly Information Bulletin.

Details of the use of the common seal shall be reported to the Council in the monthly Information Bulletin and the register shall be available for inspection by Councillors upon request to the Chief Executive Officer during normal office hours.

Execution of Documents
It is Council's Policy that, for a document to be validly executed, the common seal is to be affixed to the document and the Shire President and the Chief Executive Officer attest to the affixing of the seal.

P040208 INSURANCES - PROFESSIONAL INDEMNITY - USE OF DISCLAIMERS

Council adopts as policy the use of disclaimers (where appropriate) when providing advice or information to the public or other statutory bodies. The wording of such disclaimers is to be as recommended from time to time, in consultation with Council's insurers.

P040209 CONFERENCES - STUDY TOURS

1. ATTENDANCE AT STATE AND FEDERAL PROFESSIONAL CONFERENCES

   a) The Chief Executive Officer and Senior Employees are encouraged to attend the Annual State Conference relating to their professions.
   b) The Chief Executive Officer and Senior Employees are encouraged to attend bi-annually, the Federal Conference relating to their profession. (Note: where the officer's professional organisation does not convene a State Conference the officer is encouraged to attend the organisations Federal Conference, annually).

c) Funds for attendance at State and Federal Professional Conferences are to be provided in each annual budget under the provision for staff training.
d) The Chief Executive Officer is authorised to approve the attendance of staff at State and Federal Professional Conferences in accordance with the following guidelines:

i. Budget authority and funding arrangements are to be considered.
ii. The Chief Executive Officer is to ensure that attendance at the conference will be beneficial to the officer and/or the Council.
iii. Senior staff will not be precluded from attending a Federal Conference only because the conference happens to be held overseas.
iv. If it is considered beneficial for a Councillor or Councillors to accompany the senior staff member to any State or Federal Conference, such attendance is to be at the discretion of the Chief Executive Officer in consultation with the Shire President, and will only occur if funds are available for that purpose.

2. ANNUAL STUDY TOURS

a) A study tour is designed to enable Councillors and staff to travel intrastate, interstate and/or overseas to research and study specific issues confronting Council.

b) Details of study tours are to be arranged in advance so that suitable provision can be made in each year's budget. When no details of study tours have been arranged or arrangements are incomplete, an appropriate amount is to be included in the budget to cover the cost of the study tour.

c) The Chief Executive Officer in consultation with the Shire President may approve attendance at study tours but shall apply the following guidelines:

i. The maximum attendance at any intrastate study tour is to be all Councillors and two Staff.

ii. The maximum attendance at any interstate or overseas study tour is to be two Councillors and two staff.

iii. Attendance at a study tour shall only take place where there are appropriate funds provided for in the annual budget.

iv. A detailed report including recommendations on each study tour is to be submitted to Council.

v. Budget authority and funding arrangements are to be considered.

3. CONFERENCES

The Chief Executive Officer, Senior Employees and Councillors are encouraged to attend intra and interstate conferences in accordance with the following guidelines:

a) Budget authority and funding arrangements are to be considered.
b) The Chief Executive Officer is to approve attendance and ensure that attendance at the conference will be beneficial to Council and the community.
c) The Shire President is to approve the Chief Executive Officer's attendance at conferences.
d) In the case of air travel Council will pay economy class. Councillors and Staff may upgrade at their own cost.

AMENDED by Res: 110217 / 21 February 2017

P040214 **COMPLAINTS MANAGEMENT POLICY**

Objectives

The objectives of this policy are:

1. To develop a structured systematic approach to dealing with complaints received by the Shire of Denmark from external persons.
2. To assure the community that complaints may be made without fear of recrimination and that all complaints will be promptly dealt with and a (written if required) response will be given setting out the answer to the complaint providing reasons, where appropriate.
3. To have complaints dealt with efficiently by an appropriate employee with minimal referral.
4. To use complaints statistics to improve the effectiveness and efficiency of Council's operations.

Policy

1. The Shire of Denmark recognises the right of its customers to make complaints about services or service delivery, and will make it a priority to address those complaints and rectify unsatisfactory consequences.

2. The Council and its staff will be open and honest in its dealings with customers, and will explain in "plain English" why, for legislative/legal reasons, cost constraints or some other matter beyond its control, it is unable to act in accordance with a complainant's request.
3. The Council recognises that good complaints handling is an integral part of customer service and provides an effective way of reviewing performance and monitoring standards.

Guidelines

1. Any person or their representative can lodge a complaint.

2. Complaints will be accepted in writing, in person, by facsimile transmission, by email or by telephone. If a verbally received complaint alleges a criminal offence, corruption or other serious matter, the receiving officer is to advise the complainant that the matter must be submitted in writing.

3. Complainants are to be advised that anonymous complaints may not be processed as it is possible that they may be mischievous or vexatious. Depending on the nature of the complaint, it will be at the discretion of the receiving officer to act or refer the complaint or not to deal with the complaint.

4. Complaints that are to be dealt with under this policy include, but are not necessarily limited to, expressions of dissatisfaction regarding;
   a) decisions made by Council or staff;
   b) inappropriate behaviour of staff or members such as rudeness, discrimination or harassment;
   c) the standard of works or services provided by Council.
   d) the standard or condition of a facility provided by Council.
   e) failure of Council to comply with the Local Government Act, Council policies, Council's local laws and other laws administered by Council.

5. The following issues shall not be regarded as complaints and shall not be dealt with under this policy:
   a) requests for services;
   b) requests for information or explanations of policies and/or procedures;

c) the lodging of a formal objection or appeal in accordance with the Local Government Act and other Acts or in accordance with Council policies or standard procedures;
d) the lodging of a submission in response to an invitation for comment.

6. Complaints regarding elected members are to be directed to the CEO. The CEO is responsible for the initial investigation and administrative responses. Matters that may require disciplinary action are to be referred to the Shire President and dealt with under the Council's Code of Conduct.

7. Complaints from Councillors, the Ombudsman, the Local Government Department or from Members of Parliament shall be referred to, and dealt with by, the CEO unless the complaints relates to the CEO whereupon the complaint will be dealt with by the Shire President.

8. When any complaint is made, other than a complaint referred to in clauses 6 and 7, the designated receiving officer shall, within the limit of their authority, attempt to satisfy the complainant as soon as possible. If a complainant cannot be satisfied immediately, or on the same day, the designated receiving officer shall immediately issue to the complainant a written acknowledgement of the complaint and if need be, refer to the complaint and a copy of the acknowledgement to a senior employee, or the CEO, as is appropriate, for investigation and determination of the complaint.

9. The following standard response times shall, ideally, be adhered to by all staff when dealing with complaints:
   a) Dealing with complaints lodged verbally in person or over the telephone – immediately, or within one (1) working day or issue an acknowledgement and explanation for any delay.
   b) Dealing with complaints lodged by letters, facsimile, email, etc – within five (5) working days or issue an acknowledgement and explanation for any delay.

   Where a complainant is advised of a likely delay to the handling of the complaint and the complaint is not finalised within a reasonable period of time, the complainant is to be provided with status reports from time to time until the complaint is satisfied.

10. Where a complaint has been investigated and found to be justified, the relevant officer who dealt with the complaint will ensure that the remedy is carried out, will advise the complainant that the Shire does acknowledge substance in the complaint and the specific action that will be taken by the Shire to respond to the circumstances of the complaint. The officer will, if appropriate, make follow-up contact with the complainant to ensure that the complaint has been resolved satisfactorily.

11. Where a complaint may identify the need for a review of procedures to prevent re-occurrences, relevant staff are to implement any required changes which they feel appropriate. If the matter cannot be easily remedied by the officer, he or she must liaise with his/her Manager or the CEO to agree on a course of action.

    Where the complaint identifies a need for a change of Council policy in a particular area or a need for additional resources, the matter shall be referred to Council as early as practicable.

12. The CEO shall establish and maintain an appropriate central record of all complaints. The record will provide the following:
    a) nature of each complaint
    b) services or facilities about which the complaints are made
    c) time taken to conclude complaint investigations
    d) outcomes

e) trends
f) other relevant information.

13. The designated receiving officer of any complaint shall be responsible for ensuring that all details pertaining to the complaint are recorded in the system established under clause 12.

14. The CEO shall submit half-yearly memorandum to Councillors on the recorded complaints received together with a report on the operations of this Complaints Handling Policy.

AMENDED by Res: 260610 / 22 June 2010
AMENDED by Res: 110217 / 21 February 2017

P040216 REGIONAL PRICE PREFERENCE POLICY

Objective
To provide price preference to regional suppliers tendering for contracts with Council.

Policy
1. Price preference will apply to all tenders invited by Council for the supply of goods and services and construction (building) services, unless Council resolves that this policy not apply to a particular tender.
2. The following levels of preference will be applied under this policy:

   a) Goods and Services up to a maximum price reduction of $50,000
   10% to businesses located within the Shire of Denmark
   5% to businesses located within the City of Albany and Shires of Plantagenet and the Walpole Ward of the Shire of Manjimup.

   b) Construction (Building) Services up to a maximum price reduction of $50,000.
   5% to businesses located within the Shire of Denmark
   2.5% to businesses located within the City of Albany and Shires of Plantagenet and the Walpole Ward of the Shire of Manjimup.

   c) Goods and Services, including Construction (Building) Services up to a maximum price reduction of $500,000, if Council is seeking tenders for the provision of those goods or services for the first time, due to those goods or services having been, until then, undertaken by Council.
   10% to businesses located within the Shire of Denmark
   5% to businesses located within the City of Albany and Shires of Plantagenet and the Walpole Ward of the Shire of Manjimup.

3. The levels of preference outlined in 2 above, will only apply to businesses that have been located within the local government areas specified for at least 6 months prior to the closing date of tenders.

4. Only those goods or services identified in the tender as being from regional sources will be included in the discounted calculation that forms a part of the assessment of a tender.

5. It should be noted that price is only one of the factors to be assessed when Council decides to accept the tender it thinks would be the most advantageous to accept.

Refer also to Policy P040220 – Purchasing Policy

Refer Delegation D040217 – Tenders for Providing Goods & Services

P040221 FINES & INFRINGEMENTS

Objective
To ensure that Council clearly states that it does not condone any action that does not conform to the Road Traffic Act 1974 and associated codes and regulations, including Local Authority or other Agencies Parking Local Laws.

Policy
Council does not condone any action that does not conform to the Road Traffic Act 1974, associated codes and regulations including parking or other infringements against other local authorities or agencies local laws, and accordingly do not pay any subsequent fines

Responsibility for implementation
The Chief Executive Officer is responsible for implementation of this policy.

ADDED by Res: 220708 / 22 JULY 2008

P040224 RECOGNITION OF SERVICE POLICY

Objective
To recognise the length of service of employees.

Policy
Council will recognise employees with continuous service in accordance with the following;

a) 10 years of service – function with employees and a certificate of service.
b) 20 years of service – function with Councillors, employees and partners and an engraved memento to the value of $500.
c) 25 years of service – inscription of employee's name and date of 25 year achievement on the Council's Employee 25 Year Service Honour Board and appropriate recognition given at a function with Councillors, employees and partners.
d) 30 years of service – Civic Reception with Councillors, employees and partners and an engraved memento to the value of $1,000.

Responsibility for Implementation
The Chief Executive Officer and all Directors are responsible for implementation of this policy.

ADDED by Res: 140908 / 23 September 2008
AMENDED by Res: 230714 / 29 July 2014

P040225 GRATUITY PAYMENTS POLICY

Objective
To ensure all Local Government staff are familiar with the legislative requirements regarding gratuities for the formal recognition of satisfactory and extended service by Local Government employees.

Policy
Where the Chief Executive Officer or a valued employee leaves their employment or is made redundant, they will be given a token of appreciation in the form of a good or service in order to thank the employee for their past commitment to the Local Government.

The aim of this policy is to establish guidelines for the consideration of Gratuity Payments to employees in accordance with s. 5.50 of the Local Government Act 1995 ('the Act').

Pursuant to s. 5.50 of the Act, this gratuity policy outlines the circumstances in which gratuity payments may be made to an employee. These payments, when made, are in addition to any amount which the employee is entitled to under a contract of employment, enterprise agreement or award. This policy shall not be considered as a contractual entitlement under the employment relationship.

NOTE: As required by s 5.50 of the Act this policy was advertised through Local Public Notice and prior to adoption and the Local Government has not made any payments to employees prior to the giving of the public notification.

Reg 19A Restrictions on gratuity payments to employees (operates from 1 January 2010)

- A new regulation is proposed to limit the monetary value of gratuities paid to employees who are finishing employment with a Local Government to $5,000, or where the person accepts voluntary severance by resigning, the amount of the person's final annual remuneration.
- This limit shall only apply to employees whose employment with a Local Government finishes after 1 January 2010. This provides a five-year phase in for this limitation.

Procedure

Eligibility to Gratuity Payments

It is the position of the Local Government that when an employee's services are ceasing with the Local Government for any of the reasons identified below, the employee will be entitled to a gratuity payment as outlined within this policy based on the completed years of service:

- Resignation (not as a result of any performance management or investigation being conducted by the Local Government);
- Retirement; or
- Redundancy.

The Gratuity Payment identified within this policy does not apply to an employee who has been dismissed by the Local Government for any reason other than redundancy.

Number of Years Service	Amount of Gratuity
Continuous service less than 2 years	A Statement of Service and a gift, or contribution towards a gift, to the value of $40 (based on $20 per year)
Continuous service greater than 2 years and up to 5 years	A Statement of Service and a gift, or contribution towards a gift, to the value of $100 (based on $20 per year)
Continuous service greater than 5 years and up to 10 years	Certificate of Appreciation and a gift to the value of $300 (based on $30 per year) Items to be presented to the employee by the Chief Executive Officer, or nominated representative at a function to be determined by the Chief Executive Officer.
10 to a maximum of 15 Years Continuous Service	$40 per year of continuous service up to a maximum of $600 Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
15 to a maximum of 20 Years Continuous Service	$50 per year of continuous service up to a maximum of $1,000.00

	Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.
Above 20 Years Service	$60 per year of continuous service up to a maximum of $2,000.00 Items are to be presented to the employee by the President or nominated representative, at a function to be determined by the Chief Executive Officer in conjunction with the Shire President.

The Chief Executive Officer is authorised to approve Petty Cash claims in accordance with the limits prescribed by this policy. Funds will be allocated as part of the Local Government's budget preparation process and unexpended amounts will be returned to general revenue.

Prescribed Amounts for Gratuity Payments

The Local Government acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by the appropriate award, legislation or industrial instrument and that the Local Government has considered these provisions when setting the prescribed amount.

Determining Service

For the purpose of this policy, continuous service shall deem to include:

a) Any period of absence from duty of annual leave, long service leave, accrued paid bereavement leave, accrued paid personal leave and public holidays.
b) Any period of authorized paid absence from duty necessitated by sickness of or injury to the employee but only to the extent of three months in each calendar year but not including leave without pay or parental leave.
c) Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of one year.

For the purpose of this policy, continuous service shall not include:

a) Any period of unauthorised absence from duty unless the Local Government determines otherwise.
b) Any period of unpaid leave unless the Local Government determines otherwise.
c) Any period of absence from duty on Parental Leave unless the Local Government determines otherwise.

Financial Liability for Taxation

The employee accepts full responsibility for any taxation payable on the Gratuity Payment, and agrees to fully indemnify the Local Government in relation to any claims or liabilities for taxation in relation to the Gratuity Payment.

Payments in addition to this Policy

The Local Government agrees not to make any payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and caused local public notification to be given in relation to the variation.

Financial Implications

The Local Government acknowledges that at the time of the policy's introduction they were fully aware of the financial implications to the Local Government and that the financial implications had been investigated based on the current workforce position.

Variation to Policy
This policy may be varied or cancelled from time to time at the discretion of Chief Executive Officer after the endorsement by Council.

The Local Government is committed to taking reasonable action to ensure that any variation or cancellation to this policy is notified to all employees prior to the variation taking effect, including (but not limited to) notifying all employees via normal correspondence of the variation including the proposed reasons for such variation.

Responsible Officer
The Chief Executive Officer is the responsible officer for implementing this policy.

ADDED by Res: 140908 / 23 September 2008
Last advertised in the Denmark Bulletin 23 October 2008

P040227 DEBT COLLECTION POLICY

Objective
It is essential for the good governance of the Shire that monies owed are paid when due and that effective steps are taken for debt management. This policy has been formulated to treat all debtors fairly and consistently while recognising Council has the responsibility to recover all outstanding debts and charges in a timely manner to finance its operations and ensure effective cash flow.

Policy

Collection of Local Government Rates

1. All rate monies owed to the Shire of Denmark are deemed to be overdue following a period of 35 days from the date of the original invoice (excluding instalment options).
2. At the expiration of the 35 day period, if payment has not been forthcoming, then Council will issue a Final Notice demanding payment within 14 days.
3. At the expiration of the 14 day period, if payment has not been forthcoming, then Council will issue a Letter of Demand for payment, with a due date for compliance of no more than 14 days from the date the letter was issued.
4. If the account is not paid by the due date set out in the Letter of Demand, the matter is then handed to a debt collection agency (or Fines Enforcement Registry), and all costs associated with debt collection action will be borne by the debtor.
5. The Council may use methods prescribed in s6.60 and s6.64 Local Government Act 1995 (WA) to recover the amount unpaid. These methods are:
    a) Garnish the rent payable by the lessee;
    b) leasing the land;
    c) sell the land;
    d) transfer the land to the Council; and
    e) transfer the land to the Crown.
6. Prior to commencing any action to sell land under the provisions of the Local Government Act 1995, the matter is to be referred to Council for consideration.
7. Interest on outstanding monies shall be calculated on a daily basis at a level set at Council's annual budget for monies outstanding for a period greater than 35 days in accordance with Section 6.13(6) of the Local Government Act.

Payment Arrangements to Pay Off Outstanding Rates:
The Council encourages ratepayers to contact them on (08) 9848 0300 if they are unable to meet their obligations. All requests for deferment and/or payment by instalments must be made in writing. In assessing a payment arrangement, the Council will consider:

a. the time over which payment will be made;
b. the compliance history of the ratepayer;
c. the time between when the account became unpaid and contact from the ratepayer;
d. The reason for the non-payment of the account; and
e. any other factors deemed relevant by the Council

Concession Holders
For the purpose of this policy Concession Holder means recognised under the Rates and Charges (Rebates and Deferments) Act 1992 (WA) as eligible for a state government rebate or to defer their rates.

Ratepayers who have made written contact with Council seeking deferment of payment of rates and/or payment by instalment method or are the subject of a separate agreement, be exempt from legal action for recovery of outstanding monies unless the payment schedule has been defaulted.

Applications from pensioners be considered individually and be exempt from default procedures.

Collection of Sundry Debtors
1. Whenever practical, pre-payment be sought for works, services and facilities. The estimated cost may form the basis of pre-payment.
2. In all other cases, invoices shall be forwarded within seven (7) days of the debt being incurred.
3. If the account is outstanding beyond thirty (30) days, a reminder notice is forwarded requesting a payment within fourteen (14) days.
4. Where the account remains outstanding after fourteen (14) days from the issue of the reminder notice, a “Notice of Intention to Claim” shall be issued allowing seven (7) days for payment.
5. The matter is then handed to a debt collection agency (or Fines Enforcement Registry), and all costs associated with debt collection action will be borne by the debtor.

Footnote:
Each debtor’s right to appeal in accordance with the provisions of the Local Government Act shall not be relinquished by anything in this policy.

ADDED by Res: 341108 / 25 November 2008
AMENDED by Res: 090918 / 18 September 2018
AMENDED by Res: 110217 / 21 February 2017

P040232 **MUNICIPAL BUDGET POLICIES**

SIGNIFICANT ACCOUNTING POLICIES
The significant accounting policies which have been adopted in the preparation of the financial report are:

a. Basis of Accounting
The budget has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), other mandatory professional reporting requirements, the Local Government Act 1995 and accompanying regulations. The budget has also been prepared under the convention of historical cost accounting.

b. The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in the financial statements forming part of this budget.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements, but a separate statement of those monies appears at Note 16 to this budget document.

c. Actual Balances

Balances shown in the budget as Actual are as forecast at the time of budget preparation and are subject to final adjustments.

d. Rounding Off Figures

All figures shown in this budget, other than a rate in the dollar, are rounded to the nearest dollar.

e. Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

f. Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

g. Superannuation

The Council contributes to the Local Government Superannuation Scheme and the Occupational Superannuation Fund. Both funds are defined contribution schemes

h. Cash and Cash Equivalents

Cash and cash equivalents comprise cash at bank and in hand and short-term deposits that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short term borrowings in current liabilities.

i. Trade and Other Receivables

Trade receivables, which generally have 30 - 90 day terms, are recognised initially at fair value and subsequently measured at amortised cost using the effective interest rate method, less any allowance for uncollectible amounts.

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

j. General

Inventories are valued at the lower cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated cost necessary to make the sale.

Inventories held from trading are classified as current even if not expected to be realised in the next 12 months.

Land Held for Resale
Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of the property is recognised in the operating statement as at the time of signing a binding contract of sale.

Land held for resale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

k. Fixed assets

Initial Recognition
All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of noncurrent assets constructed includes the cost of all materials, direct labour and variable and fixed overheads.

Revaluation
Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulate depreciation calculated on a basis to reflect the already consumed or expired future economic benefits.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment.

Losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

Land Under Roads
In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for the land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulations 16(a)(i) prohibits local government from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst such treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such

an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

l. Depreciation of Non-Current Assets

All non-current assets having a limited useful life are separately and systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets. Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation periods are;

Buildings	30 to 50 years
Furniture and Equipment	3 to 15 years
Plant and Equipment Sealed roads and streets	5 to15 years
clearing and earthworks	Not depreciated
construction/road base original surfacing and major re-surfacing	50 years
- bituminous seals	20 years
- asphalt surfaces	25 years
Gravel Roads	
clearing and earthworks	not depreciated
construction/road base	50 years
gravel sheet	12 years
Formed roads (unsealed)	
clearing and earthworks	not depreciated
construction/road base	50 years
Footpaths - slab	40 years

m. Investments and Other Financial Assets Classification

Council classifies its investments in the following categories: financial assets at fair value through profit or loss, loans and receivables, held to maturity investments and available for sale financial assets. The classification depends on the purpose for which the investments were acquired. Management determines the classification of its investments at initial recognition and, in case of assets classified as held to maturity, re-evaluates this designation at each reporting date.

(i) Financial assets at fair value through profit or loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market. They are included in current assets, except for those with maturities greater than 12 months after the balance

sheet date which are classified as non-current assets. Loans and receivables are included in trade and other receivables in the balance sheet.

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed or determinable payments and fixed maturities that the Council's management has the positive intention and ability to hold to maturity. If Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available for sale. Held-to-maturity financial assets are included in non-current assets, except for those with maturities less than 12 months from the reporting date, which are classified as current assets.

(iv) Available-for-sale financial assets

Available-for-sale financial assets, comprising principally marketable equity securities, are non-derivatives that are either designated in this category or not classified in any of the other categories. They are included in non-current assets unless management intends to dispose of the investment within 12 months of the balance sheet date. Investments are designated as available-for-sale if they do not have fixed maturities and fixed or determinable payments and management intends to hold them for the medium to long term.

Recognition and derecognition
Regular purchases and sales of financial assets are recognised on trade-date – the date on which Council commits to purchase or sell the asset. Investments are initially recognised at fair value plus transaction costs for all financial assets not carried at fair value through profit or loss. Financial assets carried at fair value through profit or loss are initially recognised at fair value and transaction costs are expensed in the income statement. Financial assets are derecognised when the rights to receive cash flows from the financial assets have expired or have been transferred and Council has transferred substantially all the risks and rewards of ownership.
When securities classified as available-for-sale are sold, the accumulated fair value adjustments recognised in equity are included in the income statement as gains and losses from investment securities.

Subsequent measurement
Loans and receivables and held-to-maturity investments are carried at amortised cost using the effective interest method.

Available-for-sale financial assets and financial assets at fair value through profit and loss are subsequently carried at fair value.

Gains or losses arising from changes in the fair value of the financial assets at fair value through profit or loss category are presented in the income statement within other income or other expenses in the period in which they arise. Dividend income from financial assets at fair value through profit and loss is recognised in the income statement as part of revenue from continuing operations when Council's right to receive payments is established. Changes in the fair value of other monetary and non-monetary securities classified as available-for-sale are recognised in equity.

Impairment
Council assesses at each balance date whether there is objective evidence that a financial asset or group of financial assets is impaired. In the case of equity securities classified as available-for-sale, a significant or prolonged decline in the fair value of a security below its cost is considered as an indicator that the securities are impaired.

If any such evidence exists for available-for-sale financial assets, the cumulative loss- measured as the difference between the acquisition cost and the current fair value, less any impairment loss on that financial asset previously recognised in profit or loss – is removed from equity and recognised in the income statement. Impairment losses recognised in the income statement on equity instruments classified as available-for-sale are not reversed through the income statement.

n. Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the balance sheet date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

o. Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the Income Statement.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of adopting the budget, it is not possible to estimate the amount of impairment losses (if any) as at 30 June.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on this budget document.

p. Trade and Other Payables

Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in respect of the purchase of these goods and services. the amounts are unsecured and are usually paid within 30 days of recognition.

q. Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)
The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the municipality has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Council expects to pay and includes related on-costs.

(ii) The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

r. Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings. Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

s. Provisions

Provisions are recognised when: The Council has a present legal or constructive obligation as a result of past events; it is more than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

t. Superannuation

The Shire of Denmark contributes to the Local Government Superannuation Scheme and the Occupational Superannuation Fund. Both Funds are defined contribution schemes.

Contributions to defined contribution plans are recognised as an expense as they become payable. Prepaid contributions are recognised as an asset to the extent a cash refund or a reduction in the future payments is available.

u. Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non-current based on Council's intentions to release for sale.

P050110 **HAZARD REDUCTION BURNING ON PRIVATE PROPERTY**

Council supports local Volunteer Bush Fire Brigades that use Shire & Brigade equipment and vehicles to undertake hazard reduction burning of private property, if directed by the Shire to do so.

Council acknowledges that these activities offer an effective means of providing both a safe and low risk training environment and also the opportunity of charging for the services performed to assist the Brigade fund facilities and activities, not otherwise funded through the Emergency Services Levy (ESL), as an additional means of attracting and retaining volunteer members.

ADDED by Res: 140113 / 22 January 2013
AMENDED by Res: 161020 / 20 October 2020

P050120 **PRESCRIBED FIRE PLAN GUIDELINES & TEMPLATES**

Council adopts the Department of Fire and Emergency Services Prescribed Fire Plan Guidelines and Templates for prescribed burns within the Shire of Denmark which don't currently (June 2014) have an existing prescribed burn checklist completed, which aligns prescribed burning processes with the International Organisation for Standardisation Risk Management (ISO 31000).

Council annually reports to the Bush Fire Advisory Committee and the Community in general, the Reserves that have been prescribed burned during the preceding 12 months, the percentage of that Reserve hazard reduction and the proposed program for the following 12 months based on the Bush Fire Advisory Committee's latest priorities.

ADDED by Res: 270514 / 27 May 2014

P050201 **ATTENDING TO KANGAROOS**

Council acknowledges that it is not the lead agency when dealing with wildlife however will support the community of the Shire of Denmark in responding to requests for the destruction and removal of injured kangaroos or removal of deceased kangaroos, from Council roads / road verges in the Shire, noting that the removal of deceased kangaroos (and other animals) from the South Coast Highway & Mt Barker – Denmark Road is the responsibility of Main Roads WA.

AMENDED by Res: 240810 / 24 August 2010

P050202 **ATTENDING TO SNAKES**

Council in acknowledging it is not the responsible authority with respect to snake protection and removal and that there is the potential for competition with businesses that offer a competing service within the Shire, supports its Law Enforcement Officers (Rangers) providing a licensed Department of Parks & Wildlife service to capture, remove and relocate snakes in the Shire on a 'user pays' principle subject to the following circumstances;

a) From within any residence in the Shire $ 'fee determined annually in the budget'; or
b) From any building or land which is zoned residential or special residential in the Shire $ 'fee determined annually in the budget'; or
c) From any other building or land in the Shire $ 'fee determined annually in the budget'; and
d) The applicants only being invoiced if the Snake is successfully located and relocated to a suitable reserve and habitat; and
e) There being a 50% rebate for eligible Pensioner Concession Card Holders."

ADDED by Res: 130509 / 26 May 2009
AMENDED by Res: 200910 / 28 September 2010

P050304 **SHARK HAZARD & BEACHED WHALE POLICY**

Council have adopted a Shark Hazard & Beached Whale Policy and authorised the Chief Executive Officer to ensure that contact information is kept relevant and current.

The Policy aims to guide officers of the Denmark Shire in effectively and efficiently responding to shark sightings and beached whales and incidents in the Shire of Denmark, both in terms of operations and the response to the media and the general public.

The Policy can be found as Appendix 3 of this Policy Manual.

ADDED by Res: 111213 / 3 December 2013

P070403 **GAS GUNS & ACOUSTIC BIRD SCARING**

Council acknowledges that the noise from gas guns and other inappropriately used acoustic bird scaring devices can cause significant annoyance and disruption to adjoining land users and has adopted a noise management plan as per Appendix 1 as being the acceptable standard for these devices when they are being used to protect crops.

Added by Res: 041013 / 1 October 2013

P070404 **PRINCIPLES SUPPORTING THE SHIRE OF DENMARK ACTIVITIES ON THOROUGHFARES & TRADING IN THOROUGHFARES & PUBLIC PLACES LOCAL LAW**

Objectives

1. To facilitate approval of Trading Licences using public places, as defined below and therefore reducing administrative matters being placed on Council.
2. To protect existing levels of public amenity and safety from the impact of trading activities by adequately addressing potential risk management issues.
3. Maintain equity in the regulation of trading in public places by promoting fairness and certainty to traders and the community.
4. Protect the financial interest of ratepayers through appropriate management of traders in public places and to support the development and retention of local small business within the Shire of Denmark.

Policy

Trading in public places allows for a variety of activities to either sell, offering for sale or hire goods and wares to the public. Before a licence can be considered, it is necessary to assess the proposed location and the impact it may have on other traders, traffic flow, pedestrians, the community and also if the proposal is likely to have a detrimental effect on established businesses currently selling the same or similar produce or services close by.

Given the many unique forms and locations of products for trade proposed to the Shire of Denmark, all applications for a Trading Licence are to be lodged and will be assessed in conjunction with the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law. In addition to this, the application will be assessed on their individual merits and the information supplied in the application, in line with but not limited to the following:

1. Applications for general Trading at an eligible trading location will be widely advertised in the local media at least three months prior to the renewal of a license based on the following principles;
    - A trading location is defined in the attached table.
    - Trading Licences will be limited to a period of no more than two (2) years.
    - The Shire will assess applications for Trading Licences for commercial activities with reference to the Local Law and the criteria set out in this Policy.
2. Applications for trading are to be accompanied by a supporting statement of the land owner and/or occupier on which the trading activity is to occur (unless the landowner is the Shire of Denmark).
3. The Shire of Denmark will assess the suitability of proposed Trading activities utilising local government owned or management land. This assessment will consider the consistency of the proposed activity with the land use and vesting of the parcel of land or any management order that is attached to the parcel of land.
4. Except in the case of an event approved in accordance with the Shire of Denmark Events, Concerts & Other Organised Gatherings Policy, events held on Local Government property and public places, only one Trading Licence will be approved for a trading location at any one time.
5. A Trader must not attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the Trader. In determining an application, Officers of the Council may contact the Denmark Chamber of Commerce (Inc.) and / or identified nearby business proprietors to ascertain whether goods offered for sale may compete with existing nearby businesses and / or whether they wish to object to the proposal.
6. Traders are not permitted to sell offensive, illegal, prohibited, counterfeit or unauthorised goods including goods bearing trademarks for which the Trader does not have a license to sell.
7. Where a time restriction will be specified, the Trader must be removed from the prescribed locations within 15 minutes of closure and the area surrounding the Trader must be left in a clean and litter free condition.
8. Traders must comply with any lawful direction given by a Shire of Denmark Authorised Officer.
9. Subject to approval from the land owner and existing business, trading may be undertaken in car parking areas outside hours of operation of the existing business. Should the use of the premises and hours of trade alter, the Trading Licensee will be required to notify the Shire of Denmark and apply for an amendment to the Trading Licence.
10. All Trading Licence applications and renewals will be considered by the Shire of Denmark in accordance with, but not limited to, the following -
    - Stationary trading must only occur on a hard stand areas;

- Except in the case of mobile traders, for example, ice cream vans, the use of Shire of Denmark road reserves will not permitted for trading unless it can be shown not to adversely impact on traffic movement.
- The licensee will be responsible for any damage to Shire property from the trading activity or customers of the trading activity.
- Trading must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public.
- Trading must not prevent access to pedestrian foot paths.
- Reference to complaints of performance from previous years at the site or other sites.
- No tables, chairs or the like are to be provided by the licensee that impede or block footpaths or car park bays.
- Where food is proposed to be sold, the vehicle, stall or place of trading must notify/register in accordance with the Food Act 2008 and associated Regulations;
- Operators of mobile trading vehicles shall not create any noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the mobile trader.
- Applicant must provide written approval from the relevant event organiser when submitting an application for a Trading Licence in relation to an event.
- Traders must obtain their own public liability insurance to the minimum value of $10,000,000 as they will not be covered by the Shire of Denmark's insurance policy.
- Traders must not connect to or utilise any Shire of Denmark utilities without prior approval and an additional charge.

Should the application for trading be considered unsuitable by the officers of the Shire of Denmark in accordance with legislation and the above conditions, or any other condition applicable to the application, the application will be referred to Council for their consideration as to the suitability of the activity in the community.

All applicants for Trading Licences are to be advised of their right to object to a decision of Local Government. In accordance with section 9.4 of the Local Government Act 1995, such a person may object to a decision of local government and lodge an appeal to the decision by lodging an objection within 28 days of the decision."

Itinerant Trading Locations in the Shire of Denmark					
Potential Itinerant Trading (Annual or Biennial) Sites	**Proximity to Existing Shop (that may sell a similar product)**	**Comments**	**Current Approvals / Conditions**	**Predicted or Likely Usage**	**Suitability / Opportunity for Number of Trading Bays**
Berridge Park	Less than 300m	Immediately adjacent the CBD	Ice creams and cool drinks	Market Days, identified event days and summer / seasonal	Single car plus trailer or van or utility
Visitors Centre Car park	Less than 300m	Immediately adjacent the CBD and future Supermarket	Seasonal fresh produce & Fish Van	Summer / seasonal	Up to three (3) single car plus trailer or van or utilities
Rivermouth (Smith Bros Park)	Less than 300m		Bike Hire, Canoe and Kayak hire allied to adjoining leased property	Throughout the year	Limited access to grass areas – suitable whilst allied to existing adjoining Shop
Lights Beach	Greater than 300m	Lights Beach Tearooms have closed down but are greater than 300m	Nil	Summer / seasonal	Single car plus trailer or van or utility
Parry Beach	Greater than 300m	No perceived conflict	Fish Van	Summer / seasonal	Single car plus trailer or van or utility
Nornalup (Settlers Park)	Greater than 300m	Nornalup Tearooms has closed down but does not normally provide takeaways	Nil	Summer / seasonal	Single car plus trailer or van or utility
William Bay Car Park	Greater than 300m	No perceived conflict	Ice creams and cool drinks	Summer / seasonal	Single car plus trailer or van or utility
Other Areas not being within a Road Reserve (and greater than 300m from a Shop offering food or drink)	Greater than 300m ?	As requested and considered in context of the Local Law and any governing Policies of Council			

ADDED by Res: 141114 / 11 November 2014

P070405 FIREWORKS USAGE

Objective

The objective of this policy is to provide guidance to staff in issuing fireworks permits in order to prevent the spread of wildfire and the traumatisation of livestock, horses and companion animals through inappropriate fireworks usage.

Policy

The only types of fireworks that will be considered for usage under this policy are those that are fired at and remain at ground level.

Fireworks that are fired into the air and/ or explode in the air will not be permitted due to their increased fire risk.

Prohibited Circumstances

The usage of fireworks will not be approved in the following circumstances:

- In any location during the prohibited fire season.
- In any location during the restricted fire season except where firefighting unit(s) with a combined water holding capacity of at least 1000 litres are available onsite and manned by competent crews.
- At any time on land that is zoned rural or special rural.
- At any time on land that directly adjoins or is over the road from land zoned rural or special rural where the effected land is being actively used for grazing purposes.
- On other lands that are within 1km of land that is zoned rural or special rural where the effected land is being actively used for grazing purposes.

Approvable Circumstances

Fireworks proposals will only be considered under the following circumstances:

- On cleared areas of Shire reserves that are within town site boundaries where the distance to bush or other bushfire hazards is twice the estimated
- ember drop zone with consideration being given to anticipated winds during the event.
- Where prior Department of Parks & Wildlife (DPaW) approval has been obtained when the land is adjacent to DPaW controlled land.
- On river inlets where the distance to bush or other bushfire hazards is twice the estimated ember drop zone with consideration being given to anticipated winds during the event.

Added by Res: 040517 / 16 May 2017

P090101 DESIGNATED SENIOR STAFF HOUSING POLICY

Objective

Council values its CEO and Designated Senior Employees living within the Shire due to the inherent social, economic and environmental benefits from living in the Shire that employs the individual. Whilst not a determining factor in selecting a preferred applicant, Council encourages living within the Shire through offering attractive housing incentives designed to attract and retain these employees.

Policy

Where the Council employs the CEO or a designated Senior Employee (S 5.37 of the Local Government Act 1995), it agrees to provide a rental subsidy on the following basis;

1. CEO designated house - rent free, noting a residential tenancy lease is still required;

2. Designated Senior Officer in a Council supplied house – $150 rent per week, noting a residential tenancy lease is still required;
3. If the officer lives within the Shire of Denmark in private residential tenancy rental – a rent subsidy payable direct to the landlord or the employee of up to $200 per week;
4. If the officer lives within the Shire of Denmark in their own home – a payment of $250 per week;
5. No rent subsidy will be applicable for any senior officer who resides outside of the Shire of Denmark boundary.
6. Noting that any tax payable under Federal Tax law such as Personal Income Tax or Fringe Benefits Tax as a result of any of the above payments (as the law is amended from time to time) are to be borne by the employee.

Responsible Officer
The CEO is the responsible officer for implementing this policy.

ADDED by Res: 240708 / 22 JULY 2008
AMENDED by Res: 210315 / 24 March 2015

P100104 COMPULSORY WASTE COLLECTION SERVICES

Any completed household in the following areas is required to be serviced by a compulsory Waste Collection Service;

a) Townsite of Peaceful Bay;
b) Townsite of Denmark;
c) Townsite of Nornalup; and
d) Any land zoned Special Residential or higher density (average lot size of 1 ha or less).

Council is prepared to support requests to amend its Health Local Laws introducing a compulsory waste collection service for residents in Special Rural / Rural Residential zoned land upon demonstration that over 50% of the landowners support a compulsory service.

The Director Infrastructure and Assets is authorised to approve requests for commercial and/or domestic refuse or recycling services not on a gazetted area if the service is practically and effectively serviceable by being on or adjacent an existing route or run. Such properties are allowed to 'opt in' to a service however at such time as 50% of the properties adjoining that route 'opt in', it is converted to a compulsory service (NB: Local Law Amendment required).

ADDED by Res: 090112 / 17 January 2012

P100505 TREE REMOVAL/LOPPING

Council may issue a work order against the owner of private land containing a tree which threatens life or property on adjoining private land, if the tree is determined to be dead, diseased or dangerous.

This policy recognises that karri *(Eucalyptus diversicolor)* and certain other native eucalypts are naturally self pruning, and can, even under optimum conditions shed branches.

When considering a request to remove or prune a tree Council will take into account a number of factors, including age, species and the position of adjacent buildings.

A tree's viability and structural stability in respect of a request to remove or prune will be determined on the basis of an inspection by the Shire Engineer or Head Gardener, Ward Councillors and a representative of the Denmark Environment Centre.

Excessive leaf-fall, gumnuts, blossom, bark litter, or increased bird activity as a cause or result of these, are not considered grounds for a request for Council to issue a work order.

For the purposes of this policy the following definitions apply:

'Dead' means a tree displaying no obvious signs of life, or less than 10 per cent viability, and may be subject to an inspection of the bark and sampling of the cambium layer.

'Diseased' means a tree displaying chronic ill-health, as a result of attack by insects or other factors, but not necessarily from water stress or the presence of termites or fungi.

'Dangerous' means a tree which poses a clear and immediate threat to life or property, whether or not it displays one or more of the above conditions; or a clear potential threat, and may include a tree –

1. growing on an acute angle;
2. whose roots or trunk have been cut or damaged so as to affect the tree's stability or structural integrity;
3. whose trunk could grow to damage fencing or buildings on an adjoining property;
4. displaying uneven coppice growth from a stump;
5. with multiple stems where there are obvious signs of rot or disease in the cleft between stems or limbs;
6. standing on its own in an exposed position subject to high winds.

P100513 **IRWIN INLET SANDBAR OPENING PROTOCOL**

Council adopted the *Irwin Inlet Sandbar Opening Protocol* for when the sandbar requires artificial breaching to reduce flooding impacts on infrastructure and/or adjacent private properties.

The Chief Executive Officer has delegated authority to determine the location and level for the opening in accordance with the Protocol. Refer to Delegation D100501.

A copy of the Irwin Inlet Sandbar Opening Protocol can be found at Appendix 4.

P100514 **PARRY INLET SANDBAR OPENING PROTOCOL**

Council adopted the *Parry Inlet Sandbar Opening Protocol* for when the sandbar requires artificial breaching to reduce flooding impacts on infrastructure and/or adjacent private properties.

The Chief Executive Officer has delegated authority to determine the location and level for the opening in accordance with the Protocol. Refer to Delegation D100505.

A copy of the Parry Inlet Sandbar Opening Protocol can be found at Appendix 5.

P100515 **WILSON INLET SANDBAR OPENING PROTOCOL**

Council adopted the *Wilson Inlet Sandbar Opening Protocol* for when the sandbar requires artificial breaching to reduce flooding impacts on infrastructure and/or adjacent private properties.

The Chief Executive Officer has delegated authority to determine the location and level for the opening in accordance with the Protocol. Refer to Delegation D100502.

A copy of the Wilson Inlet Sandbar Opening Protocol can be found at Appendix 6.

P100516 **SUSTAINABLE EVENTS**

Objective

The Shire is committed to ensuring all Shire events, and events held on Shire-managed land or with Shire support are conducted using sustainable practices. For these events, this policy seeks to:

- reduce waste and increase resource recovery;
- improve energy and water performance;
- promote local, ethical and sustainable food and products;
- protect land, marine and coastal environments; and,
- encourage walking, cycling and low-carbon transport.

Policy

This policy applies to all events:

- coordinated by the Shire of Denmark or its contractors;
- on Shire of Denmark managed land, excluding land leased to third-parties; and/or;
- funded by the Shire of Denmark.

'Event' includes, but is not limited to: civic, community or commercial events; large and small scale events; meetings; functions; workshops; markets; festivals; expos; parties; information sessions; conferences; sporting; and, recreational events.

'Funded' includes financial (cash) and/or in-kind contributions.

The policy applies to the entire event, including purchasing, packaging, sales, distribution, transportation and clean up practices associated with the event.

Notwithstanding the above, all events held in the Denmark Local Government Area are encouraged to adhere to this policy.

Mandatory Provisions

It is COMPULSORY that all Shire events, events held on Shire-managed land, or held with Shire funding ensure the following requirements are met:

- *Waste Minimisation and Resource Recovery*
    - Single-use plastics must not be sold or distributed. This includes but is not limited to: straws, cutlery, plates, cups, bags and cling wrap. This does not include dog-waste disposal bags or food-safe gloves.
    - Water in single-use plastic bottles must not be provided, sold or distributed. Alternative, free access to water must to be provided.
    - Balloons must not be used, sold or distributed.
    - Polystyrene must not be sold or distributed.
    - Recycling and waste bins must be provided at all events. Bins must be clearly labelled.

Best Practice Provisions

It is strongly ENCOURAGED that all Shire events, events held on Shire-managed land, or held with Shire funding meet the following requirements wherever practicable:

- *Protection of the Environment*

- Minimise the negative impact on environment values of the land, coast and marine areas.

- *Waste Minimisation and Resource Recovery*
  - Promotional material, decorations and supplies should be recyclable and/or contain a recycled content and/or be reusable.

- *Water and Energy Use*
  - Implement measures to minimise water and energy use during the event.

- *Local and Sustainable Food and Products*
  - Food and products used in the event should be sourced locally and in-season.

- *Sustainable Transport*
  - Walking, riding, public transport and ride-share options should be promoted to reduce associated greenhouse gas emissions.
  - Bike racks should be provided.

Purchasing and clean-up
Whilst polystyrene and single-use plastics, such as cling wrap, are not excluded from purchase and clean-up operations, organisers should seek out reusable and more sustainable alternatives to these products at every opportunity.

Event organisers are encouraged to promote sustainable practices.

The *Information Sheet - Sustainable Events* provides guidance on implementing this policy.

Exemptions
Exemptions to this policy may be made for health and safety reasons or where there is no other practical alternative product or distribution method available. All applications for exemptions should be made in writing and directed to the Director Corporate and Community Services.

ADDED by Resolution 090818 / 21 August 2018

P100601 SCHEME AMENDMENT REQUESTS

This policy has been established to allow proponents to gain an indication of support or otherwise from Council prior to going to the expense of preparing formal and detailed Town Planning Scheme amendment documents. This process is used to determine if there are any specific issues that will need addressing in the formal amendment documentation.

1. Initial Enquiry

   Once a written enquiry is received, a letter will be forwarded to the enquirer advising whether or not the proponent should prepare Scheme Amendment Request (SAR) report and what the request should contain / address.

2. Scheme Amendment Request
   SAR document to be a maximum of 6 A4 pages and address specifically strategic issues and not detailed site analysis. The following are to be addressed in the SAR:
   - existing and proposed zonings;
   - impacts of structure plans and strategic documents on site and proposed zoning;
   - the proposed method of integration of development on the site with adjoining lots;
   - any precedent set by the proposed zoning;
   - services available to the lot(s);
   - any special outcomes proposed to be introduced through the rezoning process.

   A fee is payable prior to the SAR being assessed. Such fee will be set in the Schedule of Fees and Charges in Council's Annual Budget.

3. Referral of SAR to DoP and DER
   Once received the SAR will be referred to the Department of Planning (DPI) and (DoP) and the Department of Environment Regulation (DER) for comments. Both Departments will provide their responses on the SAR within 28 days.

4. SAR Submitted to Council
   The applicant's SAR is to be submitted with an officer's report and recommendation to Council for consideration. Potential outcomes are:
   a) Council decides to seek community feedback on the SAR if the application warrants it.

b) Council agrees to the SAR to allow further detailed documentation of the proposal and a subsequent assessment process to initiate the scheme amendment. (Note: detailed documentation may identify unresolvable issues not known on initial SAR and as such the amendment may not be initiated.)

c) Council considers the proposal to be unacceptable and advises proponent that it would be unlikely to support a request to initiate a scheme amendment.

d) Council may acknowledge there is potential for the land to be rezoned but advise the applicant that the proposal is premature until Council has agreed to and the Western Australian Planning Commission has endorsed, a suitable structure plan for the locality to co-ordinate and integrate development in accordance with adopted strategic documents.

Note: An applicant who proceeds after being advised as above does so at their own risk and cost.

5. Community Feedback

A decision of Council as per 4(a) above to seek community feedback on the SAR shall be in the form of a letter to adjoining landowners, and relevant agencies, a sign on site, plus an advertisement in the local press, asking for feedback on the SAR.

Submissions received during this process shall be summarised and forwarded to Council for further consideration.

6. Response to Applicant

A decision to allow the applicant to proceed with further documentation as per 4(b) above will be transmitted in a letter from Council and will detail such matters as:

a) policy issues to be addressed in the amending report;
b) environmental issues;
c) servicing issues (eg full testing of groundwater tables prior to document lodgement) and the provision of a fire management plan;
d) design requirements on subsequent development;
e) developer commitments required by Council from scheme amendment process;
f) mechanisms for cost sharing of common cost items such as public open space, drainage, roads, footpaths, etc;
g) any other matters considered relevant to Council.

7. Scheme Amending Documents

The Council required number of draft scheme amending documents will be submitted with the appropriate fees and a formal request to initiate a scheme amendment. The format of the documents must meet the standards set in the Town Planning Regulations.

Council staff shall review the documents and make recommendations on potential changes / modifications, acknowledging that the amendment becomes a Council document once initiated. Staff shall prepare a report to Council on the scheme amendment.

Council may decide to initiate, decline to initiate, or require modifications prior to initiating the amendment.

The procedures for Scheme Amendments as laid down in the Town Planning Regulations will then be followed.

AMENDED by Res: 110217 / 21 February 2017

P100602 **CONSULTATION PRIVACY POLICY**

Whereby Council calls for or otherwise receives public submissions about a matter before Council such as an application for Development Approval, Council officers will précis the submissions such that all valid and pertinent comments are extracted into a table of submissions accompanying the report, with officer comment in relation to the validity and recommended assessment of those comments and such that a person viewing that table or submission cannot as far as reasonably practical identify the author of the comments. The purposes of this policy are to;

Ensure that Councillors can make an informed and unbiased assessment of public submissions whilst;

1. Protecting the rights of individuals privacy;
2. Maximising participation and consultation;
3. Minimising the perception or possibility of neighbourhood reprisals, retribution or intimidation;
4. Minimising Councils' potential exposure to being involved in publishing defamatory material;
5. Nothing in this policy prevents a Councillor requesting & receiving a complete copy of any submission, which shall be marked "confidential";
6. Noting that as per the Planning and Development (Local Planning Schemes) Regulations 2015, the names and address details of submitters to be disclosed on Scheme Amendment approval submission tables.
7. Ensuring that Council receives detail as to the submitters proximity and relevance to the application.

ADDED by Res: 210208 / 26 FEB 08
AMENDED by Res: 110217 / 21 February 2017

P100606 **PAYMENT OF PLANNING & BUILDING FEES BY NOT FOR PROFIT COMMUNITY ORGANISATIONS**

When assessing planning and building applications received from not for profit community organisations on land not owned by or vested in Council, a reduction of 50% in the application fees payable shall be granted.

Where such an application relates to land owned by or vested in Council, a reduction of 100% payable to the Shire of Denmark shall apply.

Notes:

1. All statutory charges levied by the State Government are to be paid in full by the applicant and are not subject to the provisions of this Policy.
2. The Shire of Denmark is unable to issue certificates of design compliance on land it owns and those fees will need to be payable by the applicant to a suitably registered Building Surveyor.
3. Organisation Wide Procedure Manual topic titled "Council Approved Discounts, Donations, Waivers or Reduced Fees" is to be implemented when applying this policy.

Note: This policy does not relate to building applications to any residential dwellings nor any application totaling greater than $1,000,000.

ADDED by Res: 220310 / 23 March 2010

AMENDED by Res: 040912 / 4 September 2012
AMENDED by Res: 200912 / 25 September 2012

P100608 TOWN PLANNING SCHEME NO. 3 – COLOUR INTERPRETATIONS

Objective

To clarify colour references contained within Town Planning Scheme no. 3 and various policy provisions subsequently providing direction to the community and Council Staff as to what colours are appropriate from a built form perspective.

Policy

- Any reference to "natural earth", "subtle earth", "natural hues" OR "sympathetic" colour – all colour tones are appropriate;
- Any reference to "vegetation" colour – all tones of green, brown, yellow, orange, shades of blue and red are appropriate;
- Any references to "earth brown" colour or "brown toning" – all tones of brown, including limestone and red/terracotta colours are appropriate; and
- Surfmist is considered to be a white or "off-white" colour.

Responsible Officer

The Director Sustainable Development is the responsible officer for implementing this policy.

ADDED by Res: 110611 / 26 June 2011
AMENDED by Res: 041117 / 21 November 2017

P100610 PEACEFUL BAY LEASEHOLD – LEGAL ADVICE (DEMOLITIONS & INSPECTIONS)

That as well as considering the intent of the Peaceful Bay Heritage Precinct Conservation Planning Policy, when considering applications for demolition of a Peaceful Bay Holiday Cottage, it considers the advice of its solicitors dated 30 May 2012 regarding;

- Criteria that might guide Council in supporting or refusing applications for demolition of a Peaceful Bay leasehold property as follows;

  [Extracted from Solicitors correspondence dated 30 May 2012]
  "Can we give criteria to guide Shire in a decision to deny or support an application for demolition?
  (1) Is the existing cottage habitable? Can it be used without risk of damage or injury or risk to health?
  (2) Could the cottage be made habitable by reasonable repair or restoration work, at a cost less than replacement cost?
  (3) Does the cottage alone or as part of a group have cultural heritage or other special status which justifies a decision to retain at a cost exceeding replacement cost?
  (4) Is there any precedent for approval or refusal of demolition?
  (5) Is there any record of requests for permission to carry out maintenance or repair work on that building?"

  and

- The requirement to inspect all properties for maintenance in preserving the integrity and safety of the properties prior to consideration of a renewal of lease or request for consideration of full-time occupancy, together with the introduction of an inspection fee.

ADDED by Res: 050812 / 14 August 2012

Refer also to Policies P100607, P100609 and delegation D100605 which may relate.
Refer also to Local Planning Policy No. 35 – Peaceful Bay Conservation Plan Development Guidelines which may relate.

Refer also to Council's adopted Fees & Charges which may relate.

P100612 BUSH FIRE ASSESSMENTS FOR PRIVATE DEVELOPMENTS ADJOINING COUNCIL LAND

Council will not accept a 'Bush Fire Risk Assessment' that requires Council to accept responsibility for maintaining strategic fire access routes or fuel reduction measures on its land to achieve an appropriate Bushfire Attack Level (BAL).

ADDED by Res: 210315 / 24 March 2015 (Retained section from Repealed Policy P100604)

P100701 DENOMINATIONAL SIGNS - DENMARK CEMETERY

Denominational signs not be permitted.

P100702 SHRUBS AND TREES - DENMARK CEMETERY

Council allow relatives to plant specified unmarked trees in specified areas in remembrance.

P100703 PRIVATELY CONDUCTED FUNERALS & PLOT/NICHE RESERVE HOLDERS

Council adopt the following standards for privately conducted funerals at the Denmark Cemetery;

1. The vehicle to carry the coffin be of suitable type and large enough to entirely contain coffin.
2. The coffin be of sturdy construction and if roughly made, to be draped with a plain cloth.
3. The funeral ceremony be conducted in a respectful manner so as not to give offence to other cemetery visitors or the public.

P100704 PLOT & NICHE COMPARTMENT RESERVE HOLDERS

Every 5 years Council will write to plot and niche compartment reserve holders to ascertain their ongoing intentions.

(Last done 2008).

AMENDED by Res: 310408 / 22 APRIL 2008

P100705 INSTALLATION OF MEMORIAL FURNITURE & PLAQUES

Objective

From time to time requests are received for permission to place a memorial / memorial plaque in remembrance of a deceased community member / visitor to the Shire, on Council controlled land, other than in a local Cemetery. When properly designed, planned and displayed, memorials may provide some comfort for grieving family and furnish the general public with an added community facility. The Shire of Denmark is committed to protecting such land while providing opportunities for appropriately designed private memorials to honour individuals who have contributed to the community or deceased through tragic circumstances within the Shire area.

Definition

Memorial – Community infrastructure including but not limited to:
park bench seat, BBQ, shade cover, picnic table with / without attached seating, drink fountain, playground equipment and other approved park furniture but does not include obelisks, concrete blocks, boulders, granite blocks or other similar structures that provide no or little public function.

Memorial Plaque – Metal plate engraved with particulars or image of person being commemorated, mounted flush on the piece of community infrastructure and of a size no greater than 10 cm x 12 cm.

Criteria

a. Memorials that have a significant "whole of life" maintenance cost burden for Council, will not be considered.
b. The applicant must meet all fabrication and supply costs.
c. Following installation the memorial will become Council owned and Council will meet ongoing reasonable maintenance costs however whilst every reasonable effort will be made to extend the life of the memorial, Council cannot guarantee that it will remain at the designated site indefinitely and may at any time remove the memorial without compensation. In doing so, Council will make reasonable attempts to contact the family of the deceased prior to removing or relocating a memorial.
d. The placement of memorials will take into account the number of existing memorials, artworks, community furniture or other objects in the vicinity of the proposed new memorial.
e. Applications for a memorial to be supplied and installed shall be in writing and will include:
    - The name of the person to be commemorated;
    - A summary of the reasons commemorating the individual;
    - Details of the proposed form of memorial;
    - The proposed text and / or image to be included on the plaque;
    - The preferred location of the memorial; and
    - The name and contact details of the applicant.
f. Applications will be determined by the CEO.
g. Council staff will install the memorial when time permits however with the written approval of the CEO, the applicant may be permitted to install.
h. This Policy should be read in conjunction with Council Policy P120102 (Roadside Memorials).

Register

A Register of Memorials including the contact details of the family of the deceased approved in accord with this policy will be maintained by Council Administration.

ADDED by Res: 140509 / 26 May 2009
REFER also to Policy P120102 – Roadside Memorials (Erection, Maintenance & Removal)

P100706 CEMETERY INCOME

Objective

To ensure that all surplus income over expenditure inclusive of depreciation in relation to the Denmark Cemetery are transferred to the Cemetery Reserve Fund.

Policy

Council annually include in its Budget the following principle; That any surplus income over expenditure (including depreciation) at the Denmark Cemetery at the conclusion of a financial year is to be transferred to a Cemetery Reserve Fund to then be utilised for future upgrading, expansion, refurbishment of facilities and/or additional facilities.

Responsibility for implementation

The Director Corporate and Community Services is responsible for implementing this policy.

Added by Res: 220509 / 26 May 2009

P100707 RELAXATION OF HEADSTONE ONLY POLICY AT THE DENMARK CEMETERY

That Clause 7.1 of the Shire of Denmark Cemetery Local Law titled Headstone Only Allowed on Grave, be relaxed for the current 'old' section of the Denmark Cemetery.

ADDED by Res: 151109 / 24 November 2009

P110102 **LEASING OF LAND AND/OR BUILDINGS TO COMMUNITY GROUPS**

With respect to community groups exclusively occupying, or seeking to exclusively occupy, Council property or buildings;

a. There be a signed lease based on Council's standard 'not for profit' lease prior to occupation or upon renewal;
b. Council desires lessees to be incorporated (with the exception of Volunteer Bush Fire brigades which are covered under the Bush Fires Act);
c. Contribution by Council towards legal costs (if required) by Council 100%;
d. Have differing rentals discounted to market valuation depending upon the following factors;
    i. To what degree the property is utilised for charitable, not for profit or sporting purposes;
    ii. The ability of the lessee to derive income from use of the property including sub-leases, rental hire and the presence of a liquor license;
    iii. The strategic value of the land in the short term to Council;
    iv. To what degree if any that the use is competing with commercial enterprise;
e. Where the applied rental is lower than a valuation or real estate rental appraisal, Council indicate that contra difference in its annual budget, for that property;
f. Offer local authority rate exemption, rebate or donation (rather than exemption contra);
g. Offer Council insurance of the buildings and Council owned property / contents without recoup of the annual premium and to encourage repairs and reinstatement through insurance claims, Council will meet all bar the first $500 of any insurance excess on claims;
h. All outgoings and consumable costs to be met by the lessee including but not limited to water, sewer, gas, telephone, ESL, refuse charges, etc;
i. Lessees to meet all ongoing internal and external building and grounds maintenance other than structural building repairs;
j. Leases require endorsement of Council prior to signing;
k. Have differing tenure and renewal rights and terms depending upon the strategic future requirements for that land and or building(s) but based on a maximum of 21 years including any right of renewal (subject to the prevailing management order if applicable);
l. The use of the property is consistent with the zoning and/or management order and power to lease exists (if required).
m. Reflecting the non 'exclusive club' usage and fact that they perform a valuable Council service for wide community benefit Council annually (subject to annual budget deliberation) contributes to the maintenance of the following leased Halls;
    i. Parryville Hall $2,000;
    ii. Tingledale Hall $2,000;
    iii. Scotsdale Hall $2,000 *(nb: Hall is owned by Scotsdale Progress Association on Association vested land);*
    iv. Kentdale Hall $2,000;
    v. RSL Hall $3,000;
    vi. Museum Building maintenance is 100% Council responsibility;
    vii. Nornalup Hall $2,000;
    viii. Morgan Richards Community Centre $2,000; and
    ix. Peaceful Bay Hall (& Les Carpenter Shed) $2,000.
n. Council's Principal Building Surveyor at least on an annual basis inspect all leased buildings and land to ascertain their state of maintenance pursuant to the lease and priority for future and long term maintenance in conjunction with the lessee.
o. The definition of 'exclusive occupation' does not include reference to yearly licenses to occupy storage space *within* a building such as at the Denmark Recreation Centre.

ADDED by Res: 450808 / 26 August 2008
AMENDED by Res: 220609 / 23 June 2009

AMENDED by Res: 190211 / 22 February 2011
AMENDED by Res: 070214 / 11 February 2014
AMENDED by Res: 220515 / 26 May 2015

P110103 DENMARK CIVIC CENTRE RESERVED BOOKING – DENMARK VILLAGE THEATRE

Objective
To ensure that the Denmark Village Theatre has reserved access to the booking of the Denmark Civic Centre for its annual Pantomime.

Policy
That there is a reserved annual booking of the Denmark Civic Centre for the Denmark Village Theatre commencing at the beginning of the last week of December through to the end of the Second week of January inclusive.

Conditions
This reserved annual booking including required date and times for exclusive use must be confirmed by the Denmark Village Theatre by 31 October each year, noting that Council's operative fees changes adopted from time to time apply.

Responsible Officer
The Director Corporate and Community Services is responsible for implementing this policy.

ADDED by Res: 230514 / 27 May 2014

P110303 RECREATION CENTRE REFUNDS

The Shire of Denmark recognises that individual's circumstances over time do change unexpectedly and payments made in advance for term memberships offered by the Denmark Recreation Centre for access to gym facilities, should be refundable pro rata, where circumstances (such as long term sickness, relocation out of the District, injury) warrant this action.

Where a membership holder seeks a refund of an unused portion of a current membership fee paid for access to the Denmark Recreation Centre Gym, that this be refunded pro rata at the discretion of the Chief Executive Officer following receipt of a written request received within one (1) month of cessation of use, which outlines the circumstances leading to the request being made. Refunds will only be made for complete months of the unused portion of the fee paid and a minimum pro rata period of 2 months shall apply.

The Chief Executive Officer is delegated a discretionary authority to refund an unused portion of a term membership fee in accord with this policy.

ADDED by Res: 370/07 / 16 OCTOBER 2007

P110307 FEE SETTING POLICY FOR MCLEAN PARK & HIGH SCHOOL OVAL & RECREATION FACILITY USAGE

That charges for the use of the above reserves be based on the following:

a) All fees to be charged as "User contributes" to encourage due care of the assets and provide a percentage of return in relationship to the cost of supply.
b) Council subsidises all Senior/Adult Clubs 50% of the total amount payable – a Senior / Adult Club being defined as a club where its members / players are 15 years and older and may include a Junior (person attending High School up to and including year 12) who is competing in the Senior / Adult competition.
c) Council subsidises all Junior Clubs 80% of the total amount payable – a Junior Club being defined as a club or section of a Senior Club, where the members / players in a junior team are attending Primary School or up to and including year 12 of High School.

d) Where a fee or charge to a Senior / Adult or Junior Club, is proposed to increase by a sum greater than 100% from one year to the next, the new fee or charge be phased in over 3 years as follows – in the first year of the new fee, the current fee plus 40% of the total increase amount, in the second year of the new fee, the fee levied in the previous year plus 40% of the original total increase amount and in the third year, the fee levied in the previous year plus the remaining 20% of the original total increase amount.
e) All fees and charges are generally CPI indexed per annum to reflect the ongoing increase in costs associated with these facilities however the Manager Recreation Services will also consider increased costs and other factors annually and exercise discretion when putting forward fees and charges for Councils budget consideration. A full review of operating costs every 3 years to be conducted by the Manager Recreation Services to determine if an adjustment to fees and charges is required.
f) Management agreements are developed between Council and user groups of McLean Park & the High School Oval.
g) A reserve fund is established for future development of these facilities.
h) Centre operated program fees are charged for at a rate as close to a break even scenario as possible. Different programs are charged at different fees to reflect varying costs associated with that program such as payment for umpires/coaches/instructors, length of games, equipment required etc.

ADDED by Res: 080509 / 26 May 2009
AMENDED by Res: 190211 / 22 February 2011

P110310 DENMARK-NORNALUP HERITAGE RAIL TRAIL

Objective
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:

- Vehicle access across or along the Rail Trail, where the vehicle user 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;
- 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:

- 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*:

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 permit holder;
d) Standard of gate and fencing directly adjoining the gate (connecting it to the property boundary fencing) is not to be constructed (either wholly or partly) of barbed wire or use an electrified fence and is in all other ways 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 dependent 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 not to be constructed (either wholly or partly) of barbed wire or use an electrified fence and is in all other ways 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;
    iii Fencing shall not be constructed (either wholly or partly) of barbed wire or use an electrified fence; and,
    iv 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.

ADDED by Res: 101214 / 2 December 2014

P110311 **PERSONAL TRAINING SESSIONS & FOR PROFIT FITNESS ACTIVITIES IN COUNCIL RESERVES**

Objective
To provide both residents and visitors to the Shire of Denmark with a variety of Fitness and Personal Training options that are safe and do not detract from the quiet enjoyment of Council's parks and reserves.

Policy
In accordance with its powers under Local Government Act 1995 and the Shire of Denmark Activities on Thoroughfares and Trading in Thoroughfares and Public Places and Property Local Laws 2001:

Given the many unique forms of personal training and for profit fitness activities and the many parks and reserves within the Shire of Denmark that could be proposed, all applications for a Trading Licence are to be lodged and will be assessed in conjunction with the Shire of Denmark Activities on Thoroughfares & Trading in Thoroughfares & Public Places Local Law. In addition to this, the application will be assessed on their individual merits and the information supplied in the application, in line with but not limited to the following:

1. Licences will be limited to a period of no more than one (1) year which, subject to performance may be renewed.
2. The Shire will assess applications for Licences for personal training in Council's parks and reserves with reference to the Local Law and the criteria set out in this Policy.
3. The Shire of Denmark will assess the suitability of proposed personal training activities utilising local government owned or management land. This assessment will consider the consistency of the proposed activity with the land use and vesting

of the parcel of land or any management order that is attached to the parcel of land.

4. A trainer must not attempt to conduct a session within a distance of 50m of another personal trainer's class.
5. Personal training and for profit fitness sessions are not precedence over other park uses.
6. All personal training and for profit fitness sessions are to be conducted in such a manner that they do not create an annoyance or conflict with other park users or personal training classes.
7. Where a time restriction will be specified, the trainer and equipment must be removed from the prescribed locations within 15 minutes of closure.
8. At the conclusion of a session the surrounding area must be left in a clean and litter free condition.
9. Trainers must comply with any lawful direction given by a Shire of Denmark Authorised Officer.
10. All signage and banners are to be portable in nature and limited to maximum size of two 1800 x 600mm signs or banners that are displayed no more than 30 minutes before a session and removed within 15 minutes afterwards.
11. All personal training and for profit fitness session Licence applications and renewals will be considered by the Shire of Denmark in accordance with, but not limited to, the following -
    - The use of Shire of Denmark road reserves will not be permitted for trading unless it can be shown not to adversely impact on traffic movement.
    - The licensee will be responsible for any damage to Shire property from the training activity or customers of the training activity.
    - Personal training must not impede traffic flow or cause a traffic hazard or pose a danger to the safety of the general public.
    - Personal trainers and for profit fitness session operators must obtain their own public liability insurance to the minimum value of $10,000,000 and indemnifying the Council.
    - The licensee must hold at least a certificate 4 in personal training or an equivalent level qualification and/or fitness industry experience so that they are far less likely to have injuries occur in their fitness classes.
    - The licensee must hold a current Senior First Aid Certificate.
    - Personal training and for profit fitness activities must not connect to or utilise any Shire of Denmark utilities without prior approval and an additional charge.

Should the application be considered unsuitable by the officers of the Shire of Denmark in accordance with legislation and the above conditions, or any other condition applicable to the application, the application will be referred to Council for their consideration as to the suitability of the activity in the community.

All applicants for Licences are to be advised of their right to object to a decision of Local Government in accordance with section 9.4 of the Local Government Act 1995, such a person may object to a decision of local government and lodge an appeal to the decision by lodging an objection within 28 days of the decision."

Responsible Officer

The Director Corporate and Community Services is the responsible officer for implementing this policy.

ADDED by Res: 070915 / 8 September 2015

P110312 RECREATION CENTRE – SCHOOL HOLIDAY PROGRAM INCLUSION FUND

Objective

To provide financial assistance to parents or guardians who need to engage a qualified carer to assist their child with disability to attend and participate in the Recreation Centre's scheduled School Holiday Program.

Policy

1. Council will provide an amount annually in its Budget that parents or guardians of a child with disability can apply for to assist with the cost of engaging a carer for their child whilst attending the Recreation School Holiday Program.
1. The amount available per family, per application, is $150.00 per day or 6 hours (whichever is the less);
2. The carer must;
    a) have a Working With Children Check, a Police Clearance and not be a family member;
    b) clearly understand the needs of the person that they are working with and have been directed by the family as to the level of care needed;
    c) understand that they are going into the Recreation Centre environment and may be directed by the Staff in the Centre in relation to the activities during the Holiday Program;
4. Funding applications are subject to funds being available in the Council's current budget.

ADDED by Res: 230916 / 27 September 2016

P110502 LIBRARY CHARGES

1. The Council supports the principle of a free public library service with no charge being made for obtaining, displaying and lending books and related materials, other than charges levied through the Rates.
2. Council Policy is that any additional services provided through its libraries should be paid for by the users of any such services.
3. Council policy is to authorise the Library Staff to charge a fee on temporary resident users of the library, in accordance with the Schedule of Fees and Charges.
4. Council policy is to invoice readers for lost or damaged library books immediately after the loss or damage is incurred.

AMENDED by Res: 190211 / 22 February 2011

P110701 FUNCTIONS IN RECOGNITION OF VOLUNTEERS

Council recognise various local volunteer organisations by way of a function, held annually as a 'Thank a Volunteer Day' with these celebrations generally and where practical being coordinated with any State supported activities & funding.

AMENDED by Res: 456/07 / 18 DEC 07
AMENDED by Res: 180311 / 22 March 2011
AMENDED by Res: 291211 / 20 December 2011

P110703 RETURNED SERVICES LEAGUE - BUDGET ALLOCATION

Council will annually include in budget deliberations donations to;

1. The Denmark Returned Services League;
    a) To assist them with the conducting of their annual Anzac Day Service and
    b) To assist them with the conducting of their annual Youth Achiever Award subject to appropriate recognition of Council's contribution .
2. The Peaceful Bay Returned Services League to assist them with the conducting of their annual Anzac Day Service.

ADDED by Res: 070408 / 22 April 2008
AMENDED by Res: 140311 & 180311 / 22 March 2011

P110705 ART COLLECTION MANAGEMENT

Objective

To accurately document all art objects owned, acquired or on loan by or to Council in an appropriate register to ensure respectful and ongoing management of the objects.

Policy

Definition of art

Art objects include paintings, works on paper, commercial prints and decorative art pieces (including sculptures) with relevant artistic and/or historical significance, generally small enough to easily move or relocate but not including street or garden furniture that is primarily fixed and functional in nature.

Council's administration will maintain an appropriate art collection register detailing the following minimum characteristics;

- Description of the art object;
- Artist;
- Art type (eg. Sculpture, photograph);
- Current location;
- Date of acquisition;
- Reason for acquisition;
- Estimated value (for insurance); and
- Ownership.

Responsible Officer

The Chief Executive Officer is the responsible officer for implementing this policy.

Note for Administration Staff: the Art Register can be found at L:\Org Wide Reference Documents, Forms, Photos etc\Reference Files & Registers

ADDED by Res: 260310 / 23 March 2010

P110706 ABORIGINAL HERITAGE

ABORIGINAL RECONCILIATION

That the Shire of Denmark make the following statement in support of reconciliation with the indigenous people of this country, especially those from the south coast of Western Australia–

- Aboriginal Reconciliation is an issue in which each and every Australian has a choice: to silently ignore injustice and inequality, or lend their voice to the growing call to face the truth of the past treatment of indigenous people.
- What was done to Aboriginal people in the past was unjust and regrettable – particularly the taking of Aboriginal children from their families.
- The Noongar people's historical presence in and special attachment to this district is acknowledged, as is their right to continue living according to their own values and customs, within the law.
- The special places, culture and history of the Noongar people are respectfully recognised.
- Changes brought to this district by early white European Settlers were dramatic, imposed without regard for the indigenous people and frequently damaging to them, through the taking of their land, their health and sometimes their lives.
- This Council expresses sorrow at these injustices, and commits itself to participating in a future in which all people enjoy mutual respect, full recognition and equal rights.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

The Shire of Denmark acknowledges Indigenous Australians (Aboriginal and Torres Strait Islanders) as the first inhabitants and traditional owners of Australia, their presence and contributions to the history of Denmark, both in the past and into the future.
In this regard, the Shire of Denmark will;

1. Through the flying of the Aboriginal Flag at its administration building, recognise and observe;
   a) National Aboriginal and Islanders' Day Observance Committee (NAIDOC) Week (in the first full week of July); and
   b) The anniversary of the High Court decision in the Eddi Koiki Mabo land rights case of 1992 (3 June 1992); and.
2. Incorporate and co-ordinate at appropriate Council coordinated functions and events that bring people together to that event from outside of our District, either;
   a) An Aboriginal 'Welcome to Country' Ceremony (it is noted that a Welcome to Country Ceremony will be subject to the consideration of the Budget of the particular event, the cost of performing the Ceremony (should the ceremony attract a fee for service) and the availability of local recognised Elders, with the Ceremony based on the South West Aboriginal Land & Sea Council's Welcome to Country (Noongar Protocols) publication); or
   b) An Acknowledgement of Country – in accordance with the South West Aboriginal Land & Sea Council's Welcome to Country (Noongar Protocols) publication.

ADDED 20 April 2010 as per Res No. 121/98 / 26 May 1998
AMENDED by Res: 270811 / 23 August 2011

P110707 RECOGNITION OF LOCAL CENTENARIANS

That Council acknowledge local residents in the 100th year of age by initiating a ceremonial tree planting within the Centenary Walk of Trees at the Kwoorabup Community Park and the installation of a plaque, should Council be advised of such a milestone.

ADDED by Res: 070911 / 27 September 2011

P110708 DENMARK HISTORICAL SOCIETY – ANNUAL FUNDING CONTRIBUTION

To reflect the valuable community service provided by the Denmark Historical Society Inc. and the wide benefit obtained by residents from their activities, Council contribute an annual sum as determined in the adoption of the Municipal Budget to assist with costs such as insurance and utilities associated with their activities.

Officer Responsible for Implementation
The Director Corporate and Community Services

ADDED by Res: 150213 / 12 February 2013

P110709 RECOGNITION OF PEOPLE WITH DISABILITY

Objective
That Council ensure that the Shire of Denmark is an accessible and inclusive community for people with disabilities, their families and carers.

Policy

1. Council shall have a current Disability Access & Inclusion Plan (DAIP) which is reviewed, at least, every five (5) years, pursuant to the Disability Services Act 1993 & the Disability Services Regulations 2004. The Plan shall include an Access and Inclusion Policy Statement for people with disabilities, their families and carers.
2. Council annually host a function, activity or event for the community of Denmark which;
   a) aims to;
      - Promote an understanding of people with disability;

- Encourage support for their dignity, rights and well-being;
- Increase awareness of the benefits of integration of people with disability in every aspect of political, social, economic and cultural life; and
- Bring together individuals, businesses, community organisations and governments to celebrate and acknowledge the contributions, skills and achievements of people with disability.

b) Is held;
- Held on or as close to the United Nations International Day for People with Disability each year;
- Held in conjunction with local activities, functions or events organised by the Disability Services Commission or other relevant State agency or department, where possible;
- Held in conjunction with local community organisations, where possible;

c) Is facilitated by the Council's Disability Services Advisory Committee.

Responsibility for Implementation
The Chief Executive Officer is responsible for the implementation of this Policy.

ADDED by Res: 160413 / 16 April 2013

P110711 **WOODTURNERS OF DENMARK ANNUAL EXHIBITION**

Council authorises the Woodturners of Denmark Inc. to hold their annual Excellence in Woodcraft Exhibition in the Council Chambers & the Reception Area free of charge in exchange for sponsorship rights to the event, subject to the event not conflicting with Council meeting days or times.

ADDED by Res: 151214 / 2 December 2014

P110712 **DENMARK CRAFTY QUILTERS - TRIENNIAL EXHIBITION**

Council authorises the Denmark Crafty Quilters to hold their triennial Exhibition in the Council Chambers and the Reception Room area free of charge in exchange for sponsorship rights to the event, subject to the event not conflicting with Council meeting days or times.

ADDED by Res: 090421 / 20 April 2021

P120101 **STREET TREES**

On completion of a new residential building, Council will supply, on request, landowners with two trees to be planted and maintained on the road verge outside that ratepayer's property.

The species shall be determined by Infrastructure and Assets.

AMENDED by Res: 110217 / 21 February 2017

P120102 **ROADSIDE MEMORIALS (ERECTION, MAINTENANCE & REMOVAL)**

Definition
A roadside memorial is defined as an object or image constructed, erected, planted, painted or placed on the road or within the road reserve in honour of family or friends whose lives have been lost on our roads.

Objective
The objective of this policy is to be sensitive to people's grief and maintain road safety. The policy also considers the concerns of other road users and nearby residents. It has

been prepared to inform the public of the guidelines for the erection of roadside memorials on local roads within the Shire of Denmark.

Guidelines

- Should a tragic accident occur, a Council representative, if requested, can assist the grieving family and friends by helping them to understand the guidelines in this policy and by installing or assisting to install a roadside memorial in conformance with this policy.
- Council shall keep a register of approved roadside memorials.

emorial Requirements

These specifications should be used as a guide only. Commonsense should prevail when assessing specific locations for the placement of roadside memorials.

Location

Any roadside memorial shall be located within the following guidelines.

Permitted

- 1 metre outside the line of guideposts;
- 2 metres from the edge of any bitumen road seal;
- 1 metre from the edge of any footpath or dual use path.

Not Permitted

- In close proximity to residential dwellings where the memorial may cause distress or concern to the residents;
- On landscaped verges;
- On traffic islands, medians or roundabouts;
- On any roadside structure (ie bridge);
- Any location which may obscure vision for traffic or unnecessary distraction.

MEMORIAL TYPE AND CONSTRUCTION

Crosses

- 850mm long (600mm out of ground) and 400mm wide.
- Shall consist of two pieces of timber 40mm x 20mm.
- Shall be painted white and be non-reflective

Plants

- Preferred to be a locally occurring species.
- Trunk size should be suitable for the location.
- Assistance should be sought from Council's Engineer prior to choosing a suitable plant.

Decals

- Consist of an adhesive label, 160mm long x 130mm wide displaying a white cross on a black background.
- Decals are only permitted at the base of street light columns and power poles if approved by Western Power.

Additional Requirements

- Roadside memorials should be without memorabilia such as toys, pot plants, shoes, clothing etc.
- There should be no footings, kerbing, rock, fence or any other structure around the memorial. Physical objects can cause a visual distraction or cause harm to road user. The movement of personal items is a potential road safety hazard.
- Only one (1) roadside memorial is permitted per life lost.

Maintenance

- Council does not accept any responsibility for the maintenance of roadside memorials or for any loss or damage which may occur due to road maintenance, construction activities or vandalism.

Roadworks near Approved Roadside Memorials

- Council will continue to perform road maintenance and construction activities within road reserves containing roadside memorials.
- Where works are required to be undertaken where an approved roadside memorial is located, the memorial will be carefully relocated away from the work area and reinstated as close as practical to the original site. Care will be taken not to damage the memorial however some damage may be unavoidable.

Removal of Roadside Memorials

- Any roadside memorial presenting a safety hazard will be removed. Every effort will be made to contact the person (s) responsible prior to removal.
- A roadside memorial may be removed if it is causing concern or distress to immediate residents, or is in a poor state of repair.
- Council shall make every effort to contact the person (s) who installed the memorial prior to removal. A 30 day removal notice shall be sent to the responsible person(s). Council will store the memorial for a period of 30 days after removal.

23 SEPT 03
AMENDED 27 JAN 04
REFER also to Policy P100705 – Installation of Memorial Furniture & Plaques

P120103 **ROAD PROGRAM SEAL ADVANCEMENT**

That where a ratepayer / landowner or group of ratepayers / landowners together seek to advance (in the seal program) the sealing of an existing unsealed Council road, or portion of a road for purposes such as dust suppression, safety, asset improvement or improving amenity or business custom, Council will only consider such a request if the following mutually inclusive criterion is achieved;

- The road has at least an AADT of 75 vehicles per day;
- The sealing is proposed to be single coat bitumen (chip);
- The section of the road proposed to be sealed already achieves a constructed design standard for a sealed road;
- The length of seal is a minimum of 300 metres;
- The width of seal is a minimum of 6 metres;
- The road or section of road to be sealed does not result in the opinion of the Director Infrastructure and Assets, in a more dangerous road condition than prior to it being sealed;
- The road or section of road is not required to be sealed by virtue of an existing or proposed development requirement;
- The contributors agree in writing to meet at least 50% of the estimated cost of the sealing works with the amount agreed to be provided in advance of undertaking the work;
- The works can be scheduled in conjunction with Council's normal sealing works program.

The average estimated construction cost of an existing gravelled surface that requires moderate re-gravelling, preparation and water binding, in 2014 dollar terms is $13/square metre (based on 1km by 6m wide in 'standard' location within the Shire). A 50% contribution by the requesting party will therefore be $6.50/sqm. This equates to $11,700 (plus GST) for the minimum length of 300m.

Above estimates are indicative for the purposes of this policy and actual costs will vary upon individual project scope and time of implementation.

Council will meet the costs of appropriate advance signage (changed road conditions / gravel road etc) the second coat the following year and thereafter maintaining the road in a sealed condition for at least a period of 15 years, being the nominal life of a sealed surface.

ADDED by Res: 180315 / 24 March 2015
AMENDED by Res: 110217 / 21 February 2017

P120104 **NO SPRAY REGISTER POLICY**

Objective
This policy is intended to allow property owners and residents to apply to Council to request that vegetation on Council road reserves and/or Council land directly abutting their property not be sprayed with chemical herbicides.

Policy
Council is responsible for vegetation management within its road reserves. Management methods for the control of vegetation include hand weeding, slashing and the use of chemical herbicides to eradicate vegetation growing in the road reserve.

Council acknowledges that there will be residents within the Shire that do not wish to have the frontage of their property sprayed with chemical herbicides due to a variety of reasons including registered organic farms and where residents have a medical condition where avoidance of spray is necessary.

Rural Roads - Council has responsibility for maintenance of Council owned or managed roadways. This includes, but may not be limited to, spraying verges, drains, woody weeds within the entire road reserve, around ends of culverts, marker posts and other street furniture. Declared weeds and other priority pest plants are a priority of Council to be controlled within the road reserve.

Urban Roads - Council endeavours to keep the roadway between the back edges of any kerb and the full width of footpaths free of vegetation. Additionally, Council endeavours to keep the road reserve free of declared weeds and priority pest plants in a prioritised manner which is consistent with Councils various weed management strategies.

Council Land - Council is required to manage declared and pest weeds in its reserves.

This policy applies to vegetation management on Council managed road reserves and Council land. Council will consider applications to cease spraying operations where Council road reserves and/or land abut private land on a case by case basis.

Note well: This Policy does not relate to Road Reserves managed by Main Roads WA and/or the Department of Parks and Wildlife.

Procedure
This policy will be administered by the Director Infrastructure and Assets as part of the Council land and road reserves maintenance program.

Applications to be included within the No Spray Register

An advertisement shall be placed in the Denmark Bulletin, Walpole Weekly, and Corporate Website and via social media no later than 31 July each year advising that

applications are invited for road reserve frontages and for the frontage of Council land directly abutting a person's land to be placed on the No Spray Register.

An application must be undertaken in writing on the approved application form and lodged with Council no later than 30 August each year. An application can only be applicable to the entire frontage of the resident's immediate property and for the area parallel to a distance of no greater than 10m.

In completing the application, the resident agrees to take over the responsibility for:

- controlling all National, State and Locally-listed pest plants;
- keeping the road frontage clear and/or tidy;
- keeping drainage and or paths free of obstruction and fully operational at all times; and,
- ensuring kerbs, footpaths and gutters are free of vegetation growth.

Removal of native vegetation must not occur without prior written approval from Council and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.

In considering an application, the following shall be taken into consideration:

- whether the adjoining land is used for certified organic vegetable/fruit production.
- existence of a medical condition in the household which may be exacerbated by exposure to herbicides or associated additives.
- The applicant has other mitigating circumstances that would warrant an area not being exposed to the use of herbicide chemicals.

Council reserves the right to reject any application on grounds that it is not within the overall interest of Council to include the area within the No Spray Register.

Upon acceptance or refusal of an application for the No Spray Register, Council Staff will reply in writing to the resident with the outcome.

Where the application is approved, Council Staff will add the property onto the No Spray Register. Applications are non-transferrable.

Residents who are not the landowner must provide written confirmation from the landowner that they do not object to the request.

If an application is refused, applicants will be informed in writing by Council Staff outlining the reasons for refusal. Applicants may reapply if they feel they can adequately address the concerns that caused Council Staff to refuse their initial application.

<u>No Spray Register:</u>
The register shall be in the form of an electronic spreadsheet detailing the residents' details, area to be excluded from herbicide chemical spraying and the date the application was approved and date of expiry.

Each application will have a valid period of two (2) years in which the applicant will have to reapply after that expiry date.

The register shall be maintained by Council's Infrastructure and Assets Directorate and be available in an appropriate Drive for all relevant staff to be able to access.

<u>Failure to Comply</u>
In agreeing to take over responsibility for managing Council's road reserves and/or Council land abutting the applicant's property, the applicant will maintain the above areas

to the same standard that can be achieved by the herbicide control method. If Council's standards for management are not being met, the following will occur:

- Council will advise the applicant in writing that maintenance must occur within twenty one (21) days of the date of the correspondence;
- Failure by the applicant to conduct maintenance of the area within 21 days will result in Council undertaking, without further notice, any necessary work to reduce the vegetation; and,
- The applicant will be removed from the No Spray Register at the end of the twenty one (21) day period if the required maintenance has not been completed. The applicant may reapply at the next application period.

Roadside spraying and slashing tenders and contracts:
Council Staff shall include within all tenders and contracts for roadside spraying the advice that No Spray Zones have been established and provide a list of the areas to appointed contractors.

Council Staff shall ensure that roadside spraying contractors have acknowledged the No Spray Zones and ensure that the contractor does not breach the contract by spraying within the zones.

Responsible Officer
The Director Infrastructure and Assets is the responsible officer for implementing this policy.

ADDED by Res: 120815 / 18 August 2015

P120602 PRIVATE JETTIES IN WILSON INLET AND DENMARK RIVER

With regards to private jetties in Wilson Inlet and Denmark River, Council, where it relates in its capacity as the managing body for the adjoining foreshore reserve and/or road reserve:

a) Recognises the existing rights of owners of jetties that are licensed by the Department of Transport.
b) Will not support any new private jetty applications that abut public land as they alienate public use and enjoyment of the waterways and foreshore environments and there is concern with the potential for clearing, boat launching and retrieval walk trails to obtain access and other associated unauthorised developments to take place in the public realm as a result.
c) Will allow owners of existing unlicensed jetties a period of twelve (12) months from the adoption of this policy to seek a jetty licence from the Department of Transport; and where such approval is not obtained, advise the Department of Transport that such jetty should be dismantled and/or removed, with such costs associated with dismantling and/or removal to be met by the Jetty owner, if known, or the Department of Transport, if required, having regard to Section 8A of the Jetties Act 1926.

ADDED by Res: 041213 / 3 December 2013

P130202 PARRY'S BEACH MANAGEMENT

1. Following its Annual General Meeting each year, Parry's Beach Voluntary Management Group supply Council with a list of the Management Group's membership, nominated caretakers and executive committee.
2. The regular meetings of Parry's Beach Voluntary Management Group with Council take place at least once per annum, prior to the adoption of the Municipal Budget and other times as required.

AMENDED by Res: 180311 / 22 March 2011

P130205 GEOCACHE FRIENDLY COUNCIL

Objective

To promote the Shire of Denmark as a "Geocache Friendly Council" and to facilitate and regulate the installation of geocaches so that the risk of harm to people searching for them is minimised and damage to the environment or Council infrastructure as a result of geocache installation and access is eliminated.

Policy

As a "Geocache Friendly Council" the Shire of Denmark facilitates and regulate the installation of geocaches through the following means:

1) The issue of free 5 year geocache licences to install and maintain geocaches on Council controlled land and infrastructure where;
   a) The geocache in question does not represent a reasonable a risk of harm to people searching for them.
   b) There is little likelihood that the proposed geocache will result in significant damage to the environment or Council infrastructure as a result of its installation or ongoing access.

2) Providing opportunities for the installation of geocache when new infrastructure and paths and trails are built.

3) Maintaining an active relationship with local geocache licence holders.

4) Seeking to assist with geocache based tourism initiatives when these opportunities become available.

Responsibility for Implementation

The Director Corporate and Community Services has responsibility for the implementation of this policy and the issuing geocache licences and is to consult with Directorates of Sustainable Development and Infrastructure and Assets staff in issuing licences where there is a need to do so.

ADDED by Res: 041211 / 20 December 2011

P130301 **GUIDELINES FOR TEMPORARY ACCOMMODATION**

1. The period of Temporary Accommodation shall not exceed twenty-four (24) months with approval periods being not more than six (6) months to enable the Officer to review progress of building development.
2. Building plans for a Class 1 Dwelling are to be submitted and approved before Temporary Accommodation will be granted.
3. Applications for Temporary Accommodation are to be accompanied by a Building Permit Number and a statement of progress expected to be achieved during the period of Temporary Accommodation.
4. Temporary Accommodation Permission shall not be granted for any persons other than those who are to occupy the house when completed.
5. Toilet and ablution facilities and effluent treatment and disposal systems are to be installed to a standard as prescribed by the Health Act of WA and approved by the Environmental Health Officer.
6. Temporary Accommodation Permission involves permission to inhabit a caravan, in accordance with Regulation 11(2) of the Caravan Parks and Camping Grounds Regulations 1997, of reasonable habitable standard or any other building that reasonably complies with the requirements of the Building Codes of Australia and the Health Act, but does not constitute a Class 1 Dwelling.
7. Temporary Accommodation Permission shall not be granted if reasonable alternative accommodation is available to the applicant.
8. Council reserves the right to revoke Temporary Accommodation Permission if it is at any time dissatisfied with the state of progress towards the construction of a Class 1

Dwelling or if any general terms or conditions of the Temporary Accommodation Permission have not been complied with.

9. Temporary Accommodation Permission is required until sanitary, ablution and laundry facilities have been installed in the proposed dwelling to the requirements of the Health Act 1911 (as amended) and the dwelling is completed to a weather proof lock-up standard.
10. Applications and renewal fees as prescribed by Council's Annual Budget.
11. Temporary Accommodation Permits will only be considered for those applicants whose building application can reasonably be expected to be completed with 24 months.
12. Council may approve Temporary Accommodation in Rural and Special Rural, Special Residential and Landscape Protection Zones, and may exercise its discretion to permit Temporary Accommodation in Residential areas, where the proponent can demonstrate that the amenity of the locality will not be adversely affected by the temporary facilities e.g. external colour and cladding of outbuilding, proximity to adjoining buildings, screening, length of occupation of temporary accommodation.
13. The proponent will be required to down-grade the temporary accommodation to a "Non-Habitable Class 10-Outbuilding" upon expiry of the approved period of occupation.
14. Upon receiving Council approval, the proponent will be required to submit a formal acceptance to Council agreeing to the prescribed conditions of this Policy and any other conditions that Council sees fit to impose.

The Chief Executive Officer is authorised to approve applications for Temporary Accommodation in accordance with the provisions of this policy.

Endorsed by Res: 260411 / 27 April 2011

P130302 BUILDING STATISTICS

Objective

To give Shire of Denmark employees guidance as to the provision of Building Statistics for public, private or business use.

Policy

The Shire of Denmark will not generally provide the Building Statistics report prepared for the Australian Bureau of Statistics for public, private or business use. A modified version is prepared and placed on the Shire's website for Councillors and public information and is available for viewing or downloading. Personal information such as property owner's address and builders address will not be provided.

(see also Policy P040133 - PRIVACY POLICY which relates)

Responsibility For Implementation

The Chief Executive Officer is responsible for ensuring that the necessary arrangements are made to ensure that this policy is enacted.

ADDED by Res: 120109 / 27 January 2009
ENDORSED by Res: 260411 / 27 April 2011

P130303 COMPLIANCE WITH MOBILITY STANDARDS BY DENMARK CBD BUILDINGS (THAT ARE RENOVATED)

Businesses in existing buildings in the Denmark CBD (as adopted by Local Planning Policy No. 31 Commercial Strategy) that renovate, and accordingly have to comply with Federal Mobility Standards resulting in potential building alterations, have three (3) 'retrofit' options including;

Option 1	Redesigning the business' entrance (installing a recess);
Option 2	Council will consider allowing the business to pay the Council for corrections to the pedestrian pavement where grades and design is acceptable (note well – this cost, depending upon the existing grades may be more costly than option 1 and the business is encouraged to seek a quotation from Council prior to agreeing to this option);
Option 3	Council will consider allowing the business to utilise Council property for compliant ramps and rails (building an extrusion) with this approval being assessed annually and subject to payment of Council's annual fee adopted from time to time. Council reserves the right to not renew the application in the event that Council's property is subsequently required for alternate uses and undertakes to provide the adjoining landowner a minimum of 3 months' notice. The annual permit is to be accompanied by an appropriate indemnification from the business' insurer, to the satisfaction of Council, protecting Council's liability.

ADDED by Res: 170914 / 30 September 2014

P130601 **RETAIL TRADING HOURS EXEMPTION ORDER**

The following exemption applies to General retail shops in the Town of Denmark.

Citation

This Order may be cited as the Retail Trading Hours Exemption Order (No 12) 1993.

Commencement

This Order shall come into operation of 1 January 1994.

Extended Trading Hours

Section 12 of the Retail Trading Hours Act 1987 does not apply to the general retail shops specified in Column 1 of the Schedule on the days or during the hours specified opposite and corresponding to those general retail shops in Column 2 of the Schedule.

SCHEDULE

Column 1 General Retail Shops	Column 2 Days and Hours of Exemption
General Retail shops in the Town of Denmark.	Any day between the hours of 8.00am and 9.00pm.

A copy of this Order is located in the strong room at the Shire of Denmark Administration Building.

ADDED to Policy Manual 5 June 2009
Endorsed by Res: 260411 / 27 April 2011

P140101 **PRIVATE WORKS POLICY**

Council not tender for private works as Council recognises that it does not want to compete with local contractors and only undertake private works as approved by the CEO or Director Infrastructure and Assets in the following circumstances:

1. Direct requests from Government Departments.
2. For ratepayers where the works do not detract from Council's normal works programming.
3. Direct requests from developers/individuals when local contractors either cannot take the contract or are not invited to do so.
4. For sporting and local non-profit organisations.
5. Private Works only involves 'wet hire' of plant and equipment.

6. Council employees are permitted to hire Councils Plant & Equipment for works on their own property or minor private tasks subject to it not involving commercial profit or gain. In these circumstances only duly trained personnel shall operate the hired machinery and all cost of hire be charged at normal adopted rates unless the hirer is also the trained operator. In such cases the charge to apply will be the adopted Council hire fee less the operator's hourly wage rate and overhead calculation.
7. All motor vehicles and equipment which is available for 'wet hire' as private works is exempted from requiring a permit pursuant to Clause 3.13 (3) of the Shire of Denmark's Property Local Law.

AMENDED by Res: 230109 / 27 January 2009
AMENDED by Res: 210315 / 24 March 2015
AMENDED by Res: 110217 / 21 February 2017

P140401 **COUNCIL TOOLS AND EQUIPMENT**

1. Private use by Council employees of Council's tools and equipment not be permitted under any circumstances.
2. All tools and equipment belonging to the Shire of Denmark be clearly marked to identify ownership. (Note: This policy does not apply to consumable items such as fence posts, nuts, bolts, sharpening files, drainage pipes, etc.).
3. Private use is defined as use by an employee on non work related tasks and is intended to support the Council's Code of Conduct dealing with similar provisions.
4. Council's tools and equipment is defined as small items of plant such as the asset class known as 'minor plant and equipment'. Such things typically include chainsaws, electrical tools and equipment, whipper snippers, mowers and the like. Plant that is licensed and assets falling into the class of Motor Vehicles and Major Equipment or Computer Equipment is not covered by this policy.
5. Nothing in this policy prevents a Council employee hiring equipment under the Councils Private Works Policy.

ADDED by Res: 349/97 / 23 September 1997
AMENDED by Res: 230109 / 27 January 2009

Appendix 1

SHIRE OF DENMARK NOISE MANAGEMENT PLAN

For use of Gas Guns within the Shire of Denmark

a) Introduction

The purpose of this Noise Management Plan is to set out acceptable procedures for scaring black cockatoos and other birds which minimises disruption to nearby residents by acoustic bird scaring devices.

This Noise Management Plan has been prepared based on best practice principles derived from known guidelines and/or local laws in place in Western Australia and other parts of Australia where orchards and residential areas are in close proximity.

This Noise Management Plan applies to areas such as Town Sites, Special Residential, Special Rural and specifically tourist zoned land and smaller rural zoned lots within the Shire where property owners have strong residential amenity expectations and there is a greater likelihood of the interface of commercial agricultural pursuits leading land use conflict.

Council has discretion in the enforcement of the *Environmental Protection (Noise) Regulations 1997* (the Regulations) and is prepared to accommodate "exceedences" of the Regulations if orchardists are committed to minimising the noise impact to nearby residents by complying with this Noise Management Plan.

1. Protected Bird Species

Current and prospective orchardists should note that nothing in this policy should be taken as giving orchardists and their staff or guests licence or authority to deal with protected birds in ways that are contrary to Department of Parks and Wildlife Guidelines. It is recommended that orchardists contact that Department directly as to the current status of bird species that are entering their property.

2. Definitions

"Another property" means a property other than the property on which the gas gun is located and which is occupied by a person or persons other than the person who is using or who is allowing or authorising the use of a gas gun;

"Nearby house" means a house or holiday unit on a nearby property ("another property") used to permanently or temporarily accommodate persons that includes a dwelling, residential hotel, motel, boarding house, holiday home or a bed & breakfast establishment that has an occupancy rate of at least 33%.

"Council" means the Denmark Shire Council;

"Rural" is land where "*rural pursuit"* is undertaken as per the definition within the Shire of Denmark Town Planning Scheme No 3 and is zoned for that purpose;

"Special Rural" is land where *"special rural pursuit"* is undertaken as per the definition within the Shire of Denmark Town Planning Scheme No 3 and is zoned for that purpose;

"Special Residential" is land where "*special residential pursuit"* is undertaken as per the definition within the Shire of Denmark Town Planning Scheme No 3;

"Specifically tourist zoned land" is land where a specifically zoned "*tourist related pursuit"* is undertaken as per the definition within the Shire of Denmark Town Planning Scheme No 3;

"Gas gun" means a gas gun or similar gun designed to scare birds from attacking crops, but does not include a firearm or any other bird scaring device;

"Habituating" means to accustom or get used to;

"Residential building" means a building used to permanently or temporarily accommodate persons and includes a dwelling, residential hotel, motel, boarding home, and bed & breakfast establishment.

3. General Issues

a) This Noise Management Plan not only defines how gas guns can be used but provides a conduit for open communication between residents and orchardists.
b) Existing orchards will be considered to be exempt from the 500m & 1,000m separation distances in this policy but bound by a 300m distance where it can be substantiated to the satisfaction of the CEO that they have been worked and picked commercially for the past 10 years and have used a gas gun for at least one week per season for 3 out of the last 5 years. This exemption however will be extinguished if special rural or special residential or specifically tourist zoned land is developed within 500 metres of that gas gun where in the opinion of the CEO reasonable noise attenuation measures have been implemented and 1,000m where they have not.
c) Perception of "noise" is subjective and consequently people react to noise in different ways. Noise in the environment can create nuisance to some persons but does not create nuisance to other persons. This Noise Management Plan recognises this fact. The level of "sound" can be objectively measured and quantified by a sound level meter and can be assessed against the *Environmental Protection (Noise) Regulations 1997*.
d) This Noise Management Plan aims to provide clarity and certainty to residents on the extent of the noise impact of gas guns to their amenity with the general objective of ensuring that the impacts of noise from gas guns is limited and minimised to residents.
e) It is acknowledged that the use of gas guns is only effective when used in conjunction with other bird scaring measures.

3. Council's Preferred Methods of Bird Control

Council's preferred methods of bird control in order of preference area as follows:

a) Total netting of orchards

   The total netting of orchards is Council's preferred solution on rural properties that have several nearby houses within a distance of 1,000m of their potential gas gun location(s). This is because over the life of a set of nets there is a high likelihood that complaints will be received if gas guns or the manual firing of shot guns are used as the primary means of deterrent. It is Council's opinion that the full netting of orchards is the most sustainable deterrent option in the long term

b) The usage of top netting with sacrificial boundary trees on orchards that are within a 1,000m to nearby rural houses is also strongly endorsed by Council providing orchardists are prepared to accept the loses on the sacrificial boundary trees as most birds do not like venturing under nets meaning that extensive usage of acoustic controls are normally not required.

c) The usage of sacrificial crops as diversion

   While the usage of sacrificial crops as diversion is preferable when compared to the usage gas guns or the manual firing of shot guns as a means of diverting rather than deterring birds the commercial reality is that it will fail in some years due to bird species losing their primary food source due to wild fires in state forests. This temporary loss of a source can lead to a seasonal desperate bird risk meaning that orchardists who adopt sacrificial crops as a primary loss control strategy also need to have a contingency plan in place so that they are not forced to consider the use of acoustic measures at short notice.

It should be noted that one of the risks of the usage of sacrificial crops is that they can lead to long term bird population increases as they represent a reliable food source.

d) Timely manual firing of shot guns

While there is a risk that the manual firing of shot guns to scare birds heading into orchards will give rise to sporadic neighbourhood complaints this method represents an active and strategic method of bird control and only uses as many shots as are needed to deter the birds on that occasion. This type of noise is also significantly less disturbing than that of a gas gun as it is not relentless and occurs in response to an over flight by birds.

Council considers the usage of shot guns to scare birds heading into orchards to be part of normal farming operations and while it reserves the right for the CEO to have dialogue with orchardists regarding the number and frequency of the shots it considers that famers and orchardist have an "as of right" to use fire arms at their properties as part of their normal rural operations.

e) Electronic Bird Scarers

Electronic bird scarers use predator and distressed bird sounds, bells and sirens to interrupt and deter bird feeding by making the orchard a stressful place for birds.

While they are not as intrusive as gas guns, electronic bird scarers are still relentless in their operation and their design intention is to induce stress and confusion and for this reason it is recommended that they only be used where a distance of at least 500m to the nearest dwelling (nearby house) can be achieved. Notwithstanding the above recommended buffer distance Council, where complaints are received' reserves the right to apply the assigned noise levels found in the Environmental Protection (Noise) Regulations 1997 and to stipulate greater buffer distances where the terrain and or measured noise levels warrant.

f) Gas Guns

The usage of gas guns is discouraged in areas were neighbouring houses either already exist within 1,000m of a gas gun or are likely to be built within 500m of a gas gun. Council's reasons for this are as follows:

1) There is a high likelihood that at closer distances a gas gun's noise emissions may unreasonably interfere with the lifestyle, health and amenity of those residents.
2) Council is of the opinion that rural pest control measures should be active and strategic and the automatic nature of gas guns encourages farmers to develop crops on the basis that they will be able to set the device going and be absent from the property. To this end one of the primary goals of this policy is to prevent absentee land holders developing intensive agriculture enterprises in rural areas that have significant residential occupancies on the basis of automated acoustic scaring devices.

4. Reasons for use of Acoustic Bird Scaring Devices

Cockatoos, crows and 28 parrots are the main species of birds that cause damage to fruit in orchards in this region. Shooting to kill is the most effective method of reducing damage by birds and may be used for bird species such as 28's.

However shooting to kill is not a management option for protected species including black cockatoos. All species of black cockatoos that are found in Western Australia are listed as threatened (property owners should check with DEC for latest status) and cannot be shot or killed as a means of reducing damage to crops. Alternative methods of bird control such as Bird Frite type cartridges and movement in orchards therefore need to be applied and the use of acoustic bird scaring devices such as gas guns have become the primary cost effective means of controlling birds when they are used in an appropriate manner.

Bird attacks on orchards generally occur at dawn and dusk. Typically times are between 5.00am to 9.00am and 4.00pm to 7.00pm. Although the birds do not like to feed in the heat of the day, anecdotal evidence suggest that some may still remain in an orchard during the day and may increase in numbers towards the evening. Birds tend to leave orchards after dark.

The two periods for potential bird damage are therefore dawn and dusk and this coincides with the periods where residents generally expect a higher level of amenity.

It is critical that orchardists do not allow cockatoos to become habituated to the orchard in the early stages of the season. This can be achieved by managing the crop with a variety of scaring techniques, where birds attribute pain, fear or other adverse stimulus to the varying methods of managing this issue.

Inappropriate use of gas guns in isolation to other bird scaring measures will not achieve the above objectives and may actually attract birds from orchards in other districts that have finished harvesting.

5. Open Lines of Communication

Previous experience on this issue has shown that open communication between orchardists and residents is an important tool to improve the level of good will and co-operation and therefore minimise complaints.

There is an expectation that orchardists inform residents of operational matters with gas guns prior to the season when fruit damage by birds is likely to occur.

6. Use of Gas Guns

Where the 1,000m separation can be achieved or the CEO has recognised either an agreement between the orchardist and affected neighbours regarding a reduced distance or an existing usage right a person must not use or allow or authorise others to use a gas gun unless all of the following are satisfied:

- The gas gun is only used for the bona fide purpose of scaring birds from crops during a recognised crop growing period.
- Prior to using a gas gun there must be evidence that birds are threatening and habituating the orchard. It is a false premise that by using gas guns prior to this time it will keep birds away.
- Otherwise bird scaring is to be limited to a person operating a motorbike, quad bike or the like vehicle or manual shooting to scare etc, outside these “habituating” times.
- The gas gun is to be positioned on the farmer’s land.
- A gas gun must not be used during a total fire ban.
- The “as of right” distance in a straight line between the gas gun and a residential building on another property is 1,000 metres or greater.
- Reductions of the above buffer distances to 300 metres may be granted by specific arrangements between an orchardist and the occupier of the affected dwelling. Any such arrangements will be taken as being for a maximum three seasons only and once entered into will be taken by Council as being for the entire season.
- A gas gun must not be located within 30 metres from an adjoining property boundary owned by someone other than the grower and/or user of the gas gun.
- A gas gun must be pointed away from known concentrated residential areas.
- Clause “F” of TOWN PLANNING SCHEME POLICY NO. 6 titled “GUIDELINES FOR THE MANAGEMENT OF VINEYARDS WITHIN SPECIAL RURAL ZONES” has the objective of ensuring that the management of the vineyards “Special Rural Zones” does not have a detrimental

affect on the amenity of adjoining land owners reads as follows:

"NO ARTIFICIAL BIRD CONTROL such as electronic noise emitters, discharge of firearms or chemical control shall be permitted".

- Where the foliage of the trees adjacent to the gas gun starts at lower than approximately 0.5 metres above the ground, a non-flammable barrier of at least 0.5 metres high should be placed on either side of the gas gun; and
- The times of use for gas guns shall be:

Mondays to Saturdays

Gas guns can commence operation at official sunrise but not earlier than 6.00am and be turned off at sunset but not later than 7.00pm;

Sundays

Gas guns can commence no earlier than 7.00am and must be turned off at sunset but not later than 7.00pm;

The official sunrise and sunset times can be confirmed at the following link:
http://www.eldersweather.com.au/wa/ southern-coastal/denmark

- In addition to the point above relating to the times of use, gas guns are required to be turned off in the middle part of the day (nominally 11.00am to 3.00pm). This time bracket is outside known feeding times.

7. Calibration of Gas Guns

A gas gun must be set to not emit more than the number of blasts set out below:

- When a gas gun is used in isolation in the case of a single blast gas gun, time between blasts to be no less than six (6) minutes;
- When a gas gun is used in conjunction and/or within 500 metres from another gas gun, in the case of a single blast gas gun, time between blasts to be no less than ten (10) minutes for all gas guns;
- In the case of a double blast gas gun, time between blast sequences apply as per above.

Note:

In relation to dot point 1 above, a gas gun that is "used in isolation" means a gas gun used 500 metres or more from another gas gun.

In relation to dot points 1, 2 and 3 above, the intent of "used in isolation' and the set volley times apply to all gas guns regardless of the ownership and/or location of the gas guns.

8. Number of Gas Guns

The number of gas guns in use at any one time on a property is as follows:

- Where the area under crop is three hectares or less – one gas gun;
- Where the area under crop is more than three hectares and less than eight hectares – two gas guns;
- Where the area under crop is eight hectares or more – a maximum of three gas guns.

9. Management of Noise

Noise complaints or any issues of discussion regarding use of gas guns are to be directed to the orchard manager. Contact details of the orchard manager shall be displayed at the entrance to the premises. The Council remains the Authority where a formal complaint can be lodged if an issue cannot be satisfactorily resolved between a resident and orchardist.

10. Review of the Noise Management Plan

The Noise Management Plan may be reviewed by Shire Officers for effectiveness as necessary and a report provided to Council.

11. On-going commitment to reducing the impact of Bird Scaring Devices

There is a commitment by orchardists to continually investigate and implement alternative bird control measures balancing the effectiveness and cost to orchardists.

Therefore consideration by orchardists will be given to netting for high value fruit grown on high-density trellis systems. New high-density trellis systems will be constructed with netting in mind.

12. Failure to comply with the Noise Management Plan

The procedure outlined in this Noise Management Plan is to be considered as best practice for bird scaring. If the Noise Management Plan is not adhered to the Noise Management Plan will lapse and the orchardists will be expected to comply with the provisions of the Environmental Protection (Noise) Regulations 1997.

Notwithstanding the above, failure of one orchardist to comply with the Noise Management Plan (where the provisions of the Environmental Protection (Noise) Regulations 1997 will apply) will not prejudice other orchardists in that the Noise Management Plan does not lapse for all the orchardists.

Failure to comply with the Environmental Protection (Noise) Regulations 1997
carries for the following penalties:

- Seizure of equipment, or any part of the equipment which is emitting, or contributing to the making of unreasonable noise under Section 81A or 99A of the Act;
- An Infringement Notice may be served under Section 99K of the Act, which carries a penalty of $250.00 for the first offence and $500.00 for the second and subsequent offences;
- A Noise Abatement Direction may be served directing members of the premises to cease making or contributing to the making of unreasonable noise (maximum penalty $25,000);
- An Environmental Protection Notice specifying the action to be taken to abate the nuisance may be served. An Environmental Protection Notice while it exists, binds the occupiers upon whom it is served (maximum penalty $62,500).

Note:
In relation to the above, the Act refers to the *Environmental Protection Act 1986*, of which the *Environmental Protection (Noise) Regulations 1997* is subsidiary legislation to.

Useful Website links:
http://www.agric.wa.gov.au/objtwr/imported_assets/content/pw/vp/bird/best_practice_guidel_16684b.pdf

http://www.agric.wa.gov.au/objtwr/imported_assets/content/pw/vp/bird/noise__bird_brochure.pdf

Appendix 3

SHARK HAZARD & BEACHED WHALE POLICY

Aims and Format of this Plan

This document is designed to guide officers of the Denmark Shire in effectively and efficiently responding to shark sightings and incidents in the Shire of Denmark, both in terms of operations and the response to the media and the general public.

It contains details of Roles and Responsibilities, Operational Procedures and Contact Lists that are relevant to a Shark Hazard and Whale Beaching response in the Shire of Denmark.

Council's primary interest in formulating this policy is to as a responsible manager of high usage recreational beaches and to provide guidance to its staff in responding to shark reports at these locations.

This plan however does not seek to manage shark sightings in non recreational beach areas such as reefs and the like as it is given that sharks will be seen in these areas on a regular basis. Where these sighting are reported they will be recorded in Council's shark sighting register.

This plan also includes a flow chart for responding to beached whales as many of these considerations parallel.

Definitions

Sighting	Reported sightings of a shark, confirmed or unconfirmed.
Interaction	When a shark has interacted with a person or boat but has not attacked. (e.g., shark has nudged a boat).
Attack	When a shark attacks a person causing physical injury.
Incident	An interaction or attack that is endangering human life.
Serious Incident	A fatal attack by a shark on a person or an attack that is of such a serious nature that it is likely that the person may die.
High usage recreational beaches	High usage recreational beaches are those locations (and seasons) where there is a high likelihood that during daylight hours one could reasonably expect to see someone swimming or surfing at that location. Examples of high usage recreational beaches are Ocean Beach, Prawn Rock Channel, Lights Beach, Back Beach, Parry Beach near the camping ground, Peaceful Bay near Leasehold settlement and Boat Harbour.

Acronyms

CEO	Chief Executive Officer, Shire of Denmark
DCRS	Director Community & Regulatory Services, Shire of Denmark
DoF	Department of Fisheries Western Australia

DOT	Department of Transport
DPaW	Department of Parks and Wildlife
LGA	Local Government Authority (may include neighbouring LGA's)
OIC	Officer in Charge/ Operations Manager/ Senior Ranger (Shire of Denmark)
SLSWA	Surf Life Saving Western Australia
WPCC	Water Police Communications Centre
DFES	Department of Fire and Emergency Services
FO	Field Officer/ Duty Ranger (Shire of Denmark)
WAPOL	WA Police
HMA	Hazard Management Agency

Shire of Denmark Policy Statement

Sharks are a highly successful and diverse group of fish, which have evolved over 400 million years to inhabit nearly all aquatic environments on earth. Most species are either small, un-aggressive or inhabit waters where they are unlikely to encounter humans and only a handful of the over 350 extant species pose a potential threat to human life.

Western Australia is within the geographical range of most species that are considered to be potentially dangerous and the procedures outlined in the Denmark Shire Shark Hazard Response Plan are a necessary and responsible contingency.

Three potentially dangerous shark species occur in southern Western Australia. These are the tiger shark, *Galeocerdo cuvier*, the bull shark *Carcharhinus leucas*, and the great white shark, *Carcharodon carcharias*. The great white shark is recognised as vulnerable by the World Conservation Union (IUCN) Redlist and the Australian Society for Fish Biology. This designation denotes a species, which faces a high risk of extinction in the wild in the medium-term future. The Department of Fisheries (DoF) and the Commonwealth Government have afforded this species a totally protected status due to the very real concerns that the survival of the species in Australian waters is uncertain. Given the conservation status of this species, where a great white shark is considered to be a threat under the extent of this plan, it is intended that every attempt will be made to mitigate the threat without causing harm to the shark.

Although the risk of shark attack exists any time people enter the ocean, the risk is extremely small, with less than one fatal shark attack per year nationwide. Sharks do not generally target humans as prey and scientific studies suggest that victims are mistaken for more usual prey species such as seals, sea lions and turtles. There is no evidence that individual great white sharks are involved in multiple attacks on humans, however there are some locations related to their normal prey where great white sharks regularly occur e.g. seal colonies.

In reading and actioning this policy it should be noted that Water Police (WPCC) and the Department of Fisheries (DoF) are the agencies with responsibility for responding to shark sightings and coordinating responses to problem sharks and Surf Life Saving Australia are the primary advice agency in terms of beach safety and management.

Council interest in this matter is as a responsible manager of high usage recreational beaches to provide guidance to its staff in responding to shark reports at those locations.

It should be further noted that the arrangements in the policy are intended to mirror those of the DoF "Shark Hazard Response Plan Regional Response" and where an inconsistency is encountered between the documents the DoF plan takes precedence.

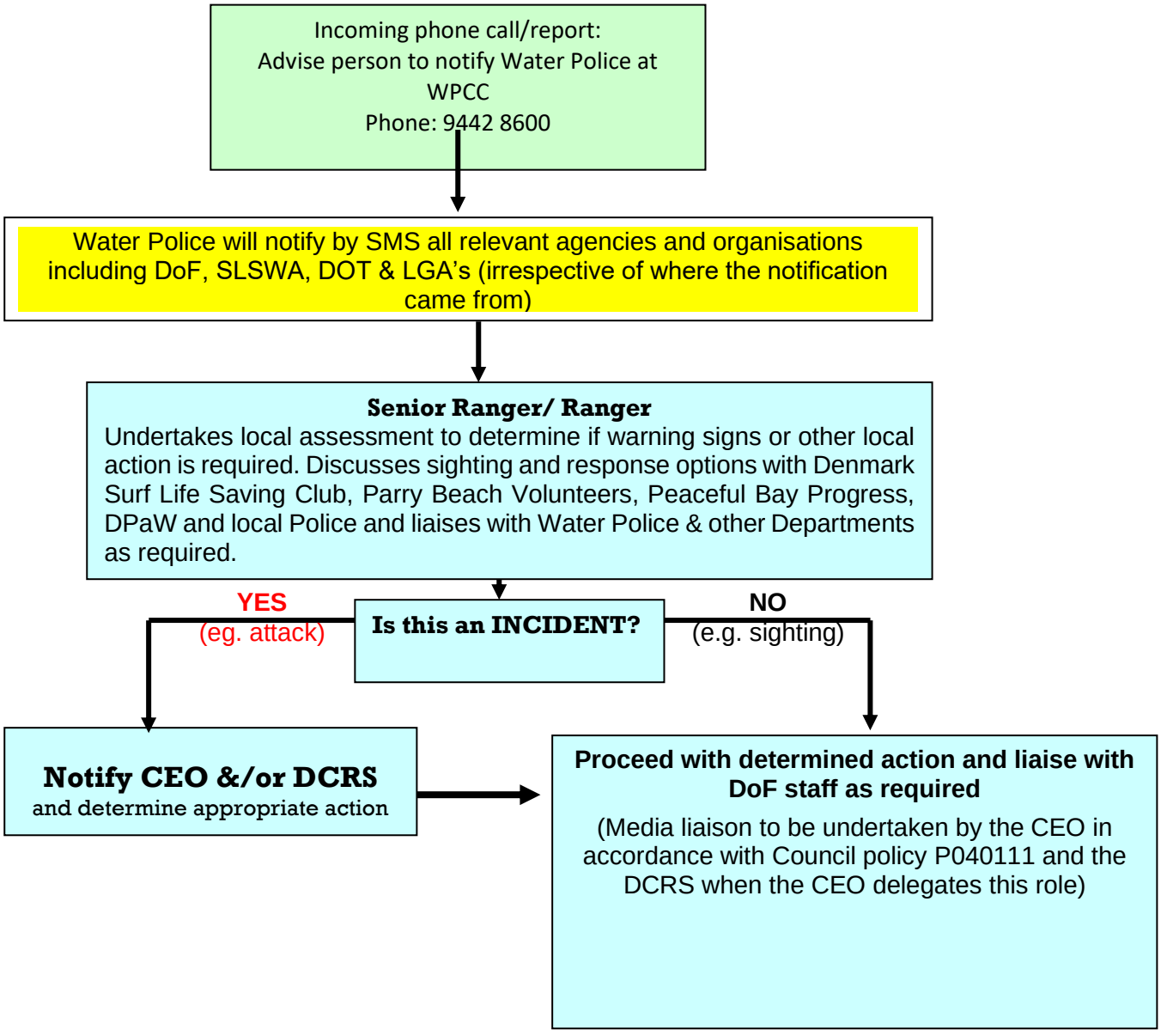
Reported Sightings

Water Police are to be notified of all sightings by calling the WPCC on 9442 8600

The WPCC is the central point of contact for all sightings and incidents and is always staffed. When a shark sighting or report has been received at the WPCC, it is disseminated by SMS to relevant people, including the operational staff responsible for actions under this plan and the Media Liaison Officer.

When reports of shark sightings are received from the public by Denmark Shire officers, the officer concerned should advise the person to contact the WPCC directly, on 9442 8600.

Reported Sightings – Response Summary



Inter Agency Media Liaison
When an incident occurs the Shire of Denmark Media Liaison Officer should contact the involved agencies to determine the most relevant agency to issue a media release and seek to achieve a coordinated response.

Media Response to Sightings

As per the Denmark Shire Media Policy **P040111** "the staff member will direct the enquiry to the Chief Executive Officer who will, where appropriate and practical, liaise with the Shire President to determine who will respond/comment and the nature of the response/comment."

The CEO is 'Media Liaison Officer' for the purposes of this document unless this role is delegated to the DCRS.

ALL media queries, releases and statements related to shark sightings and incidents must be referred to the CEO unless this role of **"Media Liaison Officer"** is delegated to the DCRS.

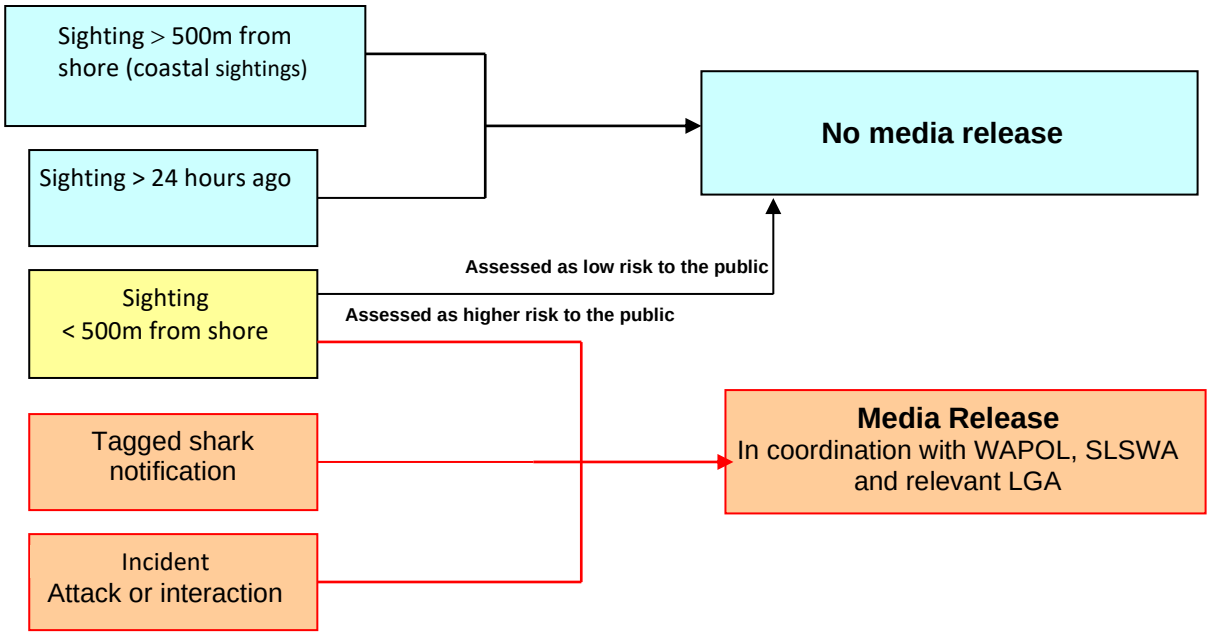
Staff that are approached directly by the Media must refer calls to the Media Liaison Officer, unless previous arrangements have been made. This will help to reduce the time that staff spend in dealing with general media queries and ensure consistency and of the information being released. The Media Liaison Officer may contact DoF Research Staff to assist with media and PR material.

The focus of Denmark Shire media releases should be in relation to recent shark sightings, shark biology and technical information/expertise. Where it is practical to do so media statements will be developed by the Media Liaison Officer in liaison with the Senior Ranger/ Ranger and in consultation with the WAPOL, SLSWA.

Media releases will be issued by the most relevant agency, depending on the specific circumstances of the sighting/incident. In the event of a serious incident, guidance must be sought from the WAPOL as to what information can be released in media statements.

When to issue a media release

The following is a **guide** to shark sighting related media releases initiated by Denmark Shire. Staff should assess each sighting or interaction on a case-by-case basis and take actions according to the potential threat to human life.



The Operations Manager/ Senior Ranger will deal with sightings in rivers or estuaries on a case-by-case basis, taking into account the information to hand and the potential threat to human life.

Roles and Responsibilities

Role of Denmark Shire Staff

CEO / DCRS

Role:

Holds ultimate responsibility for the organisational response to a shark incident.

Responsibilities:

- Liaise with the Operations Manager to determine the appropriate response to an incident; and
- Approve Shire Response Statement and all Denmark Shire, joint or Ministerial media releases.
- Media Liaison unless this role is delegated to the DCRS.

Operations Manager/ Senior Ranger

Role:

Coordinates and manages the Shire's field components of the response to an incident.

Responsibilities:

- Undertake an operational assessment of all sightings;
- Advise the CEO and/or DCRS immediately if a serious incident or an attack occurs;
- Liaise with the CEO and/or DCRS to determine Departmental response to an incident;
- Advise Media Liaison Officer if a media release is required;
- Obtain approvals from CEO / DCRS as required;
- Liaise with WAPOL, SLSWA, DoF and relevant community groups and LGAs on operational responses;
- Liaise with Media Liaison Officer and DoF Research Staff as required;
- Delegate tasks and ensure tasks are completed according to required time frames;
- In consultation with the Media Liaison Officer, identify all other groups and agencies with a role in the response and establish communication links;
- Provide regular updates to CEO & DCRS, Media Liaison Officer, DoF Staff; and
- Document the response to a sighting/incident on the operational assessment/running sheet.

Media Liaison Officer

Role:

Coordinates public and media responses to sightings and incidents and is the main contact point for all external communications.

Responsibilities:

- Notify WPCC on 9442 8600 of any new sightings;
- Liaise with Operations Manager/ Senior Ranger, DoF Research Staff and external agencies as required;
- Develop and distribute a media release if instructed to do so by the Operations Manager/ Senior Ranger;
- Establish communication links with all involved organisations or agencies;
- Liaise with WAPOL, SLSWA and other relevant parties on media releases;
- Develop and update as required, a Response Statement which will be used consistently to ensure a uniform message is delivered to all parties;
- Obtain approval from the CEO for statements and media releases, including Ministerial media releases;
- Consider informing operational people who are close to the media of the current media position;
- Conduct factual interviews/radio bulletin updates; and
- Liaise with Operations Manager/ Senior Ranger to provide regular updates to DoF and other relevant agencies.

Research Representative

Role:

Provides scientific and research advice. The Shire of Denmark does not employ its own carcharias (shark) specialists and relies on DoF & DPaW staff to perform that function where it is required.

Responsibilities:

- To provide technical support to the Media Liaison Officer and Operations Manager/ Senior Ranger.
- Talk to media, undertake interviews and answer media queries about the incident on behalf of their respective agencies; and
- Advise on data and sample collection if required.

Field Officers/ Duty Ranger

Role:

Provides assistance during sightings and incidents, under the direction of the Operations Manager/ Senior Ranger.

Responsibilities

- Advise WPCC on 9442 8600 immediately upon any sighting;
- Undertake duties as designated by the Operations Manager/ Senior Ranger; and
- Erect warning signs when required.

Role of other Organisations and Departments

The WA Police

The WA Police (WAPOL) is the Hazard Management Authority (HMA) for sea search and rescue (SAR) in Western Australia. The Water Police has a function at the WPCC to receive calls and coordinate SAR.

SAR operations are undertaken in conjunction with DFES Sea Rescue Volunteers, DOT, SLSWA and LGAs/RIA. As shark sightings and incidents are not recognised under the State Emergency Management arrangements, there is no formal HMA. The Water Police are the only agency mentioned in this plan to have a dedicated emergency coordination centre that is staffed around the clock. It is the central point of contact for all shark sightings and incidents.

In all incidents, the WPCC will act as the first point of call and initiate the first response. If the incident escalates to a serious incident, the WA Police will act as the lead agency relative to their responsibilities pursuant to the Coroner's Act.

If any measures that are taken in response to a sighting or attack, it is important to ensure that those involved, acknowledge the protected status of the great white shark (see DoF Policy Statement).

Surf Life Saving WA and Volunteer Management Groups.

SLSWA has state wide standard operating procedures for shark sightings, including guidelines on when to clear the water and close a beach and how long a beach should remain closed.

On patrolled beaches where SLSWA volunteers and LGA paid life guards are responsible for beach patrols and beach safety and they will sound beach alarms, clear the water and close beaches if required following a shark sighting or incident.

On beaches that are not patrolled Council's Senior Ranger will in consultation with any agencies or groups that manage that beach assess the risk in accordance with this policy and make a decision as to whether the beach should be closed.

In the event of a closure standardised signs shark sightings closure will be deployed and they will be erected by the agency that has control or that beach and the of default by that agency Council's Senior Ranger.

A stock of additional closure signs is held in the DCRS office.

It is important that the Denmark SLSC, Parry Beach Management Group and the Peaceful Bay Progress Association and the DPaW, Walpole Branch are notified of reports of shark sightings and eminent closure of recreational beaches in their respective areas.

OPERATIONAL PROCEDURES

Denmark Shire Field Operations

In the event of a sighting, the Operations Manager/ Senior Ranger or their delegate will undertake an operational assessment and decide whether a media release or an operational response is required.

In the event of an incident (such as an attack) the Operations Manager/ Senior Ranger will liaise with the DCRS and CEO to determine the appropriate action and will ask the Media Liaison Officer to develop and issue a media release if required.

The Operations Manager/ Senior Ranger will coordinate the Denmark Shire field response and liaise closely with WAPOL, SLSWA, LGAs and relevant DoF staff (eg Research staff) as required.

The Operations Manager/ Senior Ranger shall keep relevant Shire staff updated regarding the incident or delegate the responsibility to the Media Liaison Officer.

The Operations Manager/ Senior Ranger will document the operational assessment of each sighting and details of any response on the Shark Sighting/Incident Operational Assessment/Running Sheet at.

Media Communications

The Media Liaison Officer, will in consultation with the Operations Manager/ Senior Ranger, be responsible for handling the Denmark Shire's responses to the media and general public and will develop media releases when instructed to do so by either the CEO or the Operations Manager.

Following an incident, the Operations Manager/ Senior Ranger will make formal contact with the WA Police, SLSWA and the relevant local coastal volunteer groups and develop a communication link.

The Media Liaison Officer will prepare media releases in consultation with the Water Police, SLSWA and/or DPaW as required. All Denmark Shire media releases will be approved by the CEO and will be given priority over other work.

The Operations Manager and other field personnel who are close to the media should seek instruction from the Media Liaison Officer regarding their response to media interactions.

A designated Media Spokesperson will be appointed to talk to media about the incident, undertake interviews and answer media queries. The CEO may also act as an additional spokesperson if required.

The Operations Manager should ensure that no media are given access to DoF, Water Police or Sea Rescue patrol boats.

Public relations

A shark incident may generate community interest and a large number of telephone calls from members of the public wishing to express their opinion or make general enquiries.

The Operations Manager/ Senior Ranger, in coordination with the Media Liaison Officer, should ensure that a plan to deal with calls is determined and implemented in line with the following procedures:

- Prepare a standard response to be used by all persons dealing with public enquiries, including the Denmark Shire Administration Reception staff.
- Brief Denmark Shire Reception on the incident and instruct them on what to say.
- Ensure that a Media Statement about the incident has been posted on the Denmark Shire website.
- If required, establish a Shark Information Line.
- Make a decision in accordance with decision tree number 3.1 as to whether signage is required.

Operational Communications

In the event of a sustained sightings or an incident all communications are to be coordinated through the WPCC.

Denmark Shire Rangers vehicles are able to communicate with the Police during normal office hours radio via WAERN VHF 173, Marine VHF ch 22, 98480500 or 000.

Operational staff are to communicate with the WPCC on 9442 8600.

Denmark SLSC via their president Jane Kelsbie on 0428 245 303,
www.denmarksurf.com.au , jkelsbie@hotmail.com

SLSWA Surf-Comm can be contacted as a backup on a 24 hour 7 day a week service on 13 7873

In the event that the SLSWA helicopter is deployed to Denmark it will log on with the WPCC at the beginning of each flight, and log off at the conclusion of each flight.

Operational Communications

In the event of a sustained sightings or an incident all communications are to be coordinated through the WPCC.

Precautionary Warnings at Bar Openings

The Media Liaison Officer will prepare and issue a precautionary warning media statement advising that bull and bronze whaler sharks may be attracted to saline exchange zones during estuary bar openings immediately prior to the occurrence of these openings.

SCHEDULE 1: TELEPHONE CONTACTS

Denmark Shire – Key Contacts

Response Role	Position	Contact Details
Denmark Shire Management & Media Liaison Officer	Chief Executive Officer (CEO)	Office 98480300
	Manager Community Services	Office 98480300 Mob. 0438 646 441
Operations Manager	Senior Ranger	0488 909 650
Operational Staff/ Field Officer	Duty Ranger	0429 482 244

Agencies and Organisations - Key Contacts

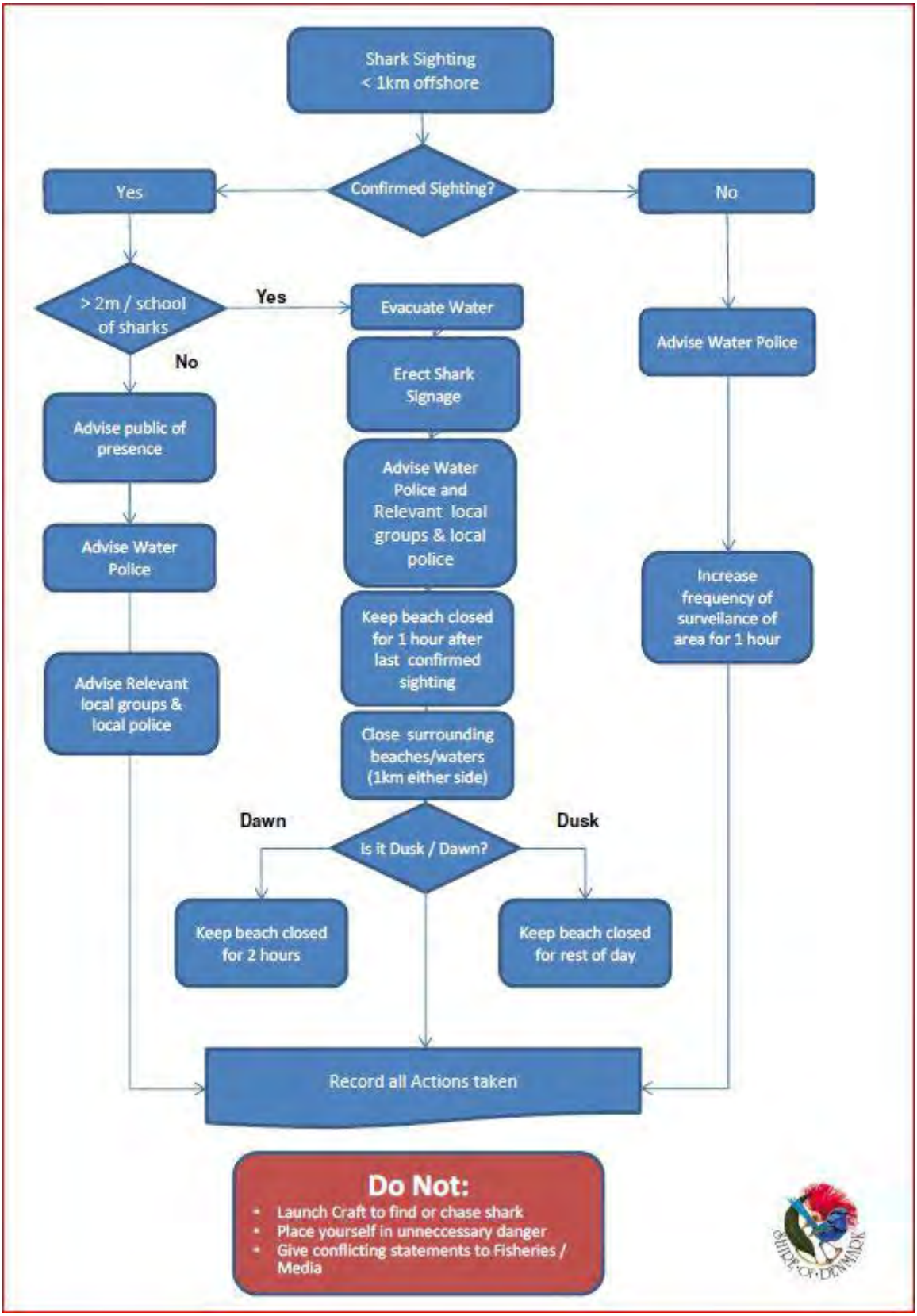
Agency	Position	Identity	Email
Shark Hazard Committee	Chair Executive Support Officer	Mr Bruno Mezzatesta Ms Barbara Sheridan	Bruno.Mezzatesta@fish.wa.gov.au Barbara.Sheridan@fish.wa.gov.au
Western Australian Police WAPOL	Water Police Coordination Centre	Ops Manager OIC Co ord Centre	water.police.fremantle@police.wa.g
Denmark Police	Local Police & Water Police Support	Sgnt Matt Hartfield	denmark.police.station@police.wa.g
Walpole Police	Local Police & Water Police Support	Sgnt John Bridges	walpole.police.station@police.wa.go
Surf Life Saving WA	General Manager- Lifesaving and Training Lifesaving Co-ordinator	Mr Chris Peck Mr Nick Pavy	cpeck@slswa.com.au npavy@slswa.com.au
Denmark Surf Life Saving Club	Local Surf Club & Ocean Beach Life Guards	Club President, Jane Kelsbie	jkelsbie@hotmail.com
Peaceful Bay Progress Association	Peaceful Bay Progress Association	President Hayden Jones	president@peacefulbayprogress.org
Parry Beach Management Group	Parry Beach Caretaker	Varies	parrysbeach@gmail.com
DPIRD	Regional Manager Metropolitan Regional Manager Southern	Mr Russell Adams Mr Tony Cappelluti	russell.adams@dpird.wa.gov.au tony.cappelluti@dpird.wa.gov.au
DBCA	Senior Marine Operations Officer Nature Protection Operations	John Edwards	john.edwards@dcba.wa.gov.au
DBCA Walpole	Local DBCA major coastal land holder & wildlife experts	Cameron Shaw	cameron.shaw@dbca.wa.gov.au

OPERATIONAL ASSESSMENT/RUNNING SHEET (Schedule 2)

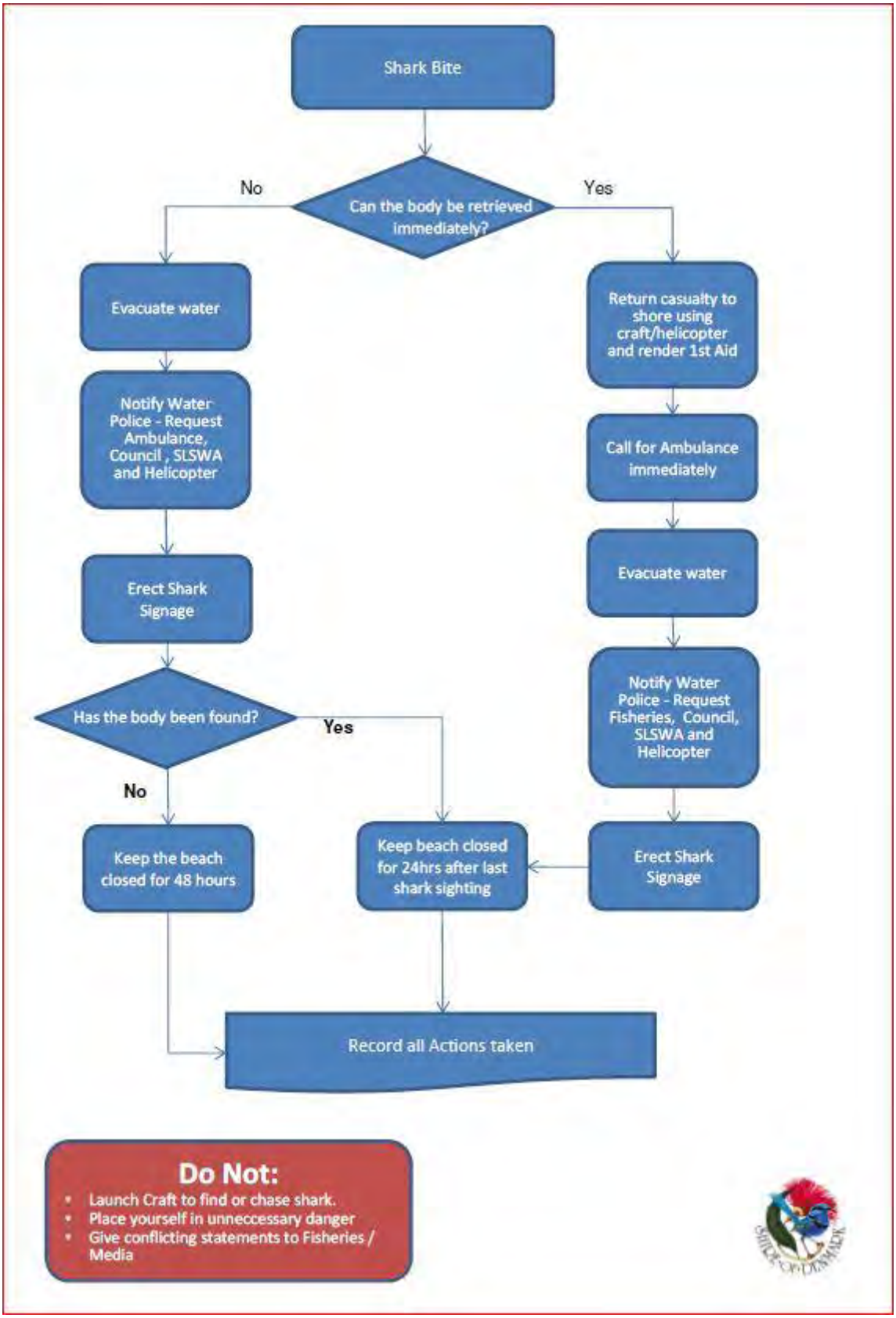
Operational Assessment	
Operations Manager	
Date and time of sighting/incident **Time of SMS**	☐ > 24 hours ago ☐ Tagged shark
Location details	☐ > 500 metres from shore ☐ < 500 metres from shore ☐ people in vicinity
Species of shark	
Size	
Behaviour	
Media Release	☐ No ☐ Denmark Shire ☐ SLSWA ☐ Police ☐ Other
Justification	☐ NFA

Sighting/Incident Running Sheet Record of actions taken, phone calls, liaison/discussion with DoF staff & other agencies, beach closures, etc.	
Time	

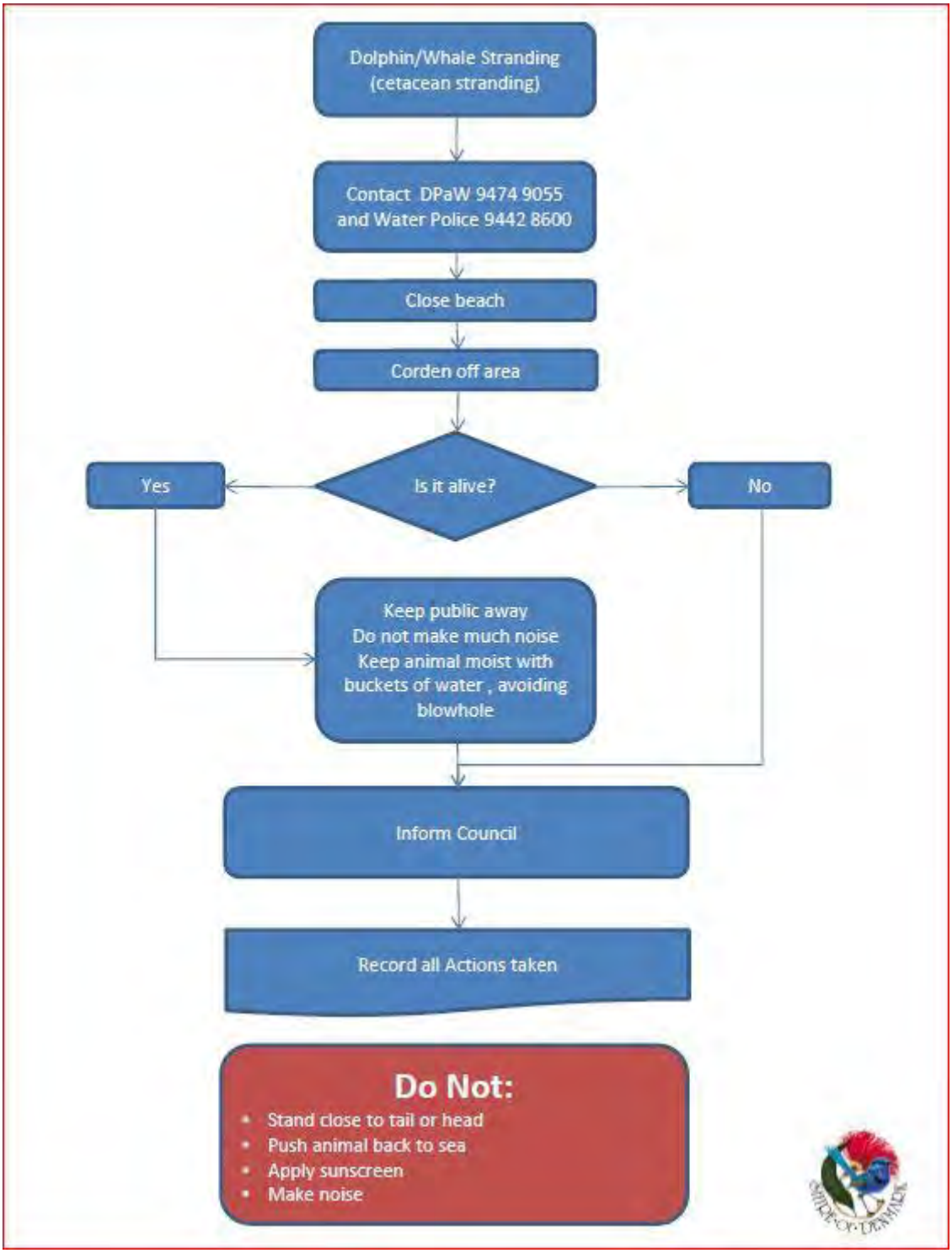
Shark Siting Flowchart


Shark Sighting
< 1km offshore
Confirmed Sighting?
Yes
No
> 2m / school of sharks
Yes
No
Evacuate Water
Erect Shark Signage
Advise Water Police and Relevant local groups & local police
Keep beach closed for 1 hour after last confirmed sighting
Close surrounding beaches/waters (1km either side)
Advise public of presence
Advise Water Police
Advise Relevant local groups & local police
Advise Water Police
Increase frequency of surveillance of area for 1 hour
Dawn
Dusk
Is it Dusk / Dawn?
Keep beach closed for 2 hours
Keep beach closed for rest of day
Record all Actions taken
Do Not:
Launch Craft to find or chase shark
Place yourself in unneccessary danger
Give conflicting statements to Fisheries / Media

Shark Bite Flow Chart



Beached Whale Flowchart



Appendix 4

IRWIN INLET SANDBAR OPENING PROTOCOL

February 2012

Responsible Agencies

The responsible agencies involved with the management of Irwin Inlet are the Shire of Denmark and the Department of Water.

The Shire of Denmark has management responsibility for all Council infrastructure and facilities. The Chief Executive Officer has delegated authority (Delegation D100501) to determine the location and level for the opening of the Irwin Inlet sandbar.

The Department of Water has responsibility, in partnership with the community and other agencies, to manage the State's water resources, including Irwin Inlet. The Department monitors water quality in the inlet and responds to water quality issues such as algal blooms and fish kills.

Irwin Inlet physical features

Estuaries on the South Coast of WA are generally 'wave dominated' estuaries. These types of estuaries have sand bars separating them from the ocean, with the sand bar either permanently opened, naturally opened or artificially opened on a seasonal or less frequent basis.

Irwin Inlet is a shallow (maximum water depth approximately 2m), elongated lagoon approximately 5.5km long and 2.5km wide, lying behind the well-vegetated coastal dunes, parallel to Quarram Beach.

The inlet has a catchment of some 2,300km^2, which is approximately 30% cleared. The inlet is fed by the Bow and Kent Rivers. During low flow periods the Kent River may be estuarine at least as far as Owingup Swamp (5km from its confluence with the lagoon) and the Bow River may be estuarine for about 2km. The bar is often artificially breached in winter when water levels are high in the Inlet and typically stays open for about five months after breaching, although there have been two occasions since 1964 when the bar has reportedly stayed open for two to three years after a breach.

Sandbar opening issues

The sandbar has historically been allowed to open naturally or is breached by the Shire of Denmark to reduce flooding impacts on Peaceful Bay Road and adjacent private property.

The Shire of Denmark Chief Executive Officer has delegated authority to determine the time and location of artificial breaching of the Irwin Inlet sandbar, exercised in accordance with Council's adopted sandbar opening protocol.

Shire of Denmark decides the location of the bar opening based on achieving maximum initial scouring of the channel and minimum erosion of the coast hills on the western bank of the channel.

The bar opening can also present a hazard to commercial fisherman and Bibbulmun track walkers, recreational fishermen and horse-riders using Doubtful Bay Beach, who should be pre-warned of the risk of the inlet mouth being open to the ocean.

Timing of opening

The timing of the bar opening is determined by water levels in Irwin Inlet, which is dependent on rainfall and river discharge. Tide patterns and barometric pressure systems are also given consideration. In a natural state, the bar would open in response to rainfall events, with openings occurring predominantly in winter and spring. With bar opening at this time, there is a likelihood of continuing rainfall replenishing water levels in the inlet, resulting in adequate water levels of the summer period to maintain ecological systems in a healthy state, as well remaining aesthetically agreeable to people.

However, an opening occurring in spring, summer or autumn can result in low water levels in the inlet persisting over an extended period. This can result in poor water quality outcomes with potential algal

blooms and fish kills. Given that Irwin Inlet and Quarram Beach are popular recreational and commercial fishing areas, this is not desirable from a human health and amenity perspective.

IRWIN INLET SANDBAR OPENING CONDITIONS

Factors that are considered in determining the need to artificially open the Irwin Inlet sandbar are:

- Human safety concerns arising from traffic hazards caused by flooding of Peaceful Bay Road, which is currently the only sealed access road to the Peaceful Bay settlement;
- Achieving adequate inlet levels above mean sea level, to ensure scouring of the inlet mouth channel to allow for good inlet outflows, and sustained marine exchange for estuarine fish populations recruitment and breeding cycles;
- Ensuring the protection of Shire of Denmark Council road infrastructure;
- Limiting any negative impacts resulting from the flooding and inundation of surrounding adjacent farmlands.

Water height

Artificial openings of the sand bar occur due to high water levels in the estuary causing localised flooding and restricting access. It is unlikely that an opening would occur at a low inlet level, as low water levels do not result in any flooding of road infrastructure and associated human safety concerns.

Preferred water levels

The recommended range of water levels at which the Inlet Sandbar will be artificially breached by the Shire of Denmark Council, are as follows:

	Water height (m) as measured at the Irwin Inlet/Peaceful Bay Road flood gauge on Peaceful Bay Road located at: 116.94756°E (116°56'51"E); 34.99335°S (34°59'36"S)
Agreed level	0.600m
Absolute maximum	0.770m (road surface level)
Absolute minimum	0.440m (to provide for the protection of road subgrade infrastructure, and protection of inlet ecology)

It is unlikely that an opening would occur if minimum water levels are not reached during April to September. It is important that water levels in the estuary do not drop excessively during the summer and autumn of any year, as this can lead to poor water quality, characterised by low oxygen and hyper saline conditions. Such conditions can result in algal blooms and fish kills.

If summer or autumn (unseasonal) extreme rainfall events result in the requirement for a bar opening, consultation with the Department of Water is essential to assess the risks to the Inlet's ecological health. It may be necessary to consider other options to mitigate the effects of temporary high water levels in the inlet.

Timing

Sandbar openings should be timed to coincide with periods of higher river inflow to the Inlet, during the months from April to September. Timing must satisfy the need to achieve an effective opening whilst minimising property inundation and road damage.

Once the minimum sandbar opening level is reached (0.440m) and an opening looks imminent, factors that need to be considered to determine the specific time of sandbar opening in order to achieve effective water exchange are:

- Forecasts of rainfall and projected river flow for the period following the proposed time of opening;
- Wind speeds, weather patterns and oceanic levels due to tides and barometric pressures;
- Availability of staff to undertake the scheduled opening, and provide for the safety of other beach and Inlet user groups.

Further consideration needs to be given to any imminent storm or flood event warnings once the inlet has reached the absolute minimum level (0.440m), as heavy rainfall events can result in the inlet filling exceptionally quickly, and can also make the mouth inaccessible to undertake opening of the inlet for several days. A storm weather warning may require that procedure for inlet opening be undertaken as rapidly as possible.

(Forecasts for wind and tidal conditions can be accessed from the Bureau of Meteorology website - www.bom.gov.au. Wind speed predictions for up to 21 hours for three hour intervals should also be consulted.)

Sandbar opening location

The breaching of the bar at the mouth should achieve maximum initial scouring of the channel and minimum erosion of the coastal sand dunes to the west of the sandbar. The opening cut should occur at no less than 150m and no further than 250m from the sand dunes to the west of the mouth, in a straight line from inlet to ocean water line.

Water quality

If a sandbar opening is imminent, the Department of Water should be consulted to discuss water quality conditions and the likelihood of a negative environmental impact resulting from the bar opening.

SANDBAR OPENING PROCEDURE

Authorised Shire of Denmark staff/local Peaceful Bay landholders monitor water levels at the Irwin Inlet water level gauge on Peaceful Bay Road, and inform the Shire of Denmark CEO once minimum opening water levels are reached.

Shire of Denmark CEO determines that a sandbar opening is likely, due to flooding risk.

Shire of Denmark CEO or delegated staff to consult with Department of Water.

Department of Water to determine whether conditions are suitable for opening (current water quality conditions, stream flow).

Department of Water to advise the Shire of Denmark CEO of outcome.

- If conditions are suitable and the opening of the sandbar is to proceed, then the CEO will advise community and proceed as per the Delegation D1000501, taking into account any additional recommendations included in the Irwin Inlet Sandbar Opening Protocol.

- If conditions not suitable for opening but Shire of Denmark still proceeds with opening of the inlet, Shire of Denmark to be advised they are acting against the advice of the Department of Water.

- Shire of Denmark to continue to undertake actions to address flood management issues, including human safety, public liability and inundation of private farmland.

Appendix 5

PARRY INLET SANDBAR OPENING PROTOCOL

January 2013

Responsible Agencies

The responsible agencies involved with the management of Parry Inlet are the Shire of Denmark and the Department of Water.

The Shire of Denmark has management responsibility for all Council infrastructure and facilities. The Chief Executive Officer has delegated authority (Delegation D100505) to determine the location and level for the opening of the Parry Inlet sandbar (Attachment 1).

The Department of Water has responsibility, in partnership with the community and other agencies, to manage the State's water resources, including Parry Inlet. The Department monitors water quality in the inlet and responds to water quality issues such as algal blooms and fish kills.

Parry Inlet Physical Features

The catchment of Parry Inlet is relatively small, just over 100km², of which at least 80% of is cleared farmlands. The approximate total area of the inlet is 1.6km^2, and the estuary is very shallow over most of its extent (<0.5m deep), being deepest in the mouth channel (max 2m). The inlet is bordered by Shire of Denmark reserve (R20928, Purpose: Camping and Recreation) and adjacent privately owned land to the west, and the William Bay National Park (Department of Parks and Wildlife managed estate) to the east.

The estuary is wave dominated, and as such the bar would breach naturally most years. Currently, the sandbar is opened artificially once water levels have risen sufficiently in the inlet. In the past, this has been indicated by inundation of nearby paddocks and flooding of Parry Rd. Recently a gauge board has been installed at the picnic area opposite 298 Parry Road. This will be used to indicate the appropriate water level that must be reached prior to breaching the bar. Artificial openings to the sea occur each winter, remaining open for a few weeks to a couple of months at a time.

The estuary suffers anoxic and hypoxic events and can dry out in some years. Shallow waters will become hyper saline as the waters evaporate.

Sandbar Opening Issues

The sandbar is currently breached by the Shire of Denmark to reduce flooding impacts on Parry Road and adjacent private property. Shire of Denmark decides the location of the bar opening in consultation with the Parry's Beach Voluntary Management Group (PBVMG). Location is based on achieving maximum initial scouring of the channel and minimum erosion of the coast sandhills on the western bank of the channel. The channel is pegged by a representative of the PBVMG prior to excavation commencing.

The timing of the opening is a joint decision made by the Shire of Denmark, adjacent landholders and the PBVMG. The bar opening can present a hazard to recreational fisherman, Bibbulmun track walkers and other beach users on Parry Beach, who should be pre-warned of the imminent opening of the sandbar, or of risks once the inlet is open to the ocean.

Timing of Opening

The timing of the bar opening is determined by water levels in Parry Inlet, which is dependent on rainfall and river discharge. Tide patterns and barometric pressure systems are also given consideration.

In a natural state, the bar would open in response to rainfall events, with openings occurring predominantly during winter or spring. With bar openings at this time, there is a likelihood of continuing rainfall replenishing water levels in the inlet, resulting in sustaining water levels into the summer period to maintain ecological systems in a healthy state. However, as Parry Inlet is very shallow over most of its extent, hyper saline and hypoxic events have been observed during dry periods.

If summer or autumn (unseasonal) extreme rainfall events result in the requirement for a bar opening, consultation with the Department of Water is essential to assess the risks to the Inlet's ecological health. It may be necessary to consider other options to mitigate the effects of temporary high water levels in the inlet.

RECOMMENDED SANDBAR OPENING CONDITIONS

Factors that are considered in determining the need to artificially open the Parry Inlet sandbar are:

- Human safety concerns arising from traffic hazards caused by flooding of Parry Road, which is currently the only sealed access road to Parry Beach campsite and Hillier Bay;
- Achieving adequate inlet levels above 1.0m AHD to ensure scouring of the inlet mouth channel to allow for good inlet outflows, and sustained marine exchange for estuarine fish population recruitment and breeding cycles;
- Ensuring the protection of Shire of Denmark Council road infrastructure;
- Limiting any negative impacts resulting from the flooding and inundation of surrounding adjacent farmlands.

Water Height

A staff gauge to measure water height was recently installed near the picnic area approximately 2 kms along Parry Road. This has been tied to AHD using the Landgate marker on the opposite road verge. The PBVMG have been monitoring the water height and determined at this stage the optimal, maximum and minimum levels estimates as outlined in the table below. In future, the optimum height will be confirmed by using levels recorded by the PBVMG over a period of time. This document will then be reviewed and the appropriate levels incorporated.

The estimated optimal, minimum and maximum are provided in the table below. These estimates relate to the water levels recorded just prior to the bar opening in 2012.

Optimal	1.2m
Maximum	1.25m
Minimum	1.0m

It is unlikely that an opening would occur if inlet levels persist below the minimum opening level beyond winter months, as low water levels would not cause road infrastructure flooding problems, but would be likely to impact negatively on the condition of the inlet.

Timing

Sandbar openings should be timed to coincide with periods of higher river inflow to the Inlet, during the months from April to September. Timing must satisfy the need to achieve an effective opening whilst minimising property inundation and road damage.

Once the minimum sandbar opening level is reached and an opening looks imminent, factors that need to be considered to determine the specific time of sandbar opening in order to achieve effective water exchange are:

- Daily tide readings to ensure opening is conducted at the peak/end of the high tide to allow optimal initial flushing from the Inlet;
- Wind speeds, weather patterns and oceanic levels due to tides and barometric pressures; and
- Availability of staff to undertake the scheduled opening, and provide for the safety of other beach and Inlet user groups.

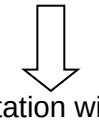
(Forecasts for wind and tidal conditions can be accessed from the Bureau of Meteorology website - www.bom.gov.au. Wind speed predictions for up to 21 hours for three hour intervals should also be consulted.)

Sandbar Opening Location

The PBVMG and local professional fishermen in consultation with the Shire of Denmark decides the location of the bar opening. Location is based on achieving maximum initial scouring of the channel and minimum erosion of the coast hills on the western bank of the channel. A volunteer from PBVMG pegs the location before excavation commences. Signage will be erected by the PBVMG in the vicinity of the pegs 24-48 hours prior to the opening to inform beach users of the imminent opening.

SANDBAR OPENING PROCEDURE

Parry's Beach Voluntary Management Group members monitor
Inlet water levels at the Parry Inlet water level meter on Parry Road, and inform the Shire of Denmark CEO once minimum opening water levels are reached.



Shire of Denmark CEO will, in consultation with a PBVMG delegate, determine that a sandbar opening is required due to flooding risk.

- If conditions are suitable and sandbar opening is to proceed, then the CEO will advise community (List of stakeholders: Attachment 1) and proceed, taking into account any additional recommendations included in the Parry Inlet Sandbar Opening Protocol.

- Shire of Denmark to continue to undertake actions to address flood management issues, including human safety, public liability and inundation of private farmland.

Appendix 6

WILSON INLET SANDBAR OPENING PROTOCOL

July 2009

Agency Roles

There are three organisations that manage the Wilson Inlet sandbar opening.

The Water Corporation artificially opens the sandbar, to ensure flooding is controlled within the Lake Saide, Sleeman and Cuppup catchments. These catchments form part of the Albany Drainage District, within which drainage is managed by the Water Corporation as part of its responsibility under various statutes, including the Land Drainage Act and Water Agencies Powers Act.

The Water Corporation has primary responsibility for the artificial opening of the sandbar, including informing the local community on the agreed timing and location of the sandbar opening.

The Water Corporation collects water level information in Wilson Inlet to monitor when the sandbar can be opened, based on the Decision Tool prepared to guide the timing of bar openings (attached). The Corporation will undertake the opening of the sandbar at a time and location agreed to in consultation with the Department of Water and the Shire of Denmark.

The Department of Water has responsibility, in partnership with the community and other agencies, to manage the State's water resources, including Wilson Inlet. The Department of Water provides a recommendation on the location of the sand bar opening to the Water Corporation. In providing this advice the Department has regard for environmental factors, existing policy (such as the Wilson Inlet Nutrient Reduction Action Plan), past advice from the community based organisations that have had responsibility for managing the Inlet (such as the Wilson Inlet Management Authority). The Department also receives advice on community opinion from the Shire of Denmark.

The Wilson Inlet sandbar is located within the Shire of Denmark. The Shire has planning, development and management responsibilities for areas within the Shire, and takes a major role in managing public use of the sandbar. The Shire has a responsibility in expressing community opinion with regard to the sand bar opening location.

These agencies are supported by a number of other groups, including the Wilson Inlet Management Advisory Group, that encourages integrated management of Wilson Inlet. This group provides advice on any issues in relation to the Inlet, and promotes cross agency and community communication on Inlet matters.

The Denmark Surf Lifesaving Club plays an important role in managing sand bar openings. Representatives from the Club attend bar openings, supervising recreational use and ensure public safety on Ocean Beach.

MAIN RESPONSIBILITIES IN RELATION TO WILSON INLET BAR MANAGEMENT

WATER CORPORATION	DEPARTMENT OF WATER	SHIRE OF DENMARK
• Monitors water level in Wilson Inlet • Uses Decision Tool to provide guidance on timing of bar openings. • Undertakes opening of the sandbar at time and location agreed with DoW and Shire of Denmark. • Advises agencies and community on timing of opening. • Manages bar openings until opening stabilises (normally 12-24 hours).	• Provides advice to Water Corporation on location of bar opening. • Undertakes research in relation to Wilson Inlet and coordinates work to improve condition of Inlet • Services WIMAG, which enables wider community and agency input into management of Wilson Inlet	• Manages vehicle and pedestrian access onto sandbar. • Manages adjacent landuse and development compatible with Inlet levels. • Manages public use of bar and foreshore areas. • Represents local community opinion on sand bar openings, including location.

Timing of Opening

The Water Corporation opens the sandbar by excavating a channel. The timing of this work is largely dependent on the water level in Wilson Inlet, which is determined by rainfall and discharge from rivers.

The Water Corporation monitors water level in the Denmark River at the Old Railway Bridge.

Until 2007, the sandbar was opened when Inlet levels reached approximately 1-1.1 m AHD at the Old Railway Bridge, or at a lower level if landowners were impacted by flooding in the Lake Sadie catchment. The Water Corporation, working with other agencies, sought to balance the needs to maximise water levels at the time of opening the sandbar with the need to minimise flooding of property.

In 2007 the sandbar was not opened due to a referral of the proposed sandbar opening to the Environmental Protection Authority (EPA). This referral was in response to community concerns with opening of the Inlet at a 'low' (approximately 0.7m AHD) level two years in a row due to reduced rainfall.

The EPA recommended a review of the timing of the opening, and this took place and concluded in June 2009. The Decision Tool prepared to guide the timing of future openings is attached.

The main elements of this review are that the timings of the Inlet's sandbar openings will be primarily guided by ecological considerations, with protection of Ruppia seagrass and fringing vegetation being the key factors. Optimally, openings of the sandbar will take place when inlet levels are between 0.9 and 1.0 m AHD, between June and the end of the first week in September. Minimum inlet opening levels are considered to be 0.7m AHD. The inlet's sandbar will not be breached after this time period unless water levels exceed this optimal.

A key consideration is that earlier openings of the sandbar are desirable as much as higher inlet levels – as with openings in early winter can provide longer periods of water exchange and larger channels. Waiting to obtain maximum inlet levels in late winter or spring can bring about short periods of water exchange. In terms of water exchange, there needs to be consideration of both timing and height of inlet.

Once a decision has been made to breach the sandbar, consideration of various factors will be given to ensure the difference between inlet and ocean levels is maximised, the flooding risk is managed and the opening is managed in a safe manner.

Factors that will be considered to decide on the specific date for the sandbar opening (once the primary decision has been made to open) include

- forecast rainfall and river flow for that year and their impact on inlet levels and flooding of property
- wind speeds and their impacts on inlet levels and flooding
- ocean levels due to tides, barometric pressure due to passing of fronts and other weather patters
- availability of appropriate personnel and need to provide advanced warning of opening.

More details explaining the timing of the opening can be found in the Decision Tool for monitoring and opening the Wilson Inlet sandbar which is attached.

Location of Opening

The location of the sandbar opening is constantly debated in the local community, and has been for at least the past 50 years. Some sections of the community consider a location in the 'west' is appropriate, while others favour an 'eastern' opening located some 400m from the southern cliffs.

The Water Corporation, based on advice from the Department of Water, decides the location of the bar opening.

Between 1994-2001 the Wilson Inlet Management Authority provided advice on the sandbar opening location, and in 1996 recommended a change from the normal western openings to an eastern opening. This resulted in a significant community objection, that included opposition and support for ongoing western openings from the Shire of Denmark. The Minister for the Environment supported the community's objections, and directed western openings to continue. In 2000 a policy was adopted to continue western openings, in light of community opinion and advice from the Water and Rivers Commission.

The Department of Water, and previously the Water and Rivers Commission, does not consider the location of the opening to have a significant impact on the inlet's condition. The inlet's main threat is considered the input of nutrients, and few nutrients end up leaving the inlet due to the nutrient processes involved and the size of the inlet. Modelling of water exchange shows huge natural fluctuations in water exchange (up to 600%) will occur regardless of opening location, that are considerably far greater than any difference due to the location itself. Eastern openings are likely to generate increased water exchange than western openings (in order of 65%), but dredging of channels can achieve improvements with western openings, and Prawn Rock Channel is not connected with eastern openings.

In light of the Department of Water's advice that the condition of the inlet is not likely to be affected significantly by the location of the sandbar opening, the decision as to the location has been left to the community and western openings have continued since the Shire of Denmark's and Minster's direction of 1996. Should the Shire of Denmark advise community opinion has changed, and this be communicated and accepted by the Minister, then a change in sandbar opening locations can be made.

The exact location of the opening (within 0-100m from the western cliffs) is determined on site just prior to opening by representatives of the Water Corporation and Department of Water.

Development and bar openings

The Shire of Denmark controls development, and has a policy within its Town Planning Scheme that prevents development located on land less than 2.5m AHD. This policy prevents the creation of new development likely to be affected by water levels in Wilson Inlet.

Procedure of Bar Openings

The procedure for sandbar openings is being reviewed and has changed as a consequence of the 2007-2009 drainage review. The following is provided as a guide only.

Water Corporation to administer drainage review implementation, in partnership with the Department of Water.

June to September

Inlet levels to be monitored closely, and inlet levels matched to predictive model, with community informed about likelihood of opening.

Once minimum (0.7m AHD) level obtained, likelihood of reaching optimal levels needs to be assessed, and consideration of operational factors eg rainfall, pressure systems.

October - January

Inlet level to be monitored on regular basis. If bar not opened, it will only be opened if inlet level is forecast to rise above optimal level (1.0m AHD).

Responsibility for ensuring community are informed about likelihood of sandbar opening lies with the **Water Corporation**. Risks in relation to ecological values are assessed by the **Department of Water.**

Approx 2 weeks before opening

- Meeting arranged to manage bar opening and explain reasons for proposed date of opening. Participants are representatives from the Department of Water, Shire of Denmark, Water Corporation, Denmark Surf Lifesaving Club and WIMAG. Meeting is arranged by **Department of Water**.

- Water Corporation to inform relevant agencies and groups of likely bar opening time/date and reason based on Decision Tool. People to be informed include members of Surf Lifesaving Club, Shire Ranger, Director of Nursing at Denmark Hospital, representative/s from the Department of Water, District Manager - DEC. **Water Corporation**.

- Meeting on site arranged between Water Corporation and Department of Water and WIMAG representatives to determine exact bar opening location. Arranged **Department of Water.**
- Media release issued just prior to opening when definite timing of opening decided and to refer to safety precautions. **Water Corporation.**
- Notices confirming timing of opening issued to Shire of Denmark, Environment Centre, library, tourist bureau, Denmark Bulletin and Department of Environment and Conservation. **Water Corporation**.

Immediately prior to opening

- Water Corporation manages bar opening and access into excavation area, through use of movable barrier and signs. These barriers to be gradually moved with openings. **Water Corporation**.
- Vehicle barriers at Surf Club. **Shire of Denmark**.
- Tape put up to prevent pedestrian access to cliff face from lookout. **Shire of Denmark**.
- **Denmark Surf Lifesaving Club** to attend and monitor recreational use.
- **Shire of Denmark** rangers to attend and monitor public access.
- **Water Corporation and Department of Water** to respond to general public enquires.
- **Water Corporation** to respond to specific enquires in relation to water levels and timing of opening

RELEVANT CONTACTS

SUBJECT	CONTACT
Timing of opening. Excavation works. Height of Inlet prior to opening.	Willie McDougall, Operations Manager, Water Corporation. Tel: 9842 4211 Mob: 0427 907 769 Leith Philips Communications/Media, Water Corporation Tel: 9842 4211
Vehicle/pedestrian access to sandbar. Public amenity Issues. Development issues	Dick Dimmock, Ranger, Shire of Denmark Tel: 9848 0300 Mob: 0429 482 244
Recreational use and public safety	Martin Norwood (President Ocean Beach Surf Lifesaving Club), Ph: 9848 1314 (H) or Mob: 0427 487 314. Warren Rudd, Ph:9848 1513 (H) or Mob:0428 481 513
Location of bar opening. General enquiries.	Daniel Endacott, Department of Water, Tel: 98425760

Original version was prepared in October 1999 following concerns with the 1999 bar opening. The paper was prepared in consultation with the Water Corporation, Denmark Surf Life Saving Club, Water and Rivers Commission, and Shire of Denmark. The protocol was endorsed by the (then) Wilson Inlet Management Authority.

Changes were subsequently made in July 2000, following a meeting to review the bar opening in 2000, between officers from the Water Corporation, Shire of Denmark, Surf Lifesaving Club, and Water and Rivers Commission.

Further modifications were made in December 2000 after consultation with the Wilson Inlet Restoration Group, and agreement with the Water Corporation, Shire of Denmark and Water and Rivers Commission. Changes were also introduced in October 2001, after the 2001 bar opening , in consultation with the Shire and the Water Corporation.

Changes were introduced in August 2002 due to ending of Wilson Inlet Management Authority, and new role of the Wilson Inlet Management Advisory Group. Further alterations to the protocol document were made in June 2006 after formation of new WIMAG as inter-agency and community group.

Changes made in 2007 following the formation of the Department of Water and to reflect the role of new personnel within the Water Corporation.

Changes made in April 2008 as a result of the 2007 non-opening, and EPA's establishment of a management group to guide future sandbar openings.

This version prepared in June to take into account Drainage Review findings and launch of Decision Tool. Took on board comments from Water Corporation and DEC June17 2009.

Attachment – Decision Making Tool

WILSON INLET MANAGEMENT OF BAR OPENING

LEGEND

Management of Water Levels

Target

Socially Acceptable minimum breach (0.7m)

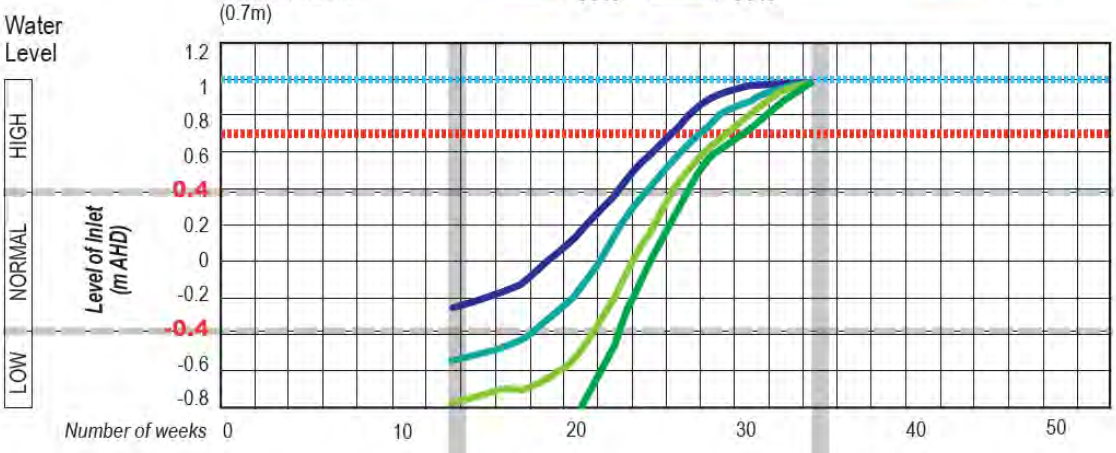
Likelihood of Bar Opening

Chance of water level in inlet reaching 1.0m (optimum opening level) by the first week of September each year.

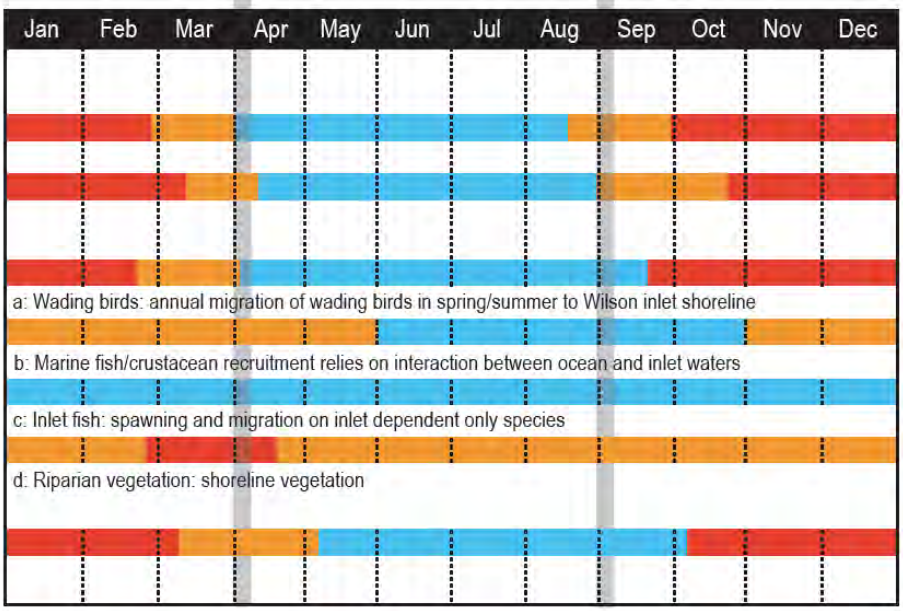
> 25%
> 50%
> 75%
> 90%

Impact

Low
Medium
High



1. *Impact of bar opening time on* ***Key Indicators:***



2. *Impact of low and high water level on other indicators*

3. *Impact of low and high water level on activity in* ***Drainage District:***

Definitions	Description	Description of level of risk	
Seagrass	Likelihood of retention of sea grasses (ruppia) to manage nutrients in inlet.	**LOW:** Ruppia more resilient to bar opening. Less decaying vegetation.	**HIGH:** Ruppia less resilient to bar opening. More decaying vegetation.
Marine Exchange	Likelihood of poor marine exchange between minimum and maximum level. *(Note: success of opening also depends on conditions at opening.)*	**LOW:** Longer opening, increase storm/wind, more runoff into inlet.	**High:** Shorter openings, reduced storm/wind, less runoff into inlet.