



# Policy Manual



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**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

#### **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.

#### **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

## 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 of 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](mailto: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

## **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.

## **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

## **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

#### **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 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 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.”

<b>Itinerant Trading Locations in the Shire of Denmark</b>					
<b>Potential Itinerant Trading (Annual or Biennial) Sites</b>	<b>Proximity to Existing Shop (that may sell a similar product)</b>	<b>Comments</b>	<b>Current Approvals / Conditions</b>	<b>Predicted or Likely Usage</b>	<b>Suitability / Opportunity for Number of Trading Bays</b>
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

#### **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

#### **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](#).

### 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 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

**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

## **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

**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 outgoing 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. Tingle Dale 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

## **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 cadastral 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

### **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 100<sup>th</sup> 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

**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

**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

**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.

#### No Spray Register:

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.

### Failure to Comply

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

**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	Column 2
General Retail Shops	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

### **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<sup>2</sup>, 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:

	<b>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)</b>
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](http://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.

### **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 100km<sup>2</sup>, of which at least 80% of is cleared farmlands. The approximate total area of the inlet is 1.6km<sup>2</sup>, 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](http://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.