



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.

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

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.
 - EVE* 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.

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	<p>\$60 per year of continuous service up to a maximum of \$2,000.00</p> <p>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.</p>
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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

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.”

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

ADDED by Res: 141114 / 11 November 2014

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](#).

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

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

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 2,300km², which is approximately 30% cleared. The inlet is fed by the Bow and Kent Rivers. During low flow periods the Kent River may be estuarine at least as far as Owingup Swamp (5km from its confluence with the lagoon) and the Bow River may be estuarine for about 2km. The bar is often artificially breached in winter when water levels are high in the Inlet and typically stays open for about five months after breaching, although there have been two occasions since 1964 when the bar has reportedly stayed open for two to three years after a breach.

Sandbar opening issues

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

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

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

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

Timing of opening

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

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

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

IRWIN INLET SANDBAR OPENING CONDITIONS

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

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

Water height

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

Preferred water levels

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

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

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

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

Timing

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

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

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

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

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

Sandbar opening location

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

Water quality

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

SANDBAR OPENING PROCEDURE

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



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



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



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



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



- If conditions are suitable and the opening of the sandbar is to proceed, then the CEO will advise community and proceed as per the Delegation D1000501, taking into account any additional recommendations included in the Irwin Inlet Sandbar Opening Protocol.
- If conditions not suitable for opening but Shire of Denmark still proceeds with opening of the inlet, Shire of Denmark to be advised they are acting against the advice of the Department of Water.
- Shire of Denmark to continue to undertake actions to address flood management issues, including human safety, public liability and inundation of private farmland.

PARRY INLET SANDBAR OPENING PROTOCOL

January 2013

Responsible Agencies

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

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

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

Parry Inlet Physical Features

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

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

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

Sandbar Opening Issues

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

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

Timing of Opening

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

In a natural state, the bar would open in response to rainfall events, with openings occurring predominantly during winter or spring. With bar openings at this time, there is a likelihood of continuing rainfall replenishing water levels in the inlet, resulting in sustaining water levels into the summer period

to maintain ecological systems in a healthy state. However, as Parry Inlet is very shallow over most of its extent, hyper saline and hypoxic events have been observed during dry periods.

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

RECOMMENDED SANDBAR OPENING CONDITIONS

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

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

Water Height

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

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

Optimal	1.2m
Maximum	1.25m
Minimum	1.0m

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

Timing

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

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

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

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

Sandbar Opening Location

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

SANDBAR OPENING PROCEDURE

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



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



- If conditions are suitable and sandbar opening is to proceed, then the CEO will advise community (List of stakeholders: Attachment 1) and proceed, taking into account any additional recommendations included in the Parry Inlet Sandbar Opening Protocol.
- Shire of Denmark to continue to undertake actions to address flood management issues, including human safety, public liability and inundation of private farmland.