

MINUTES

ORDINARY MEETING OF COUNCIL

Held at
Sports Club, BREMER BAY
Tuesday, 1 September 2026
Commencing at 1:00pm

This page has been left intentionally blank

Table of Contents

Ordinary Meeting of Council | Tuesday 1 September 2026

1.0	DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS	5
2.0	RECORD OF ATTENDANCE	5
2.1	ATTENDANCE.....	5
2.2	APOLOGIES	6
2.3	APPROVED LEAVE OF ABSENCE.....	6
2.4	ABSENT.....	6
3.0	DISCLOSURE OF INTERESTS.....	6
3.1	DECLARATIONS OF FINANCIAL INTERESTS	6
3.2	DECLARATIONS OF PROXIMITY INTERESTS	6
3.3	DECLARATIONS OF IMPARTIALITY INTERESTS.....	6
4.0	PUBLIC QUESTION TIME.....	7
5.0	PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS	7
6.0	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	9
7.0	ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS	9
8.0	APPLICATIONS FOR LEAVE OF ABSENCE	10
9.0	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	11
10.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	11
10.1	ORDINARY COUNCIL MEETING HELD 26 JULY 2026	11
10.2	SPECIAL COUNCIL MEETING HELD 7 AUGUST 2026.....	11
10.3	BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE HELD 11 AUGUST 2026	12
10.4	LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 17 AUGUST 2026.....	12
11.0	RECOMMENDATIONS AND REPORTS OF COMMITTEES.....	13
12.0	REPORTS	14
12.1	TECHNICAL SERVICES.....	14
12.1.1	REQUEST FOR TENDER 03-26 AGRN1220 FLOOD DAMAGE REPAIRS	14
12.2	CORPORATE SERVICES	17
12.2.1	ACCOUNTS FOR PAYMENT – JULY 2026	17
12.2.2	MONTHLY FINANCIAL REPORT – JULY 2026	21
12.3	DEVELOPMENT SERVICES	25
12.3.1	DEVELOPMENT APPLICATION – Lot 112 (43) HORSE HILL ROAD, BREMER BAY	25
12.3.2	DISPOSITION OF PROPERTY – PART RESERVE 511 – BREMER BAY	44
12.3.3	ADOPTION – LOCAL PLANNING POLICY NO.20 – UNHOSTED SHORT TERM RENTAL ACCOMMODATION	50
12.4	EXECUTIVE SERVICES.....	54
12.4.1	INFORMATION BULLETIN – JULY – AUGUST 2026.....	54
12.4.2	COUNCIL PLAN 2026-2036 – ADOPTION	57
12.4.3	PROPOSED ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW – FINAL ADOPTION	62
12.4.4	PROPOSED BUSH FIRE BRIGADE LOCAL LAW – FINAL ADOPTION	68
12.4.5	DOGS LOCAL LAW – FINAL ADOPTION	75
12.4.6	DUST, SAND AND EROSION LOCAL LAW – FINAL ADOPTION	81
12.4.7	PROPOSED PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW – FINAL ADOPTION	
13.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	92
14.0	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	92
15.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE COUNCIL..	92

16.0	CLOSURE.....	94
16.1	DATE OF NEXT MEETING	94
16.2	CLOSURE OF MEETING.....	94

ORDINARY COUNCIL MEETING

MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 1.01pm by the Shire President.

I would like to begin today by acknowledging the Goreng people who are the Traditional Custodians of the land on which we meet today, and the Shire of Jerramungup would like to pay their respects to their Elders both past and present.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

Cr Nathan Brown	Shire President (Chair)
Cr Paul Barrett	Deputy Shire President
Cr Raegan Zacher	Councillor
Cr Naomi Hall	Councillor
Cr Paul Hislop	Councillor
Cr Nathan McQuoid	Councillor

STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Wisewould	Deputy Chief Executive Officer
Richard Hindley	Manager of Development
Patrick Steinbacher	Manager of Works
Glenda Forbes	Executive Administration Officer

VISITORS:

Nil.

GALLERY:

Matt Stuart	Kate Dowdell
Isaac Baum	Michael Lance
Brodie Baum	Darcy Roberts
Keryn Dent	Tim Lyons
David Harder	Carol Parker

2.2 APOLOGIES

Cr Neil Foreman

2.3 APPROVED LEAVE OF ABSENCE

Nil.

2.4 ABSENT

Nil.

3.0 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allows an Elected Member to speak, the extent of the interest must also be stated.

3.1 DECLARATIONS OF FINANCIAL INTERESTS

Nil.

3.2 DECLARATIONS OF PROXIMITY INTERESTS

Cr Nathan McQuoid declared an Impartiality Interest in Item 12.3.1 – Development Application – Lot 112 (43) Horse Hill Road, Bremer Bay. The nature of the interest is that he owns property nearby.

3.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Nil.

4.0 PUBLIC QUESTION TIME

Darcy Roberts

Mr Roberts noted the amounts allocated in the Shire Budget for roadworks, floodworks and maintenance, and asked when the Shire is going to spend funds on repairs to Point Henry Road. He specifically mentioned a large pothole near the Waste Transfer Station entrance.

Manager of Works Response

The Manager of Works advised that funds have been allocated to carry out edging on Point Henry and Wellstead Roads, including applying asphalt, and this work will happen in either 2026/27 or 2027/28.

5.0 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

The following presentations related to Item 12.3.1 Development Application – Lot 112 (43) Horse Hill Road, Bremer Bay

Note: Where “Salt Cove” is referred to, this is the business operating from Lot 112 Horse Hill Road.

Tim Lyons

Mr Lyons spoke on behalf of himself and Mr Simon Yeo, with reference to joint correspondence which they had circulated to Councillors and Executive Staff prior to the Council Meeting.

Mr Lyons and Mr Yeo were generally supportive of the Officer Recommendation in the Agenda report, but were of the view there could be additional conditions in relation to the following:

- Limit to number of people permitted on site at any time.
- Endorsement of Bush Fire Emergency Plan by authority such as DFES.
- Limit to hours of operation.
- Transport from town.
- Independent review of Bush Fire Management Plan.
- Performance bond on some conditions.

Mr Lyons stated that conditions need to protect everyone including property owners and residents of Point Henry Peninsula, the public, and the Shire.

Matt Stuart, Planning Outcomes WA

Mr Stuart spoke as the Applicant for this Development Application.

He thanked Council and staff for their support as proposed in the Officer Recommendation.

Mr Stuart was unhappy regarding the process, however since the mediation sessions had allowed some matters to be discussed, was happy that the Development Application was now in a form where it could be approved.

He was of the view that some of the concerns expressed by neighbours during the consultation phase were unfounded and aspects of the Application had been exaggerated.

Mr Stuart clarified that patron numbers had always been clearly stated at 120, and never 240.

He advised that noise issues were unlikely, no acoustic report had been requested, and that there were reasonable ridge lines and 380m separating the site from the nearest neighbours.

A Traffic Impact Statement had also been provided to support the application, and this had resulted in a parking plan condition.

Mr Stuart finished by emphasising that Lot 112 Horse Hill Road is a most amazing tourism property and the development enables people from all over Australia to experience it.

Brodie Baum

Mrs Baum spoke as the business and property owner.

She acknowledged Councillors, staff and public in attendance, then provided some clarity around the timeline of the development, the process, advice received and communication with the Shire, and how the Development Application had got to where it is now.

She noted that the audio recording and Minutes from the Council meeting where this Development Application was previously discussed had generated much interest.

Mrs Baum was of the view that there were some grey areas in the Shire's Town Planning Scheme.

She further commented that there had been a break down in communication and when there was a change in Development staff it didn't go in the direction they were expecting.

Mrs Baum confirmed that Salt Cove had taken no further bookings this year out of respect to the Shire. She stated that they have always, and will continue to work with the Shire, and nothing untoward has taken place.

Isaac Baum

Mr Baum stated that, on average, Salt Cove generated income of a couple of hundred thousand dollars to the economy per wedding in town.

He wishes to ensure safety to the town and residents and noted businesses have benefited from Salt Cove.

Mr Baum hoped that the Shire would consider withdrawing Court Action.

He advised that they have only ever acted with honesty and clarity.

Dave Harder

Mr Harder questioned whether there is a caravan park associated with the Development Application or not, as there was at one stage. As the owner of Bremer Bay Beaches, he is not supportive of a caravan park at 43 Horse Hill Road.

Additionally, he commented that at times noise can be heard from 3km away from Bremer Bay Beaches.

Shire President Response

There is no caravan park in this Application being assessed.

The following presentation related to Item 12.3.2 Disposition of Property – Part Reserve 511 – Bremer Bay

Michael Lance

Mr Lance spoke as President of Bremer Bay Community Men's Shed group.

He thanked the Shire for progressing the lease of land for the Bremer Bay Community Men's Shed and advised that the group has funds for the facility from their cash for containers program.

Thank you to the Manager of Development for his prompt action.

6.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14C(5) of the *Local Government (Administration) Regulations 1996* Council must approve the attendance of a person, not physically present at a meeting of Council, by electronic means.

In deciding whether to authorise a member to attend a meeting by electronic means under subregulation (2), the Mayor, President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.

RECOMMENDATION

That _____ be granted permission to be present at the Ordinary Council Meeting to be held on 1 September 2026 by electronic means.

Nil.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

RECOMMENDATION

That _____ be granted Leave of Absence from the Ordinary Council Meeting to be held on _____ 2026.

MOTION: OCM260801

MOVED: Cr Barrett

SECONDED: Cr Zacher

That Cr Paul Hislop be granted Leave of Absence for the period 23 September to 30 September 2026 inclusive.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

9.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

10.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING HELD 29 JULY 2026

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 29 July 2026 be CONFIRMED.

MOTION: OCM260802

MOVED: Cr Hall

SECONDED: Cr McQuoid

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 29 July 2026 be CONFIRMED.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

10.2 SPECIAL COUNCIL MEETING HELD 7 AUGUST 2026

Attachment 10.2 a) Minutes

That the Minutes of the Special Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 7 August 2026 be CONFIRMED.

MOTION: OCM260803

MOVED: Cr Barrett

SECONDED: Cr Hislop

That the Minutes of the Special Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 7 August 2026 be CONFIRMED.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

10.3 BREMER BAY COMMUNITY DEVELOPMENT COMMITTEE HELD 11 AUGUST 2026

Attachment 10.3 a) Minutes

That Council RECEIVE the Minutes of the Bremer Bay Community Development Committee Meeting held on 11 August 2026.

MOTION: OCM260804

MOVED: Cr Hall

SECONDED: Cr McQuoid

That Council RECEIVE the Minutes of the Bremer Bay Community Development Committee Meeting held on 11 August 2026.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

10.4 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 17 AUGUST 2026

Attachment 10.4 a) Minutes

That Council RECEIVE the Minutes of the Local Emergency Management Committee Meeting held on 17 August 2026.

MOTION: OCM260805

MOVED: Cr Barrett

SECONDED: Cr Zacher

That Council RECEIVE the Minutes of the Local Emergency Management Committee Meeting held on 17 August 2026.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

11.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil.

12.0 REPORTS

12.1 TECHNICAL SERVICES

12.1.1 REQUEST FOR TENDER 03-26 AGRN1220 FLOOD DAMAGE REPAIRS

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	RFT 03-26
Author:	Patrick Steinbacher, Manager of Works
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 August 2026
Attachments:	a) CONFIDENTIAL – Contractor Pricing vs Funding Details
Authority/Discretion:	Executive

SUMMARY:

This item addresses the outcome of a Request for Tender (RFT) process issued for the provision of flood damage repairs caused by the natural disaster Australian Government Reference Number (AGRN) 1220 in late July 2025 and recommends award to a Contractor.

BACKGROUND:

On the morning of the 28 July 2025, the Bureau of Meteorology (BOM) forecast rainfall of 40-60 millimetres along the coast between Albany and Bremer Bay over the coming two-day period. A low-pressure system intensified as it crossed the south coast near Bremer Bay, resulting in persistent rainfall and some flash flooding along the coastline between Albany and Bremer Bay with some impacts also extending further inland.

BOM subsequently confirmed that the near stationary band of rainfall combined with the low-pressure centre moving upwards from the south coast towards Jerramungup over a two-day period, caused localised flooding impacts within the Shire of Jerramungup.

In the months following this weather event, evidence was supplied by the Shire of Jerramungup demonstrating that the extent of the damage and the resultant repair costs warranted the activation of an eligible disaster (AGRN1220) and as such the Shire was able to access funding under the Disaster Recovery Funding Arrangements Western Australia (DRFAWA).

Greenfield Technical Services (Greenfield) were engaged by a Request for Quote process to carry out investigations, compile evidence and costings and ultimately submit a claim for funding, which was subsequently approved by DRFAWA.

The approved project locations are:

- Boxwood Hill Ongerup Road straight line km (SLK) 5.98 – 6.02 left hand side (LHS)
- Boxwood Hill Ongerup Road SLK 5.98 – 5.981 RHS
- Boxwood Hill Ongerup Road SLK 11.16 – 11.21 LHS
- Boxwood Hill Ongerup Road SLK 11.16 – 11.21 RHS
- Cuiss Road SLK 3.12 – 3.16 RHS
- Cuiss Road SLK 3.14 LHS
- Doubtful Island Road SLK 2.20 – 2.26 RHS
- Doubtful Island Road SLK 4.72 – 4.745 RHS

With the funding approved, Greenfield prepared a tender specification and document which was sent out using WALGA's preferred supplier program via Vendor Panel on 16 July 2026 and which closed on 12 August 2026.

The RFT document was sent to the following preferred suppliers:

- Palmer Civil Construction
- AD Contractors Pty Ltd
- Phoenix Civil & Earthmoving Pty Ltd
- River Hill WA Pty Ltd
- Fulcher Contractors Pty Ltd

River Hill WA Pty Ltd was the sole respondent. They are based in Cranbrook WA therefore no regional price preference applies as allowed in Policy AP3 – *Regional Price Preference Policy*.

CONSULTATION:

- DFES officers
- Greenfield Technical Services

COMMENT:

The Manager of Works and Greenfield Technical Services have reviewed the submission from River Hill WA and have found it to be a complying and conforming response, and it raises no concerns. While it is always preferable to have multiple responses from the market to have greater confidence in prices, River Hill WA's costs are within the amounts set by the funding submission with sufficient contingency to cover any unforeseen additional costs. Additionally, River Hill WA carried out very similar repairs after a previous flood damage event that were also superintended by Greenfield.

Should this matter be approved by Council, River Hill WA will be issued with a purchase order, and a start date will be confirmed in due course. All works will be completed in 2026/27.

STATUTORY ENVIRONMENT:

Tendering for this supply contract was undertaken in accordance with the *Local Government (Functions and General) Regulations 1996*. Part 4 – Tenders for Provision of Goods or Services.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:
Environment Built

Design, construct and maintain infrastructure in a manner that maximises its life, capacity and function.

FINANCIAL IMPLICATIONS:

As these activities (works and consultant) are fully funded by the DRFAWA program, there are no financial implications for Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications related to this matter. Should Council approve the Officer recommendation the works will be fully completed by River Hill WA and superintended by Greenfield Technical Services.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Accept the submission submitted by River Hill WA Pty Ltd to form a Contract for the provision of works as per Request for Tender 03-26 AGRN1220 Flood Damage Repairs.**
- 2. Delegate the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**

MOTION: OCM260806

MOVED: Cr Hislop

SECONDED: Cr Zacher

That Council:

- 1. Accept the submission submitted by River Hill WA Pty Ltd to form a Contract for the provision of works as per Request for Tender 03-26 AGRN1220 Flood Damage Repairs.**
- 2. Delegate the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.2 CORPORATE SERVICES

12.2.1 ACCOUNTS FOR PAYMENT – JULY 2026

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 August 2026
Attachments:	a) List of Accounts Paid to 31 July 2026 b) Credit Card Statement – 26 June 2026 – 27 July 2026 c) Fuel Card Statement – June 2026
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of July 2026.

BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

Since 1 September 2023, Local Governments have been required to report on payments by employees via purchasing cards, under new Regulation 13(A).

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2026/27 Annual Budget as adopted by Council at its Special Council Meeting held 7 August 2026 (Minute No. SCM260803 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of July 2026. Lists detailing the payments made are attached.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	24929 – 25046	\$871,052.51
Direct Deposits		\$91,409.54
Municipal Account Total		\$962,462.05
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$962,462.05

Included within the EFT payments from the Shire's Municipal Account are the Fuel Card Statement required to be reported under Regulation 13(A), totalling \$5,470.47.

CERTIFICATE:

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

It is requested that any questions on specific payments are submitted to the Deputy Chief Executive Officer by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the meeting. This allows a detailed response to be given in a timely manner.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund –

- (a) If the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds-by the CEO: or*
- (b) Otherwise, if the payment is authorised in advance by a resolution of the council.*

The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared-*
 - (a) *the payee's name; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing-*
 - (a) *for each account which requires council authorisation in that month-*
 - (i) *the payee's name; and*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction; and*
 - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under subregulation (1) or (2) is to be-*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

As part of the *Local Government Regulations Amendment Regulations 2023*, additional reporting is now required by Local Governments. Regulation 13(A), a new regulation, is required, as follows:

Local Government (Financial Management) Regulations 1996 – Reg 13A

13A. Payments by employees via purchasing cards

- (1) *If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared –*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment;*
 - (d) *sufficient information to identify the payment.*
- (2) *A list prepared under subregulation (1) must be –*
 - (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

Regulation 13(A) came into operation from 1 September 2023.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:
Governance and Leadership

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer's list of accounts paid under delegated authority being:

- 1. The List of Accounts Paid to 31 July 2026 totalling \$962,462.05.**
- 2. The Credit Card Statement – 26 June 2026 – 27 July 2026 as detailed in attachment 12.2.1(b).**
- 3. The Fuel Card Statement June 2026 as detailed in Attachment 12.2.1(c).**

MOTION: OCM260807

MOVED: Cr Barrett

SECONDED: Cr McQuoid

That Council, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer's list of accounts paid under delegated authority being:

- 1. The List of Accounts Paid to 31 July 2026 totalling \$962,462.05.**
- 2. The Credit Card Statement – 26 June 2026 – 27 July 2026 as detailed in attachment 12.2.1(b).**
- 2. The Fuel Card Statement June 2026 as detailed in Attachment 12.2.1(c).**

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.2.2 MONTHLY FINANCIAL REPORT – JULY 2026

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Finance Manager
Responsible Officer:	Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	21 August 2026
Attachments:	a) Monthly Financial Report for the Period Ending 31 July 2026
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 July 2026 as required by the *Local Government Act 1995* (the Act).

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* (the Regulations), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year-to-date basis for the period ending 31 July 2026.

BACKGROUND:

At its Special Council Meeting held 7 August 2026 (Minute No. SCM260803 refers), Council adopted the annual budget for the 2026/27 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year-to-date position to 31 July 2026 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominantly due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

- The annual budget estimates.
- The operating revenue, operating income, and all other income and expenses.
- Any significant variations between year-to-date income and expenditure and the relevant budget provisions to the end of the relevant reporting period.

- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result.
- Include an operating statement.
- Any other required supporting notes.

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 29 July 2026, Council adopted (Minute No. OCM260716 Officer Recommendation 5 refers) the following material variance reporting threshold for the 2026/27 financial year:

Officer Recommendation 5: That Council ADOPTS a material variance level of 10% with a minimum \$10,000.00 variance for the 2026/2027 financial year for monthly reporting purposes.

CONSULTATION:

Internal consultation within the Finance Department and Council's financial records.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT:

The financial report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

STATUTORY ENVIRONMENT:

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

34. Financial activity statement required each month (Act s. 6.4)

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail-*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

(b) *budget estimates to the end of the month to which the statement relates;*

And

(c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

(d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

- (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing –*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown –*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be –*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Governance and Leadership

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 July 2026 has been incurred in accordance with the 2026/27 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$10,000 (year-to-date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference Policy

FP1 – Accounting for Non-Current Assets Policy

FP2 – Debt Recovery Policy

FP3 – Investments Policy

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 July 2026 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM260808**MOVED: Cr Zacher****SECONDED: Cr Hall**

That Council RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 July 2026 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.3 DEVELOPMENT SERVICES

Cr Nathan McQuoid declared an Impartiality Interest in item 12.3.1 as he owns property on Point Henry.

12.3.1 DEVELOPMENT APPLICATION – LOT 112 (43) HORSE HILL ROAD, BREMER BAY

Location/Address:	Shire of Jerramungup
Name of Applicant:	Planning Outcomes WA on behalf of Isaac & Brodie Baum
File Reference:	P26-006
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 August 2026
Attachments:	a) 43 Horse Hill Road – SAT Order DR46_2026
UNDER SEPARATE COVER	b) 43 Horse Hill Road – Application Documentation
	c) 43 Horse Hill Road – P26-006 Schedule of Submissions
	d) 43 Horse Hill Road – P26-006 Submissions
Authority/Discretion:	Legislative

SUMMARY:

This report assesses a proposal for Tourist Accommodation (10 eco tents), Fire Shelter, Toilet Block, incidental structures and a retrospective Reception Centre on Lot 112 (43) Horse Hill Road, Bremer Bay (Attachment b)).

BACKGROUND:

- Lot 112 (43) Horse Hill Road, Bremer Bay has an area of 40.4922ha in area and is zoned Rural under the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme).
- The property has been developed as a Reception Centre and a Dwelling without any approvals from the Shire of Jerramungup.
- The property is surrounded by 'Rural Residential' zoned properties to the North and West, a 'rural' zoned property to the South and coastal reserve to the East.

This proposal was previously considered by Council at the Ordinary Council Meeting on 25 March 2026 where it was resolved (OCM260307):

That Council refuse Development Application P26-003 for a Reception Centre, Tourist Accommodation. Signage and associated works on Lot 112 (43) Horse Hill Road, Bremer Bay for the following reasons:

1. *The proposal is not consistent with the provisions of the Shire of Jerramungup Local Planning Scheme No. 2, specifically the objectives of the 'Rural' zone:*

- *To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.*
 - *To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.*
 - *To allow for facilities for tourists and travellers, and for recreation uses.*
 - *To help protect rural land from land degradation and further loss of biodiversity by:*
 - *minimising clearing of remnant vegetation*
 - *encouraging retention and protection of remnant vegetation*
 - *encouraging development and protection of vegetation corridors encouraging development of sustainable surface and sub-surface drainage works*
 - *encouraging rehabilitation of salt-affected land*
 - *encouraging soil conservation through land management measures*
 - *encouraging identification and protection of wetlands*
 - *To promote the sustainable management of natural resources, and the prevention of land degradation.*
2. *The scale of the development will have a negative impact on the amenity of adjoining properties.*
 3. *The Tourist Accommodation (eco tents) are all located at the extremity of the site and the ability to evacuate these if a fire is approaching would be difficult. Eco tents are inherently vulnerable in bushfire conditions.*
 4. *The provided Site Classification Report provided as part of the application is not related to the application as it only deals with an ancillary unit and a 2-bedroom dwelling not the proposed development and as such it had not demonstrated that the site can accommodate the proposed development.*
 5. *The provided ‘Wastewater Report’ is not a report or detailed study based on the Applicant’s proposal. It is simply a quotation and proposed product details and does not demonstrated that the site can accommodate the development.*
 6. *The Local Planning Strategy for Area 17 (Point Henry Peninsula) requires all proposals for development on Rural-zoned lots to be assessed against the Point Henry Limited Rural Strategy 1991, and to comprehensively address issues including environmental assessment, land capability, visual impact, effluent disposal capability, water management and drainage, and servicing and this has not been demonstrated.*

In response to the refusal the applicant appealed the decision, and mediation was held 18 May 2026 at the State Administrative Tribunal. The mediation was attended by the Chief Executive Officer and the Manager of Development. The State Administrative Tribunal made the following order (Attachment a)):

By consent of the parties, the Tribunal orders

1. By 18 July 2026, the applicants are to file with the Tribunal and give the respondent their amended application, including revised plans and any supporting documentation.
2. Pursuant to s 31(1) of the *State Administrative Tribunal Act 2004 (WA)* the respondent is invited to reconsider its decision on or before the 2 September 2026.
3. The matter is listed for a directions hearing to commence at 10.00am on 4 September 2026 at 565 Hay Street, Perth, Western Australia.
4. The parties are at liberty to apply.

An amended application was received by the Shire in accordance with Tribunal Orders and is now brought back for reconsideration of the original decision.

CONSULTATION:

As a Reception Centre is an unlisted use it required advertising prior to being considered for determination. The proposal was referred to adjoining landowners for comment. The consultation period closed on the 2 March 2026, and twenty submissions were received.

The schedule of submissions, which includes officer's comment against each submission point is included as Attachment c). Copies of the submissions are also included as Attachment d).

COMMENT:

This report has considered all submissions received during the advertising period for the proposed Reception Centre, 10 Tourist Accommodation (Eco Tents), Fire Shelter, Toilet Block and incidental structures at Lot 112 (43) Horse Hill Road, Bremer Bay, together with the supporting documentation lodged with the development application. Submissions included a mix of support, conditional support, and objection, raising matters relating to zoning consistency, land use permissibility, amenity impacts, bushfire risk, environmental values, traffic, servicing, and the scale and intensity of the proposed development.

Zoning and Land Use Consistency

The subject land is zoned 'Rural' under the Shire of Jerramungup Local Planning Scheme No. 2. Several submissions asserted that the proposal should be assessed as if it were located within a Rural Residential zone, or that expectations of adjoining landowners within Rural Residential areas should prevail. These submissions are noted; however, the site is unequivocally zoned Rural, and the application must be assessed against the objectives and provisions applicable to that zone.

Under the Scheme, Tourist Accommodation is a discretionary ('D') use within the Rural zone and may be supported where it can be demonstrated that it is of benefit to the district and not detrimental to natural resources, the environment, or surrounding land uses. The proposed Reception Centre is an unlisted use and is assessed pursuant to Clause 4.4.2 of the Scheme, requiring consideration of consistency with the objectives of the zone and potential amenity impacts.

Based on the reconsideration required by the Tribunal Order it has been determined that the proposed Reception Centre, is consistent with the objectives of the Rural zone, in particular:

- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- To allow for facilities for tourists and travellers, and for recreation uses.

Scale, Intensity, and Amenity Impacts

A significant number of objections relate to the scale and intensity of the development and its potential impact on the amenity of surrounding properties. These concerns include noise from events and amplified music, light spill, dust generation from unsealed access roads, and increased vehicle movements.

The proposal includes provision for up to 58 car parking bays and a bus bay. The scale of the development, including the frequency of events, number of guests, and extent of supporting infrastructure, is considered likely to result in amenity impacts that can be adequately mitigated through conditions.

A Traffic Impact Statement has been provided to support the proposal, and this did not identify any warrant for physical remedial measures as a result of the development. It did, however, recommend that an Operational Traffic and Parking Management Plan be prepared and implemented and used to address all of the following

- All guests, staff, supplier and bus parking to occur on-site.
- No event parking on Horse Hill Road, Point Henry Road or Magpie Rise.
- Guest arrival and departure instructions to be issued before each event.
- Service deliveries and waste collection to occur during daytime hours.
- Dust management for internal unsealed access roads during event periods.
- No parking on internal access roads required for emergency access.
- Event staff or marshals to direct vehicles during larger weddings.
- Bus/charter transport to be encouraged for larger weddings.
- Any overflow parking to remain within the site.

Bushfire Risk and Emergency Management

The Point Henry Peninsula is a recognised high bushfire risk area, with limited access and egress and significant environmental constraints. Numerous submissions raised concerns regarding the suitability of eco tents as a form of accommodation in this context, the location and adequacy of the proposed bushfire shelter, and the ability to safely evacuate guests, particularly those unfamiliar with the area.

A Bushfire Management Plan (BMP) has been submitted and based on discussions with the Fire Consultant at the mediation session at the State Administrative Tribunal offices, it has been determined that this plan is adequate for the site.

Officers are satisfied that the proposal adequately addresses bushfire risk or demonstrates that the development can be safely accommodated on the site.

Specific conditions have been identified and developed based on a review of the BMP.

Environmental and Servicing Constraints

Submissions also raised concerns regarding wastewater disposal, water supply, and environmental impacts, particularly given the site's proximity to the coast. The Soil and Site Evaluation and Wastewater Report submitted with the application now relates to the proposed development with effluent from the glamping tents being pumped to the existing systems that the Soil and Site Evaluation and Wastewater Report related to.

Rainwater capture and water cartage will be sufficient for the proposed level of occupancy.

Conclusion

After consideration of all submissions and a detailed assessment against the Local Planning Scheme, officers conclude that the proposed development can be supported subject to conditions. The Reception Centre is considered consistent with the objectives of the Rural zone, and conditions are proposed that will address amenity, environmental, traffic, and bushfire safety impacts.

The applicant has provided a Traffic Impact Statement, wastewater management arrangements have been amended, and the Bushfire Management Plan is considered appropriate. Accordingly, officers recommend that Council approve the application on the grounds that it is consistent with the objectives of the Rural zone, and that the studies lodged with the application demonstrate that the development can be responsibly accommodated on the site.

STATUTORY ENVIRONMENT:

- Local Planning Scheme No .2
- *Planning and Development (Local Planning Scheme) Regulations 2015*
- *Planning and Development Act 2005*

Pursuant to s.211(1) of the *Planning and Development Act 2005*, a person aggrieved by the failure of a local government to enforce or implement effectively the observance of a Local Planning Scheme (the Scheme) may make representation to the Minister. If the Minister considers it appropriate to do so, representation may be referred to the State Administrative Tribunal (SAT) for its report and recommendation. Following subsequent actions and recommendation by the SAT the Minister may order the local government to do all things considered necessary for enforcing the observance of the Scheme or any provisions of the Scheme. In this instance it is considered that the Scheme has been enforced effectively.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2021 – 2031:

Environment Built

Deliver sustainable long-term planning for the built environment that meets the needs of the community

FINANCIAL IMPLICATIONS:

There are no financial implications for Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Local Planning Policy 4 – Signs Policy

Local Planning Policy 5 – Use of Reflective Materials

Local Planning Policy 6 – Tourist Accommodation

Local Planning Policy 16 – Outbuildings

Local Planning Policy 18 – Point Henry Fire Management Requirements

Local Planning Strategy – Area 17 Existing and short term Rural Residential (Point Henry Peninsula)

Point Henry Limited Rural Strategy 1991

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council approve Development Application P26-003 for a Reception Centre, Tourist Accommodation, Signage and associated works on Lot 112 (43) Horse Hill Road, Bremer Bay subject to the following conditions:

- 1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Jerramungup, including the following modification illustrated in red ink:**
 - The notes on Lot 122 are deleted from the approved plan.**
- 2. The driveway/accessway shall be constructed and maintained to an all-weather standard (eg, gravel, crushed rock) to facilitate access to the development by two-wheel drive vehicles.**
- 3. Reception Centre use is limited to no more than 120 guests.**
- 4. The proposed operations are required to comply with the *Environmental Protection (Noise) Regulations 1997*.**
- 5. Primary access to the site will be from Horse Hill Road with Magpie Rise being utilised as emergency egress only.**

- 6. The access way will be signposted and, if gated, gates will open for the whole carriageway width and remain unlocked.**
- 7. The operator must maintain, at all times during which commercial use is conducted, a public liability insurance policy with a minimum indemnity of \$20,000,000 per event. The Shire of Jerramungup must be noted as an interested party on the policy. Evidence of current insurance must be provided to the Shire before the first event of each calendar year and upon request.**
- 8. A Bushfire Emergency Plan is required to be prepared for the proposed development. The plan will include all required signage, including evacuation maps, which will be displayed within the eco-tents.**
- 9. Additional signage is required to be provided along accessways to indicate direction, length, and destination. A site map will also be required to be installed at the entrance to the development to assist with guest orientation.**
- 10. The site is not to be occupied on days with a Fire Behaviour Index of 75 or greater.**
- 11. The on-site shelter must be designed and constructed in accordance with the Building Code of Australia and the ABCB Design and Construction of Community Bushfire Refuges Handbook (2014). The design must be undertaken by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia.**
- 12. Prior to occupation of the development, a final inspection of the on-site shelter must be undertaken by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia. The fire engineer should provide certification, to the satisfaction of the local government, that the works have been completed in accordance with the requirements of the BCA and the ABCB Design and Construction of Community Bushfire Refuges Handbook (2014).**
- 13. Prior to occupation of the development, an on-site shelter maintenance plan must be prepared by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia, and must include:**
 - details of maintenance requirements;**
 - and details of annual testing requirements for operational compliance.**
- 14. The approved use shall not be commenced until such time as the onsite fire shelter is constructed and certified.**

- 15. Immediately prior to the occupation of the site and/or buildings for their approved purpose, the proponent shall notify the Shire of Jerramungup, in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Approval.**
- 16. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).**
- 17. It is the responsibility of the landowner and/or developer to ensure that all obligations and requirements under Cultural and Heritage legislation are met prior to commencing works.**
- 18. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development, shall be at the cost of the developer and at no cost to the Shire of Jerramungup.**
- 19. The approved development shall provide an adequate permanent water supply of not less than 20,000 litres for bush fire fighting purposes with a 50mm camlock coupling with full flow valves. A building permit is required for a water storage tank with a capacity of over 5,000 Litres.**
- 20. The emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, chemicals and/or any other type of emission that may potentially impact on environmental and/or public health are to be mitigated within the boundaries of the premise and must not impact on public health and/or cause nuisance to users or occupants of adjoining premises.**
- 21. Prior to the commencement of the use an Operational Traffic and Parking Management Plan is to be developed and this is to be implemented once the use commences.**

AND the following advice notes:

- 1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted to and approved by the Shire of Jerramungup prior to any works commencing on-site.**

2. The development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharges into the environment.
3. Prior to the use of the existing dwelling (referred to in the application as the 'Homestead'), the applicant must obtain retrospective building approval for the structure. This requires:
 - (a) engagement of a private building surveyor/certifier to undertake an inspection and prepare a Certificate of Building Compliance;
 - (b) structural engineering certification of the walls, footings and roof structure;
 - (c) certification by a registered plumber of the sewerage and gas systems;
 - (d) certification by a registered electrician;
 - (e) a BAL assessment and demonstration that the building meets the assessed BAL rating;
 - (f) an energy efficiency assessment; and
 - (g) asbestos testing of all suspect materials.

No building permit for any other structure on the site will be issued until retrospective approval for the existing dwelling is obtained.

4. The approved use/development is required to comply with the *Health (Public Buildings) Regulations 1992*.
5. Application for Public Building Approval shall be made to the Shire of Jerramungup for assessment and approval prior to the commencement of development. The application is to include:

Two (2) sets of scaled plans and specifications shall be submitted to the Shire of Jerramungup and shall include the following information:

- location and width of emergency exits;
- location of emergency exit signage;
- location and number of sanitary facilities;
- emergency lighting; and
- intended use of each public building area.
- emergency evacuation plan

A final inspection of the premises will be required to be carried out by the Shire of Jerramungup prior to commencing operation.

The building must not be opened to the public until a Certificate of Approval or a Variation of Certificate of Approval has been issued by the Shire Jerramungup in accordance with Section 178 of the *Health (Miscellaneous Provisions) Act 1911*.

The *Health (Public Buildings) Regulations 1992* contain construction requirements that may be in addition to requirements contained in the National Construction Code. The applicant should ensure that relevant requirements in these Regulations have been incorporated into the development design from the outset. Neglecting to do so may result in costly post-construction alterations or delays to the development

- 6. The development hereby approved is to comply with the provisions of the *Government Sewerage Policy 2019* (as amended).**
- 7. The approved development is required to comply with the following legislation (as amended from time to time):**
 - *Health (Miscellaneous Provisions) Act 1911***
 - *Occupational Safety and Health Regulations 1996***
 - *Environmental Protection (Noise) Regulations 1997***
 - *The Health (Pesticide) Regulations 2011 and licence approval issued by the Department of Health.***
 - *Environmental Protection Act 1986***
 - *Environmental Protection (Unauthorised Discharge) Regulations 2004.***
- 8. It is the responsibility of the landowner and/or developer to ensure that all obligations and requirements under Cultural and Heritage legislation are met prior to commencing works.**
- 9. The development is to comply with the National Construction Code, *Building Act 2011*, *Building Regulations 2012* and the *Local Government Act 1995*.**

MOTION: OCM260809

MOVED: Cr Barrett

SECONDED: Cr Hall

That Council approve Development Application P26-003 for a Reception Centre, Tourist Accommodation, Signage and associated works on Lot 112 (43) Horse Hill Road, Bremer Bay subject to the following conditions:

- 1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Jerramungup, including the following modification illustrated in red ink:**
 - The notes on Lot 122 are deleted from the approved plan.**
- 2. The driveway/accessway shall be constructed and maintained to an all-weather standard (eg, gravel, crushed rock) to facilitate access to the development by two-wheel drive vehicles.**
- 3. Reception Centre use is limited to no more than 120 guests.**
- 4. The proposed operations are required to comply with the *Environmental Protection (Noise) Regulations 1997*.**
- 5. Primary access to the site will be from Horse Hill Road with Magpie Rise being utilised as emergency egress only.**
- 6. The access way will be signposted and, if gated, gates will open for the whole carriageway width and remain unlocked.**
- 7. The operator must maintain, at all times during which commercial use is conducted, a public liability insurance policy with a minimum indemnity of \$20,000,000 per event. The Shire of Jerramungup must be noted as an interested party on the policy. Evidence of current insurance must be provided to the Shire before the first event of each calendar year and upon request.**
- 8. A Bushfire Emergency Plan is required to be prepared for the proposed development. The plan will include all required signage, including evacuation maps, which will be displayed within the eco-tents.**
- 9. Additional signage is required to be provided along accessways to indicate direction, length, and destination. A site map will also be required to be installed at the entrance to the development to assist with guest orientation.**
- 10. The site is not to be occupied on days with a Fire Behaviour Index of 75 or greater.**
- 11. The on-site shelter must be designed and constructed in accordance with the Building Code of Australia and the ABCB Design and Construction of Community Bushfire Refuges Handbook (2014). The design must be undertaken by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia.**

- 12. Prior to occupation of the development, a final inspection of the on-site shelter must be undertaken by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia. The fire engineer should provide certification, to the satisfaction of the local government, that the works have been completed in accordance with the requirements of the BCA and the ABCB Design and Construction of Community Bushfire Refuges Handbook (2014).**
- 13. Prior to occupation of the development, an on-site shelter maintenance plan must be prepared by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia, and must include:**
 - details of maintenance requirements;**
 - and details of annual testing requirements for operational compliance.**
- 14. The approved use shall not be commenced until such time as the onsite fire shelter is constructed and certified.**
- 15. Immediately prior to the occupation of the site and/or buildings for their approved purpose, the proponent shall notify the Shire of Jerramungup, in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Approval.**
- 16. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).**
- 17. It is the responsibility of the landowner and/or developer to ensure that all obligations and requirements under Cultural and Heritage legislation are met prior to commencing works.**
- 18. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development, shall be at the cost of the developer and at no cost to the Shire of Jerramungup.**
- 19. The approved development shall provide an adequate permanent water supply of not less than 20,000 litres for bush fire fighting purposes with a 50mm camlock coupling with full flow values. A building permit is required for a water storage tank with a capacity of over 5,000 Litres.**
- 20. The emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, chemicals and/or any other type of emission that may potentially impact on environmental and/or public health are to be mitigated within the boundaries of the premise and must not impact on public health and/or cause nuisance to users or occupants of adjoining premises.**
- 21. Prior to the commencement of the use an Operational Traffic and Parking Management Plan is to be developed and this is to be implemented once the use commences.**

AND the following advice notes:

- 1. THIS IS NOT A BUILDING PERMIT.** An application for a building permit is required to be submitted to and approved by the Shire of Jerramungup prior to any works commencing on-site.
- 2. The development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharges into the environment.**
- 3. Prior to the use of the existing dwelling (referred to in the application as the 'Homestead'), the applicant must obtain retrospective building approval for the structure. This requires:**
 - (a) engagement of a private building surveyor/certifier to undertake an inspection and prepare a Certificate of Building Compliance;**
 - (b) structural engineering certification of the walls, footings and roof structure;**
 - (c) certification by a registered plumber of the sewerage and gas systems;**
 - (d) certification by a registered electrician;**
 - (e) a BAL assessment and demonstration that the building meets the assessed BAL rating;**
 - (f) an energy efficiency assessment; and**
 - (g) asbestos testing of all suspect materials.**

No building permit for any other structure on the site will be issued until retrospective approval for the existing dwelling is obtained.

- 4. The approved use/development is required to comply with the *Health (Public Buildings) Regulations 1992*.**
- 5. Application for Public Building Approval shall be made to the Shire of Jerramungup for assessment and approval prior to the commencement of development. The application is to include:**

Two (2) sets of scaled plans and specifications shall be submitted to the Shire of Jerramungup and shall include the following information:

- location and width of emergency exits;**
- location of emergency exit signage;**
- location and number of sanitary facilities;**
- emergency lighting; and**
- intended use of each public building area.**
- emergency evacuation plan**

A final inspection of the premises will be required to be carried out by the Shire of Jerramungup prior to commencing operation.

The building must not be opened to the public until a Certificate of Approval or a Variation of Certificate of Approval has been issued by the Shire Jerramungup in accordance with Section 178 of the *Health (Miscellaneous Provisions) Act 1911*.

The *Health (Public Buildings) Regulations 1992* contain construction requirements that may be in addition to requirements contained in the National Construction Code. The applicant should ensure that relevant requirements in these Regulations have been incorporated into the development design from the outset. Neglecting to do so may result in costly post-construction alterations or delays to the development

- 6. The development hereby approved is to comply with the provisions of the *Government Sewerage Policy 2019* (as amended).**
- 7. The approved development is required to comply with the following legislation (as amended from time to time):**
 - *Health (Miscellaneous Provisions) Act 1911***
 - *Occupational Safety and Health Regulations 1996***
 - *Environmental Protection (Noise) Regulations 1997***
 - *The Health (Pesticide) Regulations 2011 and licence approval issued by the Department of Health.***
 - *Environmental Protection Act 1986***
 - *Environmental Protection (Unauthorised Discharge) Regulations 2004.***
- 8. It is the responsibility of the landowner and/or developer to ensure that all obligations and requirements under Cultural and Heritage legislation are met prior to commencing works.**
- 9. The development is to comply with the National Construction Code, *Building Act 2011*, *Building Regulations 2012* and the *Local Government Act 1995*.**

The following Amendment to the Officer Recommendation was Moved by Cr Zacher:

MOVED: Cr Zacher

SECONDED: Cr Hislop

That COUNCIL amend the Officer's Recommendation by:

- 1. Replacing P26-003 with P26-006 where it appears in the first paragraph;**
- 2. Deleting Conditions 4 and 17, as they are already referenced in the Advice Notes;**
- 3. After the words "proposed development" in Condition 7, inserting the words "before the commencement of the use", to ensure this is done prior to commencement of the use due to the inherent fire danger of the site.**
- 4. Deleting the last paragraph of Advice Note 3, as each building permit application should be assessed on its individual merits and should not be linked to, or influenced by, any other building permit application.**

The Amendment to the Officer Recommendation was Put:

MOTION: OCM260810

MOVED: Cr Zacher

SECONDED: Cr Hislop

That COUNCIL amend the Officer's Recommendation by:

- 1. Replacing P26-003 with P26-006 where it appears in the first paragraph;**
- 2. Deleting Conditions 4 and 17, as they are already referenced in the Advice Notes;**
- 3. After the words "proposed development" in Condition 7, inserting the words "before the commencement of the use", to ensure this is done prior to commencement of the use due to the inherent fire danger of the site.**
- 4. Deleting the last paragraph of Advice Note 3, as each building permit application should be assessed on its individual merits and should not be linked to, or influenced by, any other building permit application.**

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

The Amendment to the Officer Recommendation was Carried.

The Original Motion/Officer Recommendation was amended to include the Amendment and became the Substantive Motion.

The Substantive Motion was then Put:

MOTION: OCM260811

MOVED: Cr Barrett

SECONDED: Cr Hall

That Council approve Development Application P26-006 for a Reception Centre, Tourist Accommodation, Signage and associated works on Lot 112 (43) Horse Hill Road, Bremer Bay subject to the following conditions:

- 1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Jerramungup, including the following modification illustrated in red ink:**
 - The notes on Lot 122 are deleted from the approved plan.**
- 2. The driveway/accessway shall be constructed and maintained to an all-weather standard (eg, gravel, crushed rock) to facilitate access to the development by two-wheel drive vehicles.**
- 3. Reception Centre use is limited to no more than 120 guests.**
- 4. Primary access to the site will be from Horse Hill Road with Magpie Rise being utilised as emergency egress only.**

- 5. The access way will be signposted and, if gated, gates will open for the whole carriageway width and remain unlocked.**
- 6. The operator must maintain, at all times during which commercial use is conducted, a public liability insurance policy with a minimum indemnity of \$20,000,000 per event. The Shire of Jerramungup must be noted as an interested party on the policy. Evidence of current insurance must be provided to the Shire before the first event of each calendar year and upon request.**
- 7. A Bushfire Emergency Plan is required to be prepared for the proposed development before the commencement of the use. The plan will include all required signage, including evacuation maps, which will be displayed within the eco-tents.**
- 8. Additional signage is required to be provided along accessways to indicate direction, length, and destination. A site map will also be required to be installed at the entrance to the development to assist with guest orientation.**
- 9. The site is not to be occupied on days with a Fire Behaviour Index of 75 or greater.**
- 10. The on-site shelter must be designed and constructed in accordance with the Building Code of Australia and the ABCB Design and Construction of Community Bushfire Refuges Handbook (2014). The design must be undertaken by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia.**
- 11. Prior to occupation of the development, a final inspection of the on-site shelter must be undertaken by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia. The fire engineer should provide certification, to the satisfaction of the local government, that the works have been completed in accordance with the requirements of the BCA and the ABCB Design and Construction of Community Bushfire Refuges Handbook (2014).**
- 12. Prior to occupation of the development, an on-site shelter maintenance plan must be prepared by a suitably qualified fire engineer with fire risk assessment expertise, accredited with Engineers Australia, and must include:**
 - details of maintenance requirements;**
 - and details of annual testing requirements for operational compliance.**
- 13. The approved use shall not be commenced until such time as the onsite fire shelter is constructed and certified.**
- 14. Immediately prior to the occupation of the site and/or buildings for their approved purpose, the proponent shall notify the Shire of Jerramungup, in writing, of the effective completion of the approved development such that a Final Inspection can be carried out to determine compliance with the conditions contained on this Planning Approval.**
- 15. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).**

- 16. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development, shall be at the cost of the developer and at no cost to the Shire of Jerramungup.**
- 17. The approved development shall provide an adequate permanent water supply of not less than 20,000 litres for bush fire fighting purposes with a 50mm camlock coupling with full flow values. A building permit is required for a water storage tank with a capacity of over 5,000 Litres.**
- 18. The emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, chemicals and/or any other type of emission that may potentially impact on environmental and/or public health are to be mitigated within the boundaries of the premise and must not impact on public health and/or cause nuisance to users or occupants of adjoining premises.**
- 19. Prior to the commencement of the use an Operational Traffic and Parking Management Plan is to be developed and this is to be implemented once the use commences.**

AND the following advice notes:

- 1. THIS IS NOT A BUILDING PERMIT. An application for a building permit is required to be submitted to and approved by the Shire of Jerramungup prior to any works commencing on-site.**
- 2. The development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharges into the environment.**
- 3. Prior to the use of the existing dwelling (referred to in the application as the 'Homestead'), the applicant must obtain retrospective building approval for the structure. This requires:**
 - (a) engagement of a private building surveyor/certifier to undertake an inspection and prepare a Certificate of Building Compliance;**
 - (b) structural engineering certification of the walls, footings and roof structure;**
 - (c) certification by a registered plumber of the sewerage and gas systems;**
 - (d) certification by a registered electrician;**
 - (e) a BAL assessment and demonstration that the building meets the assessed BAL rating;**
 - (f) an energy efficiency assessment; and**
 - (g) asbestos testing of all suspect materials.**
- 4. The approved use/development is required to comply with the *Health (Public Buildings) Regulations 1992*.**

5. Application for Public Building Approval shall be made to the Shire of Jerramungup for assessment and approval prior to the commencement of development. The application is to include:

Two (2) sets of scaled plans and specifications shall be submitted to the Shire of Jerramungup and shall include the following information:

- **location and width of emergency exits;**
- **location of emergency exit signage;**
- **location and number of sanitary facilities;**
- **emergency lighting; and**
- **intended use of each public building area.**
- **emergency evacuation plan**

A final inspection of the premises will be required to be carried out by the Shire of Jerramungup prior to commencing operation.

The building must not be opened to the public until a Certificate of Approval or a Variation of Certificate of Approval has been issued by the Shire Jerramungup in accordance with Section 178 of the *Health (Miscellaneous Provisions) Act 1911*.

The *Health (Public Buildings) Regulations 1992* contain construction requirements that may be in addition to requirements contained in the National Construction Code. The applicant should ensure that relevant requirements in these Regulations have been incorporated into the development design from the outset. Neglecting to do so may result in costly post-construction alterations or delays to the development

6. The development hereby approved is to comply with the provisions of the *Government Sewerage Policy 2019* (as amended).

7. The approved development is required to comply with the following legislation (as amended from time to time):

- ***Health (Miscellaneous Provisions) Act 1911***
- ***Occupational Safety and Health Regulations 1996***
- ***Environmental Protection (Noise) Regulations 1997***
- ***The Health (Pesticide) Regulations 2011 and licence approval issued by the Department of Health.***
- ***Environmental Protection Act 1986***
- ***Environmental Protection (Unauthorised Discharge) Regulations 2004.***

8. It is the responsibility of the landowner and/or developer to ensure that all obligations and requirements under Cultural and Heritage legislation are met prior to commencing works.
9. The development is to comply with the National Construction Code, *Building Act 2011*, *Building Regulations 2012* and the *Local Government Act 1995*.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.3.2 DISPOSITION OF PROPERTY – PART RESERVE 511 – BREMER BAY

Location/Address:	Reserve 511, Bremer Bay
Name of Applicant:	Bremer Bay Men in Sheds
File Reference:	N/A
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 August 2026
Attachments:	a) Proposed Lease Area
Authority/Discretion:	Executive

SUMMARY:

The purpose of this agenda report is to seek Council consideration regarding the proposed disposition of property located at Reserve 511, Bremer Bay. The intended disposition is by way of lease to Bremer Bay Community Men's Shed, with the proposed use of the premises being a Men's Shed facility.

BACKGROUND:

The Bremer Bay Community Men's Shed was previously granted a sublease of a portion of Reserve 511 at the Ordinary Meeting of Council on 25 May 2022, where it was resolved (OCM220508) as follows:

That Council:

1. Acknowledge that the disposition is an exempt disposition in accordance with *Local Government (Functions and General) Regulations 1996* Section 30 (2)(a)(ii);
2. APPROVE the grant of a Sub-Lease between the Bremer Bay Sports Club and the Bremer Bay Men's Shed on a portion of Reserve No.511 Lot 3000 on DP46739 142 Frantom Way, Bremer Bay for a period to coincide with the expiry of the Sports Club lease being 14 April 2036 and that the Rent for the proposed Lease be for a nominal (peppercorn) amount;
3. DELEGATES authority to the Shire President and Chief Executive Officer to finalise the preparation, execution and affixing of the Common Seal of the Shire of Jerramungup to execute the lease agreement.

The sublease was handed back in an undated letter that was received in our records system on 25 February 2025.

CONSULTATION:

Bremer Bay Men's Shed

Great Southern Development Commission

COMMENT:

The establishment of a Men's Shed facility within Bremer Bay is considered to be a positive outcome that will contribute to the liveability, social connection and wellbeing of the local community.

Reserve 511 is reserved for Recreation and Open Space under Local Planning Scheme No. 2. The proposed use is considered consistent with the purpose of the Reserve. The term 'Recreation' encompasses both passive and active recreational activities, and the activities associated with a Men's Shed can reasonably be considered recreational in nature, given the facility is intended to be accessible to the broader community and does not have a commercial or exclusive focus.

Part of Reserve 511 is already leased to the Bremer Bay Sports Club (this was where the original sub-lease was proposed). The area now proposed to be leased to the Men's Shed is outside of the Sports Club lease area and will be a straight lease between the Shire and the Bremer Bay Community Men's Shed. This area is described as 6,400 square metres situated in the corner of Reserve 511 adjacent to the Bremer Bay Resort and Frantom Way, Bremer Bay, as shown on Attachment a).

The Shire has held a number of discussions with the Bremer Bay Community Men's Shed to identify a suitable and acceptable location for the proposed facility. Most recently, a meeting was held on 7 July 2026 with representatives of the Bremer Bay Community Men's Shed, the Great Southern Development Commission and the Shire of Jerramungup. All available options were considered, and the preferred site at part Reserve 511 was identified.

It is also noted that the proposed lease area is located approximately 20 metres from the Bremer Bay Resort Hotel. This setback has been provided to maintain access for gas deliveries to the Hotel and ensure that existing servicing arrangements are not adversely affected.

On balance, the proposed location is considered suitable for the establishment of the Bremer Bay Community Men's Shed facility and is consistent with the intended recreational purpose of the Reserve. The proposal is therefore presented to Council for consideration.

STATUTORY ENVIRONMENT:

The disposition of local government property is governed by Section 3.58 of the *Local Government Act 1995*. The Act requires local governments to advertise the proposed disposition, including the details of the lessee, the consideration to be received, and an invitation for submissions from the public.

3.58. Disposing of property

(1) *In this section —*

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

(2) *Except as stated in this section, a local government can only dispose of property to —*

(a) *the highest bidder at public auction; or*

- (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —*
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*
 - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) *the names of all other parties concerned; and*
 - (b) *the consideration to be received by the local government for the disposition; and*
 - (c) *the market value of the disposition —*
 - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*
- (5) *This section does not apply to —*
 - (a) *a disposition of an interest in land under the Land Administration Act 1997 section 189 or 190; or*
 - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or*
 - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
 - (d) *any other disposition that is excluded by regulations from the application of this section.*

Land Administration Act 1997

18. Various transactions relating to Crown land to be approved by Minister

- (1) *A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.*

- (2) *A person must not without authorisation under subsection (7) —*
 - (a) *grant a lease or licence under this Act, or a licence under the Local Government Act 1995, in respect of Crown land in a managed reserve; or*
 - (b) *being the holder of such a lease or licence, grant a sublease or sublicence in respect of the whole or any part of that Crown land.*
- (3) *A person must not without authorisation under subsection (7) mortgage a lease of Crown land.*
- (4) *A lessee of Crown land must not without authorisation under subsection (7) sell, transfer or otherwise dispose of the lease in whole or in part.*
- (5) *The Minister may, before giving approval under this section, in writing require —*
 - (a) *an applicant for that approval to furnish the Minister with such information concerning the transaction for which that approval is sought as the Minister specifies in that requirement; and*
 - (b) *information furnished in compliance with a requirement under paragraph (a) to be verified by statutory declaration.*
- (6) *An act done in contravention of subsection (1), (2), (3) or (4) is void.*
- (7) *A person or lessee may make a transaction under subsection (1), (2), (3) or (4) —*
 - (a) *with the prior approval in writing of the Minister; or*
 - (b) *if the transaction is made in circumstances, and in accordance with any condition, prescribed for the purposes of this paragraph.*
- (8) *This section does not apply to a transaction relating to an interest in Crown land if —*
 - (a) *that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;*
 - (b) *that interest may be created, granted, transferred or otherwise dealt with under an Act other than —*
 - (i) *this Act; or*
 - (ii) *a prescribed Act;*
 - (c) *an agreement, ratified or approved by another Act, has the effect that consent to the transaction was not required under section 143 of the repealed Act; or*
 - (d) *the transaction is a lease, sublease or licence and the approval of the Minister is not required under section 46(3b).*

The disposition of local government property is governed by Section 3.58 of the *Local Government Act 1995*. The Act requires local governments to advertise the proposed disposition however Clause 30 of the *Local Government (Functions and General) Regulations 1996* provides for exclusions to Section 3.58 of the *Local Government Act 1995*.

Local Government (Functions and General) Regulations 1996

30. Dispositions of property excluded from Act s.3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (2) *A disposition of land is an exempt disposition if—*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and—*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or*
 - (b) *the land is disposed of to a body, whether incorporated or not—*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*
 - or*
 - (c) *the land is disposed of to—*
 - (i) *the Crown in right of the State or the Commonwealth; or*
 - (ii) *a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or*
 - (iii) *another local government or a regional local government;*

This lease would be considered an exempt disposition as it satisfies this provision of the *Local Government (Functions and General) Regulations 1996*.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031:

Deliver programs and services that bring people together and support community health and wellbeing.

Work cohesively with groups from across the community to improve engagement and to promote community participation.

Deliver sustainable long-term planning for the built environment that meets the needs of the community.

FINANCIAL IMPLICATIONS:

The Shire typically assumes costs associated with the preparation of leases for community groups. In this instance costs are estimated at \$500 and are included in the budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications applicable.

POLICY IMPLICATIONS:

Policy implications do not apply to this report, and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:**That COUNCIL:**

- 1. Approves the disposition of a portion of Reserve 511 (as shown on Attachment a)) by way of a lease to Bremer Bay Community Men's Shed for the purpose of operating a Men's Shed facility;**
- 2. Authorises the Chief Executive Officer to draft a lease agreement with Bremer Bay Community Men's Shed;**
- 3. Endorses a proposed lease term of twenty (20) years, with a further term at Council's discretion.**
- 4. Agrees to a reduced annual lease amount of \$1 per annum, recognising the community benefit of the proposed use.**

MOTION: OCM260812

MOVED: Cr Hall

SECONDED: Cr McQuoid

That COUNCIL:

- 1. Approves the disposition of a portion of Reserve 511 (as shown on Attachment a)) by way of a lease to Bremer Bay Community Men's Shed for the purpose of operating a Men's Shed facility;**
- 2. Authorises the Chief Executive Officer to draft a lease agreement with Bremer Bay Community Men's Shed;**
- 3. Endorses a proposed lease term of twenty (20) years, with a further term at Council's discretion.**
- 4. Agrees to a reduced annual lease amount of \$1 per annum, recognising the community benefit of the proposed use.**

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.3.3 ADOPTION – LOCAL PLANNING POLICY NO.20 – UNHOSTED SHORT TERM RENTAL ACCOMMODATION

Location/Address:	Shire of Jerramungup
Name of Applicant:	Internal
File Reference:	N/A
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 August 2026
Attachments:	a) Local Planning Policy No.20 – Unhosted Short Term Rental Accommodation and Unhosted STRA Property Management Plan b) Submission – Local Planning Policy
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is to recommend that Council resolve to proceed with Local Planning Policy No. 20 – Unhosted Short Term Rental Accommodation with one modification.

BACKGROUND:

The proposed Local Planning Policy No. 20 – Unhosted Short Term Rental Accommodation was considered by Council at the May OCM where it was resolved (OCM260507):

That Council, in accordance with Clause 4 of the Deemed Provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2), prepare the Local Planning Policy – Unhosted Short Term Rental Accommodation as contained in Attachment 12.3.1a).

The Local Planning Policy was advertised in accordance with Clause 4(1) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2*) for public comment with the comments closing on 23 July 2026.

CONSULTATION:

The policy was advertised in accordance with Clause 4.(1) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2*).

The submission period closed on 23 July 2026 and one submission was received.

Comment	Response
2.1 / 2.2 Bushfire and development in BAL 40 and FZ – I believe the intent for these two parts is to clarify that the actual holiday home itself should be located outside of areas identified as BAL 40 and FZ. Given the policy primarily deals with land use relevant to a lot, and these parts of the policy are not specific to either the lot or the dwelling (refers to development generally), this could cause some confusion or concern for landowners looking to apply or extend for STRA.	2.1 required a BAL Assessment. 2.2 required refusal where the Unhosted STRA has a BAL Rating of BAL-40 or BAL-Flame zone. This policy relates to Unhosted STRA which will be occurring within the dwelling. One modification required. Replace the ‘and’ between BAL-40 and BAL-Flame Zone with ‘or’ with the heading and body of 2.2.
A possible suggestion would be to update 2.2 to be more specific to the dwelling.	This is not required as Unhosted STRA will be occurring within the dwelling. No modification required.
Given that a level of bushfire risk is applicable to most lots in Bremer Bay and that a considerable amount would have BAL 40 / FZ somewhere on the lot, the positioning of the dwelling away from the risk in BAL 29 or lower or an APZ (as applicable) should be the intent, consistent with the principles of SPP 3.7. Often the bushfire risk to a lot is from unmanaged public land, therefore a blanket approach of BAL 40 / FZ applicable to a lot would not be a suitable approach to STRA, and is inconsistent with the intent of SPP 3.7. I don't believe this level of limitation is the intent of the draft policy, but just wanted to clarify.	The policy provides a blanket refusal for BAL – 40 or BAL – Flame Zone. This limitation is in place due to the nature of the use being unhosted and the risk of this development in BAL rating of BAL – 40 or BAL – Flame Zone. No modification required.

COMMENT:

Local Planning Policy No. 20 – Unhosted Short Term Rental Accommodation is presented to Council for the purpose of proceeding without modification as per Clause 4.(3) of the Deemed Provisions (set out in *the Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).

STATUTORY ENVIRONMENT:

- Local Planning Scheme No. 2
- Clauses 3(5) and 67 of the Deemed Provisions (*set out in the Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2
- *Planning and Development Act 2005*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2021 – 2031:

Environment Built

Deliver sustainable long-term planning for the built environment that meets the needs of the community

FINANCIAL IMPLICATIONS:

There are no financial implications for Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

This item relates to policy development.

Local Planning Policies are guidelines used to assist the local government in making decisions under the Local Planning Scheme and may address land use as well as development requirements. Although Local Planning Policies are not part of the Local Planning Scheme, they must be consistent with, and cannot vary, the intent of the Local Planning Scheme provisions. In considering an application for Planning Approval, the local government must have regard to a Local Planning Policy as required under Clauses 3(5) and 67 of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- 1. In accordance with Clause 4(3) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) proceed with the Local Planning Policy No. 20 – Unhosted Short Term Rental Accommodation with a modification to replace the ‘and’ between BAL-40 and BAL-Flame Zone with ‘or’ with the heading and body of 2.2 as contained in Attachment a).**
- 2. Advertise that the Shire of Jerramungup has resolved to proceed with the Local Planning Policy – No. 20 – Unhosted Short Term Rental Accommodation in accordance with Clause 4(4) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).**

MOTION: OCM260813

MOVED: Cr Barrett

SECONDED: Cr Hislop

That Council:

- 1. In accordance with Clause 4(3) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) proceed with the Local Planning Policy No. 20 – Unhosted Short Term Rental Accommodation with a modification to replace the ‘and’ between BAL 40 and BAL Flame Zone with ‘or’ with the heading and body of 2.2 as contained in Attachment a).**
- 2. Advertise that the Shire of Jerramungup has resolved to proceed with the Local Planning Policy – No. 20 – Unhosted Short Term Rental Accommodation in accordance with Clause 4(4) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).**

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4 EXECUTIVE SERVICES

12.4.1 INFORMATION BULLETIN – JULY – AUGUST 2026

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Glenda Forbes, Executive Administration Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	20 July 2026
Attachments:	a) Information Bulletin – July – August 2026
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for July – August 2026, including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the month of July 2026.

CONSULTATION:

Internal, all officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

COMMENT:

The Council Resolution Register is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council resolution that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been completed, the Executive Administration Officer uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire officer for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

The Shire enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the Shire is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Shire President and the Chief Executive Officer are reported to Council for information on a regular basis.

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of –

- a) how the person exercised the power or discharged the duty; and*
- b) when the person exercised the power or discharged the duty; and*
- c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Provide informed and transparent decision making that meets our legal obligations and the needs of our diverse community.

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of July 2026.

MOTION: OCM260814

MOVED: Cr Zacher

SECONDED: Cr McQuoid

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of July 2026.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.2 COUNCIL PLAN 2026-2036 – ADOPTION

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	24 August 2026
Attachments:	a) UNDER SEPARATE COVER Council Plan 2026-2036 b) Council Plan - Submission Received
Authority/Discretion:	Executive

SUMMARY:

The purpose of this report is to present the final Council Plan, consider submissions received during public consultation, and seek Council adoption of the Council Plan 2026-2036.

BACKGROUND:

The Draft Council Plan 2026-2036 was endorsed for public consultation at the Ordinary Council Meeting held 29 July 2026. A formal public submission period was undertaken from 30 July to 21 August 2026.

One formal public submission was received and considered. It did not require changes to the strategic direction, structure or intent of the Plan. A small amendment was identified through internal review, and the Council Plan is now presented for adoption.

The Council Plan outlines the vision, outcomes and strategic priorities for the next ten years and identifies the strategic priorities and key actions to be delivered over the next four years.

The development of the Council Plan was guided by community consultation facilitated by 150 Square Pty Ltd including surveys, community and Council workshops and meetings. A detailed review of existing strategies, plans and actions was undertaken as part of the consultation.

The Council Plan sets out the various roles the Shire of Jerramungup plays in providing services and actions to support the community. Local governments deliver key services and infrastructure to their community and work collaboratively with key partners including other levels of government and local community groups to facilitate and partner in the delivery. Advocacy is also a key role of local government.

CONSULTATION:

Elected Members

Staff

Comprehensive community engagement was undertaken in April/May 2026 through workshops, surveys and stakeholder consultation.

COMMENT:

The Draft Council Plan has been developed following an extensive review of the Shire's current Strategic Community Plan, Corporate Business Plan and associated informing strategies. It has been informed by comprehensive community engagement undertaken during April and May 2026, together with workshops involving Council and staff.

The Draft Council Plan establishes the Shire's strategic direction for the next ten years and identifies the key priorities and actions to be delivered over the next four years. It provides a single integrated planning document that will guide Council's decision making, annual budget preparation, long term financial planning, workforce planning and asset management.

Advertising the Draft Council Plan provided the community with a final opportunity to review the document and provide feedback prior to Council considering its formal adoption. Any submissions received during the consultation period are presented to Council for consideration before the final Council Plan is adopted.

The public feedback received generally supported the strategic direction of the Draft Council Plan and did not identify any issues requiring a fundamental change in intent or purpose. Feedback identified how Council could implement some of the Actions such as the formation of a Sporting Advisory Group to align with community expectations in relation to sporting clubs.

Following adoption, the Chief Executive Officer will publish the Council Plan on the Shire's website and provide public notice in accordance with the *Local Government (Administration) Regulations 1996*.

STATUTORY ENVIRONMENT:

The requirements for preparation, consideration, consultation and advertising of a Strategic Community Plan are detailed in the *Local Government Act 1995* and *Local Government (Administration) Regulations 1996*.

Local Government Act 1995

S 5.56 Planning for the future

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

Local Government (Administration) Regulations 1996

R 19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.*

- (3) *A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.*
- (4) *A local government is to review the current strategic community plan for its district at least once every 4 years.*
- (5) *In making or reviewing a strategic community plan, a local government is to have regard to –*
 - (a) *the capacity of its current resources and the anticipated capacity of its future resources; and*
 - (b) *strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and*
 - (c) *demographic trends.*
- (6) *Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.*
- (7) *A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (8) *If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*
- (9) *A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.*
- (10) *A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.*

R 19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*
- (2) *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
- (3) *A corporate business plan for a district is to –*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*

- (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.*
- (4) *A local government is to review the current corporate business plan for its district every year.*
- (5) *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.*
- (6) *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

- (7) *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Governance and Leadership

Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community.

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

The Council Plan informs the Shire's Long Term Financial Plan and annual budget process. The financial projections contained within the Plan are indicative only and do not commit Council to future expenditure. Projects and initiatives will be subject to future Council budget deliberations, funding availability and external grant opportunities.

WORKFORCE IMPLICATIONS:

The Council Plan provides strategic direction for the organisation and informs workforce planning, organisational priorities and annual business planning over the life of the Plan.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY:

- 1. Notes the submission received during the public consultation period for the draft Council Plan 2026–2036;**
- 2. Adopts the Council Plan 2026–2036; and**
- 3. Request the Chief Executive Officer to give local public notice of the Plan as per the requirements of the *Local Government Act 1995*.**

MOTION: OCM260815

MOVED: Cr McQuoid

SECONDED: Cr Hall

That Council, BY AN ABSOLUTE MAJORITY:

- 1. Notes the submission received during the public consultation period for the draft Council Plan 2026-2036;**
- 2. Adopts the Council Plan 2026-2036; and**
- 3. Request the Chief Executive Officer to give local public notice of the Plan as per the requirements of the *Local Government Act 1995*.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.3 PROPOSED ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW – FINAL ADOPTION

Location/Address:	Shire of Jerramungup
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	19 August 2026
Attachments:	a) Draft Animals, Environment and Nuisance Local Law 2026
Authority/Discretion:	Legislative

SUMMARY:

In accordance with the Local Laws Review presented to Council in August 2024, a draft Animals, Environment and Nuisance Local Law has been prepared.

This report is to authorise the necessary statutory procedures for final adoption of a new local law.

BACKGROUND:

There is no current local law dealing with the matters addressed by the draft.

The *Local Government Act 1995* requires the following statements be made in the agenda and minutes of the meeting –

Purpose – to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances

Effect – to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.

Previously considered at the Council meeting held on 26 March 2025, the statutory process of the draft local law was re-commenced on 25 February 2026 due to the passage of time.

No significant matters were advised following the original advertising in 2025, and the minor changes notified are included in this amended draft. The changes do not affect intent or operation of the draft local law.

CONSULTATION:

Internal consultation with relevant employees.

Public consultation as required by the *Local Government Act 1995*.

Department of Local Government, Industry Regulation and Safety

COMMENT:

Local public notice of the proposed local law was advertised, giving the opportunity to comment for a minimum of six (6) weeks. The notice was published on the Shire's website and at least three other places.

Department of Local Government, Industry Regulation and Safety

- Suggestions for minor amendments were received in the first advertising period, principally dealing with punctuation etc, in the original advertising.
- Additional time was allowed in the re-commencement advertising. Further comment regarding minor matters was received not affecting intention or application.

Public comment

- Public comment period closed 12 May 2026. No submissions were received.

Cat Amendment Bill

- A Bill to amend the *Cat Act 2011* was introduced to Parliament in February 2026, but there has been no indication as to when it might be enacted. The amendments to the *Cat Act 2011* will enable greater flexibility by local governments to control cats. The provisions within the proposed local law (clause 2.4 and 2.5) are consistent with the current legislation, but Council may wish to consider amendments to the local law in time to take advantage of the increased flexibility.

Should significant amendments be made at time of final adoption, the statutory public comment period must be recommenced.

Once formally adopted by Council –

- the local law is to be published in the Government Gazette;
- local public notice is to be given of adoption of the local laws (separate to previous advertising of proposals);
- signed copies are to be sent to relevant Ministers; and
- copies are to be sent to the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- if a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- the local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

The JSCDL reviews the local law, its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.12 Procedure for making local laws

- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making a local law, the local government must –*
- (a) publish the local law in the Gazette; and*
 - (b) give a copy of the local law to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of any Act under which the local law is made - the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
- (a) stating the title of the local law; and*
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
- (a) if the local government proceeded under subsection (3) – by local public notice;*
 - (b) if the local government proceeded under subsection (3C) – by notice published on the local government's official website.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*

Making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Cat Act 2011 –

79. Local laws

- (1) A local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
- (2) A local law made under this Act does not apply outside the local government's district unless it is made to apply outside the district under section 80.*
- (3) Without limiting subsection (1), a local law may be made as to one or more of the following –*
 - (a) the registration of cats;*
 - (b) removing and impounding cats;*
 - (c) keeping, transferring and disposing of cats kept at cat management facilities;*
 - (d) the humane destruction of cats;*
 - (e) cats creating a nuisance;*
 - (f) specifying places where cats are prohibited absolutely;*
 - (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
 - (h) limiting the number of cats that may be kept at premises, or premises of a particular type;*
 - (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
 - (j) the regulation of approved cat breeders, including record keeping and inspection;*
 - (k) fees and charges payable in respect of any matter under this Act.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Governance and Leadership

Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community.

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All costs associated with publishing local laws in the Government Gazette have been allowed for in the 2026/2027 Budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Review of any relevant policies is advised to ensure consistency with the proposed Local Law.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council

- 1. Pursuant to section 3.12(4), (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make an Animals, Environment and Nuisance Local Law –**
 - **Purpose – to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances.**
 - **Effect – to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law.**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industrial Relations and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

MOVED: Cr Zacher

SECONDED: Cr Barrett

That Council:

- 1. Pursuant to section 3.12(4), (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make an Animals, Environment and Nuisance Local Law –**
 - **Purpose – to provide for the regulation, control and management of animals and the prevention of environmental damage and nuisances.**
 - **Effect – to establish the requirements with which any person keeping animals, or undertaking activities that have the potential to impact the environment or create nuisance must comply.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law.**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industrial Relations and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.4 PROPOSED BUSH FIRE BRIGADES LOCAL LAW – FINAL ADOPTION

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	19 August 2026
Attachments:	a) Department of Fire and Emergency Services – Response to Referral – Bush Fire Brigades Local Law b) Draft Bush Fire Brigades Local Law 2026 – Amended c) Draft Bush Fire Brigades Local Law 2026 – Proposed Consolidation – Amended
Authority/Discretion:	Legislative

SUMMARY:

In accordance with the Local Laws Review presented to Council in August 2024, a draft Bush Fire Brigades Local Law has been prepared, based on that adopted by the Shire of Pingelly, and accepted by both the Department of Fire and Emergency Services (DFES) and the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

This report is to authorise the necessary statutory procedures for final adoption of a new local law.

BACKGROUND:

The *Local Government Act 1995* requires the following statements be made in the agenda and minutes of the meeting –

Purpose – to revoke the *Shire of Jerramungup Bylaws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades* published in the Government Gazette on 13 July 1990, and make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954*.

Effect – to align the requirements for Bush Fire Brigades with legislation and local practice.

Previously considered at the Council meeting held on 26 March 2025, the statutory process of the draft local law was re-commenced on 25 February 2026 due to the passage of time.

No significant matters were advised following the original advertising in 2025, and the minor changes notified are included in the amended draft. The changes did not affect intent or operation of the draft local law.

CONSULTATION:

Internal consultation with relevant employees.

Public consultation as required by the *Local Government Act 1995*.

Department of Local Government, Industry Regulation and Safety.

Department of Fire and Emergency Services.

COMMENT:

The proposed local law –

- Recognises that brigades are not independent, but are responsible to the local government;
- Includes provision for appointment of brigade officers directly by Council if considered necessary or appropriate, similar to appointment of fire control officers (which are required to be by Council, and are not an elected position).

Local public notice of the proposed local law was given, providing the opportunity to comment for a minimum of six (6) weeks. The notice was published on the Shire's website and at least three other places.

Department of Local Government, Industry Regulation and Safety

- Suggestions for minor amendments were received in the first advertising period, principally dealing with punctuation etc, in the original advertising.
- Additional time was allowed in the re-commencement advertising. Further general comment was received, not affecting intention or application.

Department of Fire and Emergency Services

- In previous advice, minor comments as per attached letter (Attachment a)), not affecting operation or intention of the local law. These are requested despite the principal local law (Shire of Pingelly) being based largely on the WALGA model, and the adoption by reference being accepted by both DFES and JSCDL previously.
- No comment affected the intention, effect or operation of the local law, and were therefore not considered to be significant.

Public comment

- Public comment period closed on 12 May 2026. No submissions were received.

Should significant amendments be made at time of final adoption, the statutory public comment period must be recommenced.

Once formally adopted by Council –

- The local law is to be published in the Government Gazette;
- Local public notice must be given of adoption of the local laws (separate to previous advertising of proposals);
- Signed copies are to be sent to relevant Ministers; and

- Copies must be sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- The local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

The JSCDL reviews the local law and its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.12 Procedure for making local laws

- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making a local law, the local government must –*
- (a) *publish the local law in the Gazette; and*
 - (b) *give a copy of the local law to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of any Act under which the local law is made - the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
- (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*

- (6A) For the purposes of subsection (6), the **required way** for giving a notice is as follows –
- (a) if the local government proceeded under subsection (3) – by local public notice;
 - (b) if the local government proceeded under subsection (3C) – by notice published on the local government’s official website.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section –
- Making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Bush Fires Act 1954

35A. Terms used

In this Division, and in section 41 –

volunteer fire fighter means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member.

41. Bush fire brigades

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.
- (2) A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.
- (2a) A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).
- (3) A local government may at any time cancel the registration of a bush fire brigade.

43. Election and duties of officers of bush fire brigades

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

62. Local government may make local laws

- (1) *A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to –*
- (a) the appointment, employment, payment, dismissal and duties of bush fire control officers; and*
 - (b) the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and*
 - (c) any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.*
- (2) *Where a regulation made by the Governor under this Act is inconsistent with or repugnant to a local law previously made by a local government under subsection (1) and still in force, the regulation prevails and the local law to the extent by which it is inconsistent with or repugnant to the regulation is deemed to be repealed.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Governance and Leadership

Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community;

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All costs associated with publishing local laws in the Government Gazette have been allowed for in the 2026/2027 Budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Review of the Fire Control Policies is advised to ensure consistency with the proposed local law.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Bush Fire Brigades Local Law –**
 - **Purpose – to revoke the *Shire of Jerramungup Bylaws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades* published in the Government Gazette on 13 July 1990, and make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954*.**
 - **Effect – to align the requirements for bush fire brigades with legislation and local practice.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

MOVED: Cr Hislop

SECONDED: Cr McQuoid

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Bush Fire Brigades Local Law –**
 - **Purpose – to revoke the *Shire of Jerramungup Bylaws Relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades* published in the Government Gazette on 13 July 1990, and make provisions for establishment, management and administration of Bush Fire Brigades in accordance with the *Bush Fires Act 1954*.**
 - **Effect – to align the requirements for bush fire brigades with legislation and local practice.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.5 DOGS LOCAL LAW – FINAL ADOPTION

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 August 2026
Attachments:	a) Draft Dogs Local Law 2026
Authority/Discretion:	Legislative

SUMMARY:

In accordance with the Local Laws Review presented to Council in August 2024, a draft Dogs Local Law has been prepared.

This report is to authorise the necessary statutory procedures for final adoption of a new local law.

BACKGROUND:

The *Local Government Act 1995* requires the following statements be made in the agenda and minutes of the meeting –

Purpose – to make provisions about the impounding, the number that may be kept on premises, the manner of keeping dogs and create offences for non-compliance.

Effect – to repeal the existing Dogs Local Law published in the Government Gazette on 7 February 2003 and provide for the controls of dogs within the district and impose penalties for non-compliance.

Previously considered at the Council meeting held 26 March 2025, the statutory process of the draft local law was re-commenced on 25 February 2026 due to the passage of time.

No significant matters were advised following the original advertising in 2025, and the minor changes notified are included in this amended draft.

A change was made to former clause 7.4, to separate into clauses 7.4 and 7.5 as a result of comment made to another local government by the Joint Standing Committee on Delegated Legislation (JSCDL).

The changes did not affect intent or operation of the draft local law.

CONSULTATION:

Internal consultation with relevant employees

Public consultation as required by the *Local Government Act 1995*

Department of Local Government, Industry Regulation and Safety

COMMENT:

Local public notice of the proposed local law was given, providing the opportunity to comment for a minimum of six (6) weeks. The notice was published on the Shire's website and at least three other places.

Department of Local Government, Industry Regulation and Safety

- Suggestions for minor amendments were received, principally dealing with punctuation etc, in the original advertising.
- Additional time was allowed in the re-commencement advertising. No comment was received as at the date of this report.

Public comment

- Public comment period closed on 12 May 2026. No submissions were received.

Should significant amendments be made at time of final adoption, the statutory public comment period must be recommenced.

Once formally adopted by Council –

- The local law is to be published in the Government Gazette;
- Local public notice must be given of adoption of the local laws (separate to previous advertising of proposals);
- Signed copies are to be sent to relevant Ministers; and
- Copies must be sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- The local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

The JSCDL reviews the local law and its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.12 Procedure for making local laws

- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making a local law, the local government must –*
- (a) publish the local law in the Gazette; and*
 - (b) give a copy of the local law to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of any Act under which the local law is made - the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
- (a) stating the title of the local law; and*
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
- (a) if the local government proceeded under subsection (3) – by local public notice;*
 - (b) if the local government proceeded under subsection (3C) – by notice published on the local government’s official website.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*

Making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Dog Act 1976

49. Local laws

A local government may make local laws –

- (a) for its district and any other area that is to be regarded, for the purposes of this Act, as being within that district; and*
- (b) in accordance with Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995; and*
- (c) for the purposes permitted by section 51.*

51. Local law making powers

A local government may so make local laws –

- (a) providing for the registration of dogs;*
- [(b) deleted]*
- (c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*
- (d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*
- (e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*
- (f) providing for the detention, maintenance, care and release or disposal of dogs seized;*
- (g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;*
- [(h) deleted]*
- (i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Governance and Leadership

Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community;

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All costs associated with publishing local laws in the Government Gazette have been allowed for in the 2026/2027 Budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Review of any Policies covering relevant matters is advised to ensure consistency with the proposed local law.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Dogs Local Law –**
 - **Purpose – to make provisions about the impounding, the number that may be kept on premises, the manner of keeping dogs and create offences for non-compliance.**
 - **Effect – to repeal the existing Dogs Local Law published in the Government Gazette on 7 February 2003 and provide for the controls of dogs within the district and impose penalties for non-compliance.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

MOVED: Cr Hall

SECONDED: Cr Barrett

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Dogs Local Law –**
 - **Purpose – to make provisions about the impounding, the number that may be kept on premises, the manner of keeping dogs and create offences for non-compliance.**
 - **Effect – to repeal the existing Dogs Local Law published in the Government Gazette on 7 February 2003 and provide for the controls of dogs within the district and impose penalties for non-compliance.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.6 DUST, SAND AND EROSION LOCAL LAW – FINAL ADOPTION

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 August 2026
Attachments:	a) Draft Dust, Sand and Environment Local Law 2026
Authority/Discretion:	Legislative

SUMMARY:

In accordance with the Local Laws Review presented to Council in August 2024, a draft Dust, Sand and Environment Local Law has been prepared.

This report is to authorise the necessary statutory procedures for final adoption of a new local law.

BACKGROUND:

The *Local Government Act 1995* requires the following statements be made in the agenda and minutes of the meeting –

Purpose – to repeal the *Shire of Jerramungup Dust and Sand Local Law 2011*, and make provisions about the control of dust and sand, and activities which may cause erosion on land and create offences for non-compliance.

Effect – to provide for the controls of activities creating a nuisance from dust and sand, and those which may cause erosion, and impose penalties for non-compliance.

Previously considered at the Council meeting held on 26 March 2025, the statutory process of the draft local law was re-commenced on 25 February 2026 due to the passage of time.

No significant matters were advised following the original advertising in 2025, and the minor changes notified are included in this amended draft. The changes do not affect intent or operation of the draft local law.

CONSULTATION:

Internal consultation with relevant employees

Public consultation as required by the *Local Government Act 1995*

Department of Local Government, Industry Regulation and Safety

COMMENT:

Local public notice of the proposed local law was given, providing the opportunity to comment for a minimum of six (6) weeks. The notice was published on the Shire's website and at least three other places.

Department of Local Government, Industry Regulation and Safety

- Suggestions for minor amendments were received, principally dealing with punctuation etc, in the original advertising.
- Additional time was allowed in the re-commencement advertising. No comment was received as at the date of this report.

Public comment

- Public comment period closed on 12 May 2026. No submissions were received.

Should significant amendments be made at time of final adoption, the statutory public comment period must be recommenced.

Once formally adopted by Council –

- The local law is to be published in the Government Gazette;
- Local public notice must be given of adoption of the local laws (separate to previous advertising of proposals);
- Signed copies are to be sent to relevant Ministers; and
- Copies must be sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- The local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

The JSCDL reviews the local law and its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed.

The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.12 Procedure for making local laws

- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making a local law, the local government must –*
- (a) publish the local law in the Gazette; and*
 - (b) give a copy of the local law to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of any Act under which the local law is made - the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
- (a) stating the title of the local law; and*
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
- (a) if the local government proceeded under subsection (3) – by local public notice;*
 - (b) if the local government proceeded under subsection (3C) – by notice published on the local government’s official website.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*
- Making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Governance and Leadership

Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community;

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All costs associated with publishing local laws in the Government Gazette have been allowed for in the 2026/2027 Budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Review of any Policies covering relevant matters is advised to ensure consistency with the proposed local law.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Dust, Sand and Environment Local Law –**
 - **Purpose – to repeal the *Shire of Jerramungup Dust and Sand Local Law 2011*, and make provisions about the control of dust and sand, and activities which may cause erosion on land and create offences for non-compliance.**
 - **Effect – to provide for the controls of activities creating a nuisance from dust and sand, and those which may cause erosion, and impose penalties for non-compliance.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

MOVED: Cr Barrett

SECONDED: Cr McQuoid

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Dust, Sand and Environment Local Law –**
 - **Purpose – to repeal the *Shire of Jerramungup Dust and Sand Local Law 2011*, and make provisions about the control of dust and sand, and activities which may cause erosion on land and create offences for non-compliance.**
 - **Effect – to provide for the controls of activities creating a nuisance from dust and sand, and those which may cause erosion, and impose penalties for non-compliance.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.7 PROPOSED PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW – FINAL ADOPTION

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	19 August 2026
Attachments:	a) Draft Parking and Parking Facilities Amendment Local Law 2026 b) Parking and Parking Facilities Local Law – Proposed Consolidation
Authority/Discretion:	Legislative

SUMMARY:

In accordance with the Local Laws Review presented to Council in August 2024, a draft Parking and Parking Facilities Amendment Local Law has been prepared.

This report is to authorise the necessary statutory procedures for final adoption of a new local law.

BACKGROUND:

The *Local Government Act 1995* requires the following statements be made in the agenda and minutes of the meeting –

Purpose – to make amendments to the local law updating for use of disability parking permits, and modified penalties.

Effect – to amend references to be consistent with legislation, and increase offences for non-compliance.

Previously considered at the Council meeting held on 26 March 2025, the statutory process of the draft local law was re-commenced on 25 February 2026 due to the passage of time.

No significant matters were advised following the original advertising in 2025, and the minor changes notified are included in this amended draft. The changes do not affect intent or operation of the draft local law.

CONSULTATION:

Internal consultation with relevant employees

Public consultation as required by the *Local Government Act 1995*

Department of Local Government, Industry Regulation and Safety

COMMENT:

Local public notice of the proposed local law was given, providing the opportunity to comment for a minimum of six (6) weeks. The notice was published on the Shire's website and at least three other places.

Department of Local Government, Industry Regulation and Safety

- Suggestions for minor amendments were received, principally dealing with punctuation etc, in the original advertising.
- Additional time was allowed in the re-commencement advertising. Further comment regarding minor matters was received not affecting intention or application.

The Department also commented –

“Currently, the Shire is preparing to amend a local law which in turn, is based on a modified version of a Cottesloe local law.

As a result, anyone seeking to identify the definitive state of the local law must consult three different gazettes. This will only get more complicated each time the local law is amended.

The next time the local law is due for review or amendment, the Shire may wish to consider repealing the local law and replacing it with a single consolidated document.

Tor the sake of accuracy, it is suggested the Shire should rely upon official gazettal records rather than any “unofficial” copies of the local law that might exist.”

However, the *Local Government Act 1995* requires that –

5.96A. Information published on official website

- (1) *The CEO must publish the following information on the local government's official website, unless it would be contrary to subsection (2) to do so –*
 - (b) *an up-to-date consolidated version of any local law made by the local government in accordance with section 3.12 that is in force;*

Compliance with this requirement satisfies the concern expressed by the Department. However, the increasing complexity should be noted.

Public comment

- Public comment period closed on 12 May 2026. No submissions were received.

Should significant amendments be made at time of final adoption, the statutory public comment period must be recommenced.

Once formally adopted by Council –

- The local law is to be published in the Government Gazette;
- Local public notice must be given of adoption of the local laws (separate to previous advertising of proposals);

- Signed copies are to be sent to relevant Ministers; and
- Copies must be sent to the Parliamentary Joint Standing Committee on Delegated Legislation together with other required documentation, within 10 days of publication in the Government Gazette.

Please note –

- Disallowance of the local law may be made by Parliament, and could take some time depending on sitting days,
- If a provision is not considered to be critical, the JSCDL may require an undertaking from Council to make an amendment,
- The local law takes effect on the day stipulated in the local law, generally 14 days after publication in the Government Gazette.

The JSCDL reviews the local law and its effects and may recommend to Parliament that it be amended and request an undertaking, or that it be disallowed. The JSCDL will not review the local law until after it has been formally adopted, Gazetted etc.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.12 Procedure for making local laws

- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making a local law, the local government must –*
- (a) *publish the local law in the Gazette; and*
 - (b) *give a copy of the local law to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of any Act under which the local law is made - the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
- (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*

- (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
 - (a) *if the local government proceeded under subsection (3) – by local public notice;*
 - (b) *if the local government proceeded under subsection (3C) – by notice published on the local government's official website.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*
Making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021-2031:

Governance and Leadership

Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community;

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All costs associated with publishing local laws in the Government Gazette have been allowed for in the 2026/2027 Budget.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Review of any Policies covering relevant matters is advised to ensure consistency with the proposed local law.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Parking and Parking Facilities Amendment Local Law –**
 - Purpose – to make amendments to the local law updating for use of disability parking permits, and modified penalties.**
 - Effect – to amend references to be consistent with legislation, and increase offences for non-compliance.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - The publication of the local law in the Government Gazette and giving of public notice;**
 - Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

MOVED: Cr Hislop

SECONDED: Cr McQuoid

That Council:

- 1. Pursuant to section 3.12(4, (5) and (6) of the *Local Government Act 1995*, and all other legislation enabling it, resolves to make a Parking and Parking Facilities Amendment Local Law –**
 - **Purpose – to make amendments to the local law updating for use of disability parking permits, and modified penalties.**
 - **Effect – to amend references to be consistent with legislation, and increase offences for non-compliance.**
- 2. Authorise the President and Chief Executive Officer to sign and affix the Common Seal to the Local Law;**
- 3. Authorise –**
 - **The publication of the local law in the Government Gazette and giving of public notice;**
 - **Provision of the local law to the Department of Local Government, Industry Regulation and Safety;**
 - **Forward a copy of the Gazetted local law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.**

CARRIED BY ABSOLUTE MAJORITY: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

13.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

15.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE COUNCIL

OFFICER RECOMMENDATION:

That new business of an urgent nature, namely item:

- **Alteration to the 2026 Council Meeting Schedule**

Be introduced to the meeting.

MOTION: OCM260821

MOVED: Cr Zacher

SECONDED: Cr Barrett

That new business of an urgent nature, namely item:

- **Alteration to the 2026 Council Meeting Schedule**

Be introduced to the meeting.

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

The September Ordinary Council Meeting was scheduled for 23 September 2026 at the Council Chamber, Jerramungup (OCM251111 refers). On 23 September 2026 the Chief Executive Officer and Manager of Development will be absent due to other commitments that cannot be altered. It is therefore proposed to change the date of the meeting to 24 September 2026.

OFFICER RECOMMENDATION:

That COUNCIL, with respect to the 2026 Ordinary Meeting of Council Schedule:

- 1. APPROVE the following rescheduling of Ordinary Meeting of Council date for September:**

DAY	DATE	TIME	VENUE
Thursday	24 September 2026	1.00pm	Council Chamber, Jerramungup

- 2. REQUEST that the Chief Executive Officer or his authorised officer advertise the approved date by Public Notice and on the Shire of Jerramungup website and social media sites.**

MOTION: OCM260822

MOVED: Cr Barrett

SECONDED: Cr Zacher

That COUNCIL, with respect to the 2026 Ordinary Meeting of Council Schedule:

- 1. APPROVE the following rescheduling of Ordinary Meeting of Council date for September:**

DAY	DATE	TIME	VENUE
Thursday	24 September 2026	1.00pm	Council Chamber, Jerramungup

- 2. REQUEST that the Chief Executive Officer or his authorised officer advertise the approved date by Public Notice and on the Shire of Jerramungup website and social media sites.**

CARRIED: 6/0

For: President Brown, Cr Barrett, Cr Zacher, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

16.0 CLOSURE

16.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held on Thursday, 24 September 2026, commencing at 1.00pm, in the Council Chamber, Jerramungup.

16.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 1.45pm.

These minutes were confirmed at a meeting held

Date: _____

Signed: _____

Presiding Person at the meeting at which these minutes were confirmed.

Date: _____