



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

Held at the Sports Club,
Bremer Bay, on
Wednesday, 24 June 2026

MINUTES

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ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 1.07pm 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 respect to their Elders both past and present.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

Cr Nathan Brown	Shire President (Chair)
Cr Neil Foreman	Councillor
Cr Naomi Hall	Councillor
Cr Paul Hislop	Councillor
Cr Nathan McQuoid	Councillor (via audio)

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:

Susan Till

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Cr Paul Barrett

Parental Leave – Cr Raegan Zacher

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 allow 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

Nil

3.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Martin Cuthbert, Chief Executive Officer, declared an Impartiality Interest in 12.2.8 – Disposition of Property – Portion of 8 Tobruk Road, Jerramungup (Jerramungup Community Resource Centre). The nature of the interest is his wife is a member of the Jerramungup Community Resource Centre Management Committee, however receives no financial benefit.

Richard Hindley, Manager of Development, declared in Impartiality Interest in 12.2.8 – Disposition of Property – Portion of 8 Tobruk Road, Jerramungup (Jerramungup Community Resource Centre). The nature of the interest is his wife is Coordinator of the Jerramungup Community Resource Centre.

4.0 PUBLIC QUESTION TIME

Nil

5.0 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

6.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by Absolute Majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

VOTING REQUIREMENT:

Absolute Majority

RECOMMENDATION

That Cr Nathan McQuoid be granted permission to be present at the Ordinary Council Meeting to be held on 24 June 2026 by audio contact.

MOTION: OCM260601**MOVED: Cr Foreman****SECONDED: Cr Hislop**

That Cr Nathan McQuoid be granted permission to be present at the Ordinary Council Meeting to be held on 24 June 2026 by audio contact.

CARRIED BY ABSOLUTE MAJORITY: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: 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.

Nil

9.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

10.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**10.1 ORDINARY COUNCIL MEETING HELD 27 MAY 2026**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 27 May 2026 be CONFIRMED.

MOTION: OCM260602**MOVED: Cr Hall****SECONDED: Cr Foreman**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 27 May 2026 be CONFIRMED.

CARRIED: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

11.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

12.0 REPORTS

12.1 TECHNICAL SERVICES

Nil.

12.2 CORPORATE SERVICES**12.2.1 ACCOUNTS FOR PAYMENT – MAY 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:	10 June 2026
Attachments:	a) List of Accounts Paid to 31 May 2026 b) Credit Card Statement – 30 April 2026 – 31 May 2026 c) Fuel Card Statement – April 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 May 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 2025/26 Annual Budget as adopted by Council at its meeting held 30 July 2025 (Minute No. OCM250708 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 May 2026. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	24700 - 24814	\$449,941.42
Direct Deposits		\$90,063.10
Municipal Account Total		\$540,004.52
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$540,004.52

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 \$8,421.00.

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 May 2026 totalling \$540,004.52.**
- (2) The Credit Card Statement – 30 April 2026 – 31 May 2026 as detailed in attachment 12.2.1(b).**
- (3) The Fuel Card Statement April 2026 as detailed in Attachment 12.2.1 (c).**

MOTION: OCM260603**MOVED: Cr Hall****SECONDED: Cr Hislop**

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 May 2026 totalling \$540,004.52.**
- (2) The Credit Card Statement – 30 April 2026 – 31 May 2026 as detailed in attachment 12.2.1(b).**
- (3) The Fuel Card Statement April 2026 as detailed in Attachment 12.2.1 (c).**

CARRIED: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.2.2 MONTHLY FINANCIAL REPORT – MAY 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:	12 June 2026
Attachments:	a) Monthly Financial Report for the Period Ending 31 May 2026
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 May 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 May 2026.

BACKGROUND:

At its meeting held 30 July 2025 (Minute No. OCM250708 refers), Council adopted the annual budget for the 2025/26 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 May 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 predominately 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 30 July 2025, Council adopted (Minute No. OCM250711 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2025/26 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2025/2026 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 May 2026 has been incurred in accordance with the 2025/26 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

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

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 May 2026 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM260604

MOVED: Cr Foreman

SECONDED: Cr Hislop

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

CARRIED: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.2.3 PROPOSED FEES AND CHARGES 2026/2027

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sophie Browning, Asset Manager Charmaine Wisewould, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 June 2026
Attachments:	a) Proposed Fees and Charges 2026/2027
Authority/Discretion:	Executive

SUMMARY:

This item addresses setting Council's fees and charges for the 2026/2027 financial year. The proposed fees and charges are provided as Attachment a) and the recommendation seeks to adopt the fees and charges for advertising.

BACKGROUND:

In preparation for the 2026/2027 budget period the attached proposed fees and charges are submitted for Council adoption. By adopting the fees and charges prior to the budget any applicable advertising can be undertaken and the new charges can be incorporated into the draft budget workings.

The attachment provides a listing of Council's fees and charges and comparatives to the current financial year.

Council's fees and charges contain clauses that allow fees set by external bodies to override those advertised and published by Council.

CONSULTATION:

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

Fees and Charges as set by external statutory bodies.

COMMENT:

The 2026/2027 schedule of fees and charges has been formulated using the 2025/2026 year as a basis and factoring in current economic conditions.

Changes include CPI based increases to waste charges, water charges, water sampling fees, sports affiliation fees, and some statutory fees as set by other departments.

Residential rental prices have been increased to reflect the growing housing market in WA. Whilst most houses are utilised by Shire staff at a discounted rate, there are properties leased by government organisations. This increase ensures the Shire is staying in line with the rental market when renting out houses not utilised by Shire staff.

The verge/footpath bonds for building permits have been removed due to the current state of verges and paths needing upgrades from the Shire. The bond for reinstatements for extractive industries has been increased to reflect the current economy.

When the annual budget agenda report is presented in July, Council will still set additional fees and charges for rates for rural and townsite properties.

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

STATUTORY ENVIRONMENT:**Local Government Act 1995****Subdivision 2 — Fees and charges****6.16. Imposition of fees and charges**

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.'*

- (2) *A fee or charge may be imposed for the following —*
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;*
 - (b) supplying a service or carrying out work at the request of a person;*
 - (c) subject to section 5.94, providing information from local government records;*
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
 - (e) supplying goods;*
 - (f) such other service as may be prescribed.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —*
- (a) imposed* during a financial year; and*
 - (b) amended* from time to time during a financial year.*

** Absolute majority required.*

6.17. Setting the level of fees and charges

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors*
- (a) the cost to the local government of providing the service or goods;*
 - (b) the importance of the service or goods to the community; and*
 - (c) the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service —*
- (a) under section 5.96;*
 - (b) under section 6.16(2)(d); or*
 - (c) prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may —*
- (a) prohibit the imposition of a fee or charge in prescribed circumstances; or*
 - (b) limit the amount of a fee or charge in prescribed circumstances.*

6.18. Effect of other written laws

- (1) *If the amount of a fee or charge for a service or for goods is determined under another written law a local government may not —*
- (a) *determine an amount that is inconsistent with the amount determined under the other written law; or*
 - (b) *charge a fee or charge in addition to the amount determined by or under the other written law.*
- (2) *A local government is not to impose a fee or charge for a service or goods under this Act if the imposition of a fee or charge for the service or goods is prohibited under another written law.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of-

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031:
Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

Fees and charges make up approximately \$1,270,000 of annual income.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Significant Accounting Policies as detailed within the Monthly Financial Report.

VOTING REQUIREMENT:

Absolute majority

OFFICER RECOMMENDATION:

That Council, by an ABSOLUTE MAJORITY:

- 1. Adopt the 2026/2027 Schedule of Fees and Charges as presented; and**
- 2. ENDORSE the adopted 2026/2027 Schedule of Fees and Charges to be implemented and effective from 1 July 2026.**

MOTION: OCM260605

MOVED: Cr Hislop

SECONDED: Cr Foreman

That Council, by an ABSOLUTE MAJORITY:

- 1. Adopt the 2026/2027 Schedule of Fees and Charges as presented; and**
- 2. ENDORSE the adopted 2026/2027 Schedule of Fees and Charges to be implemented and effective from 1 July 2026.**

CARRIED BY ABSOLUTE MAJORITY: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.2.4 PROPOSED BUDGET AMENDMENT 2025/2026

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:	15 June 2026
Authority/Discretion:	Executive

SUMMARY:

This report seeks approval from Council for the proposed budget amendments as detailed.

BACKGROUND:

Council adopted its 2025/2026 Annual Budget on 30 July 2025 (Minute No. OCM250708). Council is being requested to consider an alteration in Reserve transfers for:

- (a) The additional interest earned on Reserve funds;
- (b) Adjustment of transfers from Reserve accounts to reflect expenditure incurred during the financial year.

CONSULTATION:

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

COMMENT:Additional Interest

Additional interest of \$43,975 was received on reserve funds. Any funds transferred in or out of reserve must be recognised in the budget, including interest. It is requested that the additional interest be recognised in the various reserve accounts as below:

Additional interest to transfer into reserve accounts:

Leave Reserve	\$1,660
Plant Reserve	\$3,441
Community Recreation Reserve	\$3,542
Bremer Bay Youth Camp Reserve	\$614
General Building Reserve	\$5,717
Bremer Bay Retirement Units Reserve	\$227
Jerramungup Retirement Units Reserve	\$1,106
Jerramungup Entertainment Centre Reserve	\$746
Effluent Reserve	\$12,833
Point Henry Reserve	\$426
Bremer Bay Boat Ramp Reserve	\$2,633
Capital Works Reserve	\$5,571
Swimming Pool Reserve	\$1,971
Roe Park Reserve	\$1,361
Skatepark Reserve	\$646
Regional Landfill Facility Reserve	\$1,400
Developer Contributions Fund Reserve	\$81
TOTAL:	\$43,975

The following table outlines budgeted capital and operating expenditures that will not be incurred in 2025/2026 and the corresponding adjustment to reserve transfers.

These adjustments will have no net impact on the budget, as the reductions in capital and operating expenses will result in reduced transfers from reserves.

Item	\$
The Bird Hide project remains in the planning phase, it is recommended to decrease the Other Infrastructure Capital Expenditure and correspondingly reduce the transfer from the Community Recreation Reserve.	\$135,643
The St John ambulance building construction in Bremer Bay has not started therefore the financial contribution is not required. Reduce Other Expenditure and reduce the transfer from Capital Works Reserve.	\$300,000
Due to flood works and staff shortages impacting delivery of the road construction program, it is proposed to reduce Materials and Contractors expenditure for the road construction pro-gram. The resulting savings will offset the expenditure associated with sand dredging at the Bremer Bay boat ramp, removing the need for any transfer from the Bremer Bay Boat Ramp Reserve.	\$162,000
Delivery of CESM vehicle has been delayed due to additional fit outs required, expected delivery is August 2026 therefore will reduce Plant Capital expenditure by \$126,972 and reduce the Plant Reserve transfer.	\$126,972
As plant operating costs are less than budget, reduce the Materials and Contractors expenditure and the Plant Reserve transfer which allows those funds to be held in Reserve for future plant purchases.	\$100,028
Various building capital costs came under budget therefore reduce the Capital Building costs and reduce the Building Reserve transfer so that funds will be held in Reserve for future capital expenditure.	\$52,820
Building Maintenance costs are less than budget therefore the building reserve transfer is not required and will keep the funds in Reserve for future works.	\$47,180
Materials and Contract costs for parks and reserves projects came under budget so propose to utilise those funds towards the Skate park surface replacement and grind rail rather than use Skate Park Reserve funds.	\$25,000
Point Henry expenditure was \$35,350 and not the budgeted \$30,000, therefore increase the Point Henry Reserve transfer by \$5,350 and increase Materials and Contracts.	-\$5,350
Reduce the transfer from Community Recreation Reserve – Bird hide.	-\$135,643
Reduce the transfer from Capital Works reserve – St John Ambulance building contribution.	-\$300,000
Reduce the Bremer Bay Boat Ramp Reserve transfer – Dredging.	-\$162,000
Reduce the Plant Reserve transfer – CESM vehicle and plant maintenance costs reduced.	-\$227,000
Reduce the Building Reserve transfer – Capital Building and Maintenance expenditure.	-\$100,000
Reduce the Skate Park Reserve.	-\$25,000
Increase the Point Henry Reserve transfer.	\$5,350

STATUTORY ENVIRONMENT:

Section 6.8 of the *Local Government Act 1995* applies.

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*; or*
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*

- (1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*

- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

STRATEGIC IMPLICATIONS:

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

Environment Built

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

FINANCIAL IMPLICATIONS:

The recommendation is to increase Reserve balances by including additional interest earned on the reserve funds.

The amendment to reduce the transfers from Plant, Community Recreation, General Building, Capital Works and Skate Park reserves will be offset by reductions in Plant Capital Expenditure, Building Capital Expenditure, Other Infrastructure Capital Expenditure, Materials and Contracts and Other Expenditure, and therefore will have no effect on closing surplus. In addition, the reduction in Materials and Contractors expenditure for the road construction program will offset the sand dredging expenditure at the Bremer Bay Boat Ramp, resulting in no transfer being required from the Bremer Bay Boat Ramp Reserve.

The proposed increase for Materials and Contracts for Point Henry will be offset by a corresponding rise in the Point Henry Reserve Transfer, resulting in no impact on the closing surplus.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Significant Accounting Policies as detailed within the Monthly Financial Report.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, AUTHORISE the following 2025/2026 budget amendments:

1. **APPROVE** a budget amendment to increase interest of \$43,975 received on reserve funds and transfer the interest of \$43,975 into the various Reserve accounts as listed below:

Leave Reserve	\$1,660
Plant Reserve	\$3,441
Community Recreation Reserve	\$3,542
Bremer Bay Youth Camp Reserve	\$614
General Building Reserve	\$5,717
Bremer Bay Retirement Units Reserve	\$227
Jerramungup Retirement Units Reserve	\$1,106
Jerramungup Entertainment Centre Reserve	\$746
Effluent Reserve	\$12,833
Point Henry Reserve	\$426
Bremer Bay Boat Ramp Reserve	\$2,633
Capital Works Reserve	\$5,571
Swimming Pool Reserve	\$1,971
Roe Park Reserve	\$1,361
Skatepark Reserve	\$646
Regional Landfill Facility Reserve	\$1,400
Developer Contributions Fund Reserve	\$81
TOTAL:	\$43,975

2. **APPROVE** a budget amendment to reduce the transfer of \$135,643 from Community Recreation Reserve to nil and to reduce the capital expenditure for Other Infrastructure by \$135,643.
3. **APPROVE** a budget amendment to reduce the transfer of \$300,000 from the Capital Works Reserve to nil and reduce the Other Expenditure by \$300,000.
4. **APPROVE** a budget amendment to reduce the transfer of \$227,000 from Plant Reserve to nil and reduce Materials and Contracts expenditure by \$100,028 and Plant Capital Expenditure by \$126,972.
5. **APPROVE** a budget amendment to reduce the transfer of \$100,000 from Building Reserve to nil and to reduce the Building Capital expenditure by \$52,820 and to reduce Materials and Contracts expenditure by \$47,180.
6. **APPROVE** a budget amendment to reduce the transfer of \$25,000 from Skate Park Reserve to nil and to reduce the Materials and Contracts expenditure by \$25,000.
7. **APPROVE** a budget amendment to increase the Point Henry Reserve transfer by \$5,350 and to increase Materials and Contracts by \$5,350.
8. **APPROVE** a budget amendment to reduce the Bremer Bay Boat Ramp Reserve transfer to nil and to reduce the Road Capital expenditure by \$162,000.

MOTION: OCM260606**MOVED: Cr Foreman****SECONDED: Cr Hall****That Council, BY AN ABSOLUTE MAJORITY, AUTHORISE the following 2025/2026 budget amendments:**

- 1. APPROVE a budget amendment to increase interest of \$43,975 received on reserve funds and transfer the interest of \$43,975 into the various Reserve accounts as listed below:**

Leave Reserve	\$1,660
Plant Reserve	\$3,441
Community Recreation Reserve	\$3,542
Bremer Bay Youth Camp Reserve	\$614
General Building Reserve	\$5,717
Bremer Bay Retirement Units Reserve	\$227
Jerramungup Retirement Units Reserve	\$1,106
Jerramungup Entertainment Centre Reserve	\$746
Effluent Reserve	\$12,833
Point Henry Reserve	\$426
Bremer Bay Boat Ramp Reserve	\$2,633
Capital Works Reserve	\$5,571
Swimming Pool Reserve	\$1,971
Roe Park Reserve	\$1,361
Skatepark Reserve	\$646
Regional Landfill Facility Reserve	\$1,400
Developer Contributions Fund Reserve	\$81

TOTAL: **\$43,975**

- 2. APPROVE a budget amendment to reduce the transfer of \$135,643 from Community Recreation Reserve to nil and to reduce the capital expenditure for Other Infrastructure by \$135,643.**
- 3. APPROVE a budget amendment to reduce the transfer of \$300,000 from the Capital Works Reserve to nil and reduce the Other Expenditure by \$300,000.**
- 4. APPROVE a budget amendment to reduce the transfer of \$227,000 from Plant Reserve to nil and reduce Materials and Contracts expenditure by \$100,028 and Plant Capital Expenditure by \$126,972.**
- 5. APPROVE a budget amendment to reduce the transfer of \$100,000 from Building Reserve to nil and to reduce the Building Capital expenditure by \$52,820 and to reduce Materials and Contracts expenditure by \$47,180.**
- 6. APPROVE a budget amendment to reduce the transfer of \$25,000 from Skate Park Reserve to nil and to reduce the Materials and Contracts expenditure by \$25,000.**
- 7. APPROVE a budget amendment to increase the Point Henry Reserve transfer by \$5,350 and to increase Materials and Contracts by \$5,350.**
- 8. APPROVE a budget amendment to reduce the Bremer Bay Boat Ramp Reserve transfer to nil and to reduce the Road Capital expenditure by \$162,000.**

CARRIED BY ABSOLUTE MAJORITY: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.2.5 DISPOSITION OF PROPERTY – PORTION OF RESERVE 26384, 7 MARY STREET, BREMER BAY (BREMER BAY COMMUNITY RESOURCE AND VISITORS CENTRE)

Location/Address:	Portion of Reserve 26384, 7 Mary Street, Bremer Bay
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Sophie Browning, Asset Manager
Responsible Officer:	Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 June 2026
Attachments:	a) Lease – Bremer Bay Community Resource and Visitors Centre
Authority/Discretion:	Executive

SUMMARY:

The purpose of this agenda report is to seek Council consideration regarding the proposed disposition of property located on Reserve 26384, 7 Mary St, Bremer Bay. The intended disposition is by way of lease to Bremer Bay Community Resource and Visitors Centre Management Committee (BBCRVC), with the proposed use of the premises being a Community Resource and Visitors Centre with a Public Library.

BACKGROUND:

Reserve 26384 is currently under a Management Order with the Shire of Jerramungup and has consistently been leased to BBCRVC for use as a Community Resource and Visitors Centre and Library.

The BBCRVC has previously leased the property in its entirety and entered sub leases with the Bremer Bay Daycare and the Bremer Bay Pharmacy for use of portions of the property.

CONSULTATION:

Bremer Bay Community Resource and Visitors Centre Management Committee.

COMMENT:

The continuation of the service provided by the BBCRVC is a vital part of the community. Entering a new lease will ensure that these services remain available into the future.

A decision has been made between the Shire and the BBCRVC to alter the leased area so that only the portion of the building utilised by the BBCRVC, including the CRC, library, town hall and kitchen, form part of this lease.

It is proposed that the Pharmacy and Daycare will enter separate lease agreements directly with the Shire of Jerramungup.

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*
- 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.*

The *Local Government (Functions and General) Regulations 1996* stipulate what can be considered an exempt disposition under the *Local Government Act 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 —*

(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;*

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

STRATEGIC IMPLICATIONS:

The presence of a Community Resource and Visitors Centre with a Public Library facility will contribute to the Shire's strategic objectives by enhancing liveability and supporting economic development.

This item relates to the following components 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.

Work with business community to attract investment, create jobs and support small business growth.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications for the Shire are minimal.

The rent paid to the Shire by the BBCRVC in 2025/2026 was \$2,345.45 including GST.

A peppercorn lease with the BBCRVC is now proposed, which removes the Shire's rental income, however, by entering directly into a lease with the Daycare Centre the Shire will receive new rental income of \$5,200. The initial three years of the lease directly with the Pharmacy will not generate any income, however after this period the rent to be paid will be reviewed.

A peppercorn lease means the BBCRVC will retain the \$2,345 previously paid to the Shire, which can be reallocated to make up for the loss of the sub-lease income, as well as towards community events for which they often seek additional funding from the Shire. This will eliminate administration time and costs involved for both organisations.

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. Enter into the proposed lease (as per Attachment 12.2.5 a)) with Bremer Bay Community Resource and Visitors Centre Committee for a term of three (3) years commencing from 1 July 2026 and expiring on 30 June 2029, with an option for two further terms of three (3) years each.
2. Delegates authority to the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Jerramungup to the lease agreement between the Shire of Jerramungup and Bremer Bay Community Resource and Visitors Centre Committee.
3. Authorises the Chief Executive Officer to seek Ministerial approval for the proposed lease once the document has been fully executed.

MOTION: OCM260607**MOVED: Cr Hislop****SECONDED: Cr Hall****That COUNCIL:**

1. Enter into the proposed lease (as per Attachment 12.2.5 a)) with Bremer Bay Community Resource and Visitors Centre Committee for a term of three (3) years commencing from 1 July 2026 and expiring on 30 June 2029, with an option for two further terms of three (3) years each.
2. Delegates authority to the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Jerramungup to the lease agreement between the Shire of Jerramungup and Bremer Bay Community Resource and Visitors Centre Committee.
3. Authorises the Chief Executive Officer to seek Ministerial approval for the proposed lease once the document has been fully executed.

CARRIED: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.2.6 DISPOSITION OF PROPERTY – PORTION OF RESERVE 26384, 7 MARY STREET, BREMER BAY (BREMER BAY PHARMACY)

Location/Address:	Portion of Reserve 26384, 7 Mary Street, Bremer Bay
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sophie Browning, Asset Manager
Responsible Officer:	Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 June 2026
Attachments:	a) Lease – Bremer Bay Pharmacy b) CONFIDENTIAL – Valuation Report by Opteon – Pharmacy
Authority/Discretion:	Executive

SUMMARY:

The purpose of this agenda report is to seek Council consideration regarding the proposed disposition of property located on Reserve 26384, 7 Mary St, Bremer Bay. The intended disposition is by way of lease to ETA Pharmacies Group Pty Ltd, with the proposed use of the premises being a pharmacy.

BACKGROUND:

Reserve 26384 is currently under a Management Order with the Shire of Jerramungup and has been leased to the Bremer Bay Community Resource and Visitors Centre Committee. The Pharmacy portion was under a sub-lease and has been operating as a pharmacy since 2014.

At the Ordinary Council Meeting of 25 March 2026, Council resolved as follows:

OCM260308

MOTION: OCM260308

MOVED: Cr Foreman SECONDED: Cr Hall

That COUNCIL:

- 1. Approves the disposition of 7 Mary St, Bremer Bay, by way of lease to ETA Pharmacies Group Pty Ltd for the purpose of operating a Pharmacy;*
- 2. Authorises the Chief Executive Officer to seek a valuation;*
- 3. Endorses a rent-free period of three (3) years;*
- 4. Authorises the Chief Executive Officer to advertise the proposed disposition in accordance with Section 3.58 of the Local Government Act 1995 and, subject to no significant objections being received, draft a lease agreement with ETA Pharmacies Group Pty Ltd; and*
- 5. Endorses a proposed lease term of five (5) years, with a further term at Council's discretion.*

CARRIED: 4/0

CONSULTATION:

ETA Pharmacies Group Pty Ltd

The proposed valuation has been advertised from the 12 June 2026 to close on the 26 June 2026. This will satisfy Section 3.58 of the *Local Government Act 1995*.

COMMENT:

The new lease for the portion of 7 Mary Street, Bremer Bay will be directly with the Shire of Jerramungup. The proposed lease term is five (5) years commencing on 1 July 2026, with an option for a further term for five (5) years at Council's discretion following a market rent review.

An independent valuation report determined the net market rent for the premises at \$12,500 per annum. At the Ordinary Council Meeting of 25 March 2026, Council resolved that a rent-free period of three years will be applied to offset some of the construction costs required with renovating the leased area to meet the pharmacy requirements of having a private consultation room. After the rent-free period, a new market valuation will be conducted to determine the rental amount.

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.*

STRATEGIC IMPLICATIONS:

The presence of a local pharmacy will contribute to the Shire's strategic objectives by enhancing liveability and supporting economic development.

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

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

Work with business community to attract investment, create jobs and support small business growth.

FINANCIAL/BUDGET IMPLICATIONS:

The lease proposes a rent-free period of three years after which time the Shire will be entitled to an annual rental amount to be determined by a new valuation for market rent. From commencement of the lease the Shire will be able recover electricity charges for the portion of the building utilised by the pharmacy.

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. Authorise the Chief Executive Officer to enter into the lease (Attachment 12.2.6 a)) with ETA Pharmacies Group Pty Ltd for a term of five (5) years commencing from 1 July 2026, with a further term of five (5) years available, subject to no objections being received during the advertising period.**
- 2. Delegates authority to the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Jerramungup to the lease agreement between the Shire of Jerramungup and ETA Pharmacies Group Pty Ltd.**
- 3. Authorises the Chief Executive Officer to seek Ministerial approval for the proposed lease once the document has been fully executed.**

MOTION: OCM260608**MOVED: Cr Foreman****SECONDED: Cr Hislop****That COUNCIL:**

- 1. Authorise the Chief Executive Officer to enter into the lease (Attachment 12.2.6 a)) with ETA Pharmacies Group Pty Ltd for a term of five (5) years commencing from 1 July 2026, with a further term of five (5) years available, subject to no objections being received during the advertising period.**
- 2. Delegates authority to the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Jerramungup to the lease agreement between the Shire of Jerramungup and ETA Pharmacies Group Pty Ltd.**
- 3. Authorises the Chief Executive Officer to seek Ministerial approval for the proposed lease once the document has been fully executed.**

CARRIED: 5/0**For:** President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid**Against:** Nil

12.2.7 DISPOSITION OF PROPERTY – PORTION OF RESERVE 26384, 7 MARY STREET, BREMER BAY (BREMER BAY DAYCARE)

Location/Address:	Portion of Reserve 26384, 7 Mary Street, Bremer Bay
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Sophie Browning, Asset Manager Richard Hindley, Manager of Development
Responsible Officer:	Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 June 2026
Attachments:	a) CONFIDENTIAL – Valuation Report by Opteon – Daycare
Authority/Discretion:	Executive

SUMMARY:

The purpose of this agenda report is to seek Council consideration regarding the proposed disposition of a portion of property located on Reserve 26384, 7 Mary Street, Bremer Bay. The intended disposition is by way of lease to Purple Butterfly Pty Ltd T/A Skylar Early Learning, with the proposed use of the premises being a childcare centre.

BACKGROUND:

Reserve 26384 is currently under a Management Order with the Shire of Jerramungup and has been leased to the Bremer Bay Community Resource and Visitors Centre Committee (BBCRVC). The Daycare portion has been under a sub-lease operating as a childcare centre, run by Skylar Early Learning, since May 2025.

The decision to support the move for Skylar Early Learning to take over the lease for the Bremer Bay Daycare was seen as a necessary step to ensure the continued provision of childcare services to the community. Skylar Early Learning has the financial resources and expertise to manage the centre effectively ensuring this vital service will remain available to the Bremer Bay Community.

This aligns with the Shire's objectives to support local families and enhance community infrastructure.

CONSULTATION:

Skylar Early Learning

Bremer Bay Community Resource and Visitors Centre Management Committee

Opteon Valuers

COMMENT:

Skylar Early Learning have been operating the childcare centre in Bremer Bay since May 2025. They entered a sub-lease with the Bremer Bay Community Resource and Visitors Centre Management Committee at a rental amount of \$5,200 per annum.

An independent valuation report determined the net market rent for the premises at \$11,250 per annum.

At its meeting of 1 October 2025, Council resolved that a reduced lease amount of \$5,200 per annum would be applied for the Jerramungup Child Care centre (also leased to Skylar Early Learning), citing the community benefit and the financial constraints associated with establishing a new childcare service in a regional area. It is fitting that the same courtesy is extended to the Bremer Bay facility.

The proposed lease term is five (5) years, with an option for a further term for five (5) years at Council's discretion following a market rent review.

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.*

STRATEGIC IMPLICATIONS:

Provision of affordable, accessible childcare is vital for supporting working families and attracting new residents to the area. The presence of a childcare facility will contribute to the Shire's strategic objectives by enhancing liveability and supporting economic development.

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

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

Work with business community to attract investment, create jobs and support small business growth.

FINANCIAL/BUDGET IMPLICATIONS:

The lease proposes an annual income of \$5,200 plus GST commencing on 1 July 2026 for a term of five (5) years to expire on 30 June 2031, with an option for a further five (5) year term.

An annual CPI Review or a Fixed Percentage Increase of 3%, whichever is greater, to be undertaken on each anniversary of the Commencement Date during the Term.

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 7 Mary Street, Bremer Bay, by way of lease to Purple Butterfly Pty Ltd T/A Skylar Early Learning for the purpose of operating a childcare centre;
2. Authorises the Chief Executive Officer to advertise the proposed disposition in accordance with Section 3.58 of the *Local Government Act 1995* and, subject to no significant objections being received, draft a lease agreement with Purple Butterfly Pty Ltd T/A Skylar Early Learning;
3. Endorses a proposed lease term of five (5) years, with a further five (5) year term at Council's discretion;
4. Agrees to a reduced annual lease amount of \$5,200 per annum, recognising the community benefit of the proposed use.

MOTION: OCM260609**MOVED: Cr Hislop****SECONDED: Cr Hall****That COUNCIL:**

- 1. Approves the disposition of a portion of 7 Mary Street, Bremer Bay, by way of lease to Purple Butterfly Pty Ltd T/A Skylar Early Learning for the purpose of operating a childcare centre;**
- 2. Authorises the Chief Executive Officer to advertise the proposed disposition in accordance with Section 3.58 of the *Local Government Act 1995* and, subject to no significant objections being received, draft a lease agreement with Purple Butterfly Pty Ltd T/A Skylar Early Learning;**
- 3. Endorses a proposed lease term of five (5) years, with a further five (5) year term at Council's discretion;**
- 4. Agrees to a reduced annual lease amount of \$5,200 per annum, recognising the community benefit of the proposed use.**

CARRIED: 5/0**For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid****Against: Nil**

Martin Cuthbert, Chief Executive Officer, and Richard Hindley, Manager of Development, both declared an Impartiality Interest in Item 12.2.8 but did not leave the room.

12.2.8 DISPOSITION OF PROPERTY – PORTION OF 8 TOBRUK ROAD, JERRAMUNGUP (JERRAMUNGUP COMMUNITY RESOURCE CENTRE)

Location/Address:	Portion of 8 Tobruk Road, Jerramungup
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sophie Browning, Asset Manager
Responsible Officer:	Charmaine Wisewould, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 June 2026
Attachments:	a) Lease – Jerramungup Community Resource Centre
Authority/Discretion:	Executive

SUMMARY:

The purpose of this agenda report is to seek Council consideration regarding the proposed disposition of property located at 8 Tobruk Road, Jerramungup. The intended disposition is by way of lease to Jerramungup Community Resource Centre Committee (JCRC), with the proposed use of the premises being a Community Resource Centre and Public Library.

BACKGROUND:

The property at 8 Tobruk Road, Jerramungup, is currently owned by the Shire of Jerramungup and has consistently been leased to JCRC (previously known as the Jerramungup Telecentre) for use as a Community Resource Centre and Public Library.

CONSULTATION:

Jerramungup Community Resource Centre Committee.

COMMENT:

The continuation of the service provided by the JCRC is a vital part of the community. Entering a new lease will ensure that these services remain available into the future.

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*
- 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.*

The *Local Government (Functions and General) Regulations 1996* stipulate what can be considered an exempt disposition under the *Local Government Act 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 —*
- (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.*

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

STRATEGIC IMPLICATIONS:

The presence of a Community Resource Centre with a Public Library facility will contribute to the Shire's strategic objectives by enhancing liveability and supporting economic development.

This item relates to the following components 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.

Work with business community to attract investment, create jobs and support small business growth.

FINANCIAL/BUDGET IMPLICATIONS:

The rent paid to the Shire by the JCRC in 2025/2026 was \$2,095.42 including GST.

A peppercorn lease with the JCRC is now proposed. This removes the Shire's rental income, and means the JCRC will retain the \$2,095.42 previously paid to the Shire, which can be reallocated to towards community events for which they often seek additional funding from the Shire. This will eliminate administration time and costs involved for both organisations.

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. Enter into the proposed lease (as per Attachment 12.2.8 a)) with Jerramungup Community Resource Centre Committee for a term of three (3) years commencing from 1 July 2026 and expiring on 30 June 2029, with an option for two further terms of three (3) years each.
2. Delegates authority to the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Jerramungup to the lease agreement between the Shire of Jerramungup and Jerramungup Community Resource Centre Committee.

MOTION: OCM260610**MOVED: Cr Foreman****SECONDED: Cr Hislop****That COUNCIL:**

- 1. Enter into the proposed lease (as per Attachment 12.2.8 a)) with Jerramungup Community Resource Centre for a term of three (3) years commencing from 1 July 2026 and expiring on 30 June 2029, with an option for two further terms of three (3) years each.**
- 2. Delegates authority to the Shire President and Chief Executive Officer to execute and affix the Common Seal of the Shire of Jerramungup to the lease agreement between the Shire of Jerramungup and Jerramungup Community Resource Centre Committee.**

CARRIED: 5/0**For:** President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid**Against:** Nil

12.2.9 RATES EXEMPTION REQUEST – A160898

Location/Address:	Shire of Jerramungup
Name of Applicant:	Noongar Boodja Land Sub Pty Ltd (as trustee for Noongar Boodja Trust)
File Reference:	A160898
Author:	Charmaine Wisewould, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 June 2026
Attachments:	a) NBT Rates Exemption Letter – Lot 416 Dillon Bay Road, Bremer Bay b) Map WKSJN Bremer Bay R54744 – Dillon Bay Road c) Noongar Boodja Land Sub Pty Ltd ACNC Certification d) CONFIDENTIAL – Rates Exemption Application – Lot 416 Dillon Bay Road e) CONFIDENTIAL – Constitution – Noongar Boodja Land Sub Pty Ltd f) CONFIDENTIAL – Noongar Boodja Land Sub Pty Ltd Statement of Operations – Lot 416 Dillon Bay Road g) CONFIDENTIAL – Noongar Boodja Trust Deed
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider a rates exemption for A160898 being Lot 416 Dillon Bay Road, Bremer Bay.

The Noongar Boodja Land Sub Pty Ltd (as trustee for Noongar Boodja Trust) have requested this exemption under Section 6.26(2)(g) – land used exclusively for charitable purposes.

BACKGROUND:

The Shire issued a rates notice for assessment A160898 following receipt of a Landgate property schedule. The Shire's rating system automatically generates rates notices based on property information and ownership/management details provided by Landgate. As a result, upon inclusion of Lot 416 Dillon Bay Road within the Landgate schedule, the property was assessed within the Shire's rate record and a rates notice was issued.

Since receiving the rates notice for assessment A160898 The Noongar Boodja Land Sub Pty Ltd (as trustee for Noongar Boodja Trust) has completed an application seeking exemption from rates, pursuant to the provisions of Section 6.26 of the *Local Government Act 1995*. In doing so, the Corporation is objecting to the rate book under Section 6.76 of the *Local Government Act 1995*. The application for exemption has been assessed based on the information provided.

CONSULTATION:

Internal – Relevant Shire staff and representatives of Noongar Boodja Land Sub Pty Ltd.

COMMENT:

The applicant seeks exemption under Section 6.26(2)(g) of the *Local Government Act 1995* on the basis that the land is used exclusively for charitable purposes:

- The land is vacant Crown reserve land with no buildings or commercial use.
- It is held and managed by entities registered with the Australian Charities and Not-for-profits Commission (ACNC).

- The land is used for cultural, social and community benefit purposes for the Noongar people.
- No income is generated (other than a nominal lease arrangement).

The application and supporting documentation has been reviewed. The property is confirmed as Crown reserve land, is undeveloped, and not used for commercial purposes.

The applicant and associated entities are registered charities, and the land use aligns with cultural and community benefit purposes.

On the basis of the information provided, the land appears to satisfy the requirements of Section 6.26(2)(g), subject to Council's determination.

Council should note that if approved, the property will remain liable for Emergency Services Levy and any applicable service charges, and exemptions are subject to periodic review.

STATUTORY ENVIRONMENT:

Under Section 6.26(2) of the *Local Government Act 1995*, land is not rateable if it meets specific criteria, including Crown land used for a public purpose or land used exclusively for charitable purposes.

Section 6.26 – Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land –*
 - (a) *land which is the property of the Crown and –*
 - (i) *is being used or held for a public purpose; or*
 - (ii) *is unoccupied, except –*
 - (I) *where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or*
 - (II) *where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;*

and

- (b) *land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and*
- (c) *land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and*
- (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
- (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*
- (f) *land used exclusively as a non-government school within the meaning of the School Education Act 1999; and*
- (g) *land used exclusively for charitable purposes; and*
- (h) *land vested in trustees for agricultural or horticultural show purposes; and*
- (i) *land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and*
- (j) *land which is exempt from rates under any other written law; and*

- (3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2)(i) either that co-operative or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.*
- (4) The Minister may from time to time, under subsection (2)(k), declare that any land or part of any land is exempt from rates and by subsequent declaration cancel or vary the declaration.*
- (5) Notice of any declaration made under subsection (4) is to be published in the Gazette.*
- (6) Land does not cease to be used exclusively for a purpose mentioned in subsection (2) merely because it is used occasionally for another purpose which is of a charitable, benevolent, religious or public nature.*

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/BUDGET IMPLICATIONS:

Loss of rate revenue associated with the property will result in a reduction of rates income of \$7,473.67 for assessment A160898 this financial year.

WORKFORCE IMPLICATIONS:

There are no workforce implications applicable.

POLICY IMPLICATIONS:

Consistency with legislative requirements under the *Local Government Act 1995* and recognition of land use aligned with community and cultural outcomes.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, determines that Lot 416 Dillon Bay Road, Bremer Bay is non-rateable land on the basis that it is used exclusively for charitable purposes, and:

- 1. Approves the rates exemption effective from the date of application; and**
- 2. Writes off all rates levied on the property for the 2025/2026 financial year; and**
- 3. Notes that the property remains liable for the Emergency Services Levy and any applicable service charges; and**
- 4. Requires the exemption to be reviewed within a period not exceeding three (3) years, or earlier if circumstances change.**

MOTION: OCM260611**MOVED: Cr Foreman****SECONDED: Cr Hall**

That Council, pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, determines that Lot 416 Dillon Bay Road, Bremer Bay is non-rateable land on the basis that it is used exclusively for charitable purposes, and:

- 1. Approves the rates exemption effective from the date of application; and**
- 2. Writes off all rates levied on the property for the 2025/2026 financial year; and**
- 3. Notes that the property remains liable for the Emergency Services Levy and any applicable service charges; and**
- 4. Requires the exemption to be reviewed within a period not exceeding three (3) years, or earlier if circumstances change.**

CARRIED: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.3 DEVELOPMENT SERVICES

Nil.

12.4 EXECUTIVE SERVICES

12.4.1 INFORMATION BULLETIN – MAY – JUNE 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:	10 June 2026
Attachments:	a) Information Bulletin – May – June 2026
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for May - June 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 May 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 May 2026.

MOTION: OCM260612**MOVED: Cr Hislop****SECONDED: Cr Foreman**

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

CARRIED: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.2 PUBLIC HEALTH PLAN

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:	15 June 2026
Attachments:	a) Draft Public Health Plan (Under Separate Cover)
Authority/Discretion:	Executive

SUMMARY:

The purpose of this report is to:

1. Present the Shire of Jerramungup Public Health Plan 2026–2031 to Council for adoption;
2. Fulfil the Shire’s obligations under the *Public Health Act 2016 (WA)*; and
3. Provide a strategic framework to guide public health planning, service delivery, advocacy and partnerships within the Shire of Jerramungup.

Endorsement of the Public Health Plan will ensure the Shire meets its statutory obligation under Part 5 of the *Public Health Act 2016 (WA)* (the Act), which requires all Western Australian local governments to prepare and publish a local Public Health Plan by June 2026. The Shire’s draft Public Health Plan has been developed in alignment with the State Public Health Plan 2025-2030, ensuring a consistent and coordinated approach to improving community health and wellbeing.

The draft Public Health Plan is aligned with the Shire’s Council Plan and key service areas including community development, sports and recreation and environmental health and infrastructure services. This alignment ensures public health outcomes are embedded across existing Shire functions and service delivery.

BACKGROUND:

Under the *Public Health Act 2016 (WA)*, all Western Australian local governments must develop a Public Health Plan that is consistent with the State Public Health Plan and reflects the unique needs of their communities.

The Shire of Jerramungup Public Health Plan 2026–2031 has been developed in accordance with the requirements of the Act and aligns with the WA State Public Health Plan 2025-2030 to identify local public health priorities, risks and opportunities and to outline actions aimed at protecting, improving and promoting the health and wellbeing of the community.

Analysis of local health data and community needs informed the identification of six priority areas:

1. Support healthy eating and active lifestyles
2. Improve mental health and wellbeing support
3. Reduce tobacco and vaping related harm
4. Reduce alcohol-related harm
5. Reduce injury and road trauma
6. Support healthy ageing

The Public Health Plan is embedded with the Shire’s broader strategic and operational framework including the Council Plan and its informing strategic documents. This ensures a coordinated organisation approach where public health outcomes are integrated across existing services areas and planning processes.

CONSULTATION:

The development of the Public Health Plan 2026-2031 involved collaboration with the Department of Health, Epidemiology Directorate, which provided data to help inform the Public Health Plan. Internal consultation was also undertaken with relevant officers across the organisation whose service areas contribute to the delivery of public health initiatives and actions.

Community consultation was undertaken during the development of the Shire's Council Plan. Feedback gathered through that consultation was reviewed alongside updated demographic information, health indicators and local data to ensure the proposed priorities are evidence-based and reflective of community needs.

COMMENT:

While clinical healthcare services are primarily delivered by the State Government, local governments play an important role in supporting community health and wellbeing through services, facilities, programs and public spaces that influence the social and environmental determinants of health.

Under the Act, all local governments are required to prepare and implement a Public Health Plans for their district. Local Public Health Plans must include two key components: a health profile outlining the health status of the community, and an action plan, identifying objectives, policy priorities and actions to address identified health issues.

Local Public Health Plans are intended to align, where appropriate, with the priorities of the State Public Health Plan. The State Public Health Plan provides a framework for addressing public health issues across Western Australia and is guided by four key priorities: Promote, Prevent, Protect and Enable. The Shire's Public Health Plan aligns with these priorities and supports the vision of creating a healthy, liveable and socially connected community.

Progress will be monitored through regular review to ensure the Public Health Plan remains responsive to emerging health trends, community needs and State priorities. Endorsement of the Public Health Plan will provide a clear framework to guide actions that support the health and wellbeing of the Shire of Jerramungup community while ensuring the Shire meets its legislative obligations.

Reporting

Under Part 5 of the Act, each local government is required to prepare and implement a local Public Health Plan for its district. Once endorsed, the Public Health Plan must be made publicly available and implemented by the local government. The Act also provides for oversight by the Chief Health Officer of the Department of Health WA. The Chief Health Officer may require a local government to provide a copy of its Public Health Plan or any amendments made to the Public Health Plan within a specified timeframe. Local governments are required to comply with any such request.

Local governments are expected to undertake an annual review of their Public Health Plan to assess progress, confirm that identified priorities remain relevant to local health needs and determine whether updates to actions or initiatives are required.

Where the review identifies the need for significant changes, amendments may be incorporated into the Public Health Plan and provided to the Chief Health Officer if requested. This process supports appropriate oversight by the Department of Health WA and helps ensure the Shire's Public Health Plan remains current, relevant and consistent with legislative requirements.

STATUTORY ENVIRONMENT:

The *Public Health Act 2016 (WA)* requires local governments to prepare and implement a Local Public Health Plan that is consistent with the State Public Health Plan. Relevant legislation includes:

Public Health Act 2016 (WA)

Local Government Act 1995 (WA)

STRATEGIC IMPLICATIONS:

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

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

Maintain facilities that connect people, and promote an active and healthy lifestyle.

FINANCIAL/BUDGET IMPLICATIONS:

The actions identified within the Public Health Plan will primarily be implemented through existing operational budgets, service delivery activities and advocacy initiatives.

Where future projects or initiatives require additional funding, these will be considered through the Shire's annual budget process and external grant funding opportunities where applicable.

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:

- ADOPTS the Shire of Jerramungup Public Health Plan 2026–2031 as attached to this report.**

MOTION: OCM260613

MOVED: Cr Foreman

SECONDED: Cr Hislop

That Council:

- ADOPTS the Shire of Jerramungup Public Health Plan 2026-2031 as attached to this report.**

CARRIED: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.3 AUDIT, RISK AND IMPROVEMENT COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBER AND AMENDMENTS TO TERMS OF REFERENCE

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
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:	4 June 2026
Attachments:	a) Audit, Risk and Improvement Committee – Terms of Reference (Amended) b) CONFIDENTIAL Expression of Interest – Applicant A
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is to:

1. Endorse minor amendments to the Audit, Risk and Improvement Committee Terms of Reference;
2. Appoint an Independent Presiding Member to the Audit, Risk and Improvement Committee;
3. Appoint three Councillors to the Audit, Risk and Improvement Committee, in accordance with the Terms of Reference.
4. Set the sitting fee to be paid to Independent Members of the Audit, Risk and Improvement Committee.

BACKGROUND:

Changes to the *Local Government Act 1995*, particularly Sections 7.1A, 7.1B, and Clause 69 of Schedule 9.3, Division 7, as well as the *Local Government Amendment Regulations 2024*, were introduced to enhance governance, transparency and accountability in local government operations.

Key amendments include:

- Transitioning the Audit Committee into an Audit, Risk and Improvement Committee;
- Expanding the scope of the Committee to include risk management and continuous improvement;
- Mandated provisions for appointing an independent Presiding Member and Deputy of the Presiding Member to the Audit, Risk and Improvement Committee.

Compliance was initially required to be achieved by 30 June 2025, therefore Council considered this matter at its meeting of 26 February 2025 and resolved as follows:

MOTION: OCM250211

MOVED: Cr Barrett

SECONDED: Cr Leenhouders

That, with respect to amendments to the Local Government Act 1995 relating to the requirement for Local Governments to have 'Audit, Risk and Improvement Committees', Council, BY AN ABSOLUTE MAJORITY:

- 1) *Note the change of title of the Council's 'Audit Committee' to the 'Audit, Risk and Improvement Committee (ARIC)';*
- 2) *Approve the changes to the Terms of Reference and membership of the ARIC in accordance with Attachment 7.4.2 a);*
- 3) *Authorise the Chief Executive Officer to advertise for an independent Presiding Member and independent Deputy Presiding Member for the Council's ARIC, as detailed in Attachment 7.4.2 b), with the meeting fee for either position being \$130 per meeting and with referral of all nominees to Council for consideration; and*

- 4) *Request the Chief Executive Officer to ensure that the implementation of these amendments is completed by 30 June 2025 to comply with the Local Government Act 1995 and Local Government Amendment Regulations 2024.*

CARRIED BY ABSOLUTE MAJORITY: 7/0

Because the reforms to the *Local Government Act 1995* were not assented to until 1 January 2026, the initial compliance date of 30 June 2025 was annulled. Local governments must now establish an ARIC and comply with associated requirements by 30 June 2026.

CONSULTATION:

Consultation has been undertaken with relevant internal stakeholders including the Executive leadership team.

COMMENT:

Terms of Reference

The Terms of Reference endorsed by Council at the February Ordinary Council Meeting, (*OCM250211 refers*) now require some minor amendments. These amendments have been made in Attachment a) and are set out below:

Membership

- Wherever 'Deputy Presiding Member' appears, replace with 'Deputy of the Presiding Member'.
- Replace 'Term concluding October 2025' with 'Term concluding October 2027'.

Chairperson

- Delete the paragraph 'Until such time as the independent person has been appointed by Council in accordance with legislative requirements, the Shire President will assume the position of Presiding Member.'
- Replace the deleted paragraph with 'The Independent Presiding Member shall be the Chairperson. In the absence of the Independent Presiding Member, the Independent Deputy of the Presiding Member shall be the Chairperson.'

Meetings

- Wherever 'Deputy Presiding Member' appears, replace with 'Deputy of the Presiding Member'.

It is noted that the ARIC requires an independent 'Deputy of the Presiding Member' rather than the usual 'Deputy Presiding Member'. The Deputy of the Presiding Member is only required to attend an ARIC meeting if the Presiding Member is absent, in which circumstance they will act as Chairperson for that meeting.

Independent Presiding Member and Independent Deputy of the Presiding Member

As authorised by Council at the February 2025 Ordinary Council Meeting, the Chief Executive Officer, during March 2025, advertised for an independent Presiding Member and independent Deputy of the Presiding Member for the Council's ARIC. At the close of the advertising period, no submissions had been received.

Since that time, an expression of interest has been received from one appropriately skilled and experienced person willing to fill the independent member role. Refer to Confidential Attachment b).

Alternatively, WALGA has assembled a pool of qualified and experienced independent persons available for Local Government consideration for appointment to Audit, Risk and Improvement Committees.

The Officer Recommendation is for Council to appoint the person who expressed an interest in the independent member role (Applicant A).

Meeting Fee

The Shire of Jerramungup must introduce a sitting fee for an independent member of an Audit, Risk and Improvement Committee in accordance with the *Local Government Chief Executive Officers and Elected Council Members Determination No 1 of 2025* (2025 Determination). Currently, for all four local government bands, the minimum is \$105 and maximum is \$1,215 per meeting.

Council previously set the meeting fee for both the independent Presiding Member and the independent Deputy of the Presiding Member of the ARIC as being \$130 per meeting (*OCM250211 refers*). This was based on the fees for independent members set by the Salaries and Allowances Tribunal (WA) pursuant to *Local Government Chief Executive Officers and Elected Members Determination No 1 of 2024* (2024 Determination), which provided for a minimum of \$0 and a maximum of \$130 per meeting.

Given that the Salaries and Allowances Tribunal (WA) has increased the range significantly, from \$0 – \$130 per meeting in the 2024 Determination to \$105 – \$1,215 per meeting in the 2025 Determination, Council may wish to reconsider the meeting fee.

Membership

The ARIC must have a minimum of three members, including the independent Presiding Member and an independent Deputy of the Presiding Member.

When Council amended the Terms of Reference in February 2025, membership was reduced to three Councillors in addition to the independent members, however this was not implemented.

The Shire of Jerramungup has historically appointed the full Council to the previous Audit Committees, however there is a move towards smaller ARICs. For reference, other Band 4 Councils have ARIC membership as below:

Number of Council Members on ARIC (not including Independent Members)	Band 4 Local Government
Full Council	Shire of Gnowangerup
	Shire of Cranbrook
Four (4) Councillors	Shire of Lake Grace
Three (3) Councillors	Shire of Kent
	Shire of Broomehill-Tambellup
	Shire of Dumbleyung

The Officer Recommendation is for the ARIC to be comprised of three (3) Councillors in addition to the independent Presiding Member and Deputy of the Presiding Member.

STATUTORY ENVIRONMENT:

The function of an Audit, Risk and Improvement Committee is enshrined in regulation 16 of the *Local Government (Audit) Regulations 1996*:

16. Function of Audit, Risk and Improvement Committee

An audit, risk and improvement committee has the following functions –

- (a) To receive and review reports on, and recommend to the council actions to be taken in relation to –*
 - (i) Audits under Part 7 of the Act; and*
 - (ii) Compliance audits; and*
 - (iii) Reviews under regulation 17;*

- (b) To otherwise receive and review reports on the appropriateness and effectiveness of, and recommend to the council improvements to, the local government's systems and procedures in relation to –
 - (i) Financial management; and*
 - (ii) Legislative compliance; and*
 - (iii) Risk management;**
- (c) To receive and review reports on, and recommend to the council improvements to, the implementation of any actions that the local government –
 - (i) Is required to take under section 7.12A(3); and*
 - (ii) Has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
 - (iii) Has otherwise decided to take in response to a report or recommendation referred to in paragraph (a) or (b); and*
 - (iv) Has stated it has done or proposes to do in written advice prepared under section 8.6(1)(a) or 8.23(4)(a);**
- (d) Any other function conferred on the audit, risk and improvement committee under these regulations or another written law.*

Local governments are required to establish an Audit, Risk and Improvement Committee pursuant to section 7.1A of the *Local Government Act 1995*:

7.1A Establishment of Audit, Risk and Improvement Committee

- (1) A local government must establish a committee of its council under section 5.8 to be called the audit, risk and improvement committee.*
- (2) The following provisions apply in respect of the membership of the audit, risk and improvement committee –
 - (a) An employee of the local government is not to be a member;*
 - (b) No member is to be nominated by, or is to be appointed to represent, any employee of the local government;*
 - (c) Section 5.10(1)(b) does not apply.**
- (3) The presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.*
- (4) Any deputy presiding member of the audit, risk and improvement committee cannot be a council member of the local government or of any other local government.*

7.1B Deputy of presiding member or of deputy presiding member

- (1) The local government must appoint a person under section 5.11A to be a deputy of the presiding member of the audit, risk and improvement committee.*
- (2) In addition to the requirement of section 5.11A(2)(c), the deputy of the presiding member cannot be a council member of any other local government.*
- (3) If section 5.14 applies to a meeting of the audit, risk and improvement committee, the committee members present at the meeting must choose the deputy of the presiding member, if present, to preside at the meeting.*
- (4) If the local government appoints a person under section 5.11A to be a deputy of the presiding member of the audit, risk and improvement committee, in addition to the requirement of section 5.11A(2)(c), the appointed deputy cannot be a council member of any other local government.*

Salaries and Allowances Act 1975

Local Government CEO and Elected Council Members Determination Variation No. 1 of 2025

6.4 A Meeting attendance fees for Independent Audit, Risk and Improvement Committee members – per meeting

- (1) In accordance with section 5.100(2)(b) of the LG Act, the fee payable by a local government or regional local government council to an Independent Audit, Risk and Improvement Committee (ARIC) Member (whether Presiding Member, Deputy Presiding Member, Deputy Member or Member) for attendance at an ARIC meeting must be set within the range provided in table 8A. The fees provided in table 8A are exclusive of superannuation. Local government bodies should seek their own professional advice in regard to whether or not independent committee members are to be paid superannuation.
- (2) The range in table 8A is provided to enable local governments to appropriately compensate independent ARIC members depending on the skills and expertise required to undertake the roles. The local government must resolve that the fee represents value for money. The State Government's Audit and Financial Advisory Services Common Use Agreement (CUAFA2024) may be used as a guide.

Table 8A: per meeting fees for independent ARIC members – local government and regional local governments

Independent ARIC per meeting fees		
Bands	Independent ARIC Member	
1 - 4	Min	Max
	\$105	\$1,215

- (3) In accordance with sections 5.100(4), (5) and (6) of the LG Act, an independent ARIC member can be reimbursed for attending ARIC meetings.
- (4) The extent to which an independent committee member can be reimbursed for expenses attending ARIC meetings is the actual travel and associated costs incurred by the independent member demonstrated to the satisfaction of the local government.

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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/BUDGET IMPLICATIONS:

As detailed earlier, a fee of between \$105 and \$1,215 per meeting must be paid to independent members of the ARIC.

The ARIC must meet a minimum of three times per year.

As only one independent member is required to attend each meeting, fees are expected to total between \$315 and \$3,645 per year, depending on the meeting fee endorsed by Council.

Provision will be made in the 2026/2027 Budget.

The Officer recommendation proposes that Council agree to set the fee at \$250 per meeting for independent members, to be reviewed annually along with Elected Members Fees and Allowances.

It is expected that the ARIC will meet three times per year, with an average duration of one hour per meeting. There is, of course, required pre-reading and preparation for these meetings also expected.

Travel costs incurred may also be reimbursed.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

The Terms of Reference align the Council's policies with statutory requirements and best practices.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Endorse minor amendments to the Audit, Risk and Improvement Committee Terms of Reference, as included in Attachment a);
2. Appoints Applicant A as the independent Presiding Member of the Audit, Risk and Improvement Committee pursuant to section 5.12(1) of the *Local Government Act 1995*, as per Confidential Attachment b);
3. Appoints the following members to the Audit, Risk and Improvement Committee in accordance with the Terms of Reference, with terms expiring 16 October 2027:

Independent Chair: Applicant A

Three Councillors:

1. _____

2. _____

3. _____

4. Sets the sitting fee payable to Independent Members of the Audit, Risk and Improvement Committee as \$250 per meeting.

MOTION: OCM260614**MOVED: Cr Foreman****SECONDED: Cr Hall****That Council:**

- 1. Endorse minor amendments to the Audit, Risk and Improvement Committee Terms of Reference, as included in Attachment a);**
- 2. Appoints Applicant A as the independent Presiding Member of the Audit, Risk and Improvement Committee pursuant to section 5.12(1) of the *Local Government Act 1995*, as per Confidential Attachment b);**
- 3. Appoints the following members to the Audit, Risk and Improvement Committee in accordance with the Terms of Reference, with terms expiring 16 October 2027:**

Independent Chair: Applicant A Julie Leenhouders

Three Councillors:

- (1) Cr Brown**
- (2) Cr Barrett**
- (3) Cr Hislop**

- 4. Sets the sitting fee payable to Independent Members of the Audit, Risk and Improvement Committee as \$250 per meeting.**

CARRIED BY ABSOLUTE MAJORITY: 5/0

For: President Brown, Cr Foreman, Cr Hall, Cr Hislop, Cr McQuoid

Against: Nil

12.4.4 DELEGATION REGISTER REVIEW

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	GV.AU.1
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	15 June 2026
Attachments:	a) Draft Register of Delegations of Authority 2025/2026
Authority/Discretion:	Administrative

SUMMARY:

For Council to meet its statutory compliance requirement to review the delegation of specified powers and duties to the Chief Executive Officer and other employees in accordance with the provisions of the *Local Government Act 1995* (the Act).

BACKGROUND:

In accordance with sections 5.16 and 5.42 of the Act, a local government can delegate certain functions to a committee of Council, or to the Chief Executive Officer. A variety of other legislation also permits the delegations of functions to the Chief Executive Officer, as well as other officers. The Chief Executive Officer's statutory powers and duties under the Act and any powers or duties delegated by the Council can be further delegated by the Chief Executive Officer to other officers of Council. Delegation details must be recorded in a register, which is available for inspection by the public.

Sections 5.18 and 5.46 of the *Local Government Act 1995* require that at least once every financial year, delegations are to be reviewed by the delegator. The Council reviewed its delegations in the 2024/2025 financial year (Minute No. OCM250409 refers). It is important for the Register of Delegated Authority to be reviewed each year to ensure Council is meeting its statutory compliance obligations.

An extensive review of the Register of Delegated Authority was carried out in 2018, and minor amendments have been endorsed by the Council each year thereafter. This year a thorough review of the Town Planning Delegations and the *Planning and Development (Local Planning Scheme) Regulations 2015* Delegations has been carried out.

CONSULTATION:

Executive Management Team

Internal Shire staff

COMMENT:

A register of delegations of authority is essential in order to inform the public of the activities, functions, powers and duties of the local government as well as meeting the requirements of section 5.46 of the *Local Government Act 1995*.

Local governments utilise levels of delegated authority to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership, with the organisation focussing on the day-to-day operations of the Shire. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

The annual review process does not preclude the Council from granting new delegations to the Chief Executive Officer if and when required, nor for it to review existing delegations at any time during the course of the financial year.

The Shire of Jerramungup's register of delegations of authority was last reviewed by Council in April 2025 for the 2024/2025 year and is now due for review.

Delegations are the standing power of the persons occupying the specified positions to exercise powers on behalf of Council and are required to have a legislative basis and be consistent with legislation. The legislative power to make the delegation and sub delegations is recorded in the Register. Similar provisions to the *Local Government Act 1995* are contained in other legislation.

Only one direct delegation is made to persons other than the CEO, being variation of prohibited burning periods, which the *Bush Fires Act 1954* requires be made to the Shire President and Chief Bush Fire Control Officer jointly.

Accordingly, the section titled Delegations from Council to CEO or Delegations from Council to President and Chief Bushfire Control Officer containing the functions, condition and sub-delegations permitted, is the specific matters being resolved by Council. The balance of the document is administrative in nature providing the legislative heads of power, and any sub-delegations made at the discretion of the CEO, subject at all times, to the primary delegation made.

Changes to Delegations by the CEO to employees is only included for the information of elected members. They are included in the Register for administrative efficiency, and is within the sole discretion of the CEO, subject to any limits or conditions that may be resolved by the Council.

Council may choose at their discretion to remove any delegations.

Updates made in this 2025/2026 review include:

- Delegation 1.1.6 Confiscated or Uncollected Goods
 - Manager of Works added
- Delegation 1.2.2 Agreement as to Payment of Rates and Service Charges
 - Added discretion for the Chief Executive Officer to approve an alternative repayment period in cases of demonstrated financial hardship.
- Delegation 8.1.1 Shire of Jerramungup Local Planning Scheme No. 2
 - Deleted delegations to refuse uses which cannot be refused
 - Deleted delegations to adopt Structure Plans as this is a Council function
 - Added entry and inspection powers to assist with compliance
 - Other minor amendments
- Delegation 9.1.2 Local Development Plans
 - Delete delegation to approve a Local Development Plan as this is a Council function
- Delegation 9.1.3 Structure Plans
 - Delete references to the adoption of a Structure Plan
- Delegation 9.1.6 Recommendations on Applications for Public Works
 - Delete in its entirety as public works are exempt from Local Government approvals

Updated parts are highlighted yellow, and deleted parts are in red text in Attachment a).

STATUTORY ENVIRONMENT:

Local Government Act 1995

5.16. Delegation of some powers and duties to certain committees

(1) *Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.*

** Absolute majority required.*

(2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

- (3) *Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—*
- (a) *a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and*
 - (b) *any decision to amend or revoke a delegation under this section is to be by an absolute majority.*
- (4) *Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.*

5.17. Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate—*
- (a) *to a committee comprising council members only, any of the council's powers or duties under this Act except—*
 - (i) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and*
 - (ii) *any other power or duty that is prescribed;*

And

- (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of—*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*
- (2) *A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).*

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under*
- (a) *this Act other than those referred to in section 5.43.*
 - (b) *the Planning and Development Act 2005 section 214(2), (3) or (5)*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties—

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*

- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) any power or duty that requires the approval of the Minister or the Governor;*
- (i) such other powers or duties as may be prescribed.*

5.44. CEO may delegate powers and duties to other employees

- (1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*
- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty—*
 - (a) The CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and*
 - (b) the exercise of that power or the discharge of that duty by the CEO's delegate,*
are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3) (b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.*
- (5) In subsections (3) and (4)—*
conditions includes qualifications, limitations or exceptions.

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984—*
 - (a) A delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and*
 - (b) Any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.*
- (2) Nothing in this Division is to be read as preventing—*
 - (a) A local government from performing any of its functions by acting through a person other than the CEO; or*
 - (b) A CEO from performing any of his or her functions by acting through another person.*

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.*
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

Regulation 19 of the Local Government (Administration) Regulations relates to records to be kept of delegations exercised.

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.*

Building Act 2011 section 127

Bush Fires Act 1954 section 48

Cat Act 2011 section 44

Dog Act 1976 section 10AA

Food Act 2008 section 118

Public Health Act 2016 section 21

Road Traffic (Events on Roads) Regulations 1991

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/BUDGET 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:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, pursuant to the *Local Government Act 1995* and the various provisions of other State Legislation as listed:

1. NOTES completion by Council as the Delegator of the 2025/2026 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*;
2. ADOPT the delegations and limitations thereto with respect to the Chief Executive Officer, Chief Bushfire Control Officer and Shire President as designated in the attached Register of Delegations of Authority; and
3. NOTES the delegations that the Chief Executive Officer has determined with respect to other officers, pursuant to section 5.44 of the *Local Government Act 1995*.

MOTION: OCM260615**MOVED: Cr Hall****SECONDED: Cr Hislop**

That Council, BY AN ABSOLUTE MAJORITY, pursuant to the *Local Government Act 1995* and the various provisions of other State Legislation as listed:

1. NOTES completion by Council as the Delegator of the 2025/2026 annual statutory review of the Register of Delegations of Authority, in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*, section 47(2) of the *Cat Act 2011* and section 10AB of the *Dog Act 1976*;
2. ADOPT the delegations and limitations thereto with respect to the Chief Executive Officer, Chief Bushfire Control Officer and Shire President as designated in the attached Register of Delegations of Authority; and
3. NOTES the delegations that the Chief Executive Officer has determined with respect to other officers, pursuant to section 5.44 of the *Local Government Act 1995*.

CARRIED BY ABSOLUTE MAJORITY: 5/0

For: President Brown, Cr Foreman, 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

Nil

16.0 CLOSURE

16.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held on Wednesday, 29 July 2026, commencing at 1.00pm, in Jerramungup.

16.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 1.16pm

These minutes were confirmed at a meeting held

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: