



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

Please be advised that an Ordinary Meeting of the Council of the Shire of Jerramungup is to be held on

Wednesday, 25 February 2026
At the Council Chamber,
Jerramungup
Commencing at 1:00pm

Council Meeting Procedures

1. All Council meetings are open to the public, except for matters raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council meeting under "public question time".
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council's Code of Conduct, policies and decisions of the Shire.

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
20 February 2026

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Jerramungup (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

The Shire of Jerramungup extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting. Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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RECORDINGS

The Meeting will be recorded. The recording will be made publicly available as soon as is practical following the meeting.

NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

Advocacy:	When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
Executive/Strategic:	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
Legislative:	Includes adopting local laws, town planning schemes and policies.
Administrative:	When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
Review:	When Council reviews a decision made by Officers.
Information:	Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Assistant prior to the Council meeting.

DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

"a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person."

Section 5.60B states;

"a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land."

Regulation 34C (Impartiality) states;

"interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association."

2026 MEETING DATES

At its Ordinary Meeting of Council on 26 November 2025, Council adopted the following meeting dates for 2026.

January	-	-	Council in Recess
Wednesday	25 February 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	25 March 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	22 April 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	27 May 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	24 June 2026	1.00pm	Bremer Bay Hall, Bremer Bay
Wednesday	29 July 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	26 August 2026	1.00pm	Bremer Bay Hall, Bremer Bay
Wednesday	23 September 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	28 October 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	25 November 2026	1.00pm	Council Chamber, Jerramungup
Wednesday	16 December 2026	1.00pm	Bremer Bay Hall, Bremer Bay

Council's Audit, Risk & Improvement Committee meet when required. Details of these meetings are advised as appropriate.

APPLICATION FOR LEAVE OF ABSENCE

In accordance with section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for an Elected Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings. This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

Shire of Jerramungup

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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm 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:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

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

3.2 DECLARATIONS OF PROXIMITY INTERESTS

3.3 DECLARATIONS OF IMPARTIALITY INTERESTS

4.0 PUBLIC QUESTION TIME**5.0 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS****6.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****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 _____ be granted permission to be present at the Ordinary Council Meeting to be held on 25 February 2026 by audio contact.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE**RECOMMENDATION**

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

9.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**10.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS****10.1 ORDINARY COUNCIL MEETING HELD 17 DECEMBER 2025**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 17 December 2025 be CONFIRMED.

10.2 ANNUAL GENERAL MEETING OF ELECTORS HELD 10 FEBRUARY 2026

Attachment 10.2 a) Minutes of the Annual General Meeting of Electors – 10 February 2026

That the Minutes of the Annual General Meeting of Electors of the Shire of Jerramungup held in the Town Hall, Bremer Bay, on 10 February 2026 be CONFIRMED.

10.3 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 8 DECEMBER 2025

Attachment 10.3 a) Minutes of the Local Emergency Management Committee Meeting – 8 December 2025

That Council RECEIVE the Minutes of the Local Emergency Management Committee Meeting held on 8 December 2025.

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 – DECEMBER 2025**

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:	13 January 2026
Attachments:	a) List of Accounts Paid to 29 December 2025 b) Credit Card Statement 1 December 2025 – 29 December 2025 c) Fuel Card Statement November 2025
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 December 2025.

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 December 2025. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	24153 - 24281	\$1,808,852.28
Direct Deposits		\$67,804.01
Municipal Account Total		\$1,876,656.29
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$1,876,656.29

Included within the EFT payments from the Shire's Municipal Account are the Fuel Card Statement required to be reported under Regulation 13(A), totalling \$5,740.96.

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 December 2025 totalling \$1,876,656.29.**
- (2) The Credit Card Statement 1 December 2025 – 29 December 2025 as detailed in attachment 12.2.1 (b).**
- (3) The Fuel Card Statement November 2025 as detailed in Attachment 12.2.1 (c).**

12.2.2 ACCOUNTS FOR PAYMENT – JANUARY 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:	13 February 2026
Attachments:	a) List of Accounts Paid to 31 January 2026 d) Credit Card Statement 29 December 2025 – 27 January 2026 e) Fuel Card Statement December 2025
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 January 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 January 2026. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	24282 - 24366	\$315,233.68
Direct Deposits		\$64,420.03
Municipal Account Total		\$379,653.71
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$379,653.71

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 \$4,710.27.

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 January 2026 totalling \$379,653.71.**
- (2) The Credit Card Statement 29 December 2025 – 27 January 2026 as detailed in attachment 12.2.1 (b).**
- (3) The Fuel Card Statement December 2025 as detailed in Attachment 12.2.1 (c).**

12.2.3 MONTHLY FINANCIAL REPORT – DECEMBER 2025

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:	17 February 2026
Attachments:	a) Monthly Financial Report for the Period Ending 31 December 2025
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 December 2025 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 December 2025.

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 December 2025 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 December 2025 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 December 2025 in accordance with section 6.4 of the *Local Government Act 1995*.

12.2.4 MONTHLY FINANCIAL REPORT – JANUARY 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:	18 February 2026
Attachments:	a) Monthly Financial Report for the Period Ending 31 January 2026
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 January 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 January 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 January 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 January 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 January 2026 in accordance with section 6.4 of the *Local Government Act 1995*.

12.2.5 TENDER CONSIDERATION – RFT 01-26 BUSHFIRE MITIGATION ACTIVITIES

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Daniel Biddulph, Bushfire Risk Mitigation Coordinator Patrick Steinbacher, Works Manager
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 February 2026
Attachments:	a) RFT 01-26 Bushfire Mitigation Tender Documentation b) CONFIDENTIAL – Evaluation Report c) CONFIDENTIAL – Tender Submissions Received d) CONFIDENTIAL – Works and Price Schedule – Bremer Bay Civil e) CONFIDENTIAL – Works and Price Schedule – Indiji Flora f) CONFIDENTIAL – Works and Price Schedule – JT Rural Contracting Conservation g) CONFIDENTIAL – Works and Price Schedule – MCC Contractors h) CONFIDENTIAL – Works and Price Schedule – Morgan Rural Service
Authority/Discretion:	Executive

SUMMARY:

This item addresses the outcome of a request for tender issued for the delivery of the Mitigation Activity Fund 3Y 2025-2028.

BACKGROUND:

The Shire of Jerramungup is seeking a suitable Contractor(s) for the Delivery of the Mitigation Activity Fund 3Y 2025-2028 Grants Program funded through the Mitigation Activities Fund (MAF). The MAF funding is delivered through the State Government Royalties for Regions program. The Shire of Jerramungup has completed its Bushfire Risk Management Plan and is eligible for ongoing funding to implement treatments identified through the program on State owned land.

The contract consists of one hundred and twenty-six (126) individual Bushfire Mitigation treatments to be delivered across the Shire of Jerramungup over a three year period. The treatments are both chemical and mechanical in nature and will suit both large and small mechanical contractors.

Works include but not limited to:

- Chemical control of woody and annual weeds
- Mulching
- Parkland clearing
- Slashing
- Tree lopping and pruning

The Shire of Jerramungup and community is highly committed to maintaining the amenity and preserving biodiversity where possible. Works must be carried out in an environmentally sensitive manner.

A detailed description of the scope can be found in the attached technical specification.

Five (5) Tenders were received by the Deadline of the Request for Tender.

The Tender submissions were reviewed by an Evaluation Panel consisting of Shire of Jerramungup staff: Bushfire Risk Mitigation Coordinator and Works Manager.

Each Tender was evaluated. The key qualitative criteria were as follows:

Qualitative Criteria		Weighting
a)	Relevant Experience Describe your experience in delivering similar scope of work and provide details of similar work.	40%
b)	Cost Complete the price schedule.	60%

CONSULTATION:

Executive Staff

Tenderers

COMMENT:

All submissions received were processed through to the qualitative and price evaluation on the basis that all compliance criteria had been met for the purposes of assessment.

Alternatively, Council can elect to reject all tenders and direct the Chief Executive Officer to negotiate a lower service level with the preferred tenderer.

Following a comprehensive and compliant tender evaluation process, the Evaluation Panel has assessed all submissions against the published selection criteria, including capability, methodology, experience, capacity, pricing, and demonstrated ability to deliver works within the required timeframes and funding parameters of the Mitigation Activities Fund (MAF).

On this basis, the Evaluation Panel recommends that Council accepts the Tender submitted by Indiji Flora (ABN: 49 354 104 732) as the most advantageous Tender to form a Contract for the Delivery of the Chemical, Mechanical and Prescribed Burning component of the Mitigation Activity Fund 3 year 2025-2028 Grants Program, funded through the Mitigation Activities Fund (MAF) as detailed in the approved Treatment list, Schedule of Works and Pricing.

STATUTORY ENVIRONMENT:

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

STRATEGIC IMPLICATIONS:

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

Environment Natural

Deliver a sustainable and progressive approach to natural resource and waste management.

FINANCIAL/BUDGET IMPLICATIONS:

The Mitigation Activity Fund 3Y 2025-2028 Bushfire Mitigation Program is funded under the Mitigation Activity Fund (MAF) grants.

WORKFORCE IMPLICATIONS:

Delivery of the Chemical, Mechanical and Prescribed Burning component, as outlined in the Request for Tender Bushfire Mitigation Activity Fund 3Y 2025-2028 Bushfire Mitigation Program, requires the Shire's Bushfire Risk Mitigation Coordinator and Deputy Chief Executive Officer to implement a thorough contract management process. This is essential to ensure that all works are carried out in accordance with DFES guidelines and Shire policies and procedures.

POLICY IMPLICATIONS:

Tendering for this supply contract is in accordance with Council's Administration Policy AP3 – Regional Price Preference Policy and Finance Policy FP6 – Procurement of Goods and Services.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

- a) **Agree to award the works to Indiji Flora (ABN: 49 354 104 732) for the Delivery of the Chemical, Mechanical and Prescribed Burning components as per the Request for Tender Bushfire Mitigation Mitigation Activity Fund 3Y 2025-2028 Bushfire Mitigation Program as recommended in the Confidential Evaluation Report.**
- b) **Agree the estimated start date for the contract is the week commencing 2 March 2026, and all works outlined in the Schedule of Works must be completed by 10 November 2028.**
- c) **Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
- d) **Should a Contract not be formed within thirty (30) business days with Indiji Flora (ABN: 49 354 104 732) for the Delivery of the Chemical, Mechanical and Prescribed Burning components, that the Chief Executive Officer may review alternative options, within the same price range as that provided by Indiji Flora.**

12.2.6 DRAFT LEASE – 3 SPITFIRE AVENUE, JERRAMUNGUP

Location/Address: N/A
Name of Applicant: Shire of Jerramungup
File Reference: N/A
Author: Sophie Browning, Asset Manager
Responsible Officer: Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest: Nil
Date of Report: 15 February 2026
Attachments: a) Lease – Shire of Jerramungup and Purple Butterfly Pty Ltd Trading as Skylar Early Learning
Authority/Discretion: Executive

SUMMARY:

The purpose of this agenda report is for Council to delegate authority to the Chief Executive Officer to enter into a lease with Purple Butterfly Pty Ltd Trading As Skylar Early Learning for a term of five (5) years commencing from 1 January 2026, and to seek Ministerial approval for the lease once executed.

BACKGROUND:

The property at 3 Spitfire Avenue, Jerramungup, is owned by the Shire of Jerramungup and was leased to Jerramungup Occasional Childcare Association until its closure in October 2025. Since then, it has been operating as a childcare centre run by Skylar Early Learning under a Memorandum of Understanding.

Council considered a proposal from Skylar Early Learning to operate a childcare service at its meeting of 1 October 2025, and resolved as follows:

MOTION: OCM250908**MOVED: Cr Foreman****SECONDED: Cr Brown****That COUNCIL:**

- 1. Approves the disposition of 3 Spitfire Avenue, Jerramungup, by way of lease to 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 Skylar Early Learning;**
- 3. Endorses a proposed lease term of five (5) years, with a further 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 Iffla, Cr Leenhouders, Cr Foreman, Cr Barrett, Cr Brown

Against: Nil

The disposition of property was advertised as required by Section 3.58 of the *Local Government Act 1995*. At the close of advertising, no objections had been received.

CONSULTATION:

Skylar Early Learning

COMMENT:

The lease has been drafted for a term of five (5) years, with a further term at Council's discretion, and an annual lease amount of \$5,200 per annum in accordance with Council's Resolution (OCM250908 refers).

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 financial implications for the Shire as identified in the 2025/2026 annual budget are significant. When the building was leased to a not-for-profit organisation, the Shire contributed \$3,500 annually towards its operation. However, with Skylar Early Learning being a private organisation, this annual contribution will no longer be payable. This change will result in a direct saving of \$3,500 for the Shire.

Additionally, the 2025/2026 annual budget did not recognise the proposed income of \$5,200 for the lease to Skylar Early Learning. This proposed lease will have an unanticipated revenue stream, which will positively impact the budget. The combined effect of these changes will improve the Shire's financial position by \$8,700 for the 2025/2026 financial year which will be highlighted in the budget review process that is currently underway.

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 12.2.6 a)) with Purple Butterfly Pty Ltd Trading As Skylar Early Learning for a term of five (5) years commencing from 1 January 2026.
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 Purple Butterfly Pty Ltd Trading As Skylar Early Learning.
3. Authorises the Chief Executive Officer to seek Ministerial approval for the proposed lease once the document has been fully executed.

12.3 DEVELOPMENT SERVICES

12.3.1 PROPOSED DWELLING AND OUTBUILDING – LOT 201 (17) MARY ROAD, BREMER BAY

Location/Address:	Lot 201 Mary Road, Bremer Bay
Name of Applicant:	C Kirby on behalf of TJ Mezger & R Micale
File Reference:	A1603120 / P25-058
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 February 2026
Attachments:	a) House plans – Lot 201 Mary Road, Bremer Bay b) Outbuilding and Site Plan – Lot 201 Mary Road, Bremer Bay c) Objection
Authority/Discretion:	Legislative

SUMMARY:

This report assesses a proposal for a new dwelling and an outbuilding on Lot 201 Mary Road, Bremer Bay. The proposal seeks approval to exceed the Planning Policy provisions for outbuildings regarding wall height, ridge height, and floor area.

The recommendation is for Council to approve Development Application P25-058 for a dwelling and outbuilding and associated works at Lot 201 (17) Mary Road, Bremer Bay.

BACKGROUND:

- Lot 201 Mary Road, Bremer Bay has an area of 640m² in area and is zoned Residential R15 under the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme).
- The property is currently vacant.
- The property is surrounded by Residential zoned properties.

CONSULTATION:

As a departure from the adopted Outbuildings Local Planning Policy is proposed, the outbuilding was required to be referred to neighbouring landowners for comment. The consultation period closed on 12 February 2026, and one objection was received.

The objection was on the following grounds:

Issue	Planning Response
The proposed dwelling and shed appear disproportionately large for the site and the surrounding neighbourhood. The height of the structures are likely to dominate the streetscape. This is inconsistent with the established built form and may set an undesirable precedent for future development	The proposed Single house meets the R-Codes standards using averaging as permitted by the R-Codes.
The placement and height of the buildings may result in overlooking into neighbouring properties, reducing privacy and negatively affecting the amenity on nearby residents.	There is no potential for overlooking as the development is not raised.

If the shed is used for activities beyond residential storage - such as mechanical work, commercial use, or frequent vehicle movement - it may significantly disrupt the quiet enjoyment of neighbouring properties.	Conditions are applied to all outbuildings prohibiting commercial or industrial use.
The proposed development appears inconsistent with several key planning considerations including: • Setback requirements • Building height and bulk guidelines • Overshadowing and privacy standards	The Single house is compliant with the R-Codes. The outbuilding does exceed the setbacks and building height and size requirements. The proposed development complies with the overshadowing and privacy requirements of the R-Codes.

COMMENT:Local Planning Policy 16 – Outbuildings

Council has adopted Local Planning Policy No 16 (the Policy). The objective of the Policy is:

- To establish clear guidelines for the development of outbuildings in the Residential, Townsite, Rural Residential and Rural zones; and
- To achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.

The table below shows the applicable size requirements.

	LPP requirement	Proposed
Floor Area	90m ² max ¹ (up to two sheds) ¹ may support a maximum of 120m ² on lots exceeding 1000m ²	131.74m ² - 142.54 m ² with verandah
Roof Height	4.2m to apex	4.5m
Wall Height	3.6m	4.5m
Rear Wall Setback	1.5	1.0
Eastern Wall	1.5	0.3
Western Wall	1.1	1.0

As detailed above, the construction of the new outbuilding means that development would exceed that permitted as by right requirements of the Policy and therefore needs to be considered on its planning merits.

It is important that Council recognises that the Policy is a guideline only and each application still needs to be based on its individual merit. The main considerations in examining the proposed outbuilding are compliance with the Policy objectives, visual impact and streetscape.

The following rationale has been provided by the applicant in relation to the requested variation:

- The applicant wishes to use the shed for storage of large building items for the construction of their future home as they are based in Busselton and the travel between the two places is roughly five hours. The construction of this outbuilding will allow them to have adequate size and safe storage of these building materials as they are not located in the area full time.

- The proposed house plan shows that there is no garage attached to the house. This is the reason for the outbuilding being over the allowed 90m². The applicant has combined the garage for the house and the shed into one building. This will allow for the safe storage of their car and boat together inside the garage section, whilst allowing separate shed space.
- Items that the applicant will store in this outbuilding are a large boat, car, building materials and tools. They state that they wish to build this size outbuilding so that they can store these items inside to not be an eyesore to the neighbouring properties, to be safe from the weather and in a lockable space.
- The main reason the applicant purchased this land in Bremer Bay many years ago was to take advantage of the amazing fishing opportunities that are available in the region. The over height and length of the boundary wall (closer than the allowed 1.5m on the left hand side boundary) are due to the size of their boat, which requires a minimum 3.7m height clearance. Allowance is made to accommodate the room for the roller door drum as well.
- After speaking to their designer and reading through the Shire's Policy, the applicant has taken notes on the outbuilding problems stated on page 1 and have designed the shed to solve these issues. The outbuilding will only be used for domestic purposes. They have made sure the front elevation is not a bland metal clad structure that has no architectural features such as windows, verandahs etc.

The design shows they have incorporated a verandah to the front of the 'shed section' and have a window to the front elevation along with a sliding door for easy access into the shed area. The reasoning behind the window up the top is due to privacy in the shed. They do not want to compromise security of the shed, or for people to be able to look inside whilst they are not at the property. They are purely for aesthetics.

The applicant decided to incorporate these items into the design of the outbuilding so that the construction of a large outbuilding, prior to the house starting, does not impact on the visual character of the street and the neighbours, neighbourhood and scenic rural and coastal landscapes.

- The applicant advised that the proposed floor plan is still in the design phase with their drafts person, and is approximately 146m² of house. The total outbuilding area is 127m². The block size is 640m². Therefore, they are sitting at 42% site cover with both the shed and future house design, which complies with site coverage requirements as per the R-Codes of WA.

Council has the option to grant support for the oversized outbuilding, or alternatively, approve the dwelling and refuse the outbuilding due to its size.

Conclusion

The proposed outbuilding, while exceeding certain Policy provisions regarding wall height, ridge height, and floor area, is justified based on the Shire of Jerramungup Local Planning Policy No 16 Outbuildings and the statement "Residents of the Shire of Jerramungup have different needs to those in metropolitan Perth, therefore this Policy recognises the need to vary the usual Residential Design Code recommendations by increasing outbuilding space (areas and heights) for garaging of vehicles, storage of boats, caravans and other items, domestic workshops, games rooms, studios, stables, etc."

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority.

OFFICER RECOMMENDATION:

That Council approve Development Application P25-058 for a dwelling and outbuilding and associated works at Lot 201 (17) Mary Road, Bremer Bay, subject to the following conditions:

1. Development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the Shire of Jerramungup.
2. The land and buildings the subject of this approval shall be used for the purposes of Single House and Outbuilding only and for no other purpose unless otherwise approved in accordance with the provisions of Local Planning Scheme No. 2 (refer below definitions as extracted from the Residential Design Codes).
Single House – A dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.
Outbuilding - an enclosed non-habitable structure that is detached from any dwelling and may include a detached garage.
3. Earthworks are to be in accordance with *Australian Standard 3798 Guidelines on Earthworks for Commercial and Residential Developments*.
4. The vehicle crossover is to be constructed, drained and sealed to the satisfaction and specifications of the Shire of Jerramungup.
5. A minimum of two (2) car parking bays are to be provided on-site in accordance with the requirements of Australian Standard AS2890.1:2004 Parking Facilities – Off-street Car Parking.
6. Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brickpavers), drained and thereafter maintained.
7. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site or discharged to the street to the satisfaction of the Shire of Jerramungup.
8. The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development shall be at the cost of the developer and at no cost to the Shire of Jerramungup.
9. The approved development must be connected to a reticulated water supply provided by a licensed water provider.

10. Before the approved development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.
11. The Outbuilding (Shed) hereby approved shall be used for purposes incidental and ancillary to the enjoyment of the dwelling on the land only, and shall not be used for human habitation, commercial or industrial uses.
12. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Jerramungup.
13. A plumbed rainwater tank with a minimum capacity of 4.5KL (4500 litres) is required to be installed and connected to at least one toilet or the laundry cold water outlet.

AND the following advice notes:

1. **THIS IS NOT A BUILDING PERMIT.** An application for a building permit is required to be submitted and approved by the Shire of Jerramungup prior to any works commencing on-site.
2. The development is to comply with the *Building Code of Australia, Building Act 2011, Building Regulations 2012* and the *Local Government Act 1995*.
3. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The Shire of Jerramungup will take no responsibility for incorrectly located buildings.
4. It is the responsibility of the developer to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
5. The Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which outline the procedures for the preparation of dust management plans. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation's website www.dwer.wa.gov.au under air quality publications.
6. During construction stage, adjoining lots are not to be disturbed without the prior written consent of the affected owner(s).
7. Natural Ground Level is determined to be the finished ground levels at the time of the last subdivision affecting the site. Any change or revision in ground levels that results as a consequence of this development approval will not trigger a change or revision to the natural ground level from the finished ground level determined at the time of last subdivision.

12.4 EXECUTIVE SERVICES

12.4.1 INFORMATION BULLETIN DECEMBER 2025 - FEBRUARY 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:	12 February 2026
Attachments:	a) Information Bulletin - December 2025 – February 2026
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for December 2025 to February 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 months of December 2025 and January 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 months of December 2025 and January 2026.

12.4.2 ADOPTION OF AP21 – PRIVACY AND RESPONSIBLE INFORMATION SHARING POLICY

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:	10 February 2026
Attachments:	a) Draft – AP21 – Privacy and Responsible Information Sharing Policy b) Management Practice – Cyber Security and Data Breach Response Plan c) Register of Data Breaches
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to consider and adopt a new Policy, being the Privacy and Responsible Information Sharing Policy.

BACKGROUND:

On 6 December 2024, the *Privacy and Responsible Information Sharing Act 2024* (PRIS Act) received Royal Assent, establishing a framework for protecting personal information and promoting responsible information sharing among public entities in Western Australia. The PRIS Act introduces privacy obligations and responsible information sharing principles that apply to public entities, including local government authorities and their contracted service providers.

The intent of this Policy is to ensure the Shire of Jerramungup (the Shire) complies with the PRIS Act by providing clear guidelines for managing personal and sensitive information. It aims to protect the privacy of individuals, promote responsible information sharing, and ensure transparency in data-handling practices, in line with PRIS Information Privacy Principle 5: Openness and Transparency.

This Policy reflects the Shire's commitment to upholding privacy obligations and reassuring individuals of its dedication to safeguarding sensitive information while fostering trust with the community and stakeholders.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

The Privacy and Responsible Information Sharing Council Policy has been developed in line with Key Action 8 of the PRIS Readiness Checklist (Develop and publish a Privacy Policy).

The Policy provides the framework for enhancing privacy protection of personal information and clarifies how the Shire, along with broader Western Australian Government departments, collects, stores, uses, and discloses personal information. This also ensures that the Shire fulfils its obligations under the PRIS Act, promoting transparency, accountability, and responsible data management practices.

STATUTORY ENVIRONMENT:

Privacy and Responsible Information Sharing Act 2024 of Western Australia

Privacy and Responsible Information Sharing (Information Sharing) Regulations 2025

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:

Policies provide direction for all Shire of Jerramungup Councillors and employees.

POLICY IMPLICATIONS:

The recommendation proposes a new Policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council ADOPTS new Council Policy AP21 – Privacy and Responsible Information Sharing Policy, as attached to this Report.

12.4.3 PROPOSED BUSH FIRE BRIGADES LOCAL LAW – RE-COMMENCEMENT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2 February 2026
Attachments:	a) Draft Bush Fire Brigades Local Law 2026 b) Draft Bush Fire Brigades Local Law 2026 – Proposed Consolidation
Authority/Discretion:	Legislative

SUMMARY:

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

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

BACKGROUND:

The purpose of this report –

- to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
- for Council to approve the proposed local law for public comment;
- for Council to give notice of the purpose and effect of the proposed local law; and
- to authorise the advertising of the proposed local law for public comment.

As noted in the Review, the current local law is very out of date with various matters either not compliant with legislation or internally inconsistent.

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

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

Effect – to align the requirements for bush fire brigades with legislation and local practice.

Previously considered at the Council meeting held on 26 March 2025, it is suggested that the statutory process of the draft local law be re-commenced due to the extended delay in receiving advice from the Department of Local Government, Industry Regulation and Safety (DLGIRS). DLGIRS was advised on 5 May 2025, and comment was received on 23 December 2025. Re-commencement will avoid any timing issue that may be raised by the Parliamentary JSCDL.

As required the draft was also submitted to DFES.

1. Department of Fire and Emergency Services Submission

The changes suggested by DFES, and any consequential amendments, have all been incorporated. The changes mostly related to punctuation, expansion of abbreviations or insertion of words to complete a title etc, mostly in the principal local law adopted by the Shire of Pingelly in 2023 and approved by both DFES and the JSCDL at that time.

Pingelly's local law does make some changes to the out-of-date WALGA model.

Despite the number of changes made, they do not affect intent or application of any clause and are therefore not considered to be significant. Changes other than punctuation included –

- delete abbreviations in favour of full text eg: replace FCO with Bush Fire Control Officer
- expand "Committee" to 'Executive Committee' for consistency throughout, etc.

2. Department of Local Government, Industry Regulation and Safety (DLGIRS) Submission

The DLGIRS submission noted –

The Shire's local law is a gazettal by reference, in the sense that it adopts the text of another local law by reference to its gazettal and then makes amendments to that local law.

While this method of creating a local law is still valid, it is generally considered archaic and confusing. If the Shire insists on using this method, it is recommended that the Shire keep a website copy of both the actual local law and the resulting local law.

The principal local law is lengthy, and it serves little purpose to adopt this local law in full. Particularly since any amendment local law (such as for the Parking and Parking Facilities Local Law) does not re-publish the full principal local law in the Gazette each time an amendment is made.

The comment of DLGIRS is noted, however, their suggestion is already a requirement of the *Local Government Act 1995* –

5.96A. Information published on official website

(1) The CEO must publish the following information on the local government's official website, unless it would be contrary to subsection (2) to do so –

...

(b) an up-to-date consolidated version of any local law made by the local government in accordance with section 3.12 that is in force;

...

Under this section, publication of only the adopting local law, whether it adopts by reference or is an amending local law, does not satisfy the legislative requirement, despite many local governments assuming that publication of the adopting local law and the unamended principal local law is compliant.

DLGIRS made no additional comment.

No change is recommended.

No public comment was received during the previous six week submission period.

CONSULTATION:

Internal consultation with relevant employees.

COMMENT:

The WALGA model as it stands is considered deficient, although it is strongly supported by DFES.

Much shorter Bush Fire Brigade Local Laws have been previously accepted by DFES and JSCDL, but in recent years, JSCDL have not been prepared to accept significant changes to the model, and are supported in this by DFES. The JSCDL have entrenched their views in a report published by them in November 2023. Accordingly, to comply with the *Bush Fires Act 1954* requirement for a local law in relation to the roles and duties of captain and lieutenants, also means substantial compliance with the requirements of DFES and the JSCDL.

The local law does not address fire hazards, fire breaks etc. It is suggested that this be done by the preparation and adoption of a formal notice in accordance with the *Bush Fires Act 1954* s.33. A notice has all the effect and weight of a local law, and is actionable through infringements or court action if necessary.

The draft local law now presented to Council creates a consolidation essentially identical to that made by the Shire of Pingelly, which was accepted by the JSCDL without requirement for an undertaking. As well as local government name and date, several minor changes for local circumstances and as informally suggested by the DFES in submissions for other local governments, have been made.

The statutory process is the same for making, amending or revoking a local law –

- The text of the proposed local law must be approved by Council.
- Local public notice inviting public comment – minimum of six weeks (reduced period only if substantially in the form of the WALGA model).
- During this time, submit to DLGIRS and DFES.
- At the end of the public comment period, a summary of public comments and any changes recommended by the departments presented to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- Final adoption of the amendment local law by Council.
- Publication in the Government Gazette.
- Local public notice to be given of the adoption, publication and commencement date of the local law.
- Submission of all necessary documents to the JSCDL for their review.

Local public notice of a proposed local law requires that the community be given the opportunity to comment for a minimum of six weeks. The notice is required to be published on the Shire's website and at least three other places.

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

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) Subject to subsection (3A), the local government is to –*
 - (a) give local public notice stating that –*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3A) The local government may, at the council meeting referred to in subsection (2), determine to proceed under subsection (3C) instead of subsection (3) if all the proposed local law would do is adopt, wholly and without modification –*
 - (a) a model local law; or*
 - (b) a model local law except certain provisions that the local government determines, at the council meeting referred to in subsection (2), are not relevant to the local government and the district.*
- (3B) In subsection (3A)(a) and (b), references to a model local law include an amendment of a model local law.*

- (3C) *If the local government determines to proceed under this subsection, the local government must –*
- (a) publish a notice on the local government’s official website stating that –*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 3 weeks after the notice is published; and*
 - (b) as soon as the notice is published, give a copy of the notice to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making a local law, the local government must –*
- (a) publish the local law in the Gazette; and*
 - (b) give a copy of the local law to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is made — the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
- (a) stating the title of the local law; and*
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
- (a) if the local government proceeded under subsection (3) — by local public notice;*
 - (b) if the local government proceeded under subsection (3C) — by notice published on the local government’s official website.*

- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
- making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. Procedure where significant change in proposal

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

Bush Fires Act 1954

35A. Terms used

In this Division, and in section 41 —

...

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

41. Bush fire brigades

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

43. Election and duties of officers of bush fire brigades

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

62. Local government may make local laws

- (1) *A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 for and in relation to —*
- (a) *the appointment, employment, payment, dismissal and duties of bush fire control officers; and*

- (b) *the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and*
 - (c) *any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.*
- (2) *Where a regulation made by the Governor under this Act is inconsistent with or repugnant to a local law previously made by a local government under subsection (1) and still in force, the regulation prevails and the local law to the extent by which it is inconsistent with or repugnant to the regulation is deemed to be repealed.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic 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:

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:

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

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That -

1. in accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that COUNCIL intends to make a Bush Fire Brigades Local Law, and inviting submissions for a minimum six week period –

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

Effect – to align the requirements for bush fire brigades with legislation and local practice.

2. in accordance with the *Local Government Act 1995* s.3.12(3), copies of the proposed local law be –
 - sent to the CEO of the Department of Local Government, Industry Regulation and Safety, and the Commissioner for Fire and Emergency Services;
 - made available to any other person requesting a copy.

12.4.4 PROPOSED DOGS LOCAL LAW – RE-COMMENCEMENT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2 February 2026
Attachments:	a) Draft Dogs Local Law 2026
Authority/Discretion:	Legislative

SUMMARY:

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

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

BACKGROUND:

The purpose of this report –

- to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
- for Council to approve the proposed local law for public comment;
- for Council to give notice of the purpose and effect of the proposed local law; and
- to authorise the advertising of the proposed local law for public comment.

As noted in the Review, the current local law is out of date with various matters either not compliant with legislation or internally inconsistent. The current local law is now inconsistent with a number of legislative changes that have been made.

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

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

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

Previously considered at the Council meeting held on 26 March 2025, it is suggested that the statutory process of the draft local law be re-commenced due to the extended delay in receiving advice from the Department of Local Government, Industry Regulation and Safety (DLGIRS). DLGIRS was advised on 5 May 2025, and comment was received on 23 December 2025. Re-commencement will avoid any timing issue that may be raised by the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

One change was to amend the general penalty from \$10,000 to \$5,000 for consistency with the *Dog Act 1976*.

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

No public comment was received during the previous six week submission period.

CONSULTATION:

Internal consultation with relevant employees.

COMMENT:

There are a number of matters that Council should be aware of –

(1) Terms used –

- (a) “the local government” – depending on the context, may mean the organisation, so that where a matter is administrative (a form, notice to the administration, etc) no delegation is required. However, where a decision is required, consistent with Department of Local Government Guidelines, it should be read as being the highest possible decision-making level, which is the Council. In line with the Guidelines these decisions may be delegated to the Chief Executive Officer unless specified.

There are important legislative and administrative differences between appointment as an authorised person and delegation of power.

- (b) “by resolution” – limits the decision to Council at a meeting, and cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session, and is not to be interpreted as being able to be delegated to CEO, nor to mean administratively.
- (c) Council, CEO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
- (d) Authorised person / delegation – an authorised person’s function and actions are defined by the local law and is able to act within previously defined parameters. A delegation relates to a decision by a person who has been given the power to make a decision rather than the Council.

- (2) Use of policy to specify standards and activities. In accordance with the *Local Government Act 1995* s.2.7, policies are to be set by Council, not the CEO, who may still issue executive instructions. Care needs to be exercised since policy should be seen as instructions by Council to employees on what they may approve, or when to act. Policy should not be used as a direct control of the public, unless the necessary processes are undertaken.

(3) Application of the local law –

- (a) the local law applies throughout the district, but then limits that application to land with specific zoning in clauses 3.2, 3.3 and 3.5.
- (b) Local Planning Scheme No.2 has a special use zoning. The provision of the local law will apply to the purpose of the approved use of the zone, as determined by an authorised person.

Comments in relation to specific Parts, Divisions or clauses –

- Preference throughout to use the term “authorised person” which requires only an appointment consistent with the *Local Government Act 1995* and can apply to a contract ranger etc, rather than “the local government” which requires a delegation of power to be made, and can only be given to an employee.
- Clauses 3.3 to 3.8 dealing with additional dogs – new provisions often dealt with as policy, but included within the local law for certainty and enforceability. Rural and rural enterprise zones are excluded from compliance.
- Part 4 dealing with kennels – while kennels can be managed directly under the *Dog Act 1976*, included within the local law for certainty and enforceability. The *Dog Act 1976* permits a maximum of six (6) dogs or lesser number as determined by Council, but more than six dogs require a kennel licence.
- Part 5 prohibited areas and exercise areas – these are now required to be set by absolute majority of Council and cannot be included in the local law. It is noted that concern in relation to a number of places was expressed in the public comment of the Local Laws Review, and if dogs in these areas are able to be controlled, it is suggested that any current policy be reviewed.

- Clause 6.2 – False or misleading statement applies if a decision has been made based on the incorrect information supplied. Not a common provision in local laws, but has been accepted by both DLGIRS and JSCDL.
- Cl.7.2 – recent *Local Government Act 1995* amendments permit a general penalty of up to \$10,000, with daily penalty remaining at \$500 per day. These amounts can only be applied by a Court and cannot be imposed at Council's discretion.
- Sch.1 – the recent Act amendments also permitted an increase of modified penalties (infringements) to 20% of the general penalty that is listed in the local law. Penalties are suggested on the basis of whether the offender is likely to be an individual or a business, health and safety risk or impact to the community etc. A penalty for Item 4 is unlikely to be accepted by the JSCDL.

The statutory process is the same for making, amending or revoking a local law –

- The text of the proposed local law must be approved by Council.
- Local public notice inviting public comment – minimum of six (6) weeks (reduced period only if substantially in the form of the WALGA model).
- During this time, submit to DLGIRS.
- At the end of the public comment period, a summary of public comments and any changes recommended by the departments presented to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- Final adoption of the amendment local law by Council.
- Publication in the Government Gazette.
- Local public notice to be given of the adoption, publication and commencement date of the local law.
- Submission of all necessary documents to the JSCDL for their review.

Local public notice of a proposed local law requires that the community be given the opportunity to comment for a minimum of six weeks. The notice is required to be published on the Shire's website and at least three other places.

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

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*

(3) Subject to subsection (3A), the local government is to –

(a) give local public notice stating that –

- (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*

(b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to –

- (i) the Departmental CEO; and*
- (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*

(c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.

(3A) The local government may, at the council meeting referred to in subsection (2), determine to proceed under subsection (3C) instead of subsection (3) if all the proposed local law would do is adopt, wholly and without modification –

(a) a model local law; or

(b) a model local law except certain provisions that the local government determines, at the council meeting referred to in subsection (2), are not relevant to the local government and the district.

(3B) In subsection (3A)(a) and (b), references to a model local law include an amendment of a model local law.

(3C) If the local government determines to proceed under this subsection, the local government must –

(a) publish a notice on the local government’s official website stating that –

- (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
- (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 3 weeks after the notice is published; and*

(b) as soon as the notice is published, give a copy of the notice to –

- (i) the Departmental CEO; and*
- (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*

- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
** Absolute majority required.*
- (5) *After making a local law, the local government must –*
 - (a) *publish the local law in the Gazette; and*
 - (b) *give a copy of the local law to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is made — the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
 - (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
 - (a) *if the local government proceeded under subsection (3) — by local public notice;*
 - (b) *if the local government proceeded under subsection (3C) — by notice published on the local government’s official website.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*

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

3.13. Procedure where significant change in proposal

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

Dog Act 1976

49. Local laws

A local government may make local laws –

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

51. Local law making powers

A local government may so make local laws –

(a) providing for the registration of dogs;

[(b) deleted]

(c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;

(d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;

(e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;

(f) providing for the detention, maintenance, care and release or disposal of dogs seized;

(g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;

[(h) deleted]

(i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic 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:

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:

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

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That -

1. in accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that COUNCIL intends to make a Dogs Local Law, and inviting submissions for a minimum six (6) week period –

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

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

- 2. in accordance with the *Local Government Act 1995* s.3.12(3), copies of the proposed local law be –**
 - sent to the CEO of the Department of Local Government, Industry Regulation and Safety;**
 - made available to any other person requesting a copy.**

12.4.5 PROPOSED DUST, SAND AND EROSION LOCAL LAW – RE-COMMENCEMENT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2 February 2026
Attachments:	a) Draft Dust, Sand and Erosion Local Law 2026
Authority/Discretion:	Legislative

SUMMARY:

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

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

BACKGROUND:

The purpose of this report –

- to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
- for Council to approve the proposed local law for public comment;
- for Council to give notice of the purpose and effect of the proposed local law; and
- to authorise the advertising of the proposed local law for public comment.

As noted in the Review, the current local law has a number of issues, including blanket application to the whole of the district, and also applying to local government activities. While appropriate provisions could be included in the proposed Animal, Environment and Nuisance Local Law, staff have expressed a preference that this local law remain separate.

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

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

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

Previously considered at the Council meeting held on 26 March 2025, it is suggested that the statutory process of the draft local law be re-commenced due to the extended delay in receiving advice from the Department of Local Government, Industry Regulation and Safety (DLGIRS). DLGIRS was advised on 5 May 2025, and comment was received on 23 December 2025. Re-commencement will avoid any timing issue that may be raised by the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

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

No public comment was received during the previous six week submission period.

CONSULTATION:

Internal consultation with relevant employees.

COMMENT:

A new local law is proposed, although the resolution from the Local Laws Review was to amend the current local law. When reviewing the current local law and preparing amendments, it was considered that given the number of the amendments and the changes in discretionary actions and separation of function of a Dust and Sand Management Plan (DSMP) and an Erosion Management Plan (EMP), that a replacement local law would be simpler and more straight forward.

There are a number of matters that Council should be aware of –

1. Terms used –

- (a) “the local government” – depending on the context, may mean the organisation, so that where a matter is administrative (a form, notice to the administration, etc) no delegation is required. However, where a decision is required, consistent with Department of Local Government Guidelines, it should be read as being the highest possible decision making level, which is the Council. In line with the Guidelines these decisions may be delegated to the CEO unless specified.

There are important legislative and administrative differences between appointment as an authorised person and delegation of power.

- (b) “by resolution” – limits the decision to Council at a meeting, and cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session and is not to be interpreted as being able to be delegated to CEO, nor to mean administratively.
- (c) Council, CEO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
- (d) Authorised person / delegation – an authorised person’s function and actions are defined by the local law and is able to act within previously defined parameters. A delegation relates to the decision of a person who has been given the power to make a decision rather than the Council.

2. Application of the local law –

The local law applies throughout the district, but excludes the operations of the local government.

Comments in relation to specific Parts, Divisions or clauses –

- Preference throughout to use the term “authorised person” which requires only an appointment consistent with the *Local Government Act 1995* and can apply to a contract ranger etc, rather than “the local government” which requires a delegation of power to be made and can only be given to an employee.
- Clauses 2.3 and 2.4 – The local law separates development applications from dust and sand concerns from erosion issues. Discretion for an authorised person to require either or both a Dust and Sand Management Plan (DSMP), or an Erosion Management Plan (EMP), separate from a development application. The provisions for each are quite similar but are not identical.
- Not every instance of development needs a DSMP or EMP. A delegated person may also require a DSMP or EMP after development has commenced or has been completed.

- Clause 3.2 – False or misleading statement applies if a decision has been made based on the incorrect information supplied. Not a common provision in local laws, but has been accepted by both DLGSC and JSCDL
- Clause 3.3 undertaking requirements of a notice where compliance has not occurred. This clause permits the local government to complete the requirements of a notice, subject to completion of the necessary process as per clause 3.1.
- Cl.5.2 – recent *Local Government Act 1995* amendments permit a general penalty of up to \$10,000, with daily penalty remaining at \$500 per day. These amounts can only be applied by a Court and cannot be imposed at Council’s discretion.
- Sch.1 – the recent Act amendments also permitted an increase of modified penalties (infringements) to 20% of the general penalty that is listed in the local law. Penalties are suggested on the basis of whether the offender is likely to be an individual or a business, health and safety risk or impact to the community etc. The statutory process is the same for making, amending or revoking a local law –
 - The text of the proposed local law must be approved by Council.
 - Local public notice inviting public comment – minimum of six (6) weeks (reduced period only if substantially in the form of the WALGA model)
 - During this time, submit to DLGIRS.
 - At the end of public comment, a summary of public comments and any changes recommended by the departments presented to Council for decision regarding those comments, and consideration of any changes to the draft local law.
 - Final adoption of the amendment local law by Council.
 - Publication in the Government Gazette.
 - Local public notice to be given of the adoption, publication and commencement date of the local law.
 - Submission of all necessary documents to the JSCDL for their review.

The statutory process is the same for making, amending or revoking a local law –

Local public notice of a proposed local law requires that the community be given the opportunity to comment for a minimum of six weeks. The notice is required to be published on the Shire’s website and at least three other places.

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

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.12. Procedure for making local laws

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) Subject to subsection (3A), the local government is to –*
 - (a) give local public notice stating that –*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3A) The local government may, at the council meeting referred to in subsection (2), determine to proceed under subsection (3C) instead of subsection (3) if all the proposed local law would do is adopt, wholly and without modification –*
 - (a) a model local law; or*
 - (b) a model local law except certain provisions that the local government determines, at the council meeting referred to in subsection (2), are not relevant to the local government and the district.*
- (3B) In subsection (3A)(a) and (b), references to a model local law include an amendment of a model local law.*
- (3C) If the local government determines to proceed under this subsection, the local government must –*
 - (a) publish a notice on the local government’s official website stating that –*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 3 weeks after the notice is published; and*
- (b) *as soon as the notice is published, give a copy of the notice to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
 - * Absolute majority required.*
- (5) *After making a local law, the local government must –*
 - (a) *publish the local law in the Gazette; and*
 - (b) *give a copy of the local law to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is made — the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
 - (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
 - (a) *if the local government proceeded under subsection (3) — by local public notice;*
 - (b) *if the local government proceeded under subsection (3C) — by notice published on the local government’s official website.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*

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

3.13. Procedure where significant change in proposal

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic 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:

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:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That -

1. in accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that COUNCIL intends to make a Dust, Sand and Erosion Local Law, and inviting submissions for a minimum six (6) week period –

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

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

2. in accordance with the *Local Government Act* s.3.12(3), copies of the proposed local law be –
 - sent to the CEO of the Department of Local Government, Industry Regulation and Safety;
 - made available to any other person requesting a copy.

12.4.6 PROPOSED FENCING LOCAL LAW – RE-COMMENCEMENT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2 February 2026
Attachments:	a) Draft Fencing Local Law 2026
Authority/Discretion:	Legislative

SUMMARY:

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

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

BACKGROUND:

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

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

Purpose – to prescribe sufficient fences, the standard for construction of fences and create offences for non-compliance

Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.

Previously considered at the Council meeting held on 26 March 2025, it is suggested that the statutory process of the draft local law be re-commenced due to the extended delay in receiving advice from the Department of Local Government, Industry Regulation and Safety (DLGIRS). DLGIRS was advised on 5 May 2025, and comment was received on 23 December 2025. Re-commencement will avoid any timing issue that may be raised by the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

DLGIRS also noted –

The Joint Standing Committee on Delegated Legislation has expressed concerns regarding the use of Standards, as they are external documents which the public may not necessarily have access to.

While the Committee has been willing to allow Australian Standards in the past, this is subject to the following conditions:

- a. The local law must use the full and up to date citation of the Standard at least once, either in the clause that refers to it or a suitable definition.*
- b. The local law must specify if the Standard is applicable as of a certain date or alternatively “as amended from time to time”.*
- c. The Shire should ensure that a copy of the Standard is readily available either at the Shire’s office or some other location.*

To satisfy this requirement, other local governments have administratively placed the following statement on the local laws page of their website, once the local law has been Gazetted –

Australian Standards quoted in Local Laws

Australian Standards (AS) are sometimes quoted in local laws to provide the basis for industry standards for the matter to which it relates.

As noted in the local laws, these may be inspected at the Shire of Jerramungup Shire Offices, free of charge, during business hours.

Please note, these Standards are copyright to Standards Australia, and accordingly:

- *They are able to be discussed with the relevant employee in person or on the telephone; and*
- *They can be inspected free of charge at the Shire Office*
 - *If we don't hold a current copy of the relevant Standard, we will obtain it for you to view.*

Because of copyright, we will not:

- *Email quotes of text taken from the Standard; and*
- *Permit photocopying or photos to be taken on a mobile phone etc.*

Should you need a copy of the Standard please contact Standards Australia www.standards.org.au See their contacts page for an online enquiry form or telephone 1800 035 822 (free call) or 02 9237 6000 or post to GPO Box 476 Sydney NSW 2001.

The Standard does not have to be held at all times, but obtained for inspection when requested.

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

No public comment was received during the previous six week submission period.

CONSULTATION:

Internal consultation with relevant employees.

COMMENT:

The purpose of this report –

- to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
- for Council to approve the proposed local law for public comment;
- for Council to give notice of the purpose and effect of the proposed local law; and
- to authorise the advertising of the proposed local law for public comment.

There are a number of matters that Council should be aware of –

1. Terms used –

- (a) “the local government” – depending on the context, may mean the organisation, so that where a matter is administrative (a form, notice to the administration, etc) no delegation is required. However, where a decision is required, consistent with Department of Local Government Guidelines, it should be read as being the highest possible decision making level, which is the Council. In line with the Guidelines these decisions may be delegated to the CEO unless specified.

There are important legislative and administrative differences between appointment as an authorised person and delegation of power.

- (b) “by resolution” – limits the decision to Council at a meeting, and cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session, and is not to be interpreted as being able to be delegated to CEO, nor to mean administratively.
 - (c) Council, CEO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
 - (d) Authorised person / delegation – an authorised person’s function and actions are defined by the local law and is able to act within previously defined parameters. A delegation relates to decision a person who has been given the power to make a decision rather than the Council.
2. Use of policy to specify standards and activities. In accordance with the *Local Government Act 1995* s.2.7, policies are to be set by Council, not the CEO, who may still issue executive instructions. Care needs to be exercised since policy should be seen as instructions by Council to employees on what they may approve, or when to act. Policy should not be used as a direct control of the public, unless the necessary processes are undertaken.
3. Application of the local law –
- (a) the local law applies throughout the district, but then limits that application to townsites or land with specific zoning in various Parts, Division or clauses, eg: clause 2.3(1).
 - (b) Local Planning Scheme No.2 has a special use zoning. The provision of the local law will apply to the purpose of the approved use of the zone, as determined by an authorised person.

Comments in relation to specific Parts, Divisions or clauses –

- Although reference is made in the local law to the *Dividing Fences Act 1961*, this Act has no local law making provisions, and so is not a head of power for the local law.
- The provisions are on the basis of the use of the land (zoning) not on whether in a townsite or not. The exception to this is in clause 5.3(3)(b) and (c).
 - o It is important to note that “townsite” is the area, but ‘townsite zone’ is the use.
- Preference throughout to use the term “authorised person” which requires only an appointment consistent with the *Local Government Act 1995* and can apply to a contract ranger etc, rather than “the local government” which requires a delegation of power to be made, and can only be given to an employee.
- Cl.2.4 – is an important clause allowing an authorised person to approve other than a sufficient fence, provided there is written consent between the adjoining owners. This does not extend to a dangerous fence or where one neighbour imposes on another. It also prevents one owner from requiring more than 50% of the cost of a sufficient fence, where one of a higher standard is built at the requires of one and with the consent of the other. The neighbours can agree on 50% each of the greater expense, but the person requesting cannot require it.
- Cl.5.1 – controls over barbed wire fencing are intended to have minimal impact on farming.
- Cl.5.2 – controls for electrified stock fencing are also as relaxed as possible for farming areas. There are conditions that have to be met.
- Cl.5.3 – controls over electrified security fencing require approval, other than in a rural zone. There are standards that are to be met, otherwise no approval for the rural zone is required.
- Cl.5.4 – razor wire fencing can only be approved in certain areas and by a person with delegated power to do so, not simply an authorised person.
- Part 6 – standard operation through all proposed new local laws.

- Cl.6.6 – False or misleading statement applies if a decision has been made based on the incorrect information supplied. Not a common provision in local laws, but has been accepted by both DLGSC and JSCDL.
- Cl.8.1 – are powers of the Council where non-compliance has occurred. This clause allows where the offender is known, to –
 - (a) Issue a notice to repair, pay for repairs or carry out works needed for compliance with the local law. Generally, if there is damage, it is suggested that paying for reinstatement or repairs is most appropriate as the local government would then control the standard of works.
 - (b) If the recipient of the notice does not comply with the notice, they can be infringed or prosecuted.
 - (c) The local government may carry out the works and recover the cost as a debt, applying interest to the outstanding amount if necessary, or taking legal action. This is consistent with the provisions of the *Local Government Act 1995* s.3.25 and 3.26 in relation to notices issued concerning Schedule 3.1 matters.
- Cl.8.1(5) – Entry onto private land has statutory requirements that must be complied with.
- Cl.8.2 – Recent *Local Government Act 1995* amendments permit a general penalty of up to \$10,000, with daily penalty remaining at \$500 per day. These amounts can only be applied by a Court and cannot be imposed at Council's discretion.
- Sch.1 to 3 – Requirements for a sufficient fence according to the zoning.
- Sch.4 – The recent Act amendments also permitted an increase of modified penalties (infringements) to 20% of the general penalty that is listed in the local law. Penalties are suggested on the basis of whether the offender is likely to be an individual or a business, health and safety risk or impact to the community etc.

The statutory process is the same for making, amending or revoking a local law –

- The text of the proposed local law must be approved by Council.
- Local public notice inviting public comment – minimum of six (6) weeks (reduced period only if substantially in the form of the WALGA model)
- During this time, submit to DLGIRS.
- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- Final adoption of the amendment local law by Council.
- Publication in the Government Gazette.
- Local public notice to be given of the adoption, publication and commencement date of the local law.
- Submission of all necessary documents to the JSCDL for their review.

Local public notice of a proposed local law requires that the community be given the opportunity to comment for a minimum of six weeks. The notice is required to be published on the Shire's website and at least three other places.

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

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

STATUTORY ENVIRONMENT:Local Government Act 1995**3.12. Procedure for making local laws**

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *Subject to subsection (3A), the local government is to –*
- (a) give local public notice stating that –*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to –*
 - (i) the Departmental CEO; and*
 - (ii) if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3A) *The local government may, at the council meeting referred to in subsection (2), determine to proceed under subsection (3C) instead of subsection (3) if all the proposed local law would do is adopt, wholly and without modification –*
- (a) a model local law; or*
 - (b) a model local law except certain provisions that the local government determines, at the council meeting referred to in subsection (2), are not relevant to the local government and the district.*
- (3B) *In subsection (3A)(a) and (b), references to a model local law include an amendment of a model local law.*
- (3C) *If the local government determines to proceed under this subsection, the local government must –*
- (a) publish a notice on the local government’s official website stating that –*
 - (i) the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*

- (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 3 weeks after the notice is published; and*
 - (b) *as soon as the notice is published, give a copy of the notice to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making a local law, the local government must –*
- (a) *publish the local law in the Gazette; and*
 - (b) *give a copy of the local law to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is made — the chief executive officer of that other department.*
- (6) *After the local law has been published in the Gazette the local government is to give notice in the required way –*
- (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (6A) *For the purposes of subsection (6), the **required way** for giving a notice is as follows –*
- (a) *if the local government proceeded under subsection (3) — by local public notice;*
 - (b) *if the local government proceeded under subsection (3C) — by notice published on the local government’s official website.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
- making** *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13. Procedure where significant change in proposal

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic 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:

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:

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

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That -

1. in accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that COUNCIL intends to make a Fencing Local Law, and inviting submissions for a minimum six (6) week period –

Purpose – to prescribe sufficient fences, the standard for construction of fences and create offences for non-compliance.

Effect – to establish the minimum requirements for fencing, provide for permitted and prohibited fencing, and create offences for non-compliance.

2. in accordance with the *Local Government Act 1995* s.3.12(3), copies of the proposed local law be –
 - sent to the CEO of the Department of Local Government Industry, Regulation and Safety;
 - made available to any other person requesting a copy.

12.4.7 PROPOSED PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW – RE-COMMENCEMENT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2 February 2026
Attachments:	a) Draft Parking and Parking Facilities Amendment Local Law 2026 b) Parking and Parking Facilities Local Law – Proposed Consolidation
Authority/Discretion:	Legislative

SUMMARY:

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

This report is to commence the necessary statutory procedures for adoption of an amendment local law.

BACKGROUND:

The current local law, Gazetted in 2005, adopted the Parking and Parking Facilities Local Law of the Town of Cottesloe which was published in the Government Gazette on 10 December 2001.

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

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

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

Previously considered at the Council meeting held on 26 March 2025, it is suggested that the statutory process of the draft local law be re-commenced due to the extended delay in receiving advice from the Department of Local Government, Industry Regulation and Safety (DLGIRS). DLGIRS was advised on 5 May 2025, and comment was received on 23 December 2025. Re-commencement will avoid any timing issue that may be raised by the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

Changes suggested by DLGIRS have all been incorporated. The changes related to –

- insertion of clause 2 to reference the principal local law;
- insertion of clause 7 to insert new clause 1.9 in the principal local law, requiring signs to be erected when a parking control decision is made, and amending the subsequent clause numbering; and
- grammatical or punctuation corrections.

In relation to new clause 1.9, DLGIRS noted –

Since the Shire's parking local law was originally made, the Joint Standing Committee on Delegated Legislation has raised concerns with the possibility that local governments could change local laws by resolution without notifying the community.

To solve this issue, the JSCDL has requested a particular clause be added to parking local laws and it is suggested the Shire take the opportunity to do this as well.

DLGIRS also noted that the definition of “taxi” has been amended in the Road Traffic Code, and this change is addressed by the amended definition of “taxi” in the proposed local law.

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

No public comment was received during the previous six week submission period.

CONSULTATION:

Internal consultation with relevant employees.

COMMENT:

The purpose of this report –

- to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
- for Council to approve the proposed local law for public comment;
- for Council to give notice of the purpose and effect of the proposed local law; and
- to authorise the advertising of the proposed local law for public comment.

There are a number of matters that Council should be aware of –

1. Terms used –

- (a) “the local government” – depending on the context, may mean the organisation, so that where a matter is administrative (a form, notice to the administration, etc) no delegation is required. However, where a decision is required, consistent with Department of Local Government Guidelines, it should be read as being the highest possible decision making level, which is the Council. In line with the Guidelines these decisions may be delegated to the CEO unless specified.

There are important legislative and administrative differences between appointment as an authorised person and delegation of power.

- (b) “by resolution” – limits the decision to Council at a meeting, and cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session, and is not to be interpreted as being able to be delegated to CEO, nor to mean administratively.
- (c) Council, CEO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
- (d) Authorised person / delegation – an authorised person’s function and actions are defined by the local law and is able to act within previously defined parameters. A delegation relates to the decision of a person who has been given the power to make a decision rather than the Council.

2. Application of the local law –

The local law applies throughout the district.

Comments in relation to specific Parts, Divisions or clauses –

- Terminology generally follows the usage in the local law adopted by reference, although several changes are proposed.
- New clause 7.7 to be inserted – False or misleading statement applies if a decision has been made based on the incorrect information supplied. Not a common provision in local laws, but has been accepted by both DLGIRS and JSCDL.
- Amended clause 8.1 – recent *Local Government Act 1995* amendments permit a general penalty of up to \$10,000, with daily penalty remaining at \$500 per day. These amounts can only be applied by a Court and cannot be imposed at Council’s discretion.

- Sch.2 – Increases to modified penalties.
- Sch.3 – Deleted since no provisions, and no reference through the amendment local law or text of the principal local law.
- Sch.4 – Noted as “Nil” to be clear.

The statutory process is the same for making, amending or revoking a local law –

- The text of the proposed local law must be approved by Council.
- Local public notice inviting public comment – minimum of six weeks (reduced period only if substantially in the form of the WALGA model).
- During this time, submit to DLGIRS.
- At the end of public comment, summary of public comments and any changes recommended by the departments presented to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- Final adoption of the amendment local law by Council.
- Publication in the Government Gazette.
- Local public notice to be given of the adoption, publication and commencement date of the local law.
- Submission of all necessary documents to the JSCDL for their review.

Local public notice of a proposed local law requires that the community be given the opportunity to comment for a minimum of six weeks. The notice is required to be published on the Shire’s website and at least three other places.

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

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *Subject to subsection (3A), the local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3A) *The local government may, at the council meeting referred to in subsection (2), determine to proceed under subsection (3C) instead of subsection (3) if all the proposed local law would do is adopt, wholly and without modification –*
- (a) *a model local law; or*
 - (b) *a model local law except certain provisions that the local government determines, at the council meeting referred to in subsection (2), are not relevant to the local government and the district.*
- (3B) *In subsection (3A)(a) and (b), references to a model local law include an amendment of a model local law.*
- (3C) *If the local government determines to proceed under this subsection, the local government must –*
- (a) *publish a notice on the local government’s official website stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 3 weeks after the notice is published; and*
 - (b) *as soon as the notice is published, give a copy of the notice to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** Absolute majority required.*

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

3.13. Procedure where significant change in proposal

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic 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:

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:

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

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That -

1. in accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that COUNCIL intends to make a Parking and Parking Facilities Amendment Local Law Local Law, and inviting submissions for a minimum six (6) week period –
 - Purpose – to make amendments to the local law updating for use of disability parking permits, and modified penalties.
 - Effect – to amend references to be consistent with legislation, and increase offences for non-compliance.
2. In accordance with the *Local Government Act 1995* s.3.12(3), copies of the proposed local law be –
 - sent to the CEO of the Department of Local Government, Industry Regulation and Safety;
 - made available to any other person requesting a copy.

12.4.8 PROPOSED ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW – RE-COMMENCEMENT

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Niel Mitchell, Consultant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2 February 2026
Attachments:	a) Draft Animals, Environment and Nuisance Local Law 2026
Authority/Discretion:	Legislative

SUMMARY:

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

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

BACKGROUND:

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

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

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

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

Previously considered at the Council meeting held on 26 March 2025, it is suggested that the statutory process of the draft local law be re-commenced due to the extended delay in receiving advice from the Department of Local Government, Industry Regulation and Safety (DLGIRS). DLGIRS was advised on 5 May 2025, and comment was received on 23 December 2025. Re-commencement will avoid any timing issue that may be raised by the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

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

No public comment was received during the previous six (6) week submission period.

CONSULTATION:

Internal consultation with relevant employees.

COMMENT:

The purpose of this report –

- to allow the presiding person to give notice to the meeting of the proposal to make a new local law, in accordance with the requirements of the *Local Government Act 1995*;
- for Council to approve the proposed local law for public comment;
- for Council to give notice of the purpose and effect of the proposed local law; and
- to authorise the advertising of the proposed local law for public comment.

There are a number of matters that Council should be aware of –

1. Terms used –

- (a) “the local government” – depending on the context, may mean the organisation, so that where a matter is administrative (a form, notice to the administration, etc) no delegation is required. However, where a decision is required, consistent with Department of Local Government Guidelines, it should be read as being the highest possible decision making level, which is the Council. In line with the Guidelines these decisions may be delegated to the CEO unless specified.

There are important legislative and administrative differences between appointment as an authorised person and delegation of power.

- (b) “by resolution” – limits the decision to Council at a meeting, and cannot be delegated to the CEO, since it requires a resolution. This is consistent with the Department’s interpretation of the term “Council” to mean the elected members in session, and is not to be interpreted as being able to be delegated to CEO, nor to mean administratively.
- (c) Council, CEO or other specific position – the function, role or power cannot be removed from that position or role, nor over-ridden.
- (d) Authorised person / delegation – an authorised person’s function and actions are defined by the local law and is able to act within previously defined parameters. A delegation relates to the decision of a person who has been given the power to make a decision rather than the Council.
- (c) Use of policy to specify standards and activities. In accordance with the *Local Government Act 1995* s.2.7, policies are to be set by Council, not the CEO, who may still issue executive instructions. Care needs to be exercised since policy should be seen as instructions by Council to employees on what they may approve, or when to act. Policy should not be used as a direct control of the public, unless the necessary processes are undertaken.

2. Application of the local law –

- (a) the local law applies throughout the district, but then limits that application to townsites or land with specific zoning in various Parts, Division or clauses, eg: clause 2.3(1)
- (b) Local Planning Scheme No.2 has a special use zoning. The provision of the local law will apply to the purpose of the approved use of the zone, as determined by an authorised person.

Comments in relation to specific Parts, Divisions or clauses –

- Preference throughout to use the term “authorised person” which requires only an appointment consistent with the *Local Government Act 1995* and can apply to a contract ranger etc, rather than “the local government” which requires a delegation of power to be made, and can only be given to an employee.
- Clauses 2.4 and 2.5 dealing with cats – new provisions not in any other local law, and must comply with the *Cat Act 2011*. Rural and rural enterprise zones are excluded from compliance.
- Cl.2.6 – there are often members of the community willing to care for sick or injured animals. Keeping of native animals requires Departmental approval, which often contains restrictions or conditions.
- Part 4 Division 2 – applies throughout the district.
- Part 8 – standard operation through all proposed new local laws.
- Cl.8.15 – False or misleading statement applies if a decision has been made based on the incorrect information supplied. Not a common provision in local laws, but has been accepted by both DLGIRS and JSCDL.

- Cl.9.2, 9.3 and 9.4 are powers of the Council where damage, nuisance or other non-compliance has occurred. Similar to an infringement notice or a prosecution, these also rely on knowing the identity of the offender. These clauses allow, where the offender is known, to –
 - (a) Issue a notice to repair, pay for repairs or carry out works needed for compliance with the local law. Generally, if there is damage, it is suggested that paying for reinstatement or repairs is most appropriate as the local government would then control the standard of works.
 - (b) If the recipient of the notice does not comply with the notice, they can be infringed or prosecuted.
 - (c) The local government may carry out the works and recover the cost as a debt, applying interest to the outstanding amount if necessary, or taking legal action. This is consistent with the provisions of the *Local Government Act 1995* s.3.25 and 3.26 in relation to notices issued concerning Schedule 3.1 matters.
- Cl.9.5 – Entry onto private land has statutory requirements that must be complied with.
- Cl.11.2 – Recent *Local Government Act 1995* amendments permit a general penalty of up to \$10,000, with daily penalty remaining at \$500 per day. These amounts can only be applied by a Court and cannot be imposed at Council's discretion.
- Sch.1 – The recent Act amendments also permitted an increase of modified penalties (infringements) to 20% of the general penalty that is listed in the local law. Penalties are suggested on the basis of whether the offender is likely to be an individual or a business, health and safety risk or impact to the community etc.

The statutory process is the same for making, amending or revoking a local law –

- The text of the proposed local law must be approved by Council.
- Local public notice inviting public comment – minimum of six (6) weeks (reduced period only if substantially in the form of the WALGA model).
- During this time, submit to DLGIRS.
- At the end of public comment, summary of public comments and any changes recommended by the departments to Council for decision regarding those comments, and consideration of any changes to the draft local law.
- Final adoption of the amendment local law by Council.
- Publication in the Government Gazette.
- Local public notice to be given of the adoption, publication and commencement date of the local law.
- Submission all necessary documents to the JSCDL for their review.

Local public notice of a proposed local law requires that the community be given the opportunity to comment for a minimum of six (6) weeks. The notice is required to be published on the Shire's website and at least three other places.

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

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

STATUTORY ENVIRONMENT:

Local Government Act 1995

3.12. Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *Subject to subsection (3A), the local government is to –*
 - (a) *give local public notice stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made – the chief executive officer of that other department; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3A) *The local government may, at the council meeting referred to in subsection (2), determine to proceed under subsection (3C) instead of subsection (3) if all the proposed local law would do is adopt, wholly and without modification –*
 - (a) *a model local law; or*
 - (b) *a model local law except certain provisions that the local government determines, at the council meeting referred to in subsection (2), are not relevant to the local government and the district.*
- (3B) *In subsection (3A)(a) and (b), references to a model local law include an amendment of a model local law.*
- (3C) *If the local government determines to proceed under this subsection, the local government must –*
 - (a) *publish a notice on the local government’s official website stating that –*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*

- (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 3 weeks after the notice is published; and*
- (b) *as soon as the notice is published, give a copy of the notice to –*
 - (i) *the Departmental CEO; and*
 - (ii) *if a department of the Public Service other than the Department assists in the administration of an Act under which the local law is proposed to be made — the chief executive officer of that other department; and*
- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions under subsection (3) or (3C) (as the case requires), the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

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

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

3.13. Procedure where significant change in proposal

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

Cat Act 2011**79. Local laws**

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

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic 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:

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:

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

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That -

1. in accordance with the *Local Government Act 1995* s.3.12(2) and (3) and all other legislation enabling it, local public notice be given that COUNCIL intends to make an Animals, Environment and Nuisance Local Law, and inviting submissions for a minimum six (6) week period –

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

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

2. in accordance with the *Local Government Act 1995* s.3.12(3), copies of the proposed local law be –
 - sent to the CEO of the Department of Local Government, Industry Regulation and Safety;
 - made available to any other person requesting a copy.

13.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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

16.0 CLOSURE

16.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 25 March 2026, commencing at 1.00pm, in Jerramungup.

16.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: