



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

Held at the Council Chamber,
Jerramungup, on
Wednesday, 25 March 2026

MINUTES

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Shire of Jerramungup

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Ordinary Meeting of Council

Wednesday 25 March 2026

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ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 1.04pm by the Shire President.

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

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

Cr Nathan Brown	Shire President (Chair)
Cr Paul Barrett	Deputy Shire President
Cr Neil Foreman	Councillor
Cr Naomi Hall	Councillor

STAFF:

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

VISITORS:

Nil.

GALLERY:

Peter Tozer	Brodie Baum
Melissa Joy	Isaac Baum
Alan Bean	Eric Chrenowski
Michele Brown	Graeme Baldwin
Tim Lyons	

2.2 APOLOGIES

Nil.

2.3 APPROVED LEAVE OF ABSENCE

Parental Leave – Cr Raegan Zacher

2.4 ABSENT

Nil.

3.0 DISCLOSURE OF INTERESTS

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

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

3.1 DECLARATIONS OF FINANCIAL INTERESTS

Nil

3.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

3.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Cr Neil Foreman declared an Impartiality Interest in item 12.3.1 Development Application – Lot 112 (43) Horse Hill Road, Bremer Bay. The nature of the interest is that a relation made a submission.

4.0 PUBLIC QUESTION TIME

Nil.

5.0 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Presentations related to Item 12.3.1 Development Application – Lot 112 (43) Horse Hill Road, Bremer Bay.

Brodie Baum

- Provided background to development application from November 2025 to present including plans and reports required.
- Expressed opinion that they were not given an opportunity to resolve issues presented even though they were willing and able to do so.
- Concerned regarding the recommendation to refuse in the Council agenda report.

Isaac Baum

- Expressed opinion that they were not given a chance to communicate with Shire officers.
- Stated that it would be a disservice to the town to not go ahead with their business.
- They are a small business just wanting to have a crack.

Tim Lyons

- Closest property owner/neighbour to site of development application.
- Owns farming properties and understands fire risk pretty well.
- Expressed opinion that the Officer's agenda report was thorough, diligent and a sound assessment of the proposal.
- Stated his view that the development application was not suitable for the Rural zone and a Reception Centre was not a listed use.
- Also was concerned regarding the high fire risk of the area. In a fire would be difficult to get everyone to a safe point.
- Use is against what people wanted for the Peninsula – tranquility, peace and quiet and nature.
- The property has a history of non-compliance. Fears could see a tragedy in the future.

Alan Bean

- Neighbour to development application site.
- Concerns regarding dust, traffic, and noise, as well as late revellers being drunk, disorderly and loud and making residents nervous.

Michelle Brown

- Queried whether at any stage the Shire issued an approval to conduct a wedding venue at the subject site.

The Shire advised that there is no record of any approvals for a wedding venue at the site.

Isaac Baum

- Questioned whether, if the Shire wishes to preserve the Rural zone uses in the Shire, would it be preferred to have a farm on the property rather than wedding receptions.

The Shire advised that such a use would require a clearing permit from the State.

Brodie Baum

- Stated that the use does benefit the district and they are getting the attention of tourists.

6.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

7.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

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

VOTING REQUIREMENT:

Absolute Majority

Nil.

8.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

9.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

10.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**10.1 ORDINARY COUNCIL MEETING HELD 25 FEBRUARY 2026**

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 25 February 2026 be CONFIRMED.

MOTION: OCM260301

MOVED: Cr Hall

SECONDED: Cr Foreman

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chamber, Jerramungup, on 25 February 2026 be CONFIRMED.

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

11.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil.

12.0 REPORTS**12.1 TECHNICAL SERVICES****12.1.1 ADOPTION OF TEN YEAR CAPITAL WORKS PROGRAM 2025/26 – 2034/35**

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	N/A
Author:	Patrick Steinbacher, Works Manager
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 March 2026
Attachments:	a) Draft Ten Year Capital Works Program 2025/26 – 2034/35 b) Road Hierarchy
Authority/Discretion:	Executive

SUMMARY:

This item presents to Council the draft Ten Year Capital Works Program 2025/26 – 2034/25 for endorsement.

BACKGROUND:

The Shire of Jerramungup is responsible for the upgrading and maintenance of a diverse range of roads and streets. Each year Council expends its own funds as well as State and Federal government funding on capital road projects across the Shire area to upgrade and upkeep the road network and address, as much as possible, the gap between what is required and what is achievable given the funding available. It is vital that road function and need and regional and local priorities can be assessed so that expenditure can be strategic and as effective as possible.

To assist with this Officers use two main resources, the Shire's Road Hierarchy and a Ten Year Capital Works Program (Attachment a)). The Road Hierarchy lists the entire road network and breaks the various roads into priority order via six categories as shown in the Road Hierarchy document (Attachment b)). These priority levels then feed into the Capital Works Program and help in the preparation of that program against available funds.

CONSULTATION:

Executive Staff

Western Australian Local Government Association Road Safety Advisor (Roadwise)

Works Supervisor and Works Crew

COMMENT:

The current financial year is included as year one in the draft Ten Year Capital Works Program, to assist in setting expenditure levels and to show the current split between the various funding sources and programs. Should the program meet with Council approval, the second year will become the basis of the capital road works budget for the financial year 2026/27, subject to funding and budget deliberations.

The initial five year period is fairly accurate with the second five more aspirational and with less detail as it is difficult to predict exact needs and priorities that far out. As each year passes the program will be updated with year one removed and a new tenth year added, and the overall program will be updated and amended as necessary and brought back to Council for comment and endorsement.

The costs shown in the program are current costs with no escalation or indexation included. The costs and funding levels will be updated each year.

STATUTORY ENVIRONMENT:

Nil

STRATEGIC IMPLICATIONS:

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

Economy

Advocate for improved road and communication connectivity to support rural and agricultural businesses and environmental tourism

Environment Built

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

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

Governance and Leadership

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

FINANCIAL IMPLICATIONS:

The preparation of the Road Hierarchy and the Ten Year Capital Works Program themselves carry no financial implications. The Ten Year Capital Works Program guides how future funding will be expended across subsequent financial years, however this will be subject to normal budget preparation processes and Council deliberation.

WORKFORCE IMPLICATIONS:

The work to prepare and maintain the Road Hierarchy and the Ten Year Capital Works Program falls under the regular duties of the Works Manager. The Capital Works Program will be of assistance in the determination of future workforce plans in that how the works are delivered will have an effect on workforce numbers.

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. Endorses the draft Ten Year Capital Works Program 2025/26 – 2034/35.**
- 2. Adopts year two of the draft Ten Year Capital Works Program 2025/26 – 2034/35 as the basis for the 2026/27 Capital Road Works Budget (subject to budget deliberation).**

MOTION: OCM260302

MOVED: Cr Hall

SECONDED: Cr Barrett

That Council:

- 1. Endorses the draft Ten Year Capital Works Program 2025/26 – 2034/35.**
- 2. Adopts year two of the draft Ten Year Capital Works Program 2025/26 – 2034/35 as the basis for the 2026/27 Capital Road Works Budget (subject to budget deliberation).**

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

12.2 CORPORATE SERVICES**12.2.1 ACCOUNTS FOR PAYMENT – FEBRUARY 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:	12 March 2026
Attachments:	a) List of Accounts Paid to 28 February 2026 b) Fuel Card Statement January 2026
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of February 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 February 2026. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28181	
EFT Payments	24367 - 24472	\$437,731.01
Direct Deposits		\$76,685.06
Municipal Account Total		\$514,416.07
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$514,416.07

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 \$4,323.32.

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 28 February 2026 totalling \$514,416.07.**
- (2) The Fuel Card Statement January 2026 as detailed in Attachment 12.2.1 (b).**

Please note that there is no credit card statement this month as the automatic credit card payment was not made until March.

The February 2026 credit card statement will be provided to Council at the April 2026 meeting, along with the March payments.

MOTION: OCM260303

MOVED: Cr Foreman

SECONDED: Cr Barrett

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 28 February 2026 totalling \$514,416.07.**
- (2) The Fuel Card Statement January 2026 as detailed in Attachment 12.2.1 (b).**

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

12.2.2 MONTHLY FINANCIAL REPORT – FEBRUARY 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:	16 March 2026
Attachments:	a) Monthly Financial Report for the Period Ending 28 February 2026
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 28 February 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 28 February 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 28 February 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 28 February 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 28 February 2026 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM260304

MOVED: Cr Hall

SECONDED: Cr Foreman

That Council RECEIVE the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 28 February 2026 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

12.2.3 BUDGET REVIEW 2025/26

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Finance Manager Charmaine Wisewould, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 March 2026
Attachments:	a) Budget Review Report 2025/2026
Authority/Discretion:	Legislative

SUMMARY:

To consider the Shire of Jerramungup financial position as at 28 February 2026 and performance for the period 1 July 2025 to 28 February 2026 in relation to the adopted annual budget and projections estimated for the remainder of the financial year.

BACKGROUND:

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2025 to 28 February 2026 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2026 and is presented for Council's consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the attached budget review document where possible.

The material variance levels which have been reported for the budget review are based on management judgement where explanations are considered appropriate.

CONSULTATION:

Internal consultation was undertaken with Executive Staff regarding the status of budget projects included within their area of responsibility.

COMMENT:

The budget review report includes at Note 3 a summary of predicted variances contained within the Statement of Financial Activity.

Features of the budget review include:

Annual Federal Assistance Grant increase to income to align to confirmed residual funding amount for 2025/26 (majority of funding pre-released in June 2025 by the WALGGC).	\$64,080
Reduction in MAF grant revenue due to project being carried forward.	(\$145,000)
Lease income reduced due to valuation adjustment after budget adopted.	(\$43,386)
Other revenue increase – variances include reimbursement of Paid Parental Leave costs of \$19,910, legal and valuation costs associated with various leases of \$7,751, insurance claim receipts of \$16,117, and reimbursement of the Workers' Compensation premium of \$8,638. In addition, retention funds of \$16,810 were withheld to cover rock removal at Fisheries Beach.	\$69,226
Increase to materials and contractors due to additional costs for road maintenance of \$106,000, Flood works expenditure of \$95,000, Toilet maintenance expenditure of \$38,000, House maintenance expenditure of \$9,700, Sewer expenditure of \$6,400, Point Henry slashing expenditure of \$23,000, Waste collection of \$23,000, Public works overheads expenditure of \$23,000 and Bremer Bay Loop trail masterplan consultant fee \$25,000.	(\$349,100)
Reduction in materials and contractors relating to MAF underspend of \$145,000 as the project will carry over and the reduction in works manager consultant costs of \$90,000.	\$235,000
Increase to insurance costs.	(\$21,516)
Reduction in RADS Airstrip grant, due to project carry over.	(\$729,682)
Reduction in RAUP Airstrip grant, due to project carry over.	(\$745,564)
Proceeds from new borrowing not required for Bremer Bay airstrip project as project will carry over into 2026/27.	(\$900,000)
Bremer Bay airfield cross runway delayed due to pending clearing permit application. Project expenditure reduced to \$70,000 to reflect the delay as expenditure will occur in 2026/27.	\$2,375,246
Reduction in Other infrastructure - Executive Staff are meeting with key stakeholders to commence the planning phase of the Pelican Park playground project; however, it is anticipated that the \$100,000 allocation will not be expended during 2025/26. Following completion of the procurement process, total expenditure for the resurfacing and repair works to the Bremer Bay Skate Park and grind rail was \$25,000, which was materially below the indicative quotes obtained prior to budget adoption. Urgent repairs to the John Cove boardwalk were completed, with costs capitalised to the asset.	\$128,936
Additional Effluent reserve transfer due to additional sewerage works carried out.	\$6,400
Reduce Skate Park reserve transfer.	(\$25,000)
Movement in opening surplus figure due to the recognition of Roads to Recovery grant funding being brought forward and adjustment to creditors outstanding at 30 June 2025.	\$80,360
Overall Change (surplus/deficit)	\$0

The Shire is still predicting completion of the 2025/26 road construction program, taking into consideration the current fuel situation impacting Australia. However, as fuel availability and pricing remain unpredictable, capital road projects will continue to be monitored for the remainder of the financial year, which may result in some works being carried over.

In considering the above variances and projections within the attached budget review, the closing position has not changed which is reflected in the Statement of Budget Review.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2026, some items have been identified as requiring a budget amendment to properly account for these variances where appropriate. Required budget amendments have been included in Note 3 of the attached budget review document for information and also presented as a separate recommendation to the budget review for Council consideration.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

- (1) *Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.*
 - (2A) *The review of an annual budget for a financial year must –*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget; and*
 - (d) *include the following –*
 - (i) *the annual budget adopted by the local government;*
 - (ii) *an update of each of the estimates included in the annual budget;*
 - (iii) *the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) *adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.*
 - (2) *The review of an annual budget for a financial year must be submitted to the Council on or before 31 March in that year.*
 - (3) *A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- * Absolute majority required*
- (4) *Within 14 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.*

Local Government Act 1995

Section 6.8(1) (b) of the *Local Government Act 1995* provides that expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).

STRATEGIC IMPLICATIONS:

The budget review has been developed having regard for the Shire of Jerramungup’s integrated planning and reporting documents.

FINANCIAL IMPLICATIONS:

Authorisation of expenditure through budget amendments recommended. Other specific financial implications are as outlined in the body of this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

There are no known policy implications arising from this report.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION 1

That Council adopt by **ABSOLUTE MAJORITY** the 2025/2026 mid year budget review as attached and notes that the estimated closing funds are based on current revenue and expenditure trends.

MOTION: OCM260305

MOVED: Cr Barrett

SECONDED: Cr Hall

That Council adopt by **ABSOLUTE MAJORITY** the 2025/2026 mid year budget review as attached and notes that the estimated closing funds are based on current revenue and expenditure trends.

CARRIED BY ABSOLUTE MAJORITY: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

OFFICER RECOMMENDATION 2

That Council adopt by **ABSOLUTE MAJORITY** the following budget amendments to the 2025/2026 adopted annual budget:

Operating Revenue	Grants and Subsidies	Reduce provision	\$80,920
Operating Revenue	Fees and Charges	Reduce provision	\$43,386
Operating Revenue	Other Revenue	Increase provision	\$69,226
Operating Expenditure	Materials and Contracts	Increase provision	\$114,100
Operating Expenditure	Insurance	Increase provision	\$21,516
Capital Revenue	Capital Grant	Reduce provision	\$1,475,246
Capital Revenue	Loan	Reduce provision	\$900,000
Capital Expenditure	Other Infrastructure	Reduce provision	\$128,936
Capital Expenditure	Other Infrastructure – Aerodromes	Reduce provision	\$2,375,246
	Transfer from Reserve	Reduce provision	\$18,600
	Surplus Carried Fwd	Increase provision	\$80,360

MOTION: OCM260306**MOVED: Cr Foreman****SECONDED: Cr Barrett**

That Council adopt by **ABSOLUTE MAJORITY** the following budget amendments to the **2025/2026** adopted annual budget:

Operating Revenue	Grants and Subsidies	Reduce provision	\$80,920
Operating Revenue	Fees and Charges	Reduce provision	\$43,386
Operating Revenue	Other Revenue	Increase provision	\$69,226
Operating Expenditure	Materials and Contracts	Increase provision	\$114,100
Operating Expenditure	Insurance	Increase provision	\$21,516
Capital Revenue	Capital Grant	Reduce provision	\$1,475,246
Capital Revenue	Loan	Reduce provision	\$900,000
Capital Expenditure	Other Infrastructure	Reduce provision	\$128,936
Capital Expenditure	Other Infrastructure – Aerodromes	Reduce provision	\$2,375,246
	Transfer from Reserve	Reduce provision	\$18,600
	Surplus Carried Fwd	Increase provision	\$80,360

CARRIED BY ABSOLUTE MAJORITY: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

Cr Foreman declared an Impartiality Interest in Item 12.3.1 but did not leave the room.

12.3 DEVELOPMENT SERVICES

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

Location/Address:	Shire of Jerramungup
Name of Applicant:	Planning Outcomes WA on behalf of I & B Baum
File Reference:	P26-006
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	11 March 2026
Attachments:	a) P26-006 Application– Lot 112 Horse Hill Road, Bremer Bay b) P26-006 Schedule of Submissions c) P26-006 Submissions
Authority/Discretion:	Legislative

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

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

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

COMMENT:

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

Zoning and Land Use Consistency

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

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

Upon assessment, Officers have determined that the proposed Reception Centre, by virtue of its scale, event-based function, and associated infrastructure, is not consistent with the objectives of the 'Rural' zone. While the zone allows consideration of non-rural uses, such uses must be low-intensity and demonstrably compatible with the rural character and environmental constraints of the locality. The proposed Reception Centre represents an intensive commercial use that exceeds what can reasonably be considered compatible with the 'Rural' zone objectives.

Scale, Intensity, and Amenity Impacts

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

The proposal includes provision for up to 40 car parking bays and a bus bay, which is indicative of large-scale patronage. Officers consider this level of infrastructure to be out of character with the surrounding locality, particularly given the proximity of 'Rural Residential'-zoned land. The scale of the development, including the frequency of events, number of guests, and extent of supporting infrastructure, is considered likely to result in adverse amenity impacts that cannot be adequately mitigated through conditions.

Further, no Traffic Impact Assessment has been provided to support the proposal. Given the narrow, unsealed nature of Horse Hill Road and the potential use of Magpie Rise as an access route, Officers consider there to be insufficient information to determine the safety and amenity impacts associated with traffic generation. In the absence of such information, the application cannot be supported.

Bushfire Risk and Emergency Management

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

While a Bushfire Management Plan (BMP) has been submitted, officers have identified several deficiencies. Notably, the Eco Tents are located at the extremity of the site, remote from the proposed Fire Shelter, which is a converted existing outbuilding. This separation raises serious concerns regarding the ability of occupants to safely reach shelter during a fire event. Eco Tents are inherently vulnerable structures, and their classification as indefensible assets further heightens risk to life.

Additionally, the proposal would require significant vegetation clearing to achieve appropriate Asset Protection Zones for the Fire Shelter, access roads, and effluent disposal areas. This level of clearing is inconsistent with the objectives of the 'Rural' zone, which seek to minimise vegetation loss and protect biodiversity. Officers are not satisfied that the proposal adequately addresses bushfire risk or demonstrates that the development can be safely accommodated on the site.

Environmental and Servicing Constraints

Submissions also raised concerns regarding wastewater disposal, water supply, and environmental impacts, particularly given the site's proximity to the coast. Officers note that the Soil and Site Evaluation and Wastewater Report submitted with the application do not relate specifically to the proposed development. Instead, they reference earlier, unrelated approvals and do not demonstrate that the site can accommodate the proposed Toilet Block and Eco Tents without unacceptable environmental risk.

The absence of a site-specific wastewater management assessment means that potential impacts on soil stability, groundwater, and the coastal environment cannot be properly evaluated. Similarly, there is insufficient detail regarding potable water supply, with reliance on rainwater capture and water cartage not adequately justified for the proposed level of occupancy.

The application also lacks a vegetation and fauna assessment, despite the acknowledged environmental sensitivity of the Point Henry area. The absence of such studies limits the Shire's ability to ensure that the proposal will not result in unacceptable environmental harm.

Conclusion

After consideration of all submissions and a detailed assessment against the Local Planning Scheme, Officers conclude that the proposed development cannot be supported. The Reception Centre is not considered consistent with the objectives of the 'Rural' zone, and the scale and intensity of the overall proposal are likely to result in unacceptable amenity, environmental, traffic, and bushfire safety impacts.

Further, the application is deficient in key supporting information, including traffic assessment, wastewater management, environmental studies, and adequate bushfire planning. Accordingly, Officers recommend that Council refuse the application on the grounds that it is inconsistent with the objectives of the 'Rural' zone, presents unresolved risks to amenity and safety, and lacks sufficient information to demonstrate that the development can be responsibly accommodated on the site.

STATUTORY ENVIRONMENT:

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

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

STRATEGIC IMPLICATIONS:

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

Environment Built

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

- Local Planning Policy 4 – Signs Policy
- Local Planning Policy 5 – Use of Reflective Materials
- Local Planning Policy 6 – Tourist Accommodation
- Local Planning Policy 16 – Outbuildings
- Local Planning Policy 18 – Point Henry Fire Management Requirements
- Local Planning Strategy – Area 17 Existing and Short Term Rural Residential (Point Henry Peninsula)
- Point Henry Limited Rural Strategy 1991

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

1. **The proposal is not consistent with the provisions of the Shire of Jerramungup Local Planning Scheme No. 2, specifically the objectives of the ‘Rural’ zone:**
 - **To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.**
 - **To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.**
 - **To allow for facilities for tourists and travellers, and for recreation uses.**
 - **To help protect rural land from land degradation and further loss of biodiversity by:**
 - **minimising clearing of remnant vegetation**
 - **encouraging retention and protection of remnant vegetation**
 - **encouraging development and protection of vegetation corridors**
 - **encouraging development of sustainable surface and sub-surface drainage works**
 - **encouraging rehabilitation of salt-affected land**
 - **encouraging soil conservation through land management measures**
 - **encouraging identification and protection of wetlands**
 - **To promote the sustainable management of natural resources, and the prevention of land degradation.**
2. **The scale of the development will have a negative impact on the amenity of adjoining properties.**
3. **The Tourist Accommodation (Eco Tents) are all located at the extremity of the site and the ability to evacuate these if a fire is approaching would be difficult. Eco Tents are inherently vulnerable in bushfire conditions.**
4. **The provided Site Classification Report provided as part of the application is not related to the application as it only deals with an ancillary unit and a two-bedroom dwelling not the proposed development and as such it has not demonstrated that the site can accommodate the proposed development.**

5. **The provided ‘Wastewater Report’ is not a report or detailed study based on the Applicant’s proposal. It is simply a quotation and proposed product details and does not demonstrate that the site can accommodate the development.**
6. **The Local Planning Strategy for Area 17 (Point Henry Peninsula) requires all proposals for development on ‘Rural’-zoned lots to be assessed against the Point Henry Limited Rural Strategy 1991, and to comprehensively address issues including environmental assessment, land capability, visual impact, effluent disposal capability, water management and drainage, and servicing and this has not been demonstrated.**

MOTION: OCM260307**MOVED: Cr Barrett****SECONDED: Cr Hall**

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

1. **The proposal is not consistent with the provisions of the Shire of Jerramungup Local Planning Scheme No. 2, specifically the objectives of the ‘Rural’ zone:**
 - **To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.**
 - **To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.**
 - **To allow for facilities for tourists and travellers, and for recreation uses.**
 - **To help protect rural land from land degradation and further loss of biodiversity by:**
 - **minimising clearing of remnant vegetation**
 - **encouraging retention and protection of remnant vegetation**
 - **encouraging development and protection of vegetation corridors**
 - **encouraging development of sustainable surface and sub-surface drainage works**
 - **encouraging rehabilitation of salt-affected land**
 - **encouraging soil conservation through land management measures**
 - **encouraging identification and protection of wetlands**
 - **To promote the sustainable management of natural resources, and the prevention of land degradation.**
2. **The scale of the development will have a negative impact on the amenity of adjoining properties.**
3. **The Tourist Accommodation (Eco Tents) are all located at the extremity of the site and the ability to evacuate these if a fire is approaching would be difficult. Eco Tents are inherently vulnerable in bushfire conditions.**

4. **The provided Site Classification Report provided as part of the application is not related to the application as it only deals with an ancillary unit and a two-bedroom dwelling not the proposed development and as such it has not demonstrated that the site can accommodate the proposed development.**
5. **The provided 'Wastewater Report' is not a report or detailed study based on the Applicant's proposal. It is simply a quotation and proposed product details and does not demonstrate that the site can accommodate the development.**
6. **The Local Planning Strategy for Area 17 (Point Henry Peninsula) requires all proposals for development on 'Rural'-zoned lots to be assessed against the Point Henry Limited Rural Strategy 1991, and to comprehensively address issues including environmental assessment, land capability, visual impact, effluent disposal capability, water management and drainage, and servicing and this has not been demonstrated.**

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

12.3.2 PROPOSED LEASE – RESERVE 26384 (7 MARY STREET, BREMER BAY)

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	A1604483 – 7 Mary Street, Bremer Bay
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 March 2026
Attachments:	a) Site Plan – Reserve 26384 b) ETA Pharmacies Group Pty Ltd – Request for Rent Free Period
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this agenda report is to seek Council consideration regarding the proposed disposition of property located at 7 Mary Street, Bremer Bay. The intended disposition is by way of lease to Eric Chrenowski trading as ETA Pharmacies Group Pty Ltd, with the proposed use of the premises being a Pharmacy.

BACKGROUND:

The property at 7 Mary Street, Bremer Bay, is currently a vested reserve managed by the Shire of Jerramungup and is currently leased to the Bremer Bay Community Resource Centre (CRC).

The Bremer Bay Pharmacy needs to expand its footprint to comply with the rules of the Pharmacists Guild.

The Bremer Bay Pharmacy is currently on a sub lease with the Bremer Bay CRC and this proposal will change this, so that the lease is directly with the Shire.

A request has been received from ETA Pharmacies Group (Attachment b)) seeking inclusion in the lease of a three-year rent-free period, to take into account the capital investment they are making to the building.

COMMENT:

Reserve 26384 is a Shire managed reserve which has the purpose of ‘Community Centre’ with a power to lease for any Term not exceeding 21 years, subject to the consent of the Minister for Lands.

The current building is leased to the Bremer Bay CRC, and their lease area will need to be amended as the Pharmacy will be a direct lease with the Shire.

There is a precedent in offering a three-year rent-free period for a Chemist, with one being offered to the Jerramungup Pharmacy when it was first leased in 2016.

CONSULTATION:

Bremer Bay CRC

ETA Pharmacies Group Pty Ltd

STATUTORY ENVIRONMENT:

The disposition of local government property is governed by Section 3.58 of the *Local Government Act 1995* (the Act). 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:

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

Environment Built

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

FINANCIAL/BUDGET IMPLICATIONS:

There will be financial implications for Council if a lease is entered into with ETA Pharmacies Group Pty Ltd as the previous lease was a sub lease through the Bremer Bay CRC and any income generated from this lease is currently unbudgeted.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

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

MOTION: OCM260308**MOVED: Cr Foreman****SECONDED: Cr Hall****That Council:**

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

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

Melissa Joy, Michelle Brown, Isaac Baum and Brodie Baum left the meeting at 1.31pm and did not return.

Alan Bean left the meeting at 1.32pm and did not return.

12.3.3 MODIFICATION TO MANAGEMENT ORDER – RESERVE 31381 (3 SPITFIRE AVENUE, JERRAMUNGUP)

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	A10447 – 3 Spitfire Avenue, Jerramungup
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	12 March 2026
Attachments:	a) Certificate of Title
Authority/Discretion:	Legislative

SUMMARY:

For Council to consider delegating authority to the Chief Executive Officer to allow requests to add a power to lease for 21 Years for Reserve 31381 in accordance with Section 46. (2) of the *Land Administration Act 1997*.

BACKGROUND:

Council, at its February Ordinary Meeting of Council, resolved (OCM260210) as follows:

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.*

It has since come to light that Reserve 31381 does not have a power to lease and therefore until this is resolved the lease cannot be entered into.

COMMENT:

Reserve 31381 is a Shire managed reserve which has the purposes of Kindergarten Site, Pre-School and Children with no power to lease.

By delegating the power to deal with the care, control and management of Reserve 31381 in accordance with Section 46.(2) *Land Administration Act 1997* it is possible to amend the Management Order to enable the capacity to lease to appropriate land uses.

CONSULTATION:

During preparation of the lease, McLeod Lawyers identified that there was no power to lease associated with the reserve.

The proposal and the processes involved have been discussed with the Department of Planning, Lands and Heritage.

STATUTORY ENVIRONMENT:

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *Land Administration Regulations 1998*

STRATEGIC IMPLICATIONS:

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

Environment Built

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

There are no policy implications for Council.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, by ABSOLUTE MAJORITY, delegate to the Chief Executive Officer the power to deal with the care, control and management of Reserve 31381 to allow for the adding of a power to lease for 21 Years for Reserve 31381 in accordance with Section 46. (2) of the *Land Administration Act 1997*.

MOTION: OCM260309

MOVED: Cr Barrett

SECONDED: Cr Hall

That Council, by ABSOLUTE MAJORITY, delegate to the Chief Executive Officer the power to deal with the care, control and management of Reserve 31381 to allow for the adding of a power to lease for 21 Years for Reserve 31381 in accordance with Section 46. (2) of the *Land Administration Act 1997*.

CARRIED BY ABSOLUTE MAJORITY: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

12.3.4 ADOPTION – LOCAL PLANNING POLICY NO. 23 – ANCILLARY ACCOMMODATION

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Richard Hindley, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 March 2026
Attachments:	a) Local Planning Policy No. 23 – Ancillary Accommodation
Authority/Discretion:	Legislative

SUMMARY:

This purpose of this report is to recommend that Council resolve to proceed with Local Planning Policy No. 23 – Ancillary Accommodation without modification.

BACKGROUND:

Councillors were briefed on a potential Ancillary Accommodation Local Planning Policy during a briefing session in October and the proposed Policy was considered by Council at the October Ordinary Council Meeting (OCM251007) where it was resolved:

“That Council in accordance with Clause 4 of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) prepare the Local Planning Policy – Ancillary Accommodation as contained in attachment 9.3.2 a).”

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

CONSULTATION:

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

The submission period closed on the 23 January 2026 and no submissions were received.

COMMENT:

Local Planning Policy No. 23 – Ancillary Accommodation is presented to Council for the purpose of proceeding without modification as per Clause 4.(3) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).

STATUTORY ENVIRONMENT:

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

STRATEGIC IMPLICATIONS:

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

Environment Built

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

This item relates to policy development.

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. In accordance with Clause 4(3) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) proceed with the Local Planning Policy No. 23 – Ancillary Accommodation without modification as contained in Attachment a).
2. Advertise that the local government has resolved to proceed with the Local Planning Policy – Ancillary Accommodation No. 23 in accordance with Clause 4(4) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).

MOTION: OCM260310

MOVED: Cr Barrett

SECONDED: Cr Hall

That Council:

1. In accordance with Clause 4(3) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) proceed with the Local Planning Policy No. 23 – Ancillary Accommodation without modification as contained in Attachment a).
2. Advertise that the local government has resolved to proceed with the Local Planning Policy – Ancillary Accommodation No. 23 in accordance with Clause 4(4) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2).

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

12.4 EXECUTIVE SERVICES

12.4.1 INFORMATION BULLETIN FEBRUARY – MARCH 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:	16 March 2026
Attachments:	a) Information Bulletin – February – March 2026
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

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

CONSULTATION:

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

COMMENT:

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

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

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

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

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

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

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

STRATEGIC IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

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

MOTION: OCM260311**MOVED: Cr Foreman****SECONDED: Cr Hall**

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

CARRIED: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

12.4.2 WALGA SECTOR CONSULTATION – ELECTORAL REFORM

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:	13 March 2026
Attachments:	a) WALGA – Electoral Reform Discussion Paper
Authority/Discretion:	Advocacy

SUMMARY:

The Western Australian Local Government Association (WALGA) has released an Electoral Reform Discussion Paper seeking feedback from local governments regarding potential reforms to the local government electoral system.

The consultation focuses primarily on two reform proposals currently being discussed by the State Government:

- Moving to full spill elections every four years; and
- Introducing compulsory voting for local government elections.

WALGA is seeking Council-endorsed responses to a number of consultation questions which will inform the sector's advocacy position to the State Government.

This report recommends that Council consider the Shire of Jerramungup's (the Shire) submission to the Western Australian Local Government Association (WALGA) to assist in the composition of a sector-wide response to the Department of Local Government, Industry Regulation and Safety (the Department) request for consultation on proposed regulations and Ministerial order to give effect to the Compulsory or Voluntary Voting and Election Frequency in Western Australia.

BACKGROUND:

WALGA has long-standing advocacy positions in support of voluntary voting and elections of half the Council every two years. In late 2024 WALGA conducted a review of its Elections Advocacy Positions (Advocacy Position 2.5.15 Elections) to ensure they reflected the sector's contemporary view.

A total of 92 Local Governments participated in the sector-wide consultation. The results informed a report to the State Council meeting in December 2024. The strong (98%) support for half spills every two years was reflected in the adopted advocacy position.

While voluntary voting was supported by an overall majority of responses (74%), compulsory voting was supported by a majority (64%) of metropolitan respondents and a majority (61%) of Class 1 and 2 respondents.

State Council requested that the WALGA secretariat undertake further investigation of the implications of compulsory and voluntary participation in Local Government elections before reporting back to State Council.

This investigation was ongoing when the Minister for Local Government raised the prospect of further Local Government election reform.

The consultation has been prompted by statements made by the Minister for Local Government indicating State Government interest in potential reforms including:

- Moving to full spill elections every four years; and
- Introducing compulsory voting at Local Government elections.

Currently in Western Australia:

- Council Members serve four-year terms;
- Elections are held every two years, with half of Council positions contested at each election; and
- Voting in Local Government elections is voluntary.

This differs from most other Australian jurisdictions, which operate with full spill elections every four years and compulsory voting.

2025 Ministerial statements and response

In June 2025, Hon Hannah Beazley MLA, Minister for Local Government, stated her support for a four-year election cycle, citing concerns about voter fatigue and the rising costs of conducting biennial elections. These messages were repeated in Minister Beazley's address to WALGA's 2025 Local Government Convention, which also raised the possibility of compulsory voting.

In response to Minister Beazley's comments, several Zones considered motions relating to four yearly, all-in/all-out elections.

CONSULTATION:

WALGA is undertaking sector consultation with all Western Australian local governments and has requested Council-endorsed feedback.

The discussion paper seeks responses to seven consultation questions covering:

- Election frequency;
- Compulsory or voluntary voting; and
- Key considerations influencing local government positions.

The consultation process will inform a report and proposed advocacy position to be considered by WALGA State Council.

COMMENT:

The WALGA discussion paper seeks Local Government feedback on two potential electoral reforms: the introduction of full spill elections every four years and compulsory voting at Local Government elections.

Election Frequency

A commonly cited advantage of the current Western Australian system of biennial elections, with half of Council positions contested at each election, is the continuity of governance and institutional knowledge.

This model ensures that approximately half of the Council remains in office at any time, providing opportunities for mentoring of newly elected members and supporting continuity of strategic decision-making.

Data from other State Electoral Commissions that conduct full spill elections indicates that approximately half of councillors are typically re-elected at each election. However, this outcome is dependent on electoral behaviour rather than structural design and is therefore not guaranteed. There have been instances in other jurisdictions where the entire composition of a Council changed following a single election, although this is unlikely.

The current Western Australian model provides greater certainty of continuity by structurally ensuring that a portion of the Council remains in office at any given time.

Voting Participation

Voting in Local Government elections in Western Australia is currently voluntary.

While compulsory voting in other jurisdictions has resulted in significantly higher voter turnout, it would also introduce additional administrative and enforcement requirements and may increase the cost of conducting elections.

Voluntary voting has been a long-standing feature of Local Government elections in Western Australia and reflects the community-based nature of Local Government decision-making.

Cost Considerations

The potential cost implications of the proposed reforms remain unclear. WALGA has noted that detailed cost modelling from the Western Australian Electoral Commission is not currently available.

As Local Governments bear the cost of conducting elections, further information regarding the financial implications of proposed reforms would assist in assessing the potential impacts.

Proposed Council Response to WALGA

Question	Response
1. Does your Local Government support half-spill elections every two years or full-spill elections every four years?	The Shire supports retaining half-spill elections every two years, with Council Members serving four-year terms.
2. What are the key considerations informing this view?	<p>Key considerations include:</p> <ul style="list-style-type: none"> • Continuity of governance and Shire knowledge. <p>Half spills preserve corporate knowledge and continuity, supporting stable governance, committee function, and mentoring of new Councillors (the paper flags continuity/knowledge retention as a central consideration).</p> <ul style="list-style-type: none"> • Reduced risk of complete turnover of Council membership. <p>In regional areas, candidate pools can be smaller: half spills reduce the chance of a sudden capability drop and supports progressive leadership development.</p> <ul style="list-style-type: none"> • Stability of strategic decision making and long-term planning. <p>In smaller electorates, elections can be influenced by a current local issue or personality. A full spill election increases the likelihood of sudden and significant changes to Council which could have the effect of destabilising committed decisions and long term planning.</p> <ul style="list-style-type: none"> • The structured retention of experience and mentoring opportunities for newly elected members. • The resourcing pressures associated with potentially inducting a whole new Council cohort. <p>A full spill can increase the risk of major governance disruption and increases reliance on staff capacity to induct an entire new Council at once.</p>

	<ul style="list-style-type: none"> • Community engagement and accountability. <p>A two-year cycle creates a more frequent accountability checkpoint for the community, without the risk of a total turnover.</p>
3. If full-spill elections every four years were introduced, what transitional arrangements and consequential amendments may be required?	<p>If full spill elections every four years were introduced, transitional arrangements may need to address several matters, including:</p> <ul style="list-style-type: none"> • Aligning Council Member terms of office with the new election cycle, which may require the extension or shortening of some elected members terms during the transition period. • Legislative amendments to the <i>Local Government Act 1995</i> and associated regulations to implement the revised election cycle. • Provisions addressing the management of extraordinary vacancies during the transition period. • Provision of guidance, resources and support material from the State Government and/or WALGA to assist Local Governments in communicating the changes and their implications to their communities. • Consideration of the potential impact on representation on regional organisations, joint authorities and governance committees where multiple councillor representatives may change simultaneously following a full-spill election.
4. Any other comments?	<p>Further information on the financial implications of any proposed reforms would assist Local Governments in assessing potential impacts, particularly given that Local Governments bear the cost of conducting elections.</p>
5. Does your Local Government support compulsory voting or voluntary voting in Local Government elections?	<p>The Shire supports voluntary voting.</p>
6. If the frequency of Local Government elections were changed to every four years, would your Local Government support compulsory or voluntary voting?	<p>The Shire supports the continuation of voluntary voting at Local Government elections.</p> <p>Voluntary participation in Local Government elections is a long-established position of the Local Government sector and was confirmed as a result of sector feedback during the Local Government reform process.</p>
7. What are the key considerations informing this view?	<p>Under the current Western Australian electoral system, Local Government elections are conducted every two years, with half of Council positions contested at each election. This model means that only a portion of the Council changes at any one time, and the system provides a mechanism that supports continuity of governance and corporate knowledge. In this context, voluntary voting is supported as the entire Council is not determined through a single election.</p> <ul style="list-style-type: none"> • Introducing compulsory voting would create additional administrative burden for local governments, including managing non-voter notices, exemptions and follow-up compliance processes.

	<ul style="list-style-type: none"> • Cost Implications, compulsory voting would likely increase costs associated with conducting elections. As well as the cost of running the election there would be additional administration costs such as dealing with non-voters and additional compliance costs. • Community Frustration and Disengagement, voluntary voting encourages participation from electors who have a genuine understanding and interest in local government. Compulsory voting may result in individuals casting votes with no interest or understanding of candidates resulting in a high proportion of ‘donkey votes’ to avoid a fine and therefore reducing the quality of electoral outcomes.
8. Any other comments?	The Shire’s preference is to retain the current system of two-year elections with a half-spill of Council positions and voluntary voting.

STATUTORY ENVIRONMENT:

Local government elections in Western Australia are governed by:

- *Local Government Act 1995*; and
- *Local Government (Elections) Regulations 1997*.

Any changes to Local Government election processes would require amendments to the Acts and associated Regulations.

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 at this time.

Future implications may impact the Shire of Jerramungup’s election costs and would need to be factored into the budget process.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report at this time.

Future implications could affect the Shire of Jerramungup Electoral Caretaker Period Policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:**That Council:**

1. **SUPPORTS** the continuation of the current biennial election cycle and voluntary voting system, for local government elections in Western Australia, recognising that these arrangements provide stability, continuity of governance, and a cost effective model for small regional local governments.
2. **OPPOSES** the proposed introduction of four-yearly full spill elections, noting the potential loss of corporate knowledge, increased governance risk, and disruption to long-term strategic planning that may arise from the complete turnover of elected members.
3. **OPPOSES** the introduction of compulsory voting for local government elections, acknowledging the disproportionate administrative burden this would place on small rural local governments and the limited benefit it is likely to deliver in communities with relatively small elector bases.
4. **REQUESTS** that the State Government retain the current electoral arrangements for local government elections, particularly for small regional councils, to ensure governance stability and minimise additional regulatory and administrative burden.
5. **REQUESTS** the Chief Executive Officer to submit the Council endorsed responses to the Western Australian Local Government Association by the specified deadline.

MOTION: OCM260312**MOVED:** Cr Barrett**SECONDED:** Cr Hall**That Council:**

1. **SUPPORTS** the continuation of the current biennial election cycle and voluntary voting system, for local government elections in Western Australia, recognising that these arrangements provide stability, continuity of governance, and a cost effective model for small regional local governments.
2. **OPPOSES** the proposed introduction of four-yearly full spill elections, noting the potential loss of corporate knowledge, increased governance risk, and disruption to long-term strategic planning that may arise from the complete turnover of elected members.
3. **OPPOSES** the introduction of compulsory voting for local government elections, acknowledging the disproportionate administrative burden this would place on small rural local governments and the limited benefit it is likely to deliver in communities with relatively small elector bases.
4. **REQUESTS** that the State Government retain the current electoral arrangements for local government elections, particularly for small regional councils, to ensure governance stability and minimise additional regulatory and administrative burden.
5. **REQUESTS** the Chief Executive Officer to submit the Council endorsed responses to the Western Australian Local Government Association by the specified deadline.

CARRIED: 4/0**For:** President Brown, Cr Barrett, Cr Foreman, Cr Hall**Against:** Nil

12.4.3 ADOPTION OF UPDATED MODEL CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

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:	16 March 2026
Attachments:	a) Code of Conduct for Council Members, Committee Members and Candidates (Amended)
Authority/Discretion:	Legislative

SUMMARY:

This report seeks Council's adoption of the updated Code of Conduct for Council Members, Committee Members and Candidates, as required under the *Local Government Act 1995* and new supporting regulations introduced following the *Local Government Amendment Act 2024*. The amended regulations were gazetted on 17 December 2025 and commenced on 1 January 2026, with a State-provided transition period requiring all local governments to adopt the updated Code by 1 April 2026.

BACKGROUND:

The State Government has introduced reforms to strengthen local government oversight, including changes to complaint handling and the conduct framework that applies to Elected Members, Committee Members and Candidates.

To support these reforms, the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025* were gazetted on 17 December 2025 and relevant provisions commenced from 1 January 2026.

These amendments update the Model Code of Conduct framework to align with the new complaints handling system.

The Model Code of Conduct relates only to Council Members, Committee Members, and Candidates and does not apply to employees. There is a separate requirement for the Chief Executive Officer to have a Code of Conduct in place for employees and volunteers, which is not impacted by this regulatory change.

The State has provided a three-month transition period. By 1 April 2026, all local governments must adopt the updated Model Code of Conduct to ensure compliance and alignment with the revised oversight and complaints handling system.

CONSULTATION:

Internal – Relevant Shire staff have been consulted regarding the statutory requirement and to ensure awareness of the upcoming compliance deadline and transition period.

External consultation is not required, as this report relates to a statutory compliance requirement introduced by State legislation and regulation.

Community engagement is not required, as the matter relates to governance and conduct standards applying to Elected Members, Candidates and Committee Members.

COMMENT:

Council is required to adopt an updated Model Code of Conduct due to the introduction of reforms arising from the *Local Government Amendment Act 2024*, supported by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025*, gazetted on 17 December 2025 and effective from 1 January 2026.

The updated Model Code of Conduct applies only to Council Members, Committee Members, and Candidates, and does not apply to employees.

The State has provided a transition period; however, compliance is mandatory and must be achieved by 1 April 2026. Adoption of the updated Model Code of Conduct at the March 2026 Ordinary Council Meeting ensures the Shire meets its statutory obligations in advance of the deadline and aligns with the new complaints handling system and oversight framework.

Changes required to be made to the Model Code of Conduct by Council as a result of legislative amendment are as follows:

1. New Cl. 11(4), (5) and (6)

Previously, all complaints alleging a breach by a Councillor of Division 3 – Behaviour of the Code (behavioural breach) were required to be dealt with by the Council.

Regulation 3A now specifies that a behavioural breach must be referred to the Local Government Inspector (the Inspector) if the person who is the subject of the complaint has, on at least two previous occasions, been found under a local government’s adopted Code of Conduct to have committed, on or after 1 January 2026, such a breach.

2. New Cl. 14A Appointment of Monitor

Recognises the power of the Inspector to appoint a Monitor to assist the local government in dealing with matters raised by a complaint.

3. New Cl. 14B Performance of Local Government’s Functions Under Cl. 12 and 13

Sets out how the functions of cl. 12 Dealing with Complaint and cl. 13 Dismissal of Complaint must be performed (ie, either by the Council, or by a committee or person authorised by an absolute majority decision of Council to perform any or all of the functions).

4. New Cl. 15(3) Other Provisions About Complaints

Specifies that cl. 14A and 14B don’t apply to behavioural breach complaints made before 1 January 2026.

5. Division 4 – Rules of Conduct

Minor changes are required to the notes for the Division to reflect changes to legislation references.

6. Cl. 21 Disclosure of Information

Amendments to reflect changes made to s.5.23 of the Local Government Act 1995, which sets out the reasons why a meeting must or may be closed to the public to deal with a specific matter.

STATUTORY ENVIRONMENT:

The statutory provisions applicable to this item include:

- *Local Government Act 1995*, section 5.103 (Codes of conduct — council members, committee members and candidates);
- *Local Government Act 1995*, section 5.104 (Adoption and application of codes of conduct); and
- *Local Government (Model Code of Conduct) Regulations 2021*, as amended by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025*.

The amendments to the Model Code framework are contained within the attached regulations, including Part 6, Regulation 43, which clarifies when complaints must proceed through the local government complaints process versus being referred to the Inspector under the reformed oversight framework commencing 1 January 2026.

Extract from Part 6, Regulation 43 — *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025*:

“43. Schedule 1 clause 11 amended

After Schedule 1 clause 11(3) insert:

(4) A complaint must be dealt with under clauses 12 to 15 unless —

(a) the complaint is referred to the Inspector in accordance with subclause (5); and

(b) the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act. Note for this subclause:

See section 5.105(1) of the Act.”

STRATEGIC IMPLICATIONS:

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

Governance and Leadership

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

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

FINANCIAL/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 proposal is to review the policy, consistent with the requirements of legalisation.

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council, BY AN ABSOLUTE MAJORITY, with respect to the adoption of the updated Model Code of Conduct – Council Members, Committee Members and Candidates:

- 1. ADOPT the amended Shire of Jerramungup Code of Conduct for Council Members, Committee Members and Candidates, as attached to this report in accordance with:**
 - a. The *Local Government Act 1995*, section 5.103 and section 5.104, and**
 - b. The *Local Government (Model Code of Conduct) Regulations 2021*, as amended by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025 (effective 1 January 2026)*.**

MOTION: OCM260313**MOVED: Cr Barrett****SECONDED: Cr Hall**

That Council, BY AN ABSOLUTE MAJORITY, with respect to the adoption of the updated Model Code of Conduct – Council Members, Committee Members and Candidates:

- 1. ADOPT the amended Shire of Jerramungup Code of Conduct for Council Members, Committee Members and Candidates, as attached to this report in accordance with:**
 - a. The *Local Government Act 1995*, section 5.103 and section 5.104, and**
 - b. The *Local Government (Model Code of Conduct) Regulations 2021*, as amended by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025 (effective 1 January 2026)*.**

CARRIED BY ABSOLUTE MAJORITY: 4/0

For: President Brown, Cr Barrett, Cr Foreman, Cr Hall

Against: Nil

13.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

14.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

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

Nil.

16.0 CLOSURE

16.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 22 April 2026, commencing at 1.00pm, in Jerramungup.

16.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 1.34pm

These minutes were confirmed at a meeting held

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: