

PROPOSED PUBLIC PLACES & LOCAL GOVERNMENT PROPERTY LOCAL LAW 2026 – SUBMISSIONS & COMMENT

No.	Summary of submission	Admin comment relating to submission	Recommendation following Council briefing 25 March 2026
1	Good Afternoon, Thank you for responding to my recent queries on the new draft local laws, it is much appreciated. Please find below my submission regarding the Public Places and Local Government Property draft and thank you for providing the opportunity to comment. Kind regards, <u>Submission regarding draft Local laws – Public Places and Local Government Property:</u> As a general comment, it is challenging for the general public to read, understand and provide meaningful feedback on over 100 pages of legal drafting across all new proposed laws. I appreciate there is a defined process to follow, however if constructive feedback was genuinely being sought, a better approach would be to provide this information in a more simplistic easy to understand format as well as facilitating information sessions to allow people to ask questions. I would guess that many people in the Shire of Jerramungup would be completely unaware of what is being proposed here. It is also quite difficult to provide meaningful feedback since the overall intent of these new laws has not really been made clear and the context is important. The Public information notice states that the purpose is to allow management of situations involving commercial operations. This is somewhat at odds with the language of the proposed laws which is very open-ended and seems to provide the ability to control almost every imaginable aspect of public life being undertaken in public place.	The local public notice does not refer to commercial activities, however, these are addressed in the local law in clause 1.6 definition of “trading”, and the requirement to licence trading and associated activities such as signs etc	n/a
1.1	Specific feedback: Based on the current draft I do not support 5.4 a) b) in conjunction with the addition of any new prohibited areas (5.5) beyond those included in the	Effectively mirror current local law cl.6 & 7.	

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	1997 Beach Access Local Law. The laws, as written, are unnecessarily open-ended and seem to provide the ability to permanently remove vehicular/boat access from the entire coastline from Bremer Beach to Dillon Bay and the lower reaches of the Bremer River. If the intention is to control 'commercial operations' (as stated in the public information notice) then the laws could and should be written as such. The risk is that laws based on the good intentions of the council today could be used for complete lockouts in future (this can be seen in other parts of the state where beach access tracks have been blocked off with no notice or reason). If the intention is <i>not</i> to create areas of permanent lock-out then there is no logic in allowing for it in the law. As a minimum please consider including wording to allow only for temporary and reasonable time limits to any closures to avoid future misuse of these laws.	Former clause 5.4 related only to those areas included in former clause 5.5, or where a determination is made under Part 2. Note clause 2.2 requiring public consultation of a determination is intended to be made. Reference to commercial operations is not made in the local public notice. Temporary closure is permitted under the local law in accordance with proposed clauses 5.5 and 5.7 (former clause 5.6 and 5.8).	Former 5.4 deleted – no prohibition to driving on beaches Restrictions in the current 3 local laws will be removed with revocation. No change suggested n/a No change suggested
1.2	I do not support Part 5, Division 2 – Beaches, 5.6 Powers of Authorised person, (1)(b) 'Carry out <u>any activity</u> on any beach'. Specific and relevant 'activities' should be listed otherwise there is a risk of unintended/unanticipated use.	While not stated, the legal principle is that the activity must be – - related to the performance of their position; - permitted by or within the scope of the local law; and - reasonable and relevant. Rather than make an extensive list of specific actions permitted, these three principles could be included.	Included as new proposed subclause 5.5(3)
1.3	I suggest the wording of Part 7, 7.1 – Taking or injuring Fauna is updated to clarify intent. This section states that an animal means any living thing which is not a human or plant. Therefore this includes fish and shellfish. Fauna is stated to mean any animal (including fish) which is indigenous to	The wording of clause 7.1 has been accepted by the JSCDL.	

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1.4	or migrates through any state of the commonwealth or its territorial waters. (2) states that a person shall not take, injure or kill any fauna on or above a public place. A beach is a public place. Therefore, it is reasonable to interpret that this language could be used to make it unlawful to catch fish from any public beach. The wording should be changed to make clear that that this clause excludes recreational fishing (I would assume based on the Fisheries Act?).	Fauna does include fish. The definition of “fauna” could be amended to exclude holders of a fishing licence; however, it is considered that this is adequately covered by subclause (2), which states that any activity permitted under written law is not prevented. Fishing is highly regulated by State legislation which over-rides local laws, so if a licence is issued by the Department of Primary Industries and Regional Development, or it is permitted by the legislation, the local law has no effect. Relevant legislation includes the Fish Resources Management Act 1994 and associated regulations.	No change suggested
	Assuming a beach is considered ‘local government property’, then I interpret that 4.7 (2) would impose a 20km/h speed limit for vehicles on beaches. Sometimes moderate speed and momentum is required to safely traverse deep/boggy sections of a beach. The wording: “A person shall not drive in a manner causing danger to any person” is sufficient and practicable. Imposing a defined speed limit inadvertently introduces a potential safety hazard and practically it would also be near impossible to enforce.	The text of clause 4.7(2) has been accepted by the JSCDL, which does not prevent a change to the suggested wording. The issue raised of boggy or difficult conditions, perhaps a large drift of seaweed, is valid. The application of this clause does not apply to those beaches the local government does not control.	For Council decision Possibly insert new subclause – (3) Subclause (2) does not apply on a beach except as signed. Subclause (3) becomes (4)
2	Dear Council, As a local and owner of a business highly dependent on the tourist trade, I wish to raise my concerns in relation to the above proposed law. The wording is very ambiguous and could easily be argued to limit, restrict or even prevent vehicle access to our beaches.	Non-specific comment.	n/a

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	Our beaches are the main tourist draw card to our town, as well as the reason why many of us live here. Any restrictions of access would be of detriment to our whole community. I understand the need to have some control and the ability to manage vehicle activity on the beaches, but believe it can be done through good signage, speed limits in high use areas, public and tourist education, and a proactive ranger. Please don't restrict the ability to enjoy Bremer Bay. Regards,	Any changes to be decided by Council. For signage and speed limits to be effective, a local law is required. Effectiveness of a ranger would be greatly reduced without a local law to provide authority.	Former 5.4 deleted – no prohibition to driving on beaches Restrictions in the current 3 local laws will be removed with revocation.
3	Good morning, Thankyou for giving us the opportunity to comment. I believe closing the mentioned beaches or making people pay a tax to use them would have a negative effect on one of the main income streams for many businesses in Bremer, that being tourism. Everyone loves driving on the beaches. To take this privilege away from both locals and visitors would be the biggest mistake the council could make. Council will lose all the good will it has with the residents of Bremer if the proposed new laws are passed. Spending time on the beach with family and friends , launching the boat from little boat and taking the kids fishing in dillion bay , is the reason we moved here. I would think I would lose some of my passion for the town if we could not continue these activities. Again I would think this loss of love for the town would effect the amount of time our hole family gives doing charity and volunteer work for the community. That's really sad. I'm sure you will receive a very loud voice from the community on this one. I trust the	Non- specific comment.	Former 5.4 deleted – no prohibition to driving on beaches Restrictions in the current 3 local laws will be removed with revocation.

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	council will consider all input before deciding on such a huge cultural change to Bremer Bay. Thankyou for the opportunity to comment		
4	...I opposed closing of the beaches around Bremer.	Non- specific comment.	Former 5.4 deleted – no prohibition to driving on beaches. Restrictions in the current 3 local laws will be removed with revocation.
5	I would just like to comment on the public notice about the proposed local laws. I am totally opposed to any law that will disallow access and driving on certain local beaches.	Non- specific comment. Existing local law already restricts some beaches Any changes to be decided by Council.	Former 5.4 deleted – no prohibition to driving on beaches. Restrictions in the current 3 local laws will be removed with revocation.
5.1	In the draft Proposed public places and local government property local law. I would like to seek changes to firstly the point 1.6 Terms. “ licence means a licence, permit or approval issued under this local law;” I would like to see Department of transport Licence instead of “this Local Law”.	A local law should only address issues not dealt with by legislation, in part because there is possibly no head of power to do otherwise, and also due to the very high likelihood of inconsistency with State legislation over time. State Legislation always over-rides local laws. In addition, relevant departments usually do not have the head of power to control the matters of a local law. The JSCDL rejects provisions of a local law that are inconsistent with legislation.	No change suggested

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5.2		In relation to fishing, boats etc, any licence issue by a department will be under State legislation, and therefore over-ride local law provisions.	No change suggested
	Secondly I would like see alterations made to point “ 5.5 Prohibited beach areas . For the purpose of clause 5.4, prohibited areas are those beaches “ so that Blossoms, Little Boat Harbour, Back Beach, Bremer Bay and Point Gordon are not included in this list but included on a list that states accessible beach areas .	The suggestion made that there is an accessible list is an option, however, it would imply that if not on the accessible list, access to that beach is prohibited. It is less restrictive to list the prohibited areas.	Former 5.4 deleted – no prohibition to driving on beaches.
	Maybe even John Cove could be included. The land reserve numbers have no meaning as I don’t know where the limits end.	The beaches to be included or excluded is a Council decision.	Restrictions in the current 3 local laws will be removed with revocation.
	Also I seek clarification on point 5.5 a. “(a) As may be determined in accordance with Part 2 from time to time;” what is part 2 and what does it state?	Part 2 of the local law deals with making of determinations. These are at Council’s discretion, and there is a formal procedure which is required which includes advertising and consideration of submissions before final decision. The JSCDL will not accept changes of wording to Part 2.	No change suggested
5.3	I look forward to hearing from you in due course. Thank you for your time. Kind Regards	n/a	n/a
6	Division 2 Item 5.4 and 5.5 Morning Martin Please register our concern regarding the above. I realise that some clarification has been made but before any beach access changes are made perhaps a community meeting could be held in Bremer Bay to fully explore all the relevant issues.	Any public meeting to be decided by Council or CEO	For Council decision

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	I would like to commend [name provided] for getting the community involved in such a important matter. Regards		
7	To the Chief Executive Officer, Shire of Jerramungup, Please see attached submission that outlines the objections/comments to: DRAFT LOCAL LAW - PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY We have asked for feedback from staff members and guests, who contributed to the response. The submission is written on behalf of [names provided] and in the best interests of the business [business name provided] We trust the Shire has the best interests for all concerned. Kind regards Submission Invited – Proposed Local Laws <i>Local law text excluded – various sections highlighted and commented on below</i>	Non- specific comment.	n/a
7.1	Please table my objections/comments as follows: Part 2 Determinations 1. Define what specifically constitutes “Local Government Property” – it is difficult to agree to a law where the boundaries are not clearly defined.	“local government property” is defined in clause 1.6 as – local government property means anything except a thoroughfare – (a) which belongs to or is leased by the local government;	

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7.2	Amend clause to describe what “Local Government Property” is.	(b) of which the local government is the management body under the <i>Land Administration Act 1997</i>; or (c) which is an otherwise unvested facility within section 3.53 of the Act; The JSCDL will not accept any changes to the wording of Part 2.	No change suggested
	a. Are the beaches listed in Section 5.5 the property of the Shire of Jerramungup, or within the lawful jurisdiction of the Shire of Jerramungup? b. Is the access the beaches listed the property of the Shire of Jerramungup?	Many local governments have provisions dealing with beaches, without defining what a beach is, and the area is often / usually unvested. Being unvested, although a public place, it is a gray area whether the local law can be enforced on such places. However, since it is a concept in many local laws, and I am not aware of any Court decisions that may impact, it is implied that they may be applicable. For a definitive answer, a legal opinion is required.	No change suggested
7.3	2. 2.7 Subclause 2(c) – description is too broad and excludes all other activities that are not listed in permitted activities. Omit subclause 2(c). 3. 2.8 Subclauses (1) and (2) in its entirety. This section is also too broad in its description, and I find it concerning. Under what circumstances would a prohibition apply for these activities, and to what level would it	Part 2 deals with determinations made at some future date at the discretion of Council. The Part prescribes a required procedure for advertising the proposed determination and seeking public comment. The JSCDL will not accept any changes to the wording of Part 2.	

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7.4	be justified? Eg; unlawful restrictions that occurred during Covid lockdowns. Amend clause to state when, and under what circumstances would this be required 4. 2.8 Subclause 1(c) Retain the ability to police speed limits on all our beaches that have vehicular access.	The only options are to include the whole of Part 2 or to exclude it entirely. If excluded, any future management of the matters listed would require the local law to be amended.	No change suggested Noted – but subject to any change in clause 4.7
	Part 5 Particular Local Government Property Division 2 - Beaches Section 5.4 Prohibited activities on beaches 5. Amend the definition of license to read: <i>Licence means a license issued by the Department of Transport</i>	To make this amendment would mean that ONLY Dept of Transport may issue permission to use a beach. The power would be removed from the local government	No change suggested
	Section 5.5 Prohibited beach areas 6. 5.5 (a) Define “time to time” - the statement is too vague. What circumstances would be criteria to enact determinations in accordance with Part 2, from “time to time”? Amend clause to state when, and under what circumstances would this be required.	The phrase “time to time” is well established in law, meaning that when the circumstances are appropriate, a decision or action may be made. Appropriate time is decided by Council or the person having authority to make the decision given the prevailing circumstances. For example, the <i>Interpretation Act 1984</i> states – 16. Reference to written law is to written law as amended	No change suggested

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7.7		(1) A reference in a written law to a written law shall be deemed to include a reference to such written law as it may from <u>time to time</u> be amended. (emphasis added)	
	7. 5.5 (d)(e)(f)(g) Access is already restricted to Native Dog and Short Beach, with no vehicular access to Banky Beach. Vehicular access should not be restricted to Blossoms Beach, Little Boat Harbour, Back Beach and Point Gordon Reserve. Vehicular access to these areas, and all beaches in the area, is vital for the local economy. Removal of clause 5.5 sub clauses d, e and g; or removal of reference to Blossoms Beach, Little Boat Harbour, Back Beach and Point Gordon Reserve from the clauses.	Inclusion or removal of beaches is a matter for Council decision	Former 5.4 deleted – no prohibition to driving on beaches. Restrictions in the current 3 local laws will be removed with revocation.
8	To the Chief Executive Office, Shire of Jerramungup, I am writing to formally oppose the proposed by-law outlined below concerning prohibited activities and access restrictions on beaches within the Shire of Jerramungup. This is due to a lack of transparency with the wider community with whom this will affect. Consultations need to be had with the local community about the long term ramifications of such a broad and ambiguous law. Proposed By-Law: <i>Local law text excluded – various sections identified and commented on below</i>	n/a	n/a
8.1	My Objections: 1. Lack of Transparency and Consultation There has been inadequate consultation with the broader community regarding these sweeping restrictions. Given the impact on residents, I request the by-law be paused until: • Every ratepayer has received a full copy of the by-law, and	The draft local law was advertised in accordance with the Local Government Act and Regulations – - on the Shire's website - in social media	For Council decision

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	• A public town meeting is held to allow for community questions and feedback. • Clarification is given about the type of licence required, who can apply, the cost, if its seasonal and who will police this. • Clarification on what commercial enterprise will restrict access to the beaches.	- local public notice in the Jerramungup Journal and Bremer Bulletin, - Shire notice boards in Jerramungup and Bremer Bay - for a minimum of 6 weeks, - advice given to Minister/department Any public meeting is to be a Council decision See definition of licence – it can be as simple as an exchange of emails. The term of the licence is up to one year from date of issue, or shorter period if considered necessary or appropriate. Fees and charges are set in accordance with the Local Government Act s.6.16 “commercial enterprise’ is not a term used in the local law. See definitions of “sell” and “trading”. In recent times, the JSCDL has been examining provisions that could be considered as restraint in trade. It is suggested that Council consider a policy describing trading activities might be permitted and the circumstances, and when staff may issue a licence or refuse. In this regard, the submissions points 2 and 3 below are particularly relevant.	For Council decision No change suggested No change suggested

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8.2	2. Risk to Bremer Bay's Unique Character Bremer Bay's beauty and uniqueness are closely tied to its natural, uncrowded, and accessible environment. Restricting access in favour of commercial development risks undermining what makes this town special. This could lead to over-commercialisation similar to other coastal towns in Perth and the Southwest.	Matters for Council consideration	For Council decision
8.3	3. Insufficient Infrastructure for Seasonal Demand During summer, Bremer's population exceeds 10,000 people. The town lacks the infrastructure to support this without vehicle access to beaches. Similar issues in Byron Bay have led to congestion, high parking fees, and environmental damage due to overflow.		
8.4	4. Safety and Emergency Access Beach driving enables safe and timely access for families and emergency services. Removing this access could jeopardize public safety, especially in an isolated town with a volunteer-run ambulance service.	Clause 1.10 – Emergency and special purpose vehicles as defined by the Road Traffic Code are not prevented access when undertaking their duties.	No change suggested
8.5	5. Practical Alternatives to Full Restrictions Instead of full bans, I suggest: - Employing additional rangers during peak periods - Issuing fines to those who drive irresponsibly or damage dunes. This strikes a balance between environmental protection and continued access for responsible users.	It is understood this is existing practice To issue fines/infringements requires there to be a basis in law to do so. There must be a legal power. This is a major thrust of the definition of "beach" and the prohibition. Where there is no issue of environmental damage etc, a licence may be issued.	For Council decision No change suggested Former 5.4 deleted – no prohibition to driving on beaches. Restrictions in the current 3 local laws will be removed with revocation.
	6. Economic and Recreational Impact		

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	Restricting beach access will negatively affect local tourism and reduce recreational opportunities for residents. This is especially concerning in a small, isolated town where beach access is a major lifestyle factor.	Matters for Council consideration	For Council consideration
	Conclusion: I strongly urge the Shire to reconsider this by-law in its current form and engage the community in transparent dialogue before making such significant changes. Thank you for your time and consideration. I would welcome the opportunity to discuss this further in a public setting. Sincerely,	Non-specific comment	n/a
9	To Marty Cuthbert and the Councillors of the Jerramungup Shire, We are writing to you today in response to the proposed beach access local laws. We would like to see an amendment to be made to remove the three following beaches: Blossoms Beach, Little Boat Harbour and Back Beach. As the Shire has mentioned in the public information response to the draft of these local laws, there appears to be currently no immediate need or anything in the foreseeable future to require these beaches to be closed off to public access. With that in mind, we would like to see these beaches be removed from this proposed local law until the requirement is needed to protect these beaches from four-wheel-drive access and extreme traffic. We understand the need to protect local beaches. This is something we are very passionate about. We feel that at this point in time, it is a bit premature to include these highly trafficked beaches in the beach access local law, until there is adequate parking infrastructure to facilitate the cars that would otherwise be on the beach.	Matter for Council consideration The opinion expressed here appears at odds with submission made during the review of local laws in May 2024 Matters for Council consideration Adequacy of parking - matter for Council consideration	Former 5.4 deleted – no prohibition to driving on beaches. Restrictions in the current 3 local laws will be removed with revocation. See above For Council decision

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	The prime example we would like to put forward is the closure of Native Dog Beach to four-wheel-drive access. I have been surfing with my father at native dog since the 80's when it was able to be accessed only with a four wheel drive. Although we witnessed first hand the benefits of the closure, with the protection of the dunes and beach, the carpark infrastructure was only just adequate at the time but in current day does not withstand the influx of traffic in peak seasons. We hope you can take this information of a perspective of a long standing locals experience, and use this to carefully consider removing those three beaches from the local law until it is absolutely required and prepared for. Kindest Regards,	Native Dog Beach is included in 5.5 as a prohibited area Adequacy of parking – matter for Council consideration Matters for Council consideration	See above For Council decision See above