



**UNCONFIRMED**

# **MINUTES**

## **ANNUAL ELECTORS MEETING**

Held

**28<sup>th</sup> of January 2026**

At

**Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - Eaton**

This document is available in alternative formats such as:

- ~ Large Print
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- Upon request.

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## **VISION STATEMENT**

**“The Shire of Dardanup is a healthy, self-sufficient and sustainable community, that is connected and inclusive, and where our culture and innovation are celebrated.”**

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## COUNCIL ROLE

<b>Advocacy</b>	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
<b>Executive/Strategic</b>	The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<b>Legislative</b>	Includes adopting local laws, town planning schemes and policies.
<b>Review</b>	When Council reviews decisions made by Officers.
<b>Quasi-Judicial</b>	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.  Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

## RISK ASSESSMENT

<b>Inherent Risk</b>	The level of risk in place in order to achieve the objectives of the Council and before actions are taken to alter the risk's impact or likelihood.
<b>Residual Risk</b>	The remaining level of risk following the development and implementation of Council's response.
<b>Strategic Context</b>	These risks are associated with achieving Council's long term objectives.
<b>Operational Context</b>	These risks are associated with the day-to-day activities of the Council.
<b>Project Context</b>	Project risk has two main components: <ul style="list-style-type: none"><li>• Direct refers to the risks that may arise as a result of project, which may prevent the Council from meeting its objectives.</li><li>• Indirect refers to the risks which threaten the delivery of project outcomes.</li></ul>

## SHIRE OF DARDANUP

**MINUTES FOR THE SHIRE OF DARDANUP ANNUAL ELECTORS MEETING HELD ON WEDNESDAY, THE 28<sup>TH</sup> OF JANUARY 2026, AT SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, COMMENCING AT 6.00PM.**

### **1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS**

The Presiding Member declared the meeting open at 6:00pm welcomed those in attendance, referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

#### *Acknowledgement of Country*

*The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region and pay our respects to their elders, past, present and emerging. The Shire of Dardanup also respects and celebrates all cultures of all our residents and visitors to our Shire.*

#### *Emergency Procedure*

*In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, you will be directed to an appropriate Assembly Area where we will meet (and complete a roll call).*

#### *Affirmation of Civic Duty and Responsibility*

*Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.*

#### *Recording of Meetings*

*In accordance with Section 5.23A of the Local Government Act 1995, and Part 2A of the Local Government (Administration) Regulations 1996, video or audio recordings of Council meetings apply to all Ordinary and Special Council Meetings of the Shire of Dardanup.*

*All recordings will be retained as part of the Shire of Dardanup records and will be made available to the public via the Shire of Dardanup Website, excluding recordings of matters that Council take Behind Closed Doors.*

## **2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED**

### 2.1 Attendance

Cr. Tyrrell Gardiner	-	Elected Member (Shire President)
Cr. Stacey Gillespie	-	Elected Member (Deputy Shire President)
Cr. Brad Farrant	-	Elected Member
Cr. Luke Davies	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Tony Jenour	-	Elected Member
Cr. Krystal Laurentsch	-	Elected Member
Cr. Ruby Trevathan	-	Elected Member
Cr. Annette Webster	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Ashwin Nair	-	Director Development Services
Mr Craig Johnson	-	Director Community and Economic Development
Mr Theo Naudé	-	Director Infrastructure
Mrs Natalie Hopkins	-	Director Corporate and Governance
Mrs Donna Bailye	-	Manager Governance
Mrs Tahnia Creedon	-	Communications Officer
Ms Marie Vitanza	-	Executive Support Officer
Mrs Ellen Lilly	-	Elector
Mr Mick Bennett	-	Elector
Mr Phil Tognolini	-	Elector
Mr Tyler Brown	-	Member of the public

### 2.2 Apologies

None.

### 2.3 Leave of Absence

None.

## **3 CONFIRMATION OF MINUTES – 29<sup>TH</sup> OF JANUARY 2025**

### 3.1 Annual Electors Meeting Held on the 29<sup>th</sup> of January 2025

The Minutes of the Annual Electors Meeting held on the 29<sup>th</sup> of January 2025 are provided in (Appendix AEM: 3.1) for confirmation.

## ANNUAL ELECTORS MEETING RECOMMENDATION &amp; COUNCIL RESOLUTION

AEM 01-26 MOVED – Cr. S L Gillespie

SECONDED – Cr. L W Davies

**THAT the minutes of the Annual Electors Meeting (Appendix AEM: 3.1) held on the 29<sup>th</sup> of January 2025, be confirmed as true and correct subject to no corrections.**

CARRIED  
9/0

<i>For the Motion</i>	<i>Against the Motion</i>
Cr. T G Gardiner Cr. S L Gillespie Cr. L W Davies Cr. B S Farrant Cr. M R Hutchinson Cr. A C Jenour Cr. K A Laurentsch Cr. R J Trevathan Cr. A L Webster	

**4 RECEIPT OF ANNUAL REPORTS – 2024/25**

**4.1 Annual Report 2024/25***Discussion:*

*Cr. Tyrrell Gardiner read aloud the Shire President's message included in the 2024/25 Annual Report.*

*Chief Executive Officer, Mr André Schönfeldt read aloud the CEO message included in the 2024/25 Annual Report.*

## ANNUAL ELECTORS MEETING RECOMMENDATION &amp; COUNCIL RESOLUTION

AEM 02-26 MOVED - Cr. M R Hutchinson

SECONDED - Cr. B S Farrant

**THAT the contents of the Council's Annual Report for 2024/25 (Appendix AEM: 4.1), inclusive of the President's Report, Chief Executive's Report, Auditors Report and Annual Financial Statements, be received.**

CARRIED  
9/0

<i>For the Motion</i>	<i>Against the Motion</i>
Cr. T G Gardiner Cr. S L Gillespie Cr. L W Davies Cr. B S Farrant Cr. M R Hutchinson Cr. A C Jenour Cr. K A Laurentsch Cr. R J Trevathan Cr. A L Webster	

## 5      QUESTIONS / MOTIONS FROM THE PUBLIC AT THE PRESIDENT'S DISCRETION

### 5.1      Mrs Ellen Lilly - Dardanup

#### *Discussion:*

*Mrs Ellen Lilly made the following statement: thanking the Elected Members and Shire staff for a fabulous year. The Shire of Dardanup is a fabulous place to live and work, and everyone has put in a lot of time and effort to make sure that the Shire continues to be great.*

#### *Question 1*

*When will the contaminated FOGO be removed? The prevention order that was put in place in October 2023 by the Director General, states that the FOGO was to be removed by January 2024, it is now January 2026 and the FOGO is still in place. In December 2025, we wrote a letter on behalf of the Dardanup Environmental Action Group to Director General Alistair Jones and asked him what is going on when there is a 2-year delay in the prevention order, which is a significant document of compliance, which has still not been completed. The response from the Director General was 'thank you for being concerned community members, appreciation of concern and the prevention order still stands, needs to be completed and complied with'. As we are in January 2026, the prevention order states January 2024.*

#### *Response by Director Development Services:*

*The Prevention Order has been issued by the Department of Water and Environment Regulation and is their responsibility to enforce. The Shire regulates compliance with development approval, and we are working with the Bunbury Harvey Regional Council to ensure that their activities are consistent with the development approval previously issued for the site. Officers can reach out to DWER to seek more understanding of where the prevention order is, and that's what we can do following this.*

#### *Response by Chief Executive Officer:*

*Because they have a development approval over the site, what the Shire can do is to make sure that they comply with that development approval. That still allows them to have material on part of the site. The Prevention Order was issued by DWER, so DWER wants them to remove all of it from site. Only they have the power to do that, not the Shire. The Shire can only work on bringing them in compliance with the planning approval that was issued back in early 2012.*

#### *Mrs Ellen Lilly:*

*So, we are talking about the FOGO that is not on a hardstand and has been identified by DWER that its contaminated? Material that has been sitting in situ for 4 years and highly contaminated with PFAS and no hardstand. I am not concerned about the stuff on a hardstand but all the material that is sitting without a hardstand is directly above our water recharge points.*

#### *Response by Chief Executive Officer:*

*The Shire is working with them; the Shire was hopeful that they would have it removed by the end of February. As the Shire understands it, they have been required to do further testing of the material before they can remove it. That is why there has been a delay and why they have yet to commence.*

*Mrs Ellen Lilly - So, it is going to be removed by the end of February 2026?*

Response by Chief Executive Officer:

*Highly doubtful, the Shire was hopeful that it would be removed by the end of February. The Shire was informed last week that they have been required to do further testing before they can remove it. Therefore, the Shire is still waiting on the outcome of that testing.*

Mrs Ellen Lilly:

*How long could this go on for? The community don't want to wait until they receive a letter advising that they can't eat their eggs or water the vegies because it has been contaminated with PFAS, or can something be done before this happens.*

Response by Chief Executive Officer:

*The understanding of conversations that the Shire has had with DWER is that the likelihood of a spread of PFAS through the ground water or any other way is very low and very unlikely due to how the groundwater system works in that space. I know you have another question so I will try and answer it now. The Shire has reached out to BHRC and DWER for ground water monitoring information and the Shire has been declined. The Shire has since lodged a Freedom of Information request at the end of December 2025 and is currently waiting for determination on that request. Cleanaway's water monitoring information is available on their website and is relevant because the ground water system is explained in the Cleanaway water monitoring information and through that, we can understand, to a certain degree, the potential risk of it migrating off the site, which seems extremely unlikely and therefore seems to be well contained. If there is contamination, which the Shire does not know if there is contamination at this point, it would very likely be contained on site. Then it is a matter of how you rehabilitate that superficial aquifer in that space.*

Question 2

*That was another of my questions, where are the water results. When the Shire receives the results, will they be made available to the community?*

Response by Chief Executive Officer:

*Through a Freedom of Information request, the Shire may not be able to make the results available but at least the Shire will understand them better and then deal with it from there.*

Question 3

*What remedial strategy is in place that will be put in place by the Shire if there is a contamination of the ground, in particular the ground water?*

Response by Chief Executive Officer:

*That remediation of dealing with contamination is purely a function of the Department of Water and Environment Regulation. That is not something that the Shire gets involved in unless it was a condition of the planning approval previously. It is highly doubtful, that at the time, it would have contemplated rehabilitating the ground water. That would probably be referring to DWER and the works approval that they have been issued in that space, as is most generally the case. So, the Shire will not be involved in the rehabilitation of the ground water. That will be a State Government function.*

Mrs Ellen Lilly - *Even if the Shire is one of the Council groups part of the rubbish delivery?*

Response by Chief Executive Officer:

*The operator takes the responsibility on, not the people that have paid to dispose of the FOGO.*

Question 4

*What strategy is the Shire going to put in place to mitigate the environmental impacts such as dust, noise and traffic during the removal of the FOGO to the next site? As the Shire would be aware, in the recent weeks, we have had semi-trucks going up Banksia Road. In discussions with Cleanaway, they are claiming it's not their trucks; however, they have Cleanaway printed on the side of them. The community have known for a long time that Cleanaway do not have a safe, secure system in place to manage any of their environmental or safety hazards. They regularly are non-compliant and apologise for their mistake, advise that they need to change their inductions etc... We had this conversation 5 years ago with Cleanaway and it was addressed at that point in time. They were told not to travel on Banksia Road and not to travel on Panizza Road. Yet this is a regular occurrence. Therefore, what is going to be done to make sure that the trucks are not going to be travelling up those roads?*

Response by Director Development Services:

*The Shire has received a complaint in relation to this issue and the Shire reached out to Cleanaway straight away. Cleanaway advised that those drivers had not been inducted on site and that they will be taking steps to ensure that all drivers are inducted, wherever they are located, to ensure that the approved traffic routes are used to enter the site as opposed to using the unendorsed routes.*

Mrs Ellen Lilly

*Previously, we went through this. Cleanaway promised that all of their drivers inducted off site, in location, prior to coming to the Southwest so that they knew where they were going. As Cleanaway are not compliant, I can bet that we will be having the same conversation in 3 years time. They do not have secure systems where they can repeatedly reliably do the same thing and make sure that system is in place and that's the communities concern. If it wasn't for the community raising these issues again, the Shire would not know about them.*

Response by Shire President

*It has been an ongoing thing and a lot of these things are DWER. The Shire's hands are a bit tied with DWER. There has been a lot of talk between Ministers and the group of Councils on FOGO trying to find a solution and a lot of it comes back to what is going on there now. As DWER is the overriding authority over all of this, the Shire cannot get them to listen to us or the Community.*

Response by Chief Executive Officer:

*In relation to question 4, the Director has reached out to BHRC and has asked how that is going to be managed. The Shire has received an Environmental Management Plan from them last week which is being reviewed and then the Shire will give them some feedback on how they need to implement that. Bearing in mind, that they have a planning approval that advises they can bring trucks to and from that site to process compost and transport the compost from that site. They are operating within their planning approval. The Shire is asking them to tell us what they are going to do, which they have now told us. We will look through that and see if there are any suggestions /recommendation we can make to make it better. The Shire has not communicated to the Community as of yet, as the Shire only found out last week how they are going to manage some of that and it is really incumbent on them to have that conversation with the community or push that back to BHRC to make those communications with the community when that starts occurring.*

*Mrs Ellen Lilly expressed concern regarding the lack of communication to the community about the contaminated material issue. She noted that, in the absence of updates, residents have formed the view that the Shire is not prioritising the matter. She emphasised that even a brief update would reassure the community that the Shire is actively working on the issue.*

*The Chief Executive Officer acknowledged these concerns and advised that the Shire had initially refrained from issuing public communication due to assurances received from the Bunbury Harvey Regional Council (BHRC). Had those assurances been met, action would already be underway. However, the requirement for further testing delayed BHRC's commencement. The CEO explained that early communication—such as announcing a January start date—could have resulted in the Shire appearing to make commitments that were not met. He also clarified that the Shire has been aware of the contamination issue for approximately 12–13 months, not four years.*

*The CEO further outlined that Councillors and staff visited BHRC in mid-2024 and were advised that significant improvements were being made to the site and its processes. Shortly afterwards, the Department of Water and Environmental Regulation (DWER) identified PFAS contamination, requiring the material to be removed. Until late December 2025, the Shire understood that BHRC was progressing toward a removal plan.*

*Mrs Ellen Lilly noted that, from the community's perspective, no visible improvements have occurred at the site over the past four years, and additional issues have accumulated without resolution. She stated that residents feel they are being referred back and forth between DWER and the Shire, which has caused frustration. Some residents have raised the matter with the Minister for Environment and were referred to the Prevention Order issued in October 2023.*

*The CEO reiterated that the matter is a State Government responsibility. The Shire of Dardanup is not a member of BHRC and therefore has no authority to direct or undertake the removal of the waste. The Shire's involvement was limited to a gate-fee arrangement for disposal. Regulatory authority rests with the State Government. The CEO advised that, should a similar proposal arise in future, the Shire would assess it under the local planning scheme and planning framework, apply appropriate conditions, and make recommendations to the Joint Development Assessment Panel, which would likely be the decision-making body.*

## Question 5

*What is being done to ensure the compliance of fire breaks for rural land holders, in particular along Poad Road?*

## Response by Director Development Services

*The Shire of Dardanup sends out Fire Break notices to every property owner in the second week of October every year. This is a reminder that gives land owners 6 weeks to install fire breaks or undertake fire prevention works. Rangers also engage with residents, visiting properties to give advice, handing out fire prevention orders. The Rangers also conduct 2 rounds of inspections across the Shire, the first commencing on the 1<sup>st</sup> December, the second commences once the first has been completed, usually mid-late January. In terms of Poad Road, properties have been inspected. A land owner as a result, has been issued with an infringement of non-compliance on the 14<sup>th</sup> January 2026. The Shire has scheduled a re-inspection of the site next week to determine if compliance has been achieved.*

*Mrs Lilly stated that bearing in mind that we have had a very difficult fire season this year, there has been a lot of fires throughout the state, not just in Dardanup and land holders that are non-compliant contribute to the risks that we face as a small community.*

### Response by Shire President

*There have been some changes to the Fire Break notices and the rangers have been educating the land owners that have been non-compliant. The level of compliance has gone up which will require better mitigation, especially for the larger blocks for being grazed.*

### Question 6

*Following the passing of the gentleman that looked after the Feed It Forward program, the volunteers lost their home and were looking for a new place to run the program. The Shire of Dardanup have a lot of assets within the town of Dardanup which are often sitting idle and may have spare capacity. Why was the Shire of Dardanup unable to assist with the provision of a facility for the Feed It Forward Program?*

### Response by Director Corporate & Governance:

*The Feed It Forward Program was created by a Dardanup resident in 2020, and the structure of the program was that food was initially delivered to people that were unable to get out of their homes which evolved to a destination where it was at a resident's place. Council staff did meet with Feed It Forward volunteers and as the arrangement came to an end, the Shire was approached to try and find a permanent location for the program to continue. Officers contacted the volunteers to discuss best possible options; the Shire has a Building Property Management Officer that liaised with them, an assessment of possible locations was undertaken, and Council officers organised an on-site meeting with one of the lessees to discuss the use of the Community Centre in Dardanup.*

*The lessee at the Dardanup Community Centre requested insurance details from this group to undertake their activities as they were not covered under their public liability insurance. As they are a small group, they did not have the insurances and there were restrictions on that group to obtain and maintain the appropriate insurances. During these discussions, it was noted that the volunteers would be dropping off the food and leaving the premises unattended and returning later. The lessee advised that the condition of use is that the premises should be attended and supervised by the volunteers. The group was then advised that once a public liability quote was obtained, the Shire may be able to assist with a once off contribution to this.*

*The volunteers discussed this with Officers and advised that they would discuss further and look at insurance options and report back to the Shire officers once this has been undertaken. To date, no further contact has been made with the Shire, however the Shire remains willing to engage in further discussions should the Feed it Forward volunteer group wish to come forward. As currently understood, the group are currently running out of the Dardanup General Store. Around the issues of whether the food would be left unattended was an issue with the lessee of the Community Centre.*

**Mrs Ellen Lilly - Were none of the other Shire buildings considered appropriate?**

### Response by Director Corporate & Governance:

*It was mainly due to them leaving the food unattended, also for them to come into the Dardanup Hall and use the Shire's insurance, that would be to a maximum of 12 hires per year which from our understanding is that it operates more frequently than that, and that it operates weekly.*

## 5.2 Mr Mick Bennett - Millbridge

### *Discussion:*

*Mr Mick Bennett advised that over the last week he had been asked about all the things that had been done by the Shire of Dardanup in his time. As they were the Shire's doing, there needs to be a vision and a leadership. What I am going to ask Council is to start showing some leadership on the issue of FOGO. Mr Bennett expressed his opinion on the Bunbury Harvey Regional Council. The residents are currently paying for FOGO to be picked up and when the Council originally voted for FOGO, Mr Bennett was strongly against it until he was convinced that it would be good for the planet and would like to put forward a motion to Council.*

*The Chief Executive Officer advised that the Shire have been doing a lot of work since the tender that was unsuccessful last year. The Shire has 6 months from that tender to enter into negotiations and a contract which runs out at the end of February. The Council have some options that will be presented to Council in February 2026. Unfortunately, it looks too cumbersome, at this point in time. We were hopeful for BHRC to have some solution, and they still do have federal government funding, \$6m tied up with the FOGO processing facility and there was a hope that they could get that up and running as a transfer station in the first instance and then become a FOGO processing facility out at Stanley Road in the longer term. As a short-term solution, that is now very unlikely, and the Shire will update Council next month when the report is put forward. There are some people that do a really good job of this up in Perth and Peel areas, unfortunately we cannot find a short-term solution. We now need to start looking at options to either get to a medium-term solution or consider Mr Bennett's motion.*

*Mr Bennett noted that the community is at a stage where people don't care about what they put in the bins anymore which has destroyed all the education that we've done over the last 8-10\* years and asked for the Council to be diligent. Residents may be happy with a rise of costs if they want to keep going with FOGO.*

*There was further discussions on the current FOGO negotiations and meeting undertaken to resolve the current FOGO situation. The Chief Executive Officer advised that a report would be brought back to Council in February 2026 with options for Council to consider, one of which is similar to the motion put by Mr Michael Bennett.*

Elector Mrs Ellen Lilly asked the following question:

### *Question 1*

*When we're referring to a reputable contractor and a suitable solution, what tool or variables are we going to use to analyse the social, financial or psychological impacts of FOGO? How will it be determined how it impacts the residents of Dardanup?*

Response by Shire President:

*First, we will need to find out who the reputable contractor that the Shire may be using is, which we have some options which may not be within the Shire, environment costs. All of these things will be weighed up when the Council makes a decision; whether they continue with FOGO or who we use.*

Response by the Chief Executive Officer:

*The Shire will rely on the Councillors to represent the Community's views and make the decision based on the professional recommendation that will be received by Shire officers, based on the information that has been gathered thus far and the work that has been done over the last 4 years. As mentioned previously, the Shire is going to present Council with a number of options including the Elector's motion by Mr Mick Bennett.*

Question 2

*Has the Shire thought about engaging Jane Bremmer who is the state's FOGO expert?*

Response by the Chief Executive Officer:

No, the Shire has not. The solution will need to come through a procurement process. We are not intending on undertaking FOGO ourselves.

Following further discussion on the motion, Mr Mick Bennett put forward the following elector motion:

**ANNUAL ELECTOR MOTION**

AEM 03-26      MOVED – Mr Mick Bennett

SECONDED – Cr. S L Gillespie

**THAT Council cease collection of FOGO as of the 30<sup>th</sup> June 2026, until such time the Shire has engaged a reputable contractor to process the FOGO in the way that it was supposed to be processed.**

CARRIED  
12/0

*Note: Pursuant to section 5.33 of the Local Government Act 1995, all decisions made at an Electors Meeting are to be considered at the next Ordinary Council Meeting.*

**6      CLOSURE OF MEETING**

There being no further business, the Presiding Officer to declare the meeting closed at 7:04pm.