



**CONFIRMED**

# **MINUTES**

OF THE

## **SPECIAL COUNCIL MEETING**

Held

Wednesday, 22<sup>nd</sup> of October 2025  
at 6.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

This document is available in alternative formats such as:  
~ Large Print  
~ Electronic Format [emailed]  
Upon request.

---

## 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.”

---

## **TABLE OF CONTENTS**

<b>1</b>	<b>DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS.....</b>	<b>1</b>
<b>2</b>	<b>RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED .....</b>	<b>2</b>
2.1	<i>Attendance.....</i>	2
2.2	<i>Apologies.....</i>	2
2.3	<i>Leave of Absence.....</i>	2
2.4	<i>Previous Meetings.....</i>	2
<b>3</b>	<b>RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....</b>	<b>2</b>
<b>4</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>2</b>
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>3</b>
<b>6</b>	<b>PETITIONS/DEPUTATIONS/PRESENTATIONS .....</b>	<b>3</b>
6.1	<i>Election of Shire President.....</i>	3
6.2	<i>Election of Deputy Shire President .....</i>	8
6.3	<i>Allocation of Seats.....</i>	13
<b>5</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>20</b>
<b>7</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING .....</b>	<b>24</b>
7.1	<i>Ordinary Council Meeting Held on the 25<sup>th</sup> of September 2025.....</i>	24
<b>8</b>	<b>ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>24</b>
<b>9</b>	<b>ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED.....</b>	<b>24</b>
<b>10</b>	<b>QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN.....</b>	<b>25</b>
<b>11</b>	<b>DECLARATION OF INTEREST .....</b>	<b>25</b>
<b>12</b>	<b>REPORTS OF OFFICERS AND COMMITTEES .....</b>	<b>25</b>
12.1	<b>EXECUTIVE REPORTS.....</b>	<b>25</b>
12.2	<b>DEVELOPMENT SERVICES REPORTS.....</b>	<b>25</b>
12.3	<b>COMMUNITY &amp; ECONOMIC REPORTS .....</b>	<b>25</b>
12.4	<b>INFRASTRUCTURE REPORTS .....</b>	<b>25</b>
12.5	<b>CORPORATE &amp; GOVERNANCE REPORTS .....</b>	<b>25</b>
12.6	<b>COMMITTEE REPORTS.....</b>	<b>25</b>
<b>13</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>25</b>
<b>14</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING .....</b>	<b>26</b>
<b>15</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>26</b>
<b>16</b>	<b>MATTERS BEHIND CLOSED DOORS .....</b>	<b>26</b>
<b>17</b>	<b>CLOSURE OF MEETING .....</b>	<b>26</b>

## 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>	<p>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.</p> <p>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.</p>

## 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>	<p>Project risk has two main components:</p> <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 SPECIAL COUNCIL MEETING HELD ON WEDNESDAY, THE 22<sup>ND</sup> OF OCTOBER 2025, AT ADMINISTRATION CENTRE EATON, 1 COUNCIL DRIVE, EATON, COMMENCED AT 6.00PM.**

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

*Local Government Act 1995 Schedule 2.3 (3) – CEO to preside: The CEO is to preside at the meeting until the office (of President) is filled.*

The Chief Executive Officer, Mr André Schönfeldt 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
Cr. Stacey Gillespie	-	Elected Member
Cr. Luke Davies	-	Elected Member
Cr. Brad Farrant	-	Elected Member
Cr. Mark Hutchinson	-	Elected Member
Cr. Tony Jenour	-	Elected Member
Cr. Krystal Laurentsich	-	Elected Member
Cr. Ruby Trevathan	-	Elected Member
Cr. Annette Webster	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Theo Naude	-	Director Infrastructure
Mrs Natalie Hopkins	-	Director Corporate and Governance
Mr Ashwin Nair	-	Director Development Services
Ms Susan Oosthuizen	-	Director Community and Economic Development
Mr André van der Merwe	-	Acting Director Infrastructure
Mrs Cindy Barbetti	-	Acting Manager Governance
Mr Shaun Hill	-	Manager Information Services
Mrs Tahniah Creedon	-	Communications Officer
Mr Louis Dreyer	-	IT Officer
Ms Marie Vitanza	-	Executive Support Officer
Mr Michael Bennett	-	Honorary Freeman

### 2.2 Apologies

None.

### 2.3 Leave of Absence

None.

### 2.4 Previous Meetings

This is the first meeting of the new Council.

## 3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

## 4 PUBLIC QUESTION TIME

None.

## 5 APPLICATIONS FOR LEAVE OF ABSENCE

*Note: Chief Executive Officer, Mr André Schönfeldt advised that this matter would be deferred to after the Shire President & Deputy Shire President have been elected and be dealt with later in the meeting – Refer to page 16 of these Minutes.*

## 6 PETITIONS/DEPUTATIONS/PRESENTATIONS

### 6.1 Election of Shire President

<b>Reporting Department</b>	<i>Executive</i>
<b>Responsible Officer</b>	<i>Mr André Schönfeldt - Chief Executive Officer</i>
<b>Reporting Officer</b>	<i>Mrs Cindy Barbetti – Acting Manager Governance</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>
<b>Attachment</b>	<i>6.1 Risk Assessment</i>

#### **Overview**

To elect the Shire President for the Council of the Shire of Dardanup for the ensuing 2 years.

#### **Background**

After the 2025 Local Government Ordinary election, the new Council is to elect a Shire President from among the elected councillors. Given the Shire President's role in leading the council and representing the community, the position is crucial for shaping the Shire's future.

#### **Legal Implications**

*Compliance with:*

- *Local Government (Constitution) Regulations 1998, Form 7. [\[Form 7 - Declaration by President\]](#)*
- *Local Government Act 1995 Section 2.8.*

*2.8. Role of mayor or president*

*(1) The mayor or president —*

*(a) provides leadership and guidance to the council and council members, including guidance as to the roles of the council and council members; and*

*(b) acts as the principal spokesperson for the local government, and carries out civic and ceremonial duties on behalf of the local government, at all times acting consistently with council decisions; and*

*(c) presides at meetings of the council, ensuring that meetings are orderly and held in accordance with this Act; and*

*(d) promotes, facilitates and supports positive and constructive working relationships among council members; and*

*(e) liaises with the CEO on the local government's affairs and the performance of its functions.*

*Note for this subsection:*

*The role of the mayor or president as described in this subsection can be affected by other provisions of this Act or by another written law. For example, section 5.67 prohibits the mayor or president from presiding at a meeting of the council in the circumstances described in that section.*

- **Local Government Act 1995 Section 2.29.**

**2.29. Declaration**

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence.*  
*Penalty: \$5,000 or imprisonment for one year.*

- **Local Government Act 1995 – Schedule 2.3**

*Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15] – Division 1 — Mayors and presidents*

**2. When council elects mayor or president**

- (1) *The office is to be filled as the first matter dealt with —*
  - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
  - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.*

**4. How mayor or president is elected**

- (1) *The council is to elect a councillor to fill the office.*
- (2) *The election is to be conducted by the CEO in accordance with the procedure prescribed.*
- (3) *Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.*

*[Clause 4 amended: No. 49 of 2004 s. 69(2) - (5); No. 66 of 2006 s. 14.]*

**Council Plan**

13.1 - Adopt best practice governance.

14.1 - Increase community awareness, knowledge and understanding of Shire activities and key messages.

14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.



**Environment** - None.

### **Precedents**

The Shire President is chosen by the Council following each Ordinary Election, which occurs every 2 years.

**Budget Implications** - None.

**Budget – Whole of Life Cost** - None.

**Council Policy Compliance** - None.

### **Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. (Appendix SCM: 6.1)

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.		
Risk Event	Election of Shire President	
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)	
Risk Action Plan (treatment or controls proposed)	Not applicable.	
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Legal and Compliance	Electing a Shire President is prescribed in legislation under the Local Government Act 1995. Not fulfilling this requirement would be a breach of the Act.
	Reputational	Council’s reputation could be viewed negatively for not adhering to the legislative requirements.

### **Officer Comment**

The following process will take place:

- The Chief Executive Officer to call for nominations for the office of Shire President for the ensuing two year term.
- Nominations for the Office of President are to be given to the Chief Executive Officer in writing.
- The position of Shire President runs from the 19<sup>th</sup> of October 2025 until the next Local Government election in 2027. The office of President is for a two year term – expires at the time when the mayor or president is next elected at or after the local government’s next ordinary elections (*Local Government Act 1995 2.28(2) Item 11*).
- If there is only one nominee, the Nominee to accept the nomination in writing to the position of Shire President, read aloud and sign a Declaration of Office for Shire President.
- If there is more than one nomination received in writing, a secret ballot will take place.
- A draw is to be conducted for the order of names on the ballot paper and the position numbers and names recorded.
- Each nominated Councillor to make a short statement in support of their respective nominations.

- A ballot paper is to be prepared and issued to Councillors with the back of each ballot paper being initialised by Chief Executive Officer.
- All Councillors are to complete their ballot paper behind a secluded booth and lodge their ballot paper in a sealed ballot box.
- The Chief Executive Officer to count the votes, overseen by the Director Corporate and Governance and the Manager Governance.
- Preferential voting will be undertaken in accordance with *Schedule 4.1 – How to count votes and ascertain the result of an election* of the Local Government Act 1995.
- The Elected Shire President, to be sworn in then to take over the position of Chairperson.

### **Legal Implications**

Chief Executive Officer, Mr André Schönfeldt to preside over the swearing in and the signing of the Declarations of the newly elected Shire President [*Local Government (Constitution) Regulations 1998, Part 3, r3*] and [*Oaths, Affidavits and Statutory Declarations Act 2005, Schedule 2. Item 21*].

Compliance with the Local Government Act 1995 Schedule 2.3

#### **5. Votes may be cast a second time**

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued, and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

### **Voting Requirements**

By secret ballot (Schedule 2.3 4. (5)) (Schedule 4.1) "The candidate that receives the greater number of votes is elected."

### **PROCESS**

Chief Executive Officer, Mr André Schönfeldt called for nominations for the position of Shire President.

Cr. L W Davies provided a nomination form, nominating Cr. T G Gardiner for the position of Shire President. Cr. T G Gardiner accepted Cr. L W Davies nomination.

Chief Executive Officer, Mr André Schönfeldt called for any further nominations. No nominations were presented.

As there were no further nominations received, and only one Nominee, the Chief Executive Officer, Mr André Schönfeldt declared Cr. T G Gardiner Shire President of the Shire of Dardanup, in accordance with section 4.55 of the Local Government Act 1995.

Cr T G Gardiner read aloud the Declaration by Shire President.

**DECLARATION BY SHIRE PRESIDENT**

The Chief Executive Officer, Mr André Schönfeldt to declare Cr Tyrrell Gardiner as Shire President for the ensuing two-year term, expiring at the next Ordinary Election to be held on the 16<sup>th</sup> of October 2027.

Cr Tyrrell Gardiner to be duly sworn in as Shire President by making the Declaration of Office of the President; and

Assume the role of Chairperson being the newly elected Shire President at 6:06pm.

[Form 7 Signed Declaration to be attached with minutes.]

**DECLARATION**

**Following due process as per Section 5.12 and Schedule 2.3 of the *Local Government Act 1995* the following person is declared:**

- **Cr. Tyrrell Gardiner - Shire President of the Shire of Dardanup.**

*Discussion: Cr. Tyrrell Gardiner expressed his appreciation to all candidates who participated in the recent election and extended his congratulations to the newly elected Councillors. He also offered his sincere thanks to Honorary Freeman Mr. Michael Bennett for his dedicated service as Shire President. Cr. Gardiner noted that he has now served in the role for two years and has thoroughly enjoyed the experience, acknowledging that his transition was made smoother thanks to the strong foundation left by Mr. Bennett. He concluded by stating that serving in this position is both a privilege and a humbling honour.*

## 6.2 Election of Deputy Shire President

<b>Reporting Department</b>	Executive
<b>Responsible Officer</b>	Mr André Schönfeldt - Chief Executive Officer
<b>Reporting Officer</b>	Mrs Cindy Barbetti – Acting Manager Governance
<b>Legislation</b>	Local Government Act 1995
<b>Attachments</b>	6.2 Risk Assessment

### Overview

To elect the Deputy President for the Council of the Shire of Dardanup for the ensuing 2 years.

### Background

After the 2025 Local Government Ordinary election, the new council will elect a Deputy Shire President from among the elected councillors.

### Legal Implications

Compliance with:

- Local Government (Constitution) Regulations 1998, Form 7. [[Form 7 - Declaration by Deputy President](#)]

- Local Government Act 1995 Section 2.9

2.9. *Role of deputy mayor or deputy president*  
*The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.*

- Local Government Act 1995 Section 2.29.

2.29. *Declaration*  
 (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*  
 (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*  
 (3) *A declaration required by this section is to be taken or made before a prescribed person.*  
 (4) *A person who acts in an office contrary to this section commits an offence.*  
*Penalty: \$5,000 or imprisonment for one year.*

- Local Government Act 1995 – Schedule 2.3

*Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15] – Division 1 — Mayors and presidents*

#### 7. **When council elects deputy mayor or deputy president**

- (1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —*
- (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
  - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —*

- (a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
- (b) *subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

**8. *How deputy mayor or deputy president is elected***

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

*[Clause 8 amended: No. 64 of 1998 s. 54(2) - (4); No. 49 of 2004 s. 69(6)-(9).]*

**9. *Votes may be cast a second time***

- (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

**Council Plan**

13.1 - Adopt best practice governance.

14.1 - Increase community awareness, knowledge and understanding of Shire activities and key messages.

14.2 - Ensure equitable, inclusive and transparent engagement and decision- making.

**Environment** - None.

### **Precedents**

The Deputy Shire President is elected following each Ordinary Election held every 2 years.

**Budget Implications** - None.

**Budget – Whole of Life Cost** - None.

**Council Policy Compliance** - None.

### **Risk Assessment**

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. (Appendix SCM: 6.2)

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>		
Risk Event	Election of Deputy Shire President	
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)	
Risk Action Plan (treatment or controls proposed)	Not required.	
Residual Risk Rating (after treatment or controls)	As the Residual Risk Rating is below 12, this is not applicable.	
Risk Category Assessed Against	Legal and Compliance	Electing a Shire President is prescribed in legislation under the Local Government Act 1995. Not fulfilling this requirement would be a breach of the Act.
	Reputational	Council’s reputation could be viewed negatively for not adhering to the legislative requirements.

### **Officer Comment**

The following process will take place:

- The Shire President (or Chief Executive Officer if the Shire President is not present), to call for nominations for the office of Deputy Shire President for the ensuing two year term.
- Nominations for the Office of Deputy Shire President are to be given to the Chief Executive Officer in writing.
- The position of Deputy Shire President runs from the 19<sup>th</sup> of October 2025 until the next Local Government election in 2027. The office of Deputy President is for a two year term – expires at the start of the first meeting of the council after the local government’s next ordinary elections (*Local Government Act 1995 2.28(2) Item 12*).
- If there is only one nominee, the Nominee to accept the nomination in writing to the position of Deputy Shire President, read aloud and sign a Declaration of Office for Deputy Shire President.
- If there is more than one nomination received in writing, a secret ballot will take place.
- A draw is to be conducted for the order of names on the ballot paper and the position numbers and names recorded.

- Each nominated Councillor to make a short statement in support of their respective nominations.
- A ballot paper is to be prepared and issued to Councillors with the back of each ballot paper being initialled by Chief Executive Officer.
- All Councillors are to complete their ballot paper behind a secluded booth and lodge their ballot paper in a sealed ballot box.
- The Chief Executive Officer to count the votes, overseen by Deputy Chief Executive Officer and Manager Governance.
- Preferential voting will be undertaken in accordance with *Schedule 4.1 – How to count votes and ascertain the result of an election* of the Local Government Act 1995.
- The Elected Deputy Shire President, to be sworn in.

### **Legal Implications**

Compliance with the Local Government Act 1995 Schedule 2.3

#### **5. *Votes may be cast a second time***

- (1) *If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.*
- (3) *When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*

### **Voting Requirements**

By secret ballot (Schedule 2.3 4. (5)) (Schedule 4.1) "The candidate that receives the greater number of votes is elected."

## **PROCESS**

*Chief Executive Officer, Mr André Schönfeldt called for nominations for the position of Deputy Shire President.*

*Cr. M R Hutchinson provided a nomination form, nominating Cr. S L Gillespie for the position of Deputy Shire President. Cr. S L Gillespie accepted Cr. M R Hutchinson's nomination.*

*Chief Executive Officer, Mr André Schönfeldt called for any further nominations. No nominations were presented.*

*As there were no further nominations received, and only one Nominee, the Chief Executive Officer, Mr André Schönfeldt declared Cr S L Gillespie Deputy Shire President of the Shire of Dardanup, in accordance with section 4.55 of the Local Government Act 1995.*

*Cr S L Gillespie read aloud the Declaration by Shire President.*

**DECLARATION BY DEPUTY SHIRE PRESIDENT**

The Chief Executive Officer, Mr André Schönfeldt to declare Cr Stacey Gillespie as Deputy Shire President for the ensuing two year term, expiring at the next Ordinary Election to be held on the 16<sup>th</sup> of October 2027.

Cr Stacey Gillespie to be sworn in as Deputy Shire President by making the Declaration of Office of the Deputy Shire President at 6:14pm.

[Form 7 Signed Declaration to be attached with minutes.]

**DECLARATION**

**Following due process as per Section 5.12 and Schedule 2.3 of the Local Government Act 1995 the following person is declared:**

- **Cr. Stacey Gillespie - Deputy Shire President of the Shire of Dardanup.**

*Discussion: Cr. Stacey Gillespie acknowledged that she has served on Council for six years and commended former Deputy Shire President Ellen Lilly for her contribution. Cr. Gillespie affirmed that she takes this role very seriously, noting that her commitment extends not only to supporting the Shire President but also to assisting her fellow Councillors—particularly those newly elected. She expressed that she is honoured to accept this position and looks forward to the opportunities and responsibilities it brings.*



### 6.3 Allocation of Seats

<b>Reporting Department</b>	<i>Executive</i>
<b>Responsible Officer</b>	<i>Mr André Schönfeldt - Chief Executive Officer</i>
<b>Reporting Officer</b>	<i>Mrs Cindy Barbetti – Acting Manager Governance</i>
<b>Legislation</b>	<i>Local Government Act 1995</i>

#### **Overview**

According to Standing Orders Local Law 2014 S7.2 (2), the Chief Executive Officer will conduct a ballot for the allocation of seating in the Council Chambers.

#### **PROCESS**

*Chief Executive Officer, Mr André Schönfeldt conducted a ballot for the seating of Elected Members. It was noted that the Shire President and the Deputy Shire President positions at Seats One and Two were already declared. Cr. M R Hutchinson's request to be seated at Seat Six was accepted. The ballot was drawn for the remaining six seats and the councillors assumed their seats accordingly.*

**Change to Officer Recommendation** - No Change.

#### **OFFICER RECOMMENDATION & COUNCIL RESOLUTION**

274-25 MOVED - Cr. T G Gardiner

SECONDED - Cr. A L Webster

**THAT Council endorses the seating arrangements for the Council Chambers, as outlined below:**

SEAT NUMBERS	NAME OF ELECTED MEMBER
One	Shire President – Cr. Tyrrell Gardiner
Two	Deputy Shire President – Cr. Stacey Gillespie
Three	Cr. Luke Davies
Four	Cr. Brad Farrant
Five	Cr. Tony Jenour
Six	Cr. Hutchinson
Seven	Cr. Krystal Laurentsich
Eight	Cr. Ruby Trevathan
Nine	Cr. Annette Webster

CARRIED  
9/0

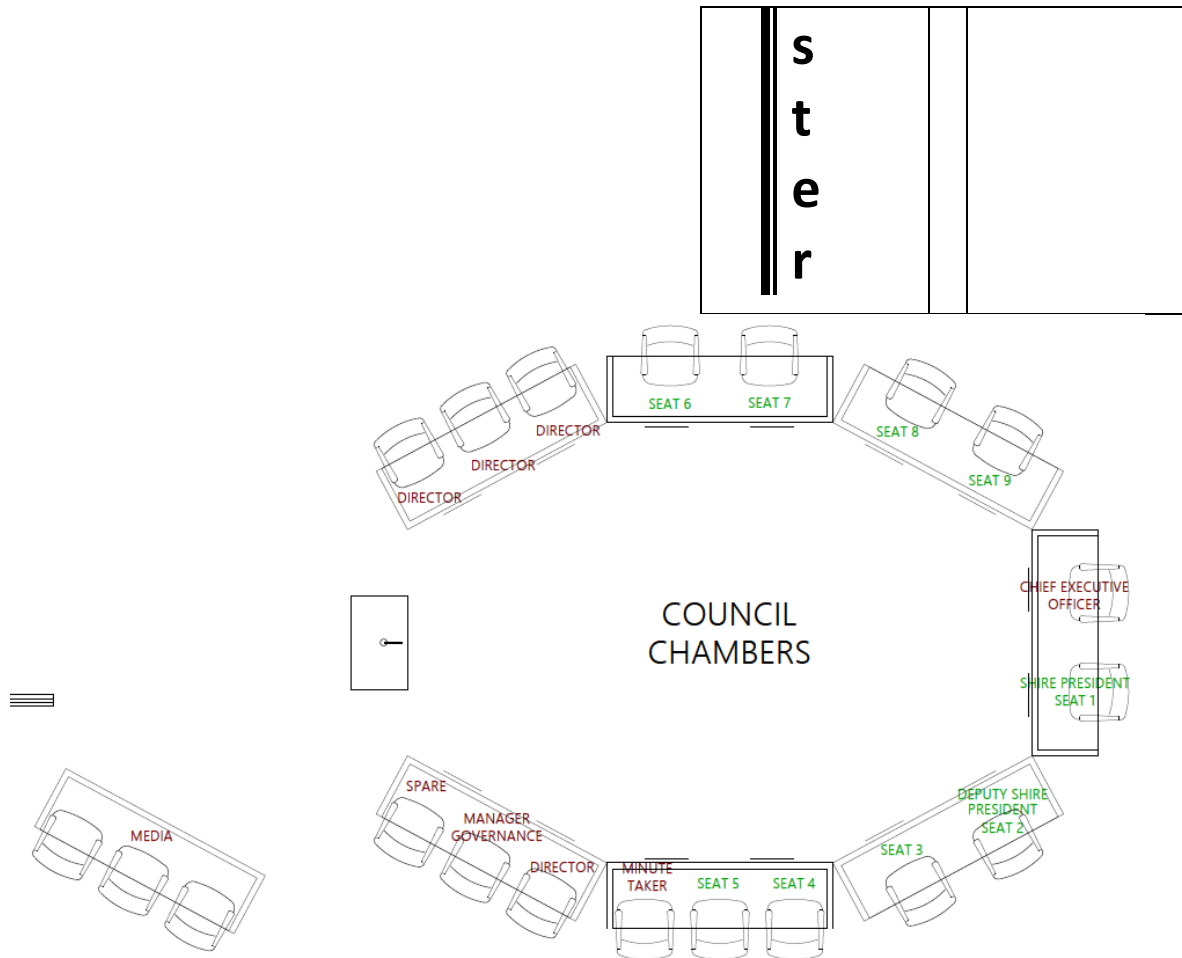
FOR THE MOTION	AGAINST THE MOTION
<div> <div>C</div> <div>r</div> <div>.</div> <div>T</div> <div>G</div> </div>	

	<div>Gardiner Cr. SGL Gillespie Cr. LW</div>	
--	--	--

	<div>D a v i e s C r . B S F a r r a n t C r . M R H u t c</div>		
--	--	--	--

	<div>h i n s o n C r . A C J e n o u r C r . K A L a u r e</div>		
--	--	--	--

	<div>ntschr. RJ Treva t h a n C r . A L W e b</div>	
--	---	--



### Legal Implications

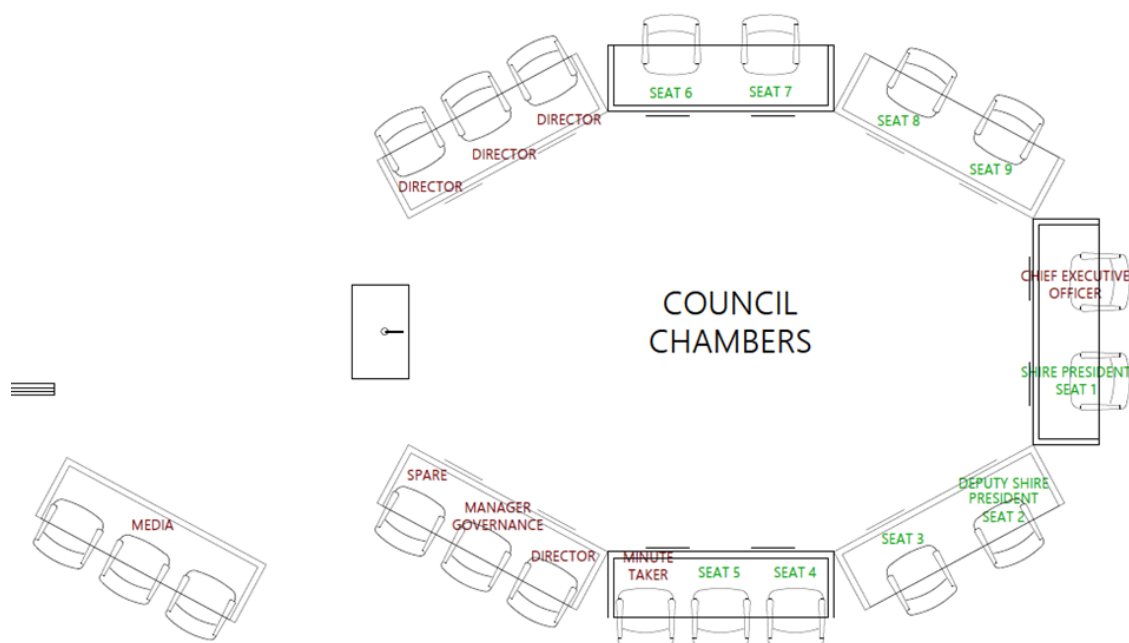
*Standing Orders Local Law 2014, Section 7.2 (2)*

#### 7.2 Members to occupy own seats

- (1) *At meetings of the Council each member is to occupy the place assigned to that member within the Council Chamber.*
- (2) *At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.*

### Officer Comment

The following seating plan outlines the designated positions for elected members, the Shire CEO, Directors, and support staff at the council table.



It is recommended that Council conduct a ballot draw to allocate seats 3 to 5 and 7 to 9. The Shire President will be assigned Seat 1, and the Deputy Shire President will be assigned Seat 2.

A specific seat (Seat 6) has been pre-allocated to a current sitting member at the discretion of the Chief Executive Officer, in consideration of operational requirements. All remaining seats will be allocated by ballot.

#### PROCESS:

Elected members to vacate their seats and await the outcome of the ballot for seats 3 to 5 and 7 to 9.

The Chief Executive Officer is to draw a ballot for the seating as per the Shire of Dardanup Standing Orders.

SEAT	NAME OF ELECTED MEMBER
One	Shire President – Tyrrell Gardiner
Two	Deputy Shire President – Stacey Gillespie
Three	Cr.
Four	Cr.
Five	Cr.
Six	Cr. Hutchinson
Seven	Cr.
Eight	Cr.
Nine	Cr.

END REPORT

5      APPLICATIONS FOR LEAVE OF ABSENCE

*Note: Returned to Applications for Leave of Absence at 6:27pm.*

COUNCIL RESOLUTION

275-25              MOVED -              Cr. T G Gardiner                              SECONDED -              Cr. L W Davies

**THAT Cr. Tony Jenour be granted leave of absence for the Ordinary Council Meeting to be held on the 29th of October 2025.**

CARRIED  
9/0

FOR THE MOTION	AGAINST THE MOTION
C r . T G G a r d i n e r C r . S L G i	



	<div>Illespie Cr. LWD Davies Cr. BSF arr</div>		
--	--	--	--

	<div>an t C r . M R H u t c h i n s o n C r . A C J e n o</div>		
--	---	--	--

	<div>u r C r . K A L a u r e n t s c h C r . R J T r e v a</div>		
--	--	--	--

	<div>thancr.ALWester</div>	
--	----------------------------	--

7

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1    Ordinary Council Meeting Held on the 25<sup>th</sup> of September 2025

The Minutes of the Ordinary Council Meeting held on Wednesday, 25<sup>th</sup> of September 2025 will be confirmed at the next Ordinary Council Meeting on Wednesday, 29<sup>th</sup> October 2025.

8

ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

9

ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

None.

**10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

None.

**11 DECLARATION OF INTEREST**

None.

**12 REPORTS OF OFFICERS AND COMMITTEES****12.1 EXECUTIVE REPORTS**

None.

**12.2 DEVELOPMENT SERVICES REPORTS**

None.

**12.3 COMMUNITY & ECONOMIC REPORTS**

None.

**12.4 INFRASTRUCTURE REPORTS**

None.

**12.5 CORPORATE & GOVERNANCE REPORTS**

None.

**12.6 COMMITTEE REPORTS**

None.

**13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

None.

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

None.

**15 PUBLIC QUESTION TIME**

None.

**16 MATTERS BEHIND CLOSED DOORS**

None.

**17 CLOSURE OF MEETING**

The Presiding Officer advises that the date of the next:

- Ordinary Meeting of Council will be Wednesday, the 29<sup>th</sup> of October 2025, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer to declare the meeting closed at 6:29pm.

**CONFIRMATION OF MINUTES**

**"As the person presiding at the meeting at which these minutes were confirmed on 29<sup>th</sup> October 2025, I certify that these minutes have been confirmed as a true and accurate record of proceedings.**

Signed:

A handwritten signature in black ink, appearing to read "Tyrrell Gardiner".

(Chairman or Shire President or Other Presiding Officer)

Email: [Tyrrell.gardiner@dardanup.wa.gov.au](mailto:Tyrrell.gardiner@dardanup.wa.gov.au)