



CONFIRMED

MINUTES

OF THE

SPECIAL COUNCIL MEETING

Held

17th of September 2025

At

**ADMINISTRATION CENTRE EATON
1 Council Drive - EATON**

This document is available in alternative formats such as:
~ Large Print
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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.”

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COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	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

Inherent Risk	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.
Residual Risk	The remaining level of risk following the development and implementation of Council's response.
Strategic Context	These risks are associated with achieving Council's long term objectives.
Operational Context	These risks are associated with the day-to-day activities of the Council.
Project Context	Project risk has two main components: • Direct refers to the risks that may arise as a result of project, which may prevent the Council from meeting its objectives. • Indirect refers to the risks which threaten the delivery of project outcomes.

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP SPECIAL COUNCIL MEETING HELD ON WEDNESDAY, THE 17TH SEPTEMBER 2025, AT THE SHIRE OF DARDANUP - ADMINISTRATION CENTRE EATON, 1 COUNCIL DRIVE, EATON, COMMENCING AT 4.30PM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Member, Cr T G Gardiner declared the meeting open at 4.30pm, 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	-	Shire President
Cr. Ellen Lilly	-	Elected Member
Cr. Jack Manoni	-	Elected Member
Cr. Tony Jenour	-	Elected Member (Via Teams at 4.33pm)
Cr. Stacey Gillespie	-	Elected Member
Cr. Annette Webster	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mr Theo Naude	-	Director Infrastructure
Mrs Natalie Hopkins	-	Director Corporate & Governance
Mr Ashwin Nair	-	Director Development Services
Ms Susan Oosthuizen	-	Director Community and Economic Development
Mr Shaun Hill	-	Manager Information Services
Mrs Donna Bailye	-	Manager Governance
Mrs Cindy Barbetti	-	Corporate Excellence & Compliance Officer
Mrs Jolene Roots	-	Executive Support Officer

2.2 Apologies

Cr. Mark Hutchinson	-	Elected Member
Cr. Luke Davies	-	Elected Member

2.3 Leave of Absence

2.4 Previous Meetings

DATE	TYPE	Cr. L W DAVIES	Cr. T G GARDINER	Cr. S L GILLESPIE	Cr. A C JENOUR	Cr. E P LILLY	Cr. M R HUTCHINSON	Cr. J D MANONI	Cr. A L WEBSTER
JUNE 2025									
04/06/25	CF	NA	✓	✓	✓	✓	✓	✓ R	✓
18/06/25	AF	Ap	✓	✓	✓	✓	✓	✓	✓
25/06/25	OCM	✓	✓	✓ R	✓ R	✓	✓	✓	✓
JULY 2025									
09/07/25	SCM	NA	✓	✓	✓ R	✓ R	✓	✓	✓
16/07/25	AF	NA	✓	Ap	Ap	Ap	Ap	✓	NA
23/07/25	OCM	✓	✓	✓	✓	✓ R	✓	✓	✓
AUGUST 2025									
13/08/2025	SCM	Ap	✓	✓	✓	✓ R	✓	Ap	✓
20/08/2025	AF	Ap	✓	✓	Ap	✓ R	✓	Ap	Ap
27/08/2025	OCM	Ap	✓	✓	✓	✓	✓	✓	✓
SEPTEMBER 2025									

DATE	TYPE	Cr. L W DAVIES	Cr. T G GARDINER	Cr. S L GILLESPIE	Cr. A C JENOUR	Cr. E P LILLY	Cr. M R HUTCHINSON	Cr. J D MANONI	Cr. A L WEBSTER
03/09/2025	CF	✓	✓	✓	✓R	✓	✓	NA	NA

TYPE LEGEND	
AF	Agenda Forum
CF	Concept Forum
OCM	Ordinary Council Meeting
SCM	Special Council Meeting
WS	Workshop

ATTENDANCE LEGEND	
✓	Attendance
✓R	Remote Attendance
Ap	Apology
LoA	Leave of Absence
NA	Non Attendance

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

None.

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

248-25 MOVED - Cr T G Gardiner SECONDED – Cr S L Gillespie

THAT Cr Jack Manoni be granted leave of absence for the Ordinary Council Meeting to be held on the 25th September 2025.

CARRIED
6/0

FOR THE MOTION	AGAINST THE MOTION
Cr. T G Gardiner Cr. E P Lilly Cr. J D Manoni Cr. A C Jenour Cr. S L Gillespie Cr. A L Webster	

Previously granted leave of absences:

- Cr Tony Jenour – 25th September 2025 (Res: 224-25)
- Cr Stacey Gillespie - 25th September 2025 (Res 225-25)

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**7.1 Ordinary Council Meeting Held on the 27th August 2025**

The Minutes of the Ordinary Meeting of Council held on the 27th of August 2025 will be confirmed as true and correct at the Ordinary Meeting of Council Meeting being held on 25th September 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

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

Key Management Personnel (which includes Elected Members, CEO and Directors) are reminded of their requirement to disclose biannually transactions between Council and related parties in accordance with Council Policy CnG CP039.

Note: Chairperson to ask Councillors and Staff if there were any Declarations of Interest to be declared.

No declarations of Interest were made.

12 REPORTS OF OFFICERS AND COMMITTEES

12.1 EXECUTIVE REPORTS

12.1.1 Title: West Australian Local Government Association Annual General Meeting

Reporting Department	<i>Executive</i>
Responsible Officer	<i>Mr André Schönfeldt - Chief Executive Officer</i>
Reporting Officer	<i>Ms Amy Bywaters – Executive Assistant</i>
Legislation	<i>Local Government Act 1995</i>
Council Role	<i>Executive/Strategic.</i>
Voting Requirement	<i>Simple Majority.</i>
Attachments	<i>12.1.1A - WALGA Annual General Meeting Agenda</i> <i>12.1.1B - Risk Assessment</i> <i>12.1.1C - Consideration Request for Local Government Rates Rebate</i> <i>12.1.1D - Response from Minister Carey - Charitable Rating Rebate</i>

Overview

Council delegates for the WALGA convention are required to vote on proposed motions presented in the WALGA Annual General Meeting Agenda (Appendix ORD: 12.1.1A). As done in previous years as per council resolution [236-24] Council are required to provide voting preferences for the five motions provided in the Agenda.

Change to Officer Recommendation - No Change.

OFFICER RECOMMENDED RESOLUTION “A”

249-25 MOVED - Cr S L Gillespie SECONDED – Cr T G Gardiner

THAT Council authorises Council Voting Delegates, to vote for or against the following Motions within the 2025 WALGA Annual General Meeting Agenda (Appendix ORD: 12.1.1A):

Shire of Lake Grace to move:

7.1. PROVISION OF MEDICAL SERVICES IN REMOTE AND VERY REMOTE LOCAL GOVERNMENTS

MOTION:

That WALGA calls on the Western Australian Government and WA Grants Commission to:

- 1. Increase the Medical Facilities Cost Adjuster component of the Financial Assistance Grants to Local Governments; and**
- 2. Recalculate distributions to those Local Governments in remote and very remote locations that are providing block cash payments to attract and retain general practitioners to allow affected Councils to redirect ratepayer funds to Local Government responsibilities.**

FOR

CARRIED
6/0

FOR THE MOTION	AGAINST THE MOTION
Cr. T G Gardiner Cr. E P Lilly Cr. J D Manoni Cr. A C Jenour Cr. S L Gillespie Cr. A L Webster	

OFFICER RECOMMENDED RESOLUTION “B”

250-25 MOVED - Cr J D Manoni SECONDED – Cr A L Webster

THAT Council authorises Councils Voting Delegates, to vote for or against the following Motion within the 2025 WALGA Annual General Meeting Agenda (Appendix ORD: 12.1.1A):

7.2. HOMELESSNESS – SHORT-TERM ACCOMMODATION SOLUTIONS

City of Kalgoorlie Boulder to move

MOTION:

That WALGA advocate to the State Government to provide culturally appropriate short term accommodation options and wrap-around support services that provide sustainable homelessness solutions in regional centres across Western Australia.

FOR

CARRIED
6/0

FOR THE MOTION	AGAINST THE MOTION
Cr. T G Gardiner Cr. E P Lilly Cr. J D Manoni Cr. A C Jenour Cr. S L Gillespie Cr. A L Webster	

OFFICER RECOMMENDED RESOLUTION “C”

251-25 MOVED - Cr E P Lilly SECONDED – Cr S L Gillespie

THAT Council authorises Councils Voting Delegates, to vote for or against the following Motion within the 2025 WALGA Annual General Meeting Agenda (Appendix ORD: 12.1.1A):

7.3 REVISION OF THE LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996 IN RELATION TO THE HOLDING OF AND ATTENDANCE AT MEETINGS BY ELECTRONIC MEANS

Shire of Dardanup to move:**MOTION**

That WALGA advocates for a change to the Local Government (Administration) Regulations 1996 in relation to the holding of and attendance at meetings by electronic means to allow elected members to attend more than 50% of meetings remotely, only if each instance more than 50% in the rolling year is justified and approved by the Shire President or Deputy Shire President.

FOR

CARRIED

6/0

FOR THE MOTION	AGAINST THE MOTION
Cr. T G Gardiner	
Cr. E P Lilly	
Cr. J D Manoni	
Cr. A C Jenour	
Cr. S L Gillespie	
Cr. A L Webster	

OFFICER RECOMMENDED RESOLUTION "D"

252-25

MOVED -

Cr S L Gillespie

SECONDED –

Cr A C Jenour

THAT Council authorises Councils Voting Delegates, to vote for or against the following Motion within the 2025 WALGA Annual General Meeting Agenda (Appendix ORD: 12.1.1A):

7.4. RATING EXEMPTION ADVOCACY MOTION**City of Bunbury to move:****MOTION**

That WALGA, in addition to its current advocacy positions 2.1.1 and 2.1.2 relating to rating exemptions, advocate to the WA Government for the introduction of a reimbursement model, whereby the WA Government repays Local Government the greater of:

1. 75% of the value of rates lost in applying the charitable purposes exemption;
or
2. 1% of the total rate revenue of the Local Government.

FOR

CARRIED

5/1

FOR THE MOTION	AGAINST THE MOTION
Cr. T G Gardiner	Cr. E P Lilly
Cr. J D Manoni	
Cr. A C Jenour	
Cr. S L Gillespie	
Cr. A L Webster	

OFFICER RECOMMENDED RESOLUTION “E”

253-25 MOVED - Cr A L Webster SECONDED – Cr T G Gardiner

THAT Council authorises Councils Voting Delegates, to vote for or against the following Motion within the 2025 WALGA Annual General Meeting Agenda (Appendix ORD: 12.1.1A):

7.5. RATEABILITY OF MISCELLANEOUS LICENSES**MOTION**

Shire of Mount Magnet to move:

That WALGA:

- 1. Formally oppose any move by the Local Government Minister to introduce amendments to the Local Government Act to restrict the application of rates on Miscellaneous Licenses.**
- 2. Develop an advocacy position on sector consultation prior to any amendment to the Local Government Act.**
- 3. Undertake a financial analysis of the cost to the Mining Industry of the rating of Miscellaneous Licenses compared to the benefit to the Local Government sector.**

FOR

CARRIED

6/0

<i>FOR THE MOTION</i>	<i>AGAINST THE MOTION</i>
Cr. T G Gardiner	
Cr. E P Lilly	
Cr. J D Manoni	
Cr. A C Jenour	
Cr. S L Gillespie	
Cr. A L Webster	

Background

The Western Australian Local Government Association (WALGA) holds a State Convention every year to bring all local governments together to participate in sessions of general interest and professional development on specific issues.

The Annual General Meeting of the Western Australian Local Government Association is to be held on Tuesday, 23rd of September 2025 at Perth Convention and Exhibition Centre.

Each Council is requested to send two representatives as voting delegates to the AGM. In previous years where the Council has no policy on a matter going before the WALGA AGM the Council has given approval for the delegates to vote according to any new information debated at the meeting, otherwise delegates are to vote in accordance with Council’s direction.

At the 23rd July 2025 Ordinary Council Meeting, Council resolved as follows:

199-25 *MOVED -* *Cr T G Gardiner* *SECONDED –* *Cr A C Jenour*

THAT Council:

1. *Endorses the Chief Executive Officer and the following councillors to attend the 2025 WA Local Government Convention and the AGM:*
 - *Cr S Gillespie*
 - *Cr L Davies*
 - *Cr A C Jenour*
 - *Cr E Lilly*
 - *Cr A Webster*
 - *Cr T Gardiner*
2. *Nominates Cr T Gardiner and Cr E Lilly to be voting members for the Shire of Dardanup at the 2025 WA Local Government Annual General Meeting.*
3. *Nominates Cr S Gillespie and Cr A Jenour to be second proxy voting delegates should the need arise.*
4. *Requests the Chief executive Officer to prepare the following motions for the WALGA AGM Agenda:*
 - a) *That WALGA advocates for the removal of the current restrictions in the Local Government (Administration) Regulations 1996 that limits local governments to holding, and elected members to attending, no more than 50% of Council or Committee meetings by electronic means, in order to allow greater flexibility where it is justified and approved by the Shire President or Council.*
5. *Requests the CEO write to the Director General of the Department of Local Government, Industry Regulation and Safety requesting the department removes the current restrictions in the Local Government (Administration) Regulations 1996 that limits local governments to holding, and elected members to attending, no more than 50% of Council or Committee meetings by electronic means, in order to allow greater flexibility where it is justified and approved by the Shire President or Council.*

CARRIED
7/0

This report considers the Agenda and motions which have been included in the AGM and provides Council an opportunity to provide its support for each.

Legal Implications - None.

Council Plan

13.1 - Adopt best practice governance.

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

Environment - None.

Precedents

Council has annually supported and attended the WALGA AGM with a number of motions put by the Shire of Dardanup to the AGM receiving support including the Cat Local Law resolution in 2024.

Each Council is to send two representatives as voting delegates to the AGM. In previous years where the Council has no policy on a matter going before the WALGA AGM the Council has given approval for the delegates to vote according to any new information debated at the meeting, otherwise delegates are to vote in accordance with Council's direction.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance

CnG CP112 – *Councillors’ Induction Training and Professional Development*

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix ORD: 12.1.1.B) for full assessment document.

TIER 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	West Australian Local Government Association Annual General Meeting
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	Reputational Council’s reputation may suffer if it is not involved with current issues affecting Local Government as a whole.

Officer Comment

Council resolved [199-25] on the 27th of August 2025 to nominate Cr. T G Gardiner and Cr. E P Lilly as Council’s voting delegates to the 2025 WA Local Government Association Annual General Meeting.

The WALGA Annual General Meeting Agenda has been published, and Council are now required to provide voting preferences for the Motions provided in the WALGA Annual General Meeting Agenda (Appendix ORD: 12.1.1A) and presented in this report.

- *Background Information*

7. 4. RATING EXEMPTION ADVOCACY MOTION

Council at the 25th of January 2023 Ordinary Council meeting passed a motion as follows:

11-23 MOVED - Cr. T G Gardiner SECONDED - Cr. J Dow

THAT Council write to the Minister for Local Government requesting consideration towards the State Government paying a rebate to local governments, similar to the Pensioner Rebate Scheme, for the rates not received for properties that are rate exempt.

CARRIED 7/0

On the 9th of February 2023 former Shire President Michael Bennett wrote to the then Minister for Local Government Minister John Carey (Appendix ORD: 12.1.1C) requesting the consideration that a ‘Charitable Purposes Rates Rebate’ be set up and paid to Local Governments on a similar basis as the Pensioner Rebate. The letter outlined that the Shire believed this would create a more equitable situation where all property owners in the Shire of Dardanup would contribute in some part to the services and facilities that are provided by the Council.

A response was received from Minister Carey's Chief of Staff Claire Comrie on the 7th of June 2023 (Appendix ORD 12.1.1D). The response states the Minister does not believe that it would be in the broader public interest to change long-standing rate equivalence arrangement for land held for charitable purposes.

This information is provided for Councillors as additional information regarding the Shire of Dardanup's previous efforts in relation to the motion by the City of Bunbury to be considered at the WALGA AGM in September.

END REPORT

12.2 DEVELOPMENT SERVICES DIRECTORATE REPORTS

None.

12.3 COMMUNITY & ECONOMIC DEVELOPMENT DIRECTORATE REPORTS

None.

12.4 INFRASTRUCTURE DIRECTORATE REPORTS

None.

12.5 CORPORATE & GOVERNANCE DIRECTORATE REPORTS

None.

12.6 COMMITTEES

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**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 Thursday, the 25th of September 2025, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer, Cr T G Gardiner declared the meeting closed at 4.45pm.

