



CONFIRMED

MINUTES

FOR THE

SPECIAL COUNCIL MEETING

Held

9th July 2025

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.”

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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	<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

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	<p>Project risk has two main components:</p> <ul style="list-style-type: none"> • 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 FOR THE SHIRE OF DARDANUP SPECIAL COUNCIL MEETING HELD ON WEDNESDAY, THE 9th JULY 2025, AT ADMINISTRATION CENTRE EATON, 1 COUNCIL DRIVE, EATON, COMMENCING AT 4.30PM.

1 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

The Presiding Officer, Cr T G Gardiner to 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 - Chairperson
Cr Ellen Lilly	-	Deputy Chairperson (Via Teams)
Cr Tony Jenour	-	Elected Member (Via Teams)
Cr Stacey Gillespie	-	Elected Member
Cr Jack Manoni	-	Elected Member
Cr Mark Hutchinson	-	Elected Member
Cr Annette Webster	-	Elected Member
Mr André Schönfeldt	-	Chief Executive Officer
Mrs Natalie Hopkins	-	Director Corporate and Governance
Mr Ashwin Nair	-	Director Sustainable Development
Mr Theo Naudé	-	Director Infrastructure
Mrs Donna Bailye	-	Manager Governance
Mrs Jolene Roots	-	Executive Support Officer
Mr Shaun Hill	-	Manager Information Services
Ms Chantal Shorter	-	Building Property Management Officer

2.2 Apologies

Cr Taneta Bell	-	Elected Member
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2.3 Leave of Absence

2.4 Previous Meetings

DATE	TYPE	Cr. T BELL	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
APRIL 2025										
02/04/25	CF	NA	NA	✓	✓	✓R	NA	✓	✓R	NA
09/04/25	SCM	✓	NA	✓	✓	✓	Ap	✓	✓	Ap
16/04/25	AF	✓	NA	✓	LoA	✓R	✓	LoA	Ap	✓
23/04/25	OCM	✓	Ap	✓	✓R	✓	✓	LoA	✓	✓
MAY 2025										
30/04/25	CF	NA	NA	✓	Ap	✓R	✓	✓	Ap	Ap
14/05/25	AF	✓R	Ap	✓	✓	✓R	✓	✓	✓	Ap
21/05/25	OCM	✓	✓	✓	✓	✓	✓	✓	✓	Ap
28/05/25	SCM	✓R	✓	✓	Ap	✓R	✓	✓	✓R	NA
JUNE 2025										

DATE	TYPE	Cr. T BELL	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
04/06/25	CF	Ap	NA	✓	✓	✓	✓	✓	✓R	✓
18/06/25	AF	✓	Ap	✓	✓	✓	✓	✓	✓	✓
25/06/25	OCM	✓	✓	✓	✓R	✓R	✓	✓	✓	✓
JULY 2025										
09/07/25	SCM	Ap	NA	✓	✓	✓R	✓R	✓	✓	✓

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

None.

5 APPLICATIONS FOR LEAVE OF ABSENCE

The following leave of absence has been recorded for the 23rd July 2025 Ordinary Council meeting.

- Cr E P Lilly
- Cr T Bell

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary Council Meeting Held on the 25th June 2025

Note: The Minutes of the Ordinary Council Meeting held on Wednesday, 25th of June 2025 will be confirmed at the next Ordinary Council Meeting held on Wednesday, 23rd July 2025.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

9.1 Café Lease – Shire of Dardanup Library, Administration and Community Building

It is recommended that Council go Behind Closed Doors toward the end of the meeting in accordance with Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) - Matters for Which Meeting May Be Closed.

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
 - (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
 - (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal -*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to -*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
 - (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

Note: The meeting would go behind closed doors toward the end of the meeting to discuss a matter a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

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 are any Declarations of Interest to be declared.

None.

12 REPORTS OF OFFICERS AND COMMITTEES**12.1 EXECUTIVE 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

It is recommended that the following item be heard behind closed doors.

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 - Matters for Which Meeting May Be Closed.

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
 - (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following -*
 - (a) a matter affecting an employee or employees;*
 - (b) the personal affairs of any person;*
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal -*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to -*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) endanger the security of the local government's property; or*
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) such other matters as may be prescribed.*
 - (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

193-25

MOVED -

Cr S L Gillespie

SECONDED –

Cr M R Hutchinson

THAT in accordance with the Local Government Act 1995, S 5.23, section (2)(a) Council goes Behind Closed Doors 4.33pm to discuss a matter affecting an employee or employees to be discussed at the meeting

CARRIED

7/0

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

16.1 Café Lease – Shire of Dardanup Library Administration and Community Building

Reporting Department	Corporate & Governance Directorate
Responsible Officer	Mrs Natalie Hopkins - Director Corporate & Governance
Reporting Officer	Ms Chantal Shorter – Building Property Management Officer
Legislation	Local Government Act 1995
Council Role	Executive/Strategic.
Voting Requirement	Simple Majority.

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23 (2) this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Records Management System of the Council.

Change to Officer Recommendation - No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION “A”

194-25 MOVED - Cr E P Lilly SECONDED – Cr S L Gillespie

THAT Council:

- 1. Receives the submission from “Townhouse Cafe” for the lease of the Café area in the Shire of Dardanup Library, Administration and Community Building, received as detailed in (Appendix SCM: 16.1A); and**
- 2. Gives local public notice inviting public submissions for a period of 14 days of the proposed disposition of the Café area in the Shire of Dardanup Library, Administration and Community Building at 1 Council Drive Eaton, to “Townhouse Café” for the sum of \$35,000 per annum, for a 5+2+2 year lease.**

CARRIED

7/0

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

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

195-25 MOVED - Cr M R Hutchinson SECONDED – Cr S L Gillespie

THAT Council return from Behind Closed Doors at 4.51pm.

Note: In accordance with Standing Order 5.2(6) the Presiding Officer, may cause the motion passed by Council whilst behind closed doors to be read out.

17 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next:

- Ordinary Meeting of Council will be Wednesday, the 23rd of July 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 4.52pm.

