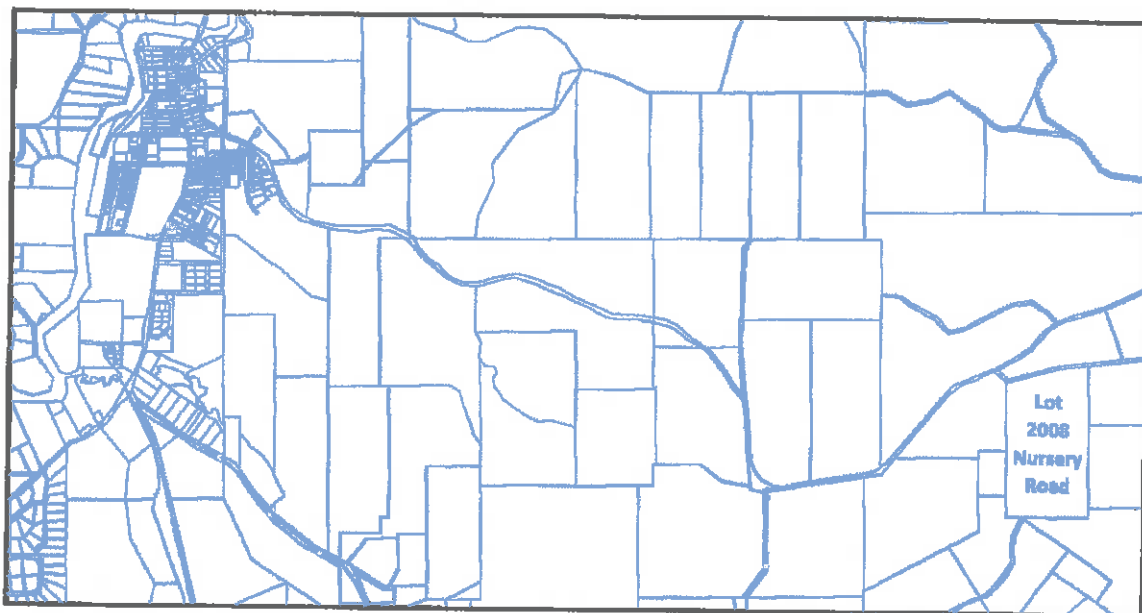




Agenda Attachments

Item	Attach	Title
12.1.	1	Project Works Schedule
12.2	1	Location Plan
	2	Special Use provisions – extract from Scheme
	3	Submissions
12.3.	1	Letter of approval, Hon Terry Redman MLA
12.4.	1	Concept Plan 'Rest a While' garden
12.5.	1	RAC Electric Highway Partnering Agreement
12.6.	1	Electors Meeting Minutes 12 February 2015
12.7.	1	Completed 2014 Compliance Audit Return
12.9.	1	Financial Statements for the period ending 31 January 2014
	2	Table Showing Detailed Variances for 2014/15
12.10.	1	Schedule of Accounts for Payment – January 2015
		CONFIDENTIAL
14.1.	1	Amended Employment Contract for CEO

Location Map - Lot 2008 Nursery Road, East Nannup



SCHEDULE 4 – SPECIAL USE ZONES (CONT'D)

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU1.	Nelson Location 140, Vasse Highway, Nannup (Cont'd)	<ul style="list-style-type: none"> • Chalets • Motel Units • Restaurant • Administration & Service building • Recreation 	6. At the time of making application for development, the local government shall request the provision of suitable bush fire control mechanisms.
SU2.	Nelson Location 2008 Nursery Road, Nannup	<ul style="list-style-type: none"> • Holiday Cottages • Office • Private Timber Plantation • Rural Pursuit • Caretakers Dwelling 	<p>1. Development of the site is to be generally in accordance with the Structure Plan adopted by the local government and endorsed by the Chief Executive Officer.</p> <p>2. The subdivider shall develop a Management Statement in consultation with the local government, addressing but not limited to the following issues:</p> <ul style="list-style-type: none"> • Rubbish collection/disposal; • Keeping of domestic animals; • Maintenance of private roads; • Building design; • Clearing of vegetation; • Implementation of Bush Fire Management Program; and • Other issues as required by the local government. <p>3. All buildings shall be designed in accordance with the Australian Standard for Building in Bush Fire Prone Areas.</p> <p>4. All buildings shall be located:</p> <ul style="list-style-type: none"> • minimum 20 metres from any dam or stream on the property; • minimum 20 metres apart; and • minimum 100 metres from any boundary. <p>5. No cut and fill for the purpose of constructing the holiday cottages and caretakers dwelling shall be permitted.</p>

SCHEDULE 4 – SPECIAL USE ZONES (CONT'D)

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU2.	Nelson Location 2008 Nursery Road, Nannup (Conf'd)	<ul style="list-style-type: none"> • Holiday Cottages • Office • Private Timber Plantation • Rural Pursuit • Carpenters Dwelling 	<p>6. All dwellings, roads, stormwater and effluent disposal, dams and other infrastructure must be designed based upon appropriate geotechnical and engineering advice. Such advice shall be supplied to the satisfaction of the local government prior to development.</p> <p>7. Where required, specifications of the potable water supply and waste disposal systems to be installed are to be submitted to the local government with building plans. No building shall be considered fit for human habitation until the systems are installed and operating to the Health Department of Western Australian and the local government's satisfaction.</p> <p>8. No installation for the disposal of waste water or effluent shall be located, in the case of approved alternative effluent disposal systems, closer than 50 metres and, in the case of septic tank/leach drain systems, 100 metres to a definable water course, creek or water body unless otherwise determined by the local government, such requirement to be imposed as a condition of development approval.</p> <p>9. The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known groundwater table or bedrock shall be 2.0 metres.</p> <p>10. Trees may be cleared on the site in accordance with the management requirements of the property for private tree plantation purposes.</p> <p>11. Notwithstanding Special Provision No. 10, no vegetation shall be permitted to be cleared north of the most northern dam site.</p>

SCHEDULE 4 – SPECIAL USE ZONES (CONT'D)

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU2.	Nelson Location 2008 Nursery Road, Nannup (Cont'd)	<ul style="list-style-type: none"> • Holiday Cottages • Office • Private Timber Plantation • Rural Pursuit • Caretakers Dwelling 	<p>12. The local government shall either request at the time of subdivision or require at the time of development the planting of vegetation to appropriately screen proposed development from off-site.</p> <p>13. At the time of making application for development, the local government shall request the provision of a Bush Fire Management Program for the subject land which shall be prepared in consultation with appropriate Government agencies. The strata company shall implement requirements pertaining to the common property and strata lots under the adopted Bush Fires Management Program to the satisfaction of the local government. No development which would impede the Bush Fire Management Program will be permitted or undertaken.</p> <p>14. The Bush Fire Management Program referred to in Special Provision No. 13 shall address the following:</p> <ul style="list-style-type: none"> • retention of pines; • clearing of vegetation; • water points; • emergency escape routes; • internal road network; • weed management; and • firebreaks and fuel free areas. <p>15. With the intention of preventing overlooking and other practices detrimental to the amenity of the zone, intensive agricultural pursuits and the breeding of animals for commercial gain are not permitted.</p>

SCHEDULE 4 – SPECIAL USE ZONES (CONT'D)

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU2.	Nelson Location 2008 Nursery Road, Nannup (Cont'd)	<ul style="list-style-type: none"> • Holiday Cottages • Office • Private Timber Plantation • Rural Pursuit • Caretakers Dwelling 	<p>16. At the time of development the local government may require the upgrading of Nursery Road between the entrance of the property and Brockman Highway. The developer is to be responsible for any upgrading required.</p> <p>17. No person shall occupy a chalet (does not include the caretakers dwelling) for more than a total of three months in any one twelve month period.</p>
SU3.	Portion Lots 18 and 8231 Warren Road	<ul style="list-style-type: none"> • Sawmill • Industry – General • Industry – Light • Industry – Service • Civic Use • Car Park • Community Purpose • Dwelling – Single Dwelling • Bed & Breakfast Accommodation • Caretakers Dwelling • Child Care Centre • Office • Home Office • Home Occupation • Home Business • Cottage Industry • Motor Vehicle Wrecking • Public Utility • Research Centre • Salvage Yard • Storage Units or Yard • Telecommunications Infrastructure • Trade Display • Transport Depot • Warehouse 	<p>1. Prior to any subdivision of the land within the zone, a Structure Plan is to be prepared for the approval of the local government and Commission. The Structure Plan is to illustrate, but not be limited to, the following:</p> <ul style="list-style-type: none"> • identification of land required for general industry requirements based on the infrastructure of the established timber mill within the site; • identification of land suitable for light or service industrial subdivision and development; • suitable separation or buffering of residential enclave (former mill housing) and other nearby residential areas from industrial uses; • road access; • service infrastructure; and • public open space for residential enclave. <p>2. Upon approval of the Structure Plan development of the site is to be generally in accordance with the plan.</p>

Jane Buckland



From: Geoff Musto [REDACTED]
Sent: Tuesday, 20 January 2016 5:46 PM
To: Jane Buckland
Subject: Rezoning of Lot 2008;discussion re Lot 11533

Hi Jane,

Thanks for your time today.It was a good meeting.

As discussed I confirm that I do not have a problem with the re-zoning of Lot 2008 (as proposed) now that you have confirmed that the approved uses under the present zoning will not automatically carry over to the new zoning.

Also thanks for listening to my ideas regarding our property on Lot 11533.
I will have a think about what we might want to do and get back to by email in due course.

Thirdly could you send me a copy of the flood level plan as far as it affects the Nannup townsite and surrounds.

Many thanks

Geoff Musto

Jane Buckland

From: Van Wyk, Leon <leon.vanwyk@agric.wa.gov.au>
Sent: Thursday, 29 January 2015 2:52 PM
To: Jane Buckland
Subject: Comment: Amendment 17

Jane Buckland

Thank you for the opportunity to comment on the proposed rezoning of Lot 2008 Nursery Road, Nannup from "Special Use (SU2)" to "Agriculture".

The Department of Agriculture and Food (DAFWA) does not object to the rezoning of the abovementioned lot from "Special Use (SU2)" to "Agriculture".

I trust these comments will inform your decision on this matter. If you have queries regarding the comments, please contact Leon van Wyk at (08) 9780 6171 or leon.vanwyk@agric.wa.gov.au

PS Please send any future requests for comment to the following address:

Department of

Agriculture and Food, Western Australia

PO Box 1231
Bunbury WA
6230

Regards,

Leon van Wyk | Development Officer
Department of Agriculture and Food, Western Australia
PO Box 1231 | Bunbury WA 6230
t +61 (0)8 9780 6171 | m +61 (0)427 086 946
w agric.wa.gov.au



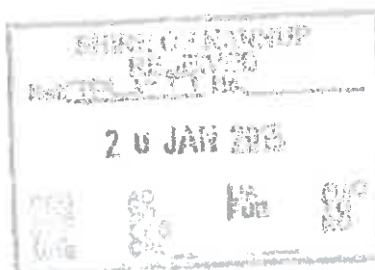
A progressive, innovative and profitable agri-food sector that benefits Western Australia

This e-mail and files transmitted with it are privileged and confidential information intended for the use of the addressee. The confidentiality and/or privilege in this e-mail is not waived, lost or destroyed if it has been transmitted to you in error. If you received this e-mail in error you must (a) not disseminate, copy or take any action in reliance on it; (b) please notify the Department of Agriculture and Food, WA immediately by return e-mail to the sender; (c) please delete the original e-mail. Department of Agriculture and Food WA



Government of Western Australia
Department of Fire & Emergency Services

E-MAILED
10 58 30/1/15



Our Ref: BY01859-04
Your Ref: TPL1-17

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

By Email

Attention: Robert Jennings

Dear Sir

**REFERRAL RESPONSE - SCHEME AMENDMENT NO. 17 TO LPS NO.3 -
REZONING OF LOT 2008 NURSERY ROAD, NANNUP**

Thank you for seeking advice from the Department of Fire & Emergency Services (DFES) on the above development.

The proposal has been assessed by DFES against WAPC SPP 3.4 Natural Hazards and Disasters. As such, DFES raises no objection to the proposed Subdivision providing all future development is in accordance with the 'Planning for Bush Fire Protection Guidelines' Edition 2 May 2010'.

Should you require further information please contact the DFES Regional office on 9780 1900.

Yours faithfully

DOUG VAN BAVEL
LAND USE PLANNING OFFICER

20 January 2015

EMAILED
to ST 301115

Jane Buckland

From: South West Land Use Planning [southwest.landuse@water.wa.gov.au]
Sent: Monday, 19 January 2015 9:17 AM
To: Shire of Nannup
Subject: Scheme Amendment No. 17 – Rezoning of Lot 2008 Nursery Road, Nannup

Date: 19th January 2015

Our Reference: WRD 266608, SRS 38052

Your Reference: TPL1-17

To: Shire of Nannup

From: Department of Water

Attention: Robert Jennings

RE: Scheme Amendment No. 17 – Shire of Nannup Local Planning Scheme No. 3 – Rezoning of Lot 2008 Nursery Road, Nannup

Thank you for referring Scheme Amendment No. 17 to the Department of Water (DoW) for comment.

It is understood that the amendment proposes to rezone Lot 2008 Nursery Road, East Nannup from "Special Use (SU2)" to "Agriculture".

Given the "down zoning" nature of the amendment, which returns the lot to being consistent with adjoining and nearby properties, there are no apparent implications for water resource management.

Consequently DoW has no objection to the Scheme Amendment.

Please contact this office if there are any further inquiries on this matter.

Brendan Kelly
Senior Natural Resource Management Officer
Department of Water, South West Region

T: 08 97264194 | (m) 0407219515 | www.water.wa.gov.au



Government of Western Australia
Department of Water

Disclaimer:

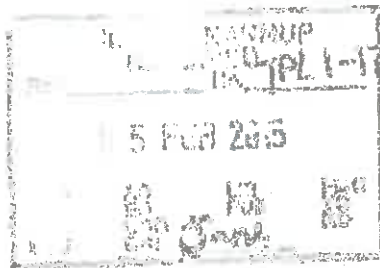
This e-mail is confidential to the addressee and is the view of the writer, not necessarily that of the Department of Water, which accepts no responsibility for the contents. If you are not the addressee, please notify the Department by return e-mail and delete the message from



Government of Western Australia
Department of Parks and Wildlife
Regional Services Division

Your ref: TPL1-17
Our ref: PR537385 2008/003776
Enquiries: Tracy Teede
Phone: 08 9725 4300
Fax: 08 9725 4351
Email: swlanduseplanning@dpaw.wa.gov.au

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 8275



ATTENTION: Planning Unit

SCHEME AMENDMENT 17 TO LOCAL PLANNING SCHEME 3 – REZONING LOT 2008 NURSERY ROAD NANNUP - FROM “SPECIAL USE (SU2) TO “AGRICULTURE”.

I refer to your letter of 18 December 2014 forwarding a scheme amendment for the above property for the Department of Parks and Wildlife's (Parks and Wildlife) consideration and comment.

The following comments are provided on the proposal.

The proponent has indicated that the proposed Lot 2008 rezoning is to remove the approval/application for a strata-titled chalet development and the associated restrictions.

The proponent also indicates that the proposed Lot 2008 future use is for a bed and breakfast enterprise, chalets and/or micro-brewery.

The application states that the site contains a tree plantation, grazing land and areas of native vegetation.

Lot 2008 is also adjacent to the Nannup State forest along the southern boundary and Parks and Wildlife Executive Body freehold land along the southern portion of the western boundary.

The application included a copy of the Shire of Nannup's "Local Planning Scheme 3 Schedule 4 Special Use (SU) zones". SU2 relates to the subject site.

Schedule 4 SU2 Provision 2

Provision 2 refers to a requirement for a management statement addressing issues such as rubbish, domestic animals, clearing of vegetation and bush fire management.

Given Lot 2008 is adjacent to Parks and Wildlife managed lands, contains areas of native vegetation and the proponent is considering future uses for the subject site such as a bed and breakfast enterprise, chalets and/or micro-brewery, Parks and Wildlife recommends that if the proposed Scheme Amendment is approved, a Provision is required that retains the intent of the existing Provision 2 to assist in the management of rubbish, domestic animals, clearing of vegetation and bush fire management.

Schedule 4 SU2 Provision 4

Provision 4 refers to building setbacks from boundaries and waterways.

Lot 2008 is within close proximity to Parks and Wildlife managed land, and the vegetation on the adjoining Parks and Wildlife managed land would be considered to be an extreme bushfire hazard.

Parks and Wildlife supports the requirement for buildings to be located a minimum 100m from any boundary.

Lot 2008 contains the Nannup Brook and other waterways. Parks and Wildlife supports the requirement for buildings to be located a minimum 20m from any waterway however preference would be for a 30m buffer to watercourses.

The Department of Water (DoW) is the lead agency in relation to assessing and providing comments on land use planning proposals that relate to waterways. Parks and Wildlife recommends that the proposal be referred to DoW in regard to waterway buffers.

Parks and Wildlife recommends that, if the proposed Scheme Amendment is approved, a Provision is required that retains the intent of the existing Provision 4 to ensure appropriate building setbacks to boundaries and waterways.

Schedule 4 SU2 Provision 11

Provision 11 refers to a requirement to retain vegetation north of the most northern dam site.

Given Lot 2008 contains areas of native vegetation, the Nannup Brook and other waterways, Parks and Wildlife recommends that, if the proposed Scheme Amendment is approved, a Provision is required that retains the intent of the existing Provision 11, and extends the Provision to include a requirement that no vegetation clearing can occur adjacent to waterways and a requirement for all future development to be located within existing cleared areas.

Schedule 4 SU2 Provision 12

Provision 12 refers to a requirement for vegetation screening to be planted.

Parks and Wildlife recommends that, if the proposed Scheme Amendment is approved, a Provision is required that retains the intent of the existing Provision 12 and also recommends that any vegetation screening is to consist of local endemic species.

Schedule 4 SU2 Provision 13

Provision 13 refers to a requirement for Bush Fire Management Program.

Lot 2008 is adjacent to Parks and Wildlife managed land which would be considered to be an extreme bushfire hazard. Approval of any development should not result in impositions being placed upon the management of the adjoining Parks and Wildlife lands.

Parks and Wildlife supports provision of 100 metre combined building protection and hazard separation zones between buildings and areas of extreme bushfire hazard, regardless of building construction levels.

The application refers to the development of a barn, transportable unit and dwelling, and future chalets and/or micro-brewery. Parks and Wildlife presumes the barn, transportable unit and dwelling, and any future chalets and/or a micro-brewery, will be located at least 100m any boundary.

The former Department of Environment and Conservation provided comments dated 21 November 2007 (DEC 2007) to the Shire of Nannup (Shire), on the proposed chalet development. A copy is attached for your information.

DEC 2007 referred to a Lot 2008 Fire Management Plan (FMP). The current application did not include a copy of a Lot 2008 FMP.

Parks and Wildlife recommends that, if the proposed Scheme Amendment is approved, a Provision is required that retains the intent of the existing Provision 13 and requires that a Fire Management Plan is to be prepared and implemented, in accordance with the Western Australian Planning Commission's *Guideline for Bushfire Protection Edition 2, May 2010* to the specifications of the local government, the Department of Fire and Emergency Services and in consultation with the Department of Parks and Wildlife.

Profit à Prendre

Parks and Wildlife notes that the proponent has indicated that Lot 2008 is subject to a 'Profit à Prendre' encumbrance, with the Forest Products Commission. The proponent will need to seek advice from the Forest Products Commission regarding obligations for the Profit à Prendre site.

Parks and Wildlife trusts that environmental planning issues including those not specifically referred to in this letter will be appropriately managed through the planning system.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the Parks and Wildlife South West Region office if you have any queries regarding this advice.



For Regional Manager

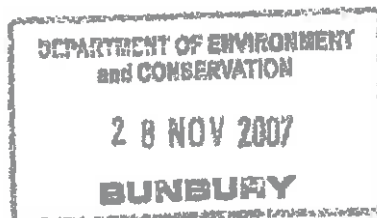
2 February 2015

Att.

cc: Forest Products Commission



Department of
Environment and Conservation



Your ref: A 1244
Our ref: BWD2002F157
Enquiries: John Carter
Phone: 08 9752 5555
Fax: 08 9752 1432
Email: blackwood@dec.wa.gov.au

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275
Attn: Leigh Guthridge

SW 21759

COPY

2006/003775

A-E
29/11/07

AH/10/12

Dear Leigh

NELSON LOCATION 2008 NURSERY ROAD NANNUP – APPLICATION FOR PROPOSED CHALET8

Thank you for your letter of 23 September 2007 allowing the Department of Environment and Conservation (DEC) the opportunity to comment on the proposed chalet development on Lot 2008 Nursery Road. The DEC wishes to make the following comments in relation to the Fire Management Plan (FMP).

- The Planning for Bushfire Protection states that fuels in Hazard Separation Zones be kept below 8t/ha in Jarrah/Marri forest, not 4-6t/ha as stated in the FMP; and
- The DEC requests that it be provided with a copy of the agreement between the developer and Forest Products Commission on the management of the *Eucalyptus saligna* plantation.

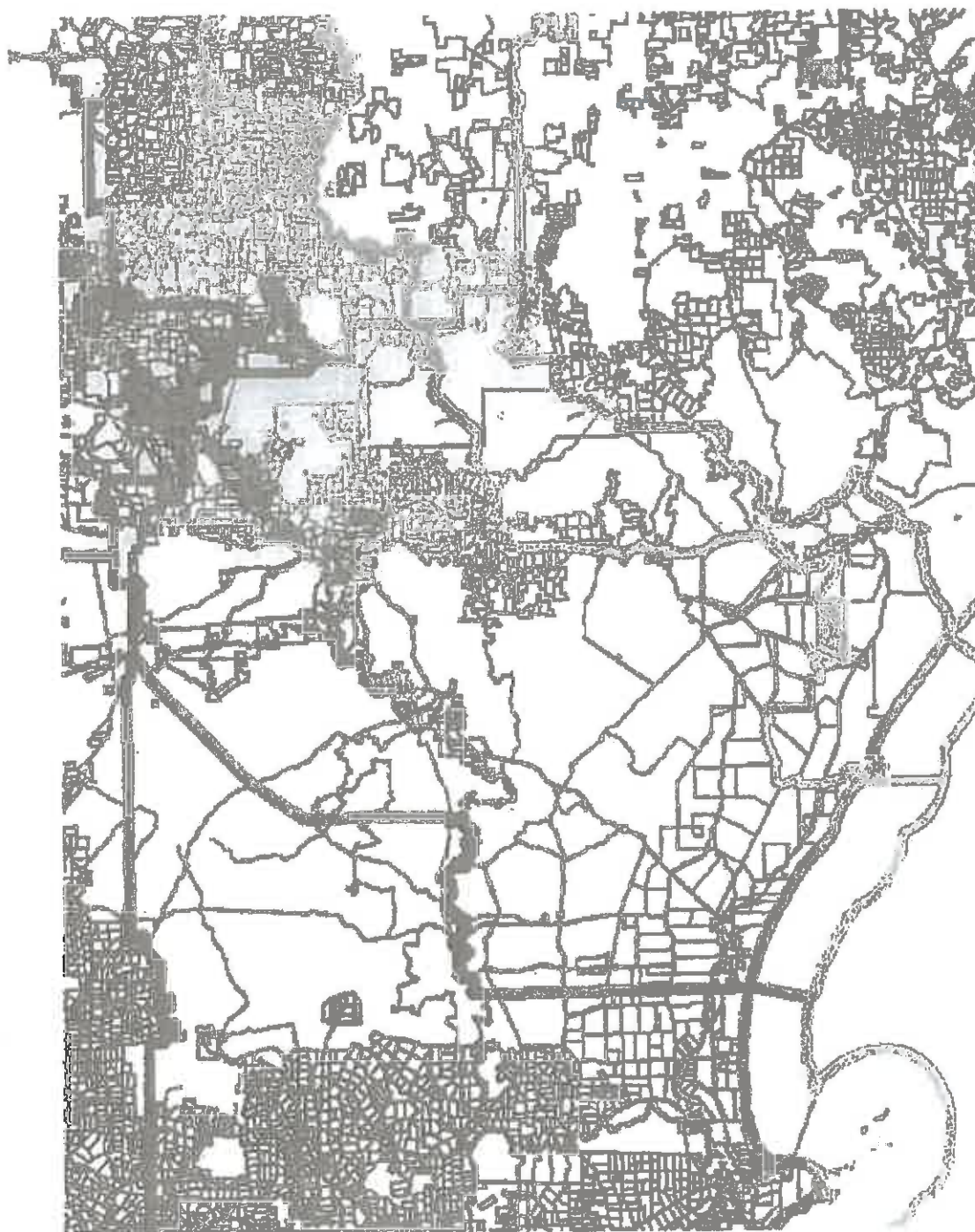
Further to discussions on DEC District boundaries, a map showing the location of this boundary has been attached to this letter.

All land-use planning matters in the southeast (east of green line) of the Shire are to be sent to:

Regional Manager
Department of Environment and Conservation
Warren Region
Locked Bag 2
Manjimup WA 6258

SHIRE OF NANNUP - DEC DISTRICT BOUNDARIES

rp_store_polygon_gde_j_rno	22
SOUTH_WEST Major Hydro	✓
SOUTH_WEST Cadastre (L)	□
CALM Districts 2005	□
Local Govt. Authorities (LGA)	□
CALM Estates (abandoned)	SW
State Forest	
Timber Reserve	
Miscellaneous Reserve	
Ex Dir Freshfield	
National Park	
Nature Reserve	
Conservation Park	
Marine Park	
Marine Nature Reserve	
S(1)(b) Reserve	
S(1)(n) Reserve	
Former Leasehold	
Marine Management Area	



Shire of Nannup Local Planning Scheme No. 3 Scheme Amendment No. 17 – Schedule of Submissions

No.	Name and Address of Submitter	Summary of Submissions	Council's Comments	Council's Recommendation
1	Geoff Musto geoffmusto@yahoo.com.au Lot 11533 Brockman Highway, East Nannup	No objection	That the submission be noted.	No modification to the amendment is required.
2	Leon van Wyk Department of Agriculture and Food PO Box 1231 Bunbury WA 6230	No objection	That the submission be noted.	No modification to the amendment is required.
3	Doug Van Bavel Department of Fire and Emergency Services PO Box 1288 Bunbury WA 6231	No objection	That the submission be noted.	No modification to the amendment is required.
4	Brendan Kelly Department of Water PO Box 261 Bunbury WA 6231	No objection	That the submission be noted.	No modification to the amendment is required.
5	Tracy Teede Department of Parks and Wildlife PO Box 1693 Bunbury WA 6231	No objection to the Amendment. Recommends that various Special Provisions be retained in the proposed zoning to address matters including:	That the submission be noted. Not support this component of the DPaW submission. The requested zoning to "Agriculture" is effectively a "down zoning" from the current "Special Use (SU2)" zoning.	No modification to the amendment is required.

	<ul style="list-style-type: none"> • management of rubbish, domestic animals and clearing of vegetation; • building setbacks to boundaries and waterways; • replanting with local endemic species; and • bushfire management. <p>The Department seeks that the planning system will appropriately address any environmental planning issues associated with this proposal and for this site.</p>	<p>Significantly, the applicant/landowner is seeking only low-key development which has less environmental and land management impacts than the development set out in the SU2 zoning (the SU2 zoning includes the potential for 20 chalets).</p> <p>The proposed Agriculture zoning is supported which simplifies the planning requirements for this property. Acceptance of the DPaW submission would require the site to remain as a Special Use Zone in order to impose the site specific provisions. Acceptance of the DPaW request would be at cross-purposes with the requested scheme amendment.</p> <p>Agree. It is suggested that environmental, land management and planning matters can be addressed at the planning (development) application and/or building permit stages such as occurs for other properties zoned Agriculture, Agriculture Priority 2 or similar. Depending on the nature, design and location of future applications, the Shire will consider the advice from DPaW and other agencies at the planning (development) application stage.</p>
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ENC 6W

2015/46

The Hon Terry Redman MLA
Minister for Regional Development; Lands;
Minister Assisting the Minister for State Development

Mr Robert Jennings
Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear Mr Jennings

ROYALTIES FOR REGIONS – SOUTH WEST COMMUNITY CHEST FUND

Thank you for your application for financial assistance through the Royalties for Regions South West Community Chest Fund.

I am very pleased to advise you that your application has been successful. Funding to assist with the Nannup Community Bus for \$20,000.00 (excluding GST) is approved, subject to you meeting the conditions and agreement process.

The South West Development Commission will provide you with a copy of a 'Grant Agreement', which details the standard terms and conditions to be met and includes your GST obligations and information on the grant payment process.

Once you have signed this Grant Agreement and provided the Commission with the appropriate information to confirm that you meet the specified funding conditions, arrangements will be made to pay Community Chest funds.

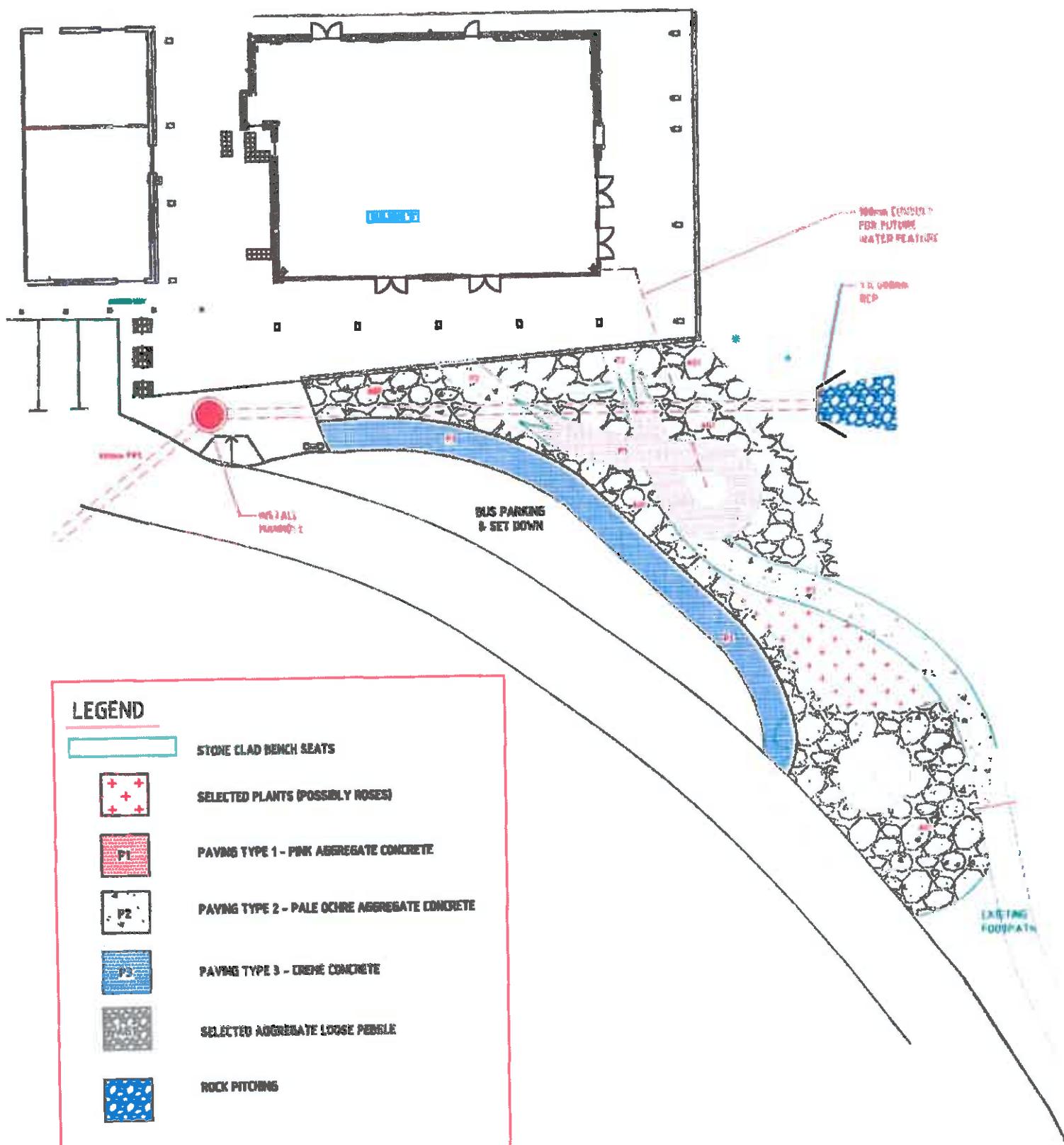
In the meantime, please contact Amanda Taylor, Grants Coordinator at the Commission on (08) 9792 2000 if you have any queries.

I wish you every success with carrying this project forward with the assistance of Royalties for Regions.

Yours sincerely

HON TERRY REDMAN MLA
MINISTER FOR REGIONAL DEVELOPMENT

29 JAN 2015



LEGEND

- STONE CLAD BENCH SEATS
- SELECTED PLANTS (POSSIBLY ROSES)
- PAVING TYPE 1 - PINK AGGREGATE CONCRETE
- PAVING TYPE 2 - PALE OCHRE AGGREGATE CONCRETE
- PAVING TYPE 3 - CREME CONCRETE
- SELECTED AGGREGATE LOOSE PEBBLE
- ROCK PITCHING





Shire of
Nannup
rest • connect • grow

MINUTES

**Annual General Meeting of Electors
Shire of Nannup, Shirley Humble Room,
Adam Street, Nannup 6275**

Thursday 12 February 2015, 5pm

INDEX

	Page
1. Attendance and Apologies	1
2. That the Shire of Nannup Annual Report for 2013/14 be received.	1
3. Address by the Shire President	1
4. Questions on Notice – Annual Report	1
5. Questions on the Annual Report	1
6. Other Business – Question on Notice	3
7. Other Business – Questions from the floor	3
8. Any other business	3
9. Meeting Closure	7

1. Attendance and Apologies

Councillor Dean welcomed members of the public and declared the meeting open at 5pm.

Attending:

Cr Dean – Shire President

Councillors Mellema, Gilbert, Longmore, Lorkiewicz, Steer and Stevenson.

E Kelly – Acting Chief Executive Officer

V Smith – Manager Corporate Services

C Wade – Manager Infrastructure

Attendance Register

P Fraser, P Twiss, J Kay, B Dunnet, T Dixon, W Brenkman, J Brenkman, and R Stallard.

Apologies:

A Slater

2. Receiving of Annual Report

R Stallard / B Longmore

That the Shire of Nannup Annual Report for 2013/14 be received.

Carried

3. Address by the Shire President**4. Questions on the Annual Report – Questions on Notice**

None

5. Questions on the Annual Report – Questions from the floor

P Fraser

5.1 Will the reported decrease in income of \$130,000 affect the budget for next year?

The Manager Corporate Services responded:

The Long Term Financial Plan has for some time predicted that the 2015/16 budget would be challenging because of the decline in income from capital grants. Our current assessment is that to keep the rate increase to 5% would require savings in excess of \$100,000.

5.2 Can the statistics on P23 be further analysed?

The Acting CEO responded:

The statistics are from the ABS and so could probably be analysed further.

6. Other Business – Questions on Notice

B Dunnet

Last financial year I paid 5 Waste Management Fees on our rates notices. 2 are for town site services where we currently receive a rubbish service and have access to the tip.

3 of the levies are for properties where we cannot contiguously rate and where we are not provided with a rubbish or tip service. A round trip of 161km to access a rubbish tip cannot be counted as a service.

Q1. If we are to pay a fee for a service, when are we going to receive the service?

The Shire President responded:

A. Charges for waste services fall into two types:

- i) Refuse collection charges – applied to any household that has a domestic refuse or recycling bin within the Nannup town site.**
- ii) Waste Management Levy – applied to the cost of refuse disposal and payable by all properties within the Shire.**

The Waste Management Levy is applied under the Waste Avoidance and Resource Recovery Act 2007 and these regulations mean that it has to be applied to all rateable properties irrespective of their status or use of the service. As such it is a levy on property and not a fee for a service.

Our levy at \$28 is considerably lower than adjoining shires (Capel is \$80 and Augusta Margaret River \$200). Council will review the application of the levy as part of its budget considerations for 2015/16.

Q2. Several of my ratepayer friends were told that they only had to pay one fee even if they had multiple titles and only did pay one fee. Are my fees to be refunded to me where I had to pay multiple fees or will

you seek to get the fees from other landowners who paid only one fee?

The Shire President responded:

- A. As outlined above the levy is applied to all rateable properties. Where ratepayers have chosen not to pay more than one charge then the unpaid charges will be recovered as part of the Council's normal recovery procedures.

Q3. Is the Shire aware that since the introduction of the fees and the closure of the Alexandra Bridge transfer station there is rubbish being dumped in the State forest around the Scott River area?

The Shire President responded:

- A. As fees in one form or another have been payable for use of the Nannup Waste Management and Recycling Facility since 2012 it is unlikely that the dumping of rubbish is in response to the introduction of the Waste Management Levy. In fact the payment of the levy entitles all ratepayers to entry to the tip and there would be no incentive from the levy to dump waste in the State forest.

The Shire does not have the resources to monitor the State forest for illegally dumped refuse. This would be a matter for the landowner – DPaW.

Q4. Is the Shire planning for a transfer station in the Scott River east area or are they prepared to work with Augusta Margaret River Shire to ask if residents can have access to the Alexandra Bridge transfer station which currently only operates for AMR residents 1 day per week?

The Shire President responded:

- A. There are no plans to build a transfer station in the Scott River area. The Shire will however contact Augusta Margaret River to see if they will permit Nannup residents to use their facility.

P Twiss

Q5. Responses from businesses concerning advertising signs. Not much has changed. How is it being managed?

The Shire President responded:

- A. Letters were sent to all main street businesses along with the signs policy and as a result there have been a number of enquiries from these businesses with regards to their signs and the policy. The Shire will work with individual businesses to ensure that their signs are compliant however this process will take some time.

- Q6. Container building on land adjacent to Balingup Rd and Grange Rd. I understood that permission had not been given to owner to build with containers.

The Shire President responded:

- A. No planning approval was required for a single dwelling and a building permit was issued for the proposed structure on 5th September 2014.

- Q7. Weed control: how much is Council aware of problem sites. What responsibilities to the Prime Plantation owners have to eradicate weeds after cutting trees?

The Shire President responded:

- A. All land owners including state agencies have a responsibility to manage their land and control declared pests, this is a Department of Agriculture issue and has been raised through the relevant channels. Council does not have any power apart from lobbying ministers and agencies to take responsibility for their land. The general response from these agencies and no doubt land owners will be a matter of cost and budget constraints.

7. Other Business – Questions from the floor

R Stallard

- 7.1 Will shade sails be provided at the new Recreation Centre to combat excessive heat?

The Manager Infrastructure responded:

- A. The ventilation in the main hall is being improved that will allow substantially more air flow. This should address the overheating problem.

- 7.2 With respect to the Heritage Policy consultation:

- i) Who chooses the categories?
- ii) How are the listings chosen?
- iii) Where is Killaby's House?

The Acting CEO responded:

- A. We cannot answer these questions this evening. Please arrange to discuss the document with the Development Services Officer.

- 7.3 Can the emergency exits from the Recreation Centre be modified as the current arrangement is unsafe?

The Manager Infrastructure responded:

- A. The Project Manager will be asked to look at this and report back.

P Twiss

- 7.4 Who is responsible for the street bins?

The Manager Infrastructure responded:

- A. Some are the Shire and some are the local businesses.

- 7.5 Can they be cleaned more frequently?

The Manager Infrastructure responded:

- A. We will look into this.

- 7.6 Why was the planning application for the sea containers on Balingup Rd approved?

The Shire President responded:

- A. As previously stated, a planning application was not required for a single dwelling. Provided the proposed building satisfied the Building Code of Australia a Building Permit would have to have been issued. Amendments to the current Town Planning Scheme approved by Council seek to plug this loophole.

T Dixon

- 7.7 Why do I have to pay three refuse disposal charges?

The Shire President responded:

- A. As previously stated the charges are in accordance with the requirements of the Waste Avoidance and Resource Recovery Act 2007.

- 7.8 Why is Nannup proceeding with it instead of charging like the Shire of Manjimup?

The Shire President responded:

- A Whilst the WARR Act levy does have some drawbacks It is simple to operate and fair as everyone pays.

J Lorkiewicz

- 7.9 Were people affected by the proposed Heritage Policy notified by letter of the extension of the consultation period?

- A. Question taken on notice.

8. Other Business

None.

9. Meeting Closure

There being no further business to discuss the Shire President thanked everyone for their attendance and declared the meeting closed at 17:37.

Department of Local Government and Communities - Compliance Audit Return



Government of Western Australia
Department of Local Government and Communities

Nannup - Compliance Audit Return 2014

Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government and Communities together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2014.	N/A		Vic Smith
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2014.	N/A		Vic Smith
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2014.	N/A		Vic Smith
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2014.	N/A		Vic Smith
5	s3.59(5)	Did the Council, during 2014, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Vic Smith

**Delegation of Power / Duty**

No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A		Vic Smith
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Vic Smith
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Vic Smith
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Vic Smith
5	s5.18	Has Council reviewed delegations to its committees in the 2013/2014 financial year.	Yes	All Committee Terms of Reference reviewed but no delegations given	Vic Smith
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Vic Smith
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Vic Smith
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Vic Smith
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Vic Smith
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Vic Smith
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	yes		Vic Smith
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2013/2014 financial year.	Yes		Vic Smith
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Vic Smith

Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	yes		Vic Smith
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Vic Smith



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Vic Smith
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	Yes		Vic Smith
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	N/A		Vic Smith
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2014.	Yes		Vic Smith
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2014.	Yes		Vic Smith
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Vic Smith
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Vic Smith
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Vic Smith
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Vic Smith
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Vic Smith
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Vic Smith
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	N/A		Vic Smith



No	Reference	Question	Response	Comments	Respondent
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	N/A		Vic Smith
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Vic Smith

Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	N/A		Vic Smith
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	Yes		Vic Smith

Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	Yes		Vic Smith

Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Vic Smith
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A	No delegations given	Vic Smith
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	Yes	AMD Chartered Accountants	Vic Smith
4	s7.3	Was the person(s) appointed by the local government to be its auditor, an approved auditor.	Yes	AMD Chartered Accountants	Vic Smith
5	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	Yes		Vic Smith



No	Reference	Question	Response	Comments	Respondent
6	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2014 received by the local government within 30 days of completion of the audit.	Yes		Vic Smith
7	s7.9(1)	Was the Auditor's report for 2013/2014 received by the local government by 31 December 2014.	No	Received 7 January 2015	Vic Smith
8	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		Vic Smith
9	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Vic Smith
10	S7.12A(3), (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Vic Smith
11	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Vic Smith
12	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Vic Smith
13	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Vic Smith
14	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Vic Smith
15	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Vic Smith

**Local Government Employees**

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	Yes		Vic Smith
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	Yes		Vic Smith
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A	Appointment process to be carried out in 2015	Vic Smith
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A	Appointment process to be carried out in 2015	Vic Smith
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A	Appointment process to be carried out in 2015	Vic Smith

Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	N/A		Vic Smith
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes	No complaints received	Vic Smith
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes	No complaints received	Vic Smith
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes	No complaints received	Vic Smith
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes	No complaints received	Vic Smith
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) (c).	Yes	No complaints received	Vic Smith

**Tenders for Providing Goods and Services**

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Vic Smith
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	N/A		Vic Smith
3	F&G Reg 14(1)	Did the local government invite tenders via Statewide public notice.	Yes		Vic Smith
4	F&G Reg 14, 15 & 16	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Vic Smith
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	Yes		Vic Smith
6	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Vic Smith
7	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Vic Smith
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Vic Smith
9	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Vic Smith
10	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Vic Smith
11	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Vic Smith



No	Reference	Question	Response	Comments	Respondent
12	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Vic Smith
13	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Vic Smith
14	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	Yes		Vic Smith
15	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less.	Yes		Vic Smith

I certify this Compliance Audit return has been adopted by Council at its meeting on _____

Signed Mayor / President, Nannup

Signed CEO, Nannup

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

<u>Operating</u>	2014/15	2014/15	2014/15	Variances	
	Y-T-D Actual	Y-T-D Budget	Budget	Y-T-D	Budget to
	\$	\$	\$	%	Actual
					\$
Revenues/Sources					
Governance	260	583	1,000	55%	323
General Purpose Funding	710,135	738,490	1,476,980	4%	28,355
Law, Order, Public Safety	160,899	130,761	261,522	(23%)	(29,938)
Health	3,428	1,517	2,600	(126%)	(1,911)
Education and Welfare	16,135	8,068	13,830	(100%)	(8,068)
Housing	10,990	9,798	16,796	(12%)	(1,192)
Community Amenities	139,487	137,715	165,258	(1%)	(1,772)
Recreation and Culture	27,197	26,367	45,200	(3%)	(830)
Transport	2,095,491	2,019,491	2,203,081	(4%)	(76,000)
Economic Services	58,078	94,896	162,850	39%	36,918
Other Property and Services	37,519	14,583	25,000	(157%)	(22,935)
	<u>3,259,419</u>	<u>3,182,368</u>	<u>4,374,117</u>	<u>2%</u>	<u>(77,051)</u>
(Expenses)/(Applications)					
Governance	(185,382)	(167,344)	(286,876)	11%	18,037
General Purpose Funding	(74,648)	(83,406)	(142,982)	(11%)	(8,758)
Law, Order, Public Safety	(338,561)	(271,086)	(464,719)	25%	67,475
Health	(35,832)	(39,005)	(66,865)	(8%)	(3,172)
Education and Welfare	(114,893)	(92,355)	(158,323)	24%	22,537
Housing	(23,238)	(24,613)	(42,194)	(6%)	(1,375)
Community Amenities	(248,526)	(295,790)	(507,068)	(16%)	(47,264)
Recreation & Culture	(253,752)	(319,590)	(547,868)	(21%)	(65,838)
Transport	(1,626,594)	(1,684,354)	(2,526,531)	(3%)	(57,760)
Economic Services	(171,509)	(180,509)	(309,444)	(5%)	(9,000)
Other Property and Services	(284,274)	(10,982)	(18,827)	2488%	273,292
	<u>(3,357,208)</u>	<u>(3,169,034)</u>	<u>(5,071,697)</u>	<u>6%</u>	<u>188,174</u>
Adjustments for Non-Cash					
(Revenue) and Expenditure					
(Profit)/Loss on Asset Disposals	24,762	(2,500)	(5,000)	(1090%)	(27,262)
Depreciation on Assets	1,463,238	1,195,746	2,049,850	22%	(267,493)
Capital Revenue and (Expenditure)					
Purchase Land and Buildings	(189,334)	(23,333)	(40,000)	711%	166,001
Purchase Infrastructure Assets	(578,623)	(637,770)	(2,551,081)	(9%)	(59,147)
Purchase Plant and Equipment	(365,430)	(399,417)	(479,300)	(9%)	(33,987)
Purchase Furniture and Equipment	(17,736)	0	0	0%	17,736
Proceeds from Disposal of Assets	409	145,000	145,000	(100%)	144,591
Repayment of Debentures	(34,710)	(36,362)	(72,723)	(5%)	(1,651)
Proceeds from New Debentures	0	0	0	0%	0
Leave Provisions	0	0	205,583	0%	0
Accruals	(12,800)	0	8,449	0%	12,800
Self Supporting Loan Principal Income	5,614	6,857	13,713	(18%)	1,243
Transfers (to)/from Reserves	0	0	58,120	0%	0
ADD Net Current Assets July 1 B/Fwd	817,891	817,891	0		0
LESS Net Current Assets Year to Date	2,380,462	2,444,415	0		63,953
Amount Raised from Rates	<u>(1,364,969)</u>	<u>(1,364,989)</u>	<u>(1,364,969)</u>		<u>0</u>

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2014 TO 31 JANUARY 2015

	2014/15 Actual \$	Brought Forward 01-July-2014 \$
NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	(263,773)	830,390
Cash - Restricted	109,925	46,685
Cash - Reserves	2,080,387	2,086,771
Receivables	2,960,086	676,234
Inventories	11,074	11,074
	<u>4,897,699</u>	<u>3,651,154</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(326,925)</u>	<u>(699,806)</u>
	4,570,774	2,951,348
Less: Cash - Reserves - Restricted	(2,190,312)	(2,133,456)
NET CURRENT ASSET POSITION	<u><u>2,380,462</u></u>	<u><u>817,891</u></u>

OPERATING EXPENSES TO 31 JANUARY 2015

Governance Expenditure

Budget	Actual	Explanation	(Under Expended)/Over Expended
\$	\$		\$
0	110	Election Expenses	110
4,000	0	Revaluations	(4,000)
12,100	8,130	Refreshments	(3,970)
31,950	37,082	Donations/contributions	5,132
20,600	12,089	Councillor allowances	(8,511)
17,345	20,322	Subscriptions	2,977
8,600	3,819	Conference Expenses	(4,781)
17,330	10,352	Insurance	(6,978)
2,000	4,545	CEO performance review	2,545
6,450	4,064	Bank Charges	(2,386)
11,330	510	Audit Fees	(10,820)
1,000	299	Legal Expenses	(701)
1,000	657	Gratuities	(343)
1,500	0	Blackwood Valley Trails	(1,500)
843	497	Depreciation Council furniture	(346)
196,048	102,476		(93,572)

General Administration

Budget	Actual	Explanation	(Under Expended)/Over Expended
\$	\$		\$
34,056	0	Annual Leave expense	(34,056)
386,508	233,513	Admin Salaries	(152,995)
40,443	19,686	Superannuation	(20,757)
19,700	17,575	Insurance	(2,125)
2,000	520	Minor furniture & equip	(1,480)
57,872	19,092	Building & Gardens maintenance	(38,780)
41,160	28,008	Computer maintenance	(13,152)
15,000	10,921	Printing & Stationery	(4,079)
			15,000

Operating Expenses

Budget	Actual		Explanation	Current	Year End
14,125	5,207		Telephone Expenses	(8,918)	14,125
3,000	0		Office Equipment Maintenance	(3,000)	3,000
4,400	2,530		Postage	(1,870)	4,400
6,000	6,140		Accommodation & Travel	140	6,500
4,625	8,359		Advertising	3,734	9,000
12,200	10,076		Staff training expenses	(2,124)	12,200
300	255		Sundry expenses	(45)	300
11,841	0		Long Service Leave	(11,841)	11,841
19,750	10,602		Fringe Benefits Tax	(9,148)	19,750
	345		Recruitment Expenses	345	500
	497		Depreciation - Furniture	497	0
29,529	20,122		Depreciation - Plant & Equipment	(9,407)	29,529
			Included in Plant & Equipment budget		
			No year end variance anticipated overall		
702,509	393,447			(309,062)	705,759

Operating Expenses

Budget	Actual		Explanation	Current	Year End
5,000	3,490	DFES - Other goods & services	DFES budget to be reallocated - no overall variance expected	(1,510)	5,000
2,800	1,505	SES - Utilities	No year end variance anticipated	(1,295)	2,800
1,003	1,037	SES - Insurance	No year end variance anticipated	34	1,003
	683	SES - Minor plant	SES budget to be reallocated - no overall variance expected	683	0
	0	SES - Maint of plant & equipment	No year end variance anticipated	0	0
1,000	338	Emergency response	No year end variance anticipated	(662)	1,000
	0	SES - Maintenance of vehicles	No year end variance anticipated	0	0
	2,551	SES - Maint of land & buildings	SES budget to be reallocated - no overall variance expected	2,551	0
	0	SES - Clothing & accessories	No year end variance anticipated	0	0
7,597	719	SES - Other goods & services	SES budget to be reallocated - no overall variance expected	(6,878)	7,597
116,658	68,515	Depreciation	No year end variance anticipated	(48,143)	116,658
408,967	235,029			(173,338)	407,204

Operating Expenses

Budget	Actual	Explanation	Current	Year End
Health				
\$	\$		\$	\$
100	99	Insurance		100
1,599	0	Health - annual leave	(1)	1,599
48,791	26,148	Health Inspections	(1,599)	48,791
555	0	Long Service Leave	(22,643)	555
1,898	1,754	Superannuation	(555)	1,898
2,050	1,305	Admin Expenses	(144)	2,050
			(745)	
54,993	29,306		(25,687)	54,993
Education & Welfare				
\$	\$		\$	\$
8,937	2,944	Pre School maintenance	(5,993)	8,937
1,100	2,977	Family Fun day	1,877	1,100
1,000	0	Community Events support	(1,000)	1,000
9,650	1,041	School holiday program	(8,609)	9,650
0	0	Cultural Plan	0	0
2,100	0	Seniors activities	(2,100)	2,100
79,212	52,501	Community Development	(26,711)	99,112
7,274	5,166	CDO - Superannuation	(2,108)	7,274
8,129	0	Promotions	(8,129)	8,129
2,126	0	CDO - Long Service Leave	(2,126)	2,126
1,500	(3)	Training	(1,503)	1,500
15,587	7,238	Depreciation	(8,349)	15,587
136,615	71,864		(64,751)	156,515
Housing				
\$	\$		\$	\$
13,243	6,636	Building Maintenance	(6,607)	20,000
17,500	10,308	Depreciation	(7,192)	17,500
30,743	16,944		(13,799)	37,500
Community Amenities				
\$	\$		\$	\$

Operating Expenses

Budget	Actual		Explanation	Current	Year End
34	(430)		SSL Accrued Interest	(464)	34
13,713	5,614		SSL Principal	(8,099)	13,713
35,620	19,016		Collection - domestic waste	(16,604)	35,620
41,300	19,153		Collection - recycling	(22,147)	41,300
114,080	56,767		Waste Management Facility	(57,313)	114,080
12,000	8,900		Street Bin Pick up	(3,100)	12,000
120,760	65,291		Town Planning Services	(55,469)	115,060
9,650	2,283		Admin Expenses	(7,367)	9,650
1,447	0		Planning - Long Service Leave	(1,447)	1,447
4,951	1,810		Planning - Superannuation	(3,141)	4,951
7,500	13,176		Town Planning Scheme review	5,676	13,200
4,172	0		Planning - Annual Leave	(4,172)	4,172
1,500	0		LPS Amend Exp	(1,500)	1,500
13,390	5,368		Cemetery Exp	(8,022)	13,390
38,860	15,055		Public Conveniences	(23,805)	38,860
6,363	2,700		SSL Interest	(3,663)	6,363
4,475	2,636		Depreciation - waste facility	(1,839)	4,475
8,993	5,842		Depreciation - toilets	(3,151)	8,993
438,808	223,181			(215,627)	438,808

Operating Expenses

Budget	Actual	Explanation	Current	Year End
Recreation & Culture				
\$	\$		\$	\$
12,027	8,245	Town Hall	(3,782)	12,027
21,576	12,602	Rec Centre	(8,974)	21,576
3,008	3,016	Community Centre	8	3,016
1,281	1,329	Supper Room	48	1,329
1,387	942	Old Roads Building	(445)	1,387
2,508	2,512	Bowling Club	4	2,512
519	546	Cundinup Hall	27	546
428	785	Carlotta Hall	357	785
1,242	916	Community House	(326)	1,242
245,230	84,880	Public Parks	(160,350)	245,230
7,500	2,574	Art Maintenance	(4,926)	7,500
15,154	9,633	Library Salaries & Insurance	(5,521)	15,154
3,850	1,700	Office Expenses - Library	(2,150)	3,850
200	0	Write-Offs - Library	(200)	200
33,243	2,786	Foreshore Park	(30,457)	33,243
1,875	1,104	Depreciation Community House	(771)	1,875
3,125	1,971	Depreciation Community Sheds	(1,154)	3,125
1,850	1,090	Depreciation Carlotta Hall	(760)	1,850
42,341	30,745	Depreciation Recreation Centre	(11,596)	42,341
26,150	15,194	Depreciation Town Hall	(10,956)	26,150
35,758	22,967	Depreciation Parks	(12,791)	35,758
1,625	957	Depreciation Old Roads Board	(668)	1,625
425	250	Depreciation Cundinup Hall	(175)	425
462,902	206,745		(255,557)	462,746
Transport				
\$	\$		\$	\$
39,542	14,680	Depot Maintenance	(24,862)	39,542
5,000	1,125	Traffic Signs	(3,875)	5,000
32,000	3,623	Bridge Maintenance	(28,377)	32,000
5,000	1,032	Crossovers	(3,969)	5,000
622	(1,063)	Loan - accrued interest	(1,685)	622
690,000	346,240	Local Road Maintenance	(343,760)	690,000
85,000	28,222	Road Varga Maintenance	(56,778)	85,000

Operating Expenses

<i>Budget</i>	<i>Actual</i>	<i>Explanation</i>	<i>Current</i>	<i>Year End</i>
23,850	10,723	Street Lighting	(13,127)	23,850
9,000	1,300	Street Sweeping	(7,700)	9,000
5,000	303	Traffic Counter Maintenance	(4,697)	5,000
6,000	0	Safety Works	(6,000)	6,000
6,000	110	Equipment replacement	(5,890)	6,000
6,165	3,491	Loan - Interest	(2,674)	6,165
59,010	29,096	Loan - Principal	(29,914)	59,010
30,000	672	Gravel Pit	(29,328)	30,000
5,000	5,342	ROMANS	342	5,342
1,384,401	839,098	Depreciation - Roads	(545,303)	1,384,401
2,391,590	1,283,995		(1,107,595)	2,391,932

Operating Expenses

Budget	Actual	Explanation	Current	Year End
Economic Services				
\$	\$		\$	\$
800	50	Australia Day		1,100
12,825	6,727	Functions & Events	(750)	12,825
80,518	41,028	Caravan Park	(6,998)	42,000
4,100	3,582	Caravan Park admin expenses	(39,490)	4,100
24,950	12,642	Caravan park utilities	(518)	24,950
2,000	1,890	Caravan Park promotion	(12,308)	2,000
20,113	8,641	Caravan Park & Camping	(110)	20,113
44,298	21,560	Caravan park wages	(11,472)	44,298
10,000	6,797	Visitor Centre services	(22,738)	10,000
7,500	9,270	Regional Promotion	(3,203)	7,500
10,000	2,289	Tourism promotion	1,770	10,000
1,199	0	Building Control - Long Service Leave	(7,711)	1,199
39,007	27,786	Building Control - Salary	(1,199)	39,007
4,104	2,911	Building Control - Superannuation	(11,221)	4,104
3,458	0	Building Control - Annual Leave	(1,193)	3,458
3,339	1,501	Building Control - Expenses	(3,458)	3,339
17,910	11,108	Depreciation - Caravan Park	(1,838)	17,910
286,121	157,783		(6,802)	247,903
Other Property & Services				
\$	\$		\$	\$
23,154	40,707	Private Works	17,553	41,000
10,000	16,345	Training	6,345	15,350
3,562	(4,501)	Accrued salaries & wages	(8,063)	3,562
28,921	0	Long Service Leave	(28,921)	28,921
89,960	20,353	Salaries	(69,607)	67,000
80,096	0	Annual Leave	(80,096)	80,096
112,442	55,569	Superannuation	(56,873)	112,442
0	15	Office expenses	15	0
30,646	17,253	Sick pay	(13,393)	30,646

Operating Expenses

Budget	Actual		Explanation	Current	Year End
69,294	57,862	Insurances	Reduced cost of Workers Comp Insurance through lower employee numbers	(11,432)	57,862
10,000	6,928	Protective Clothing	No year end variance anticipated	(3,072)	10,000
4,500	964	Safety Meetings	No year end variance anticipated	(3,536)	4,500
56,382	19,561	Wages - plant	Some costs allocated directly to jobs	(36,821)	56,382
30,000	4,389	Tyres & Batteries	No year end variance anticipated	(25,611)	30,000
19,045	13,799	Insurances & Licenses	Savings on insurance expeted	(5,246)	15,500
	72	Admin Expenses	No significant year end variance anticipated	72	72
	1,165	Workers Comp	No significant year end variance anticipated	1,165	1,165
225,000	126,625	Fuel & Oil	No year end variance anticipated	(98,375)	230,000
4,000	1,128	Sundry Tools	No year end variance anticipated	(2,872)	4,000
37,884	16,967	Holiday Pay	No year end variance anticipated	(20,917)	37,884
60,000	46,893	Parts & External Work	No year end variance anticipated	(13,107)	60,000
2,000	240	Recruitment Exp	No year end variance anticipated	(1,760)	2,000
324,510	175,299	Depreciation - Vehicles	No year end variance anticipated	(149,211)	324,510
16,295	10,720	Depreciation - Depot	No year end variance anticipated	(5,575)	16,295
1,257,691	628,354			(609,337)	1,229,187
6,324,914	3,367,274	TOTAL		(2,957,640)	6,303,802
			Less Expenditure tied to additional grants		(19,900)
			Less Non Cash Depreciation Increases		0
			Total Expenditure Savings Anticipated for Year		(41,012)

Operating Expenses

OPERATING INCOME TO 31 JANUARY 2015

Budget	Actual	Explanation	(Over)/Under received	Anticipated Year End
General Purpose Revenue				
\$	\$		\$	\$
(1,364,969)	(1,371,468)	Rate Revenue	(6,499)	(1,371,468)
(5,000)	(4,339)	Legal Fees	661	(5,000)
(12,000)	(5,730)	Int on Overdue rates	6,270	(12,000)
(800,000)	(419,697)	Equalisation Grant	380,304	(833,963)
(4,500)	(4,650)	Interest on Instalments	(150)	(4,500)
(500,000)	(233,262)	Local Road Grant	266,739	(463,293)
(3,900)	(9,525)	Admin Charges	375	(3,900)
(22,000)	(11,919)	DOT Commission	10,081	(22,000)
(25,700)	(18,963)	Sundry Income	6,737	(25,700)
(60,000)	8,411	Interest on Investment - General	68,411	(35,000)
(12,000)	(1,178)	Interest on Investment - RTR	10,822	(31,000)
(2,810,069)	(2,066,318)		743,751	(2,807,824)
General Administration				
\$	\$		\$	\$
(1,000)	(260)	Shirley Humble room hire	740	(500)
(1,000)	(260)		740	(500)
Law & Order				
\$	\$		\$	\$
(2,500)	0	Costs Recovered - Cockatoo Valley		
(114,910)	(107,455)	DFES Grant - Brigades	2,500	(2,500)
(78,812)	(9,689)	DFES Grant - CFSO	7,455	(114,910)
(500)	0	Firebreak Fines	68,123	(78,812)
(3,000)	(3,076)	Dog Registrations	500	(500)
(1,000)	(95)	Cat Registrations	(76)	(3,000)
(100)	0	Fines - Animal Control	905	(250)
(20,700)	(3,567)	DFES Grant - SES	100	(100)
(221,522)	(123,882)	Lower grant offset by reduced expenditure	17,133	(10,500)
			97,640	(210,572)

Operating Income

<i>Budget</i>	<i>Actual</i>	<i>Explanation</i>	<i>(Over)/Under received</i>	
		Health		
\$	\$		\$	\$
(1,300)	(1,298)	Septic Tank Inspections		
(1,300)	(2,122)	Gen License Fees	2	(1,500)
			(822)	(2,500)
(2,600)	(3,420)		(820)	(4,000)

Operating Income

Budget	Actual	Explanation	(Over)/Under received
Education & Welfare			
\$	\$		\$
(6,930)	(5,198)	FROGS lease income	1,733
(4,050)	(2,729)	School holiday contributions	1,321
(750)	(6,805)	CDO grants	(6,055)
(2,100)	(41)	Seniors activities contributions	2,059
(13,830)	(14,772)		(942)
			(33,730)
Housing			
\$	\$		\$
(16,796)	(10,990)	Rental Income	5,806
(16,796)	(10,990)		5,806
			(16,796)
Community Amenities			
\$	\$		\$
(13,713)	(5,614)	Self Supporting Loan - Principal	8,099
(6,363)	(2,751)	Self Supporting Loan - Interest	3,612
(56,520)	(57,630)	Mobile Bin Charges	(1,110)
(34,625)	(34,827)	Recycling Fees	(202)
(10,000)	(2,985)	Tip Fees	7,015
(28,750)	(31,024)	Disposal charge	(2,274)
	0	LPS Amend Contributions	0
(6,000)	(5,366)	Town planning fees	634
(3,000)	(4,855)	Cemetery Fees	(1,855)
(20,000)	0	Grants - Qannup	20,000
(178,971)	(145,051)		33,920
			(181,633)
Recreation & Culture			
\$	\$		\$
(3,000)	(6,615)	Hire Fees - Rec Centre	(3,615)
(6,500)	(4,433)	Hire Fees - Town Hall	2,067
(11,030)	(13,448)	Supper Room lease	(2,418)
(2,470)	(2,470)	Community Centre lease	0
(200)	(47)	Lost Book charges	153
			(200)

Operating Income

Budget	Actual	Explanation	(Over)/Under received
0	(185)	History of Nannup	(185)
(22,000)	0	Railway Bridge Grant	22,000
(45,200)	(27,197)		18,003
			(48,420)
		Transport	
\$	\$		\$
(86,000)	(93,300)	Main Roads - Direct Grant	(7,300)
(1,000)	0	Crossover fees	1,000
(20,000)	0	Mowen Road Supervision Fee	20,000
(1,000)	(968)	Sale of materials	32
(145,000)	0	Plant Sales	145,000
			(145,000)
(253,000)	(94,268)		158,732
			(260,300)

Operating Income

Budget	Actual	Explanation	(Over)/Under received
Economic Services			
\$	\$		\$
(4,000)	(1,298)	Septic tank inspections	(298)
(151,850)	(45,805)	Caravan Park Income	(1,500)
(10,000)	(10,917)	Building Control fees	(45,805)
			(12,000)
(162,850)	(58,020)		(59,305)
Other Property & Services			
\$	\$		\$
(25,000)	(37,519)	Private Works	(12,519)
		Varies with demand - budget expected to be exceeded	(40,000)
(25,000)	(37,519)		(40,000)
(3,599,316)	(2,457,815)	TOTAL	(1,051,501)
			(3,452,508)
		Less: Grant income tied to additional expenditure	19,900
		Add: Income tied to reduced expenditure	(66,000)
		Anticipated (Over)/Under Budget:	10,708
			1,051,501

Operating income

CAPITAL EXPENDITURE TO 31 JANUARY 2015

Budget	Actual	Explanation	(Over)/Under Budget	Anticipated Year End
General Administration				
0	17,736	Furniture & equipment		
0	0	Purchase of vehicles	(17,736)	0
0	0	Capital works - Shire Office	0	0
0	0	Plant & equipment	0	0
0	17,736		(17,736)	0
Law & Order				
40,000	6,225	WAEMI - Expenditure		
(40,000)	0	WAEMI - Capital Grant	0	40,000
9,300	2,264	SES - Plant purchases \$1200 to \$5000	0	(40,000)
9,300	8,489			0
Recreation & Culture				
2,000,000	183,109	Recreation Centre upgrade		
		To be funded from Recreation Centre Reserve and Grants	1,816,891	2,000,000
2,000,000	183,109		1,816,891	2,000,000
Transport				
1,100,000	289,183	Mowen Road - construction		
743,081	222,571	Local roads - construction	810,817	1,260,000
597,000	0	Special Bridgeworks	520,510	743,081
11,000	399	Footpath program	597,000	597,000
(190,000)	(102,223)	Regional Road Group grants	10,601	11,000
0	0	Footpaths grant	(87,777)	(190,000)
(208,081)	0	Roads to Recovery grant	0	0
(597,000)	(199,000)	Special Bridgeworks grant	(208,081)	(208,081)
(1,100,000)	(1,260,000)	Mowen Road grant	(398,000)	(597,000)
470,000	363,166	Purchase of vehicles	160,000	(1,260,000)
		Saving anticipated due to lower cost of equipment	106,834	420,000
826,000	(685,903)		1,511,903	776,000

Economic Services					
0	23,997	Main Street upgrade	To be funded from Main Street reserve	(23,997)	0
100,000	42,473	Caravan Park upgrade	To be funded from Royalties for Regions grant	57,527	100,000
			Office Equipment Reserve		
			Royalties for Regions funding		
			Mowen Road c/f		
100,000	66,469			33,531	100,000
2,926,000	(418,588)	TOTAL NET EXPENDITURE	Unfunded Capital Expenditure		(50,000)

SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - JANUARY 2015

EFT/ Cheque	Name	Invoice Description	Amount
EFT6861	BLACKWOOD CAFE - SUMART	REFRESHMENTS	36.00
EFT6862	FITZ GERALD STRATEGIES	NEW CEO RECRUITMENT	5,000.00
EFT6863	HOWSON MANAGEMENT PTY LTD	SERVICES 1/01/2015-15/01/2015	9,847.75
EFT6864	TOLL IPEC ROAD EXPRESS PTY LTD	MAMMOTH - MOWEN ROAD	448.54
EFT6865	METAL ARTWORK CREATIONS	STAFF BADGE - P/O 14778	13.48
EFT6866	THE BAKERY @ NANNUP	FAMILY FUN DAY 21/01/2015	290.00
EFT6867	NANNUP LIQUOR STORE	LIQUOR	156.93
EFT6868	SYNERGY	05/11/2014-24/12/2014	29.60
EFT6869	LOUISE STOKES	MEETING WITH JOSH WHITELAND/DOCTOR/AUSTRALIA DAY	76.80
Total of EFT Payments December 2014			143,244.01
19691	AUSTRALIAN RED CROSS	PFA COURSE 18 PARTICIPANTS P/O 14389	2,700.00
19692	BUSSELTON MOTORS	NPD	269.00
19693	BETHWYN MARIE MUSIC	1.5 HRS OF MUSIC 02/01/2015	250.00
19694	BUNNINGS- BUSSELTON	BROOM OUTDOOR P/O 14971	133.92
19695	SHIRE OF NANNUP	TRANSFER FEES TRAILER DONATED TO NANNUP MUSIC CLUB (1TPN729)	41.15
19696	ST JOHN AMBULANCE	ST JOHN AMBULANCE PAYMENTS FOR DEC 14	389.00
19697	ANNIE BRANBY	Rates refund	598.86
19698	NANNUP BOWLING CLUB	HIRE OF BOWLING CLUB FOR GINGERBREAD WORKSHOP	33.75
19700	WATER CORPORATION	9006912909	694.80
19701	SENSIS PTY LTD	BUSINESS NETWORK SUMMARY	185.02
19702	GORDON LESLIE BLAKE	Rates refund	239.07
19703	NUMERO PTY LTD	HIRE OF STAFF CAR	1,080.44
19704	BRC - BUILDING SOLUTIONS	NANNUP REC CENTRE , CLAIM NO 2.	73,460.00
19705	MARGARET RIVER SURGERY	MEDICAL NEW CLEANER	180.00
19706	NANNUP DELI	FFD FOOD AND DRINKS	636.00
19707	ZOE DICKSON	FAMILY FUN DAY HELP (6 HOURS)	75.00
19708	RYAN HARDY	JAN YAC CAMP	680.00
19709	CASEY CARTLEDGE GIOVANNIZZO	YOUTH SUPERVISION	250.00
19710	RICHARD LINDEN	PA SYSTEM AUSTRALIA DAY	50.00
19711	MASON NEWMHAM	FAMILY FUN DAY HELP 7 HOURS	105.00
19712	AMP LIFE LTD	Superannuation contributions	425.40
19713	AUSTRALIAN SUPER	Superannuation contributions	1,694.94
19714	IIML ACF IPS APPLICATION TRUST	Superannuation contributions	739.50
19715	HOTPLUS SUPER	Superannuation contributions	106.93
19716	AMP LIFE LTD	Superannuation contributions	90.27
19717	AUSTRALIAN SUPER	Superannuation contributions	585.05
19718	IIML ACF IPS APPLICATION TRUST	Superannuation contributions	246.50
19719	ESSENTIAL SUPER	Superannuation contributions	121.36
Total of Municipal Cheque Payments December 2014			86,010.96
TOTAL MUNICIPAL PAYMENTS FOR PERIOD			\$ 229,254.97
TOTAL TRUST PAYMENTS FOR PERIOD			\$ -
TOTAL PAYMENTS FOR PERIOD:			\$ 229,254.97

SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - JANUARY 2015

EFT/	Name	Invoice Description	Amount
Charge			
EFT6784	S & W KENNEDY SUPER PTY LTD	SUPER DUE TO WENDY KENNEDY	282.74
EFT6785	CUTTING EDGE EQUIPMENT PARTS	P/O 14965	1,448.04
EFT6786	DEPARTMENT OF PARKS AND WILDLIFE	BRPC REIMBURSEMENT FOR SEPT, OCT, NOV 14	212.81
EFT6787	ALL 404 SERVICES	HEMA NAVIGATOR P/O 14968	689.00
EFT6788	NANNUP PHARMACY	OHS FIRST AID KIT UPDATE	65.87
EFT6789	BATTERY ALL TYPES	VRLA 12 V P/O 14969	58.95
EFT6790	EDGE PLANNING & PROPERTY	PLANNING SERVICES BETWEEN 23-NOV AND 6 DEC 2014	2,684.75
EFT6791	RUSSELLTON MULTI SERVICE	KEYS CUT	57.00
EFT6792	MPM DEVELOPMENT CONSULTANTS	NANNUP-DESIGN AND DOCUMENTATION MAIN STREET PROJECT	4,593.60
EFT6793	DRACOM SERVICES	FIREBREAK INSPECTIONS 5/1,6/1,7/1,8/1 2015	2,040.00
EFT6794	CAPE TO CAPE EXPLORER TOURS	BUS AND DRIVER HIRE FOR NANNUP TAC 7/1/2015 OCEAN KAYAKING	425.00
EFT6795	BLACKWOOD CARPET CLEANING	STEAM CLEAN AS REQUESTED	532.00
EFT6796	PICKLE & O	CATERING SHIRE CHRISTMAS FUNCTION	2,148.50
EFT6797	BLACKWOOD SIGNS	CARLOTTA VIB8	985.00
EFT6798	ROBERT BOOTSMAN	IPHONE IN-CAR CRADLE WITH INTEGRATED ANTENNAE	116.25
EFT6799	SAUL HARVEY CRESSWELL	MOVIES BY MOONLIGHT MUSIC 18/12/2014	600.00
EFT8000	RURAL CINEMA	MOVIES BY MOONLIGHT CINEMA HIRE 2/1/2015	3,300.00
EFT8001	ALLGLOVE INDUSTRIES	FIREPRO WILDFIRE	1,125.00
EFT8002	CITY & REGIONAL FUELS	DIESEL	15,272.18
EFT8003	AEC GROUP PTY LTD	WAEMI REPORT	6,847.50
EFT8004	CAPE CARRIERS	BSN DEPOT	13.75
EFT8005	AUSTRALIAN SAFETY ENGINEERS	BAGS	788.68
EFT8006	AUSTRALIAN TAXATION OFFICE	AUSTRALIAN TAXATION OFFICE	21,854.00
EFT8007	ARROW BRONZE	CROTHERS P/O 14571	242.10
EFT8008	BLACKWOOD CAFE - SUMMIT	REFRESHMENTS	72.00
EFT8009	BRIDGETOWN MEDICAL GROUP	MATTHEW DAY MEDICAL	88.00
EFT8010	D & J COMMUNICATIONS	17/12/2014	121.00
EFT8011	LANDGATE	MINIMUM CHARGE	73.30
EFT8012	TOLL IPEC ROAD EXPRESS PTY LTD	SUNNY	670.75
EFT8013	JASON SIGNMAKERS	P/O 14806 SUPPLY SIGNAGE	99.00
EFT8014	METAL ARTWORK CREATIONS	MATTHEW DAY BADGE P/O 14774	13.48
EFT8015	NANNUP HARDWARE & AGENCIES	ASPHALT HANDYPACK	3,585.33
EFT8016	NANNUP NEWSAGENCY	STATIONARY SES	31.53
EFT8017	NANNUP EZWAY SELF SERVICE STORE	REFRESHMENTS AND CLEANING	40.15
EFT8018	NANNUP LIQUOR STORE	LIQUOR	285.40
EFT8019	PRESTIGE PRODUCTS	CLEANING PRODUCTS P/O 14684	289.53
EFT8020	PROTECTOR ALSAFE	SAFETY EQUIPMENT	520.86
EFT8021	ROD'S AUTO ELECTRICS	FUSO TRUCK	130.90
EFT8022	SYNERGY	PERIOD 01 NOV 2014-06 JAN 2015	30.10
EFT8023	SUGAR MOUNTAIN ELECTRICAL SERVICES	P/O 14852 STATE EMERGENCY SERVICES	2,776.58
EFT8024	CHRIS WADE	32 CS 80 CARD	40.00
EFT8025	B & B STREET SWEEPING PTY LTD	HIRE STREET SWEEPER 14818	1,430.00
EFT8026	SQUIRE SANDERS	NATIVE TITLE CLAIMS SMC #1 & 2	105.19
EFT8027	ZAPHIRE PTY LTD	SEA CONTAINER HIRE 28/11/2014-04/12/2014	874.00
EFT8028	SCOPE BUSINESS IMAGING	PHOTOCOPIER CHARGES	364.14
EFT8029	CULLEN PLUMBING	RE WASHER AND RE SEAT WASHING MACHINE TAP 29 CAREY STREET	90.00
EFT8030	HOWSON MANAGEMENT PTY LTD	SERVICES 15/12/2014-31/12/2014	701.25
EFT8031	NANNUP NEWSAGENCY	POSTAGE	670.22
EFT8032	NANNUP EZWAY SELF SERVICE STORE	REFRESHMENTS	221.76
EFT8033	THE PAPER COMPANY OF AUSTRALIA PTY LTD	P/O 14779 PAPER	71.23
EFT8034	SYNERGY	167458710	387.55
EFT8035	TRACIE BISHOP	REIMBURSEMENT OF EXPENSES	53.50
EFT8036	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION	P/O 14768 CEO POSITION	2,833.88
EFT8037	WARREN BLACKWOOD WASTE	GENERAL BINS	7,187.29
EFT8038	WORTHY CONTRACTING	NANNUP WASTE MANAGEMENT FACILITY - DEC 14	9,863.33
EFT8039	NANNUP BRIDGE CAFE	CATERING AND DRINKS 14/01/2015	976.50
EFT8040	THE B.L.G.N	P/O 14817 INFORMATION BAY MAPS CONTRIBUTION	780.00
EFT8041	P & F MARTIN	SUPPLY AND FIT TYRES NP08 P/O 14821	1,180.60
EFT8042	NANNUP PHARMACY	FIRST AID	5.00
EFT8043	KERIE YARSLLEY	FFD FLYERS	122.29
EFT8044	QUICK CORPORATE AUSTRALIA	STATIONARY	175.82
EFT8045	VIC SMITH	PROFESSIONAL FEES MCS	581.04
EFT8046	MATES MEN'S SUPPORT GROUP BUSSELTION INC.	HIRE OF DUNK TANK 21/01/2015 P/O 14847	300.00
EFT8047	PETER TILLEY	P/O 14829 REPAIR MOWEN ROAD	6,782.50
EFT8048	COVS PARKS	OIL FILTER P/O 14746	969.39
EFT8049	DRACOM SERVICES	FIREBREAK INSPECTIONS	2,580.00
EFT8050	CAPE TO CAPE EXPLORER TOURS	BUS HIRE FOR YAC CAMP 2015	980.00
EFT8051	PICKLE & O	CATERING FOR 10 PEOPLE JAN COUNCIL	171.00
EFT8052	RADROCK MOBILE CLIMBING	HIRE/SERVICES OF RADROCK CLIMBING P/O 14646	1,540.00
EFT8053	FIRE & SAFETY WA	CARLOTTA	1,218.36
EFT8054	RURAL CINEMA	MOVIES BY MOONLIGHT CINEMA HIRE 16/01/2015	1,850.00
EFT8055	CITY & REGIONAL FUELS	DIESEL	5,886.24
EFT8056	BUILT RIGHT APPROVALS	NANNUP C PARK PATIO	150.00
EFT8057	TONY LANE	MOVIES BY MOONLIGHT MUSIC 16/01/2015	400.00
EFT8058	MARGARET RIVER IRRIGATION - SUMMERWORLD PTY LTD	HUNTER 6 STAT DC CONTROLLER P/O 14825	640.00
EFT8059	DAVID LOCKHART	POLICE CLEARANCE REIMBURSEMENT	81.40
EFT8060	HILLARYS YACHT CLUB	SAILING ADVENTURE	1,360.00

DETAILS OF DOG ATTACK	
INVESTIGATION #	CRM 122489
LEAD RANGER(S)	Linda Emery
DATE/TIME	4 January 2015 approx 1915-1930hrs
VICTIM(S) <small>Animal -breed/name/age Person/animal owner – full name/age</small>	10yr old male Taj Downs
INJURIES SUSTAINED	Deep bite wound to upper left leg; bite/scratch wounds on neck, head, shoulder blades, lower back, buttock, arms – attacked by 3 dogs
LOCATION OF INCIDENT	White Hills Beach
OFFENDING DOG(S) <small>Breed/address/Animal owner – full name</small>	Sterilised male staffys - Charlie; Leroy and Rex Owner David Mianich 8 White Hill Rd Bouvard All dogs registered – no previous on record
WHAT ALLEGEDLY OCCURED? <small>Incident Ranger action</small>	<p>3 staffys were on the beach outside of Mr Mianich's vehicle.</p> <p>Mr Downs parked beside Mr Mianich and they stopped to exchange greetings. Mr Mianich was concerned to ensure that the Downs family's Jack Russell was kept inside their vehicle as his dogs can be dog aggressive. Taj Downs came out of the rear of his family vehicle and threw his Frisbee some 20-30metres away. He went to retrieve it when the dogs raced up and one attacked him. He was bitten on the hip and fell down and the 3 dogs then attacked him, biting and scratching him while he was trying to defend himself.</p> <p>Taj received emergency treatment at Peel Health Campus on the evening of 4/1 and follow up treatment with his family doctor.</p>
CURRENT STATUS <small>Vet/Dr/Penalty</small>	<p>Investigating ranger has declared the 3 dogs Dangerous and infringements have been issued for the attack causing injury and for dogs not under control in an exercise area.</p> <p>The owners had decided to euthanize Charlie Leroy and Rex. However after this decision was conveyed to the victim's parents on 15/1/15 the dog owners advised that they changed their minds.</p> <p>The dogs will move to Nannup with their owners and the Shire of Nannup will be advised of the relocation of the 3 Dangerous Dogs.</p> <p>The victim's parents have advised that they intend taking civil action against the dog owners to seek euthanasia of the dogs and compensation.</p>

Customer Request Detail



Request Number: 122489

Print Date: 20/01/2015 12:00:11PM

Request # 122489
Action Officer: Linda Emery
Status: In Progress

Taken on: 5/01/2015
Target Date: 19/01/2015
Completed:

Category: ATTACK

Customer: -
T J Downs
9 Taywood Close
BOUVARD WA 6211

Contacts: -
Home:
Work:
Mobile: 0419170858

Description: -

1.22am Tim Downs, 9 Taywood Close, Bouvard, 0419170858: Incident took place about 10.00pm at Whitehills Beach. 3 large possible Bull Mastiff were on the beach. Tim pulled up on the beach with his 10 year old son and Jack Russell dog. Tim got out of the car and spoke to the owner of the 3 dogs who informed Tim not to let his Jack Russell out of the car. Whilst Tim was talking to the owner the 3 dogs had jumped on his son and pulled him to the ground and grabbed him on his head once on the ground they attacked the back of his neck, under his arms and hip. The owner tried to call the dogs off and Tim and his wife tried to remove the dogs physically. The owner just put the dogs into the back of his car. Tim has got the mobile phone number of the dog owner. Tim took his son to Peel Health Campus to receive hospital care. Received puncture wounds to the neck and head and back. His son is very distraught about the incident. Tim's son received Tetanus injections and more blood test today after the incident.

Customer Request Detail



Request Number: 122489

Print Date: 20/01/2015 12:05:12PM

1220hrs phoned Alana Mianich 8 White Hill Road 95821221 who had phoned in to advise that it was her dogs that were involved in this incident. She advised that the dogs were Charlie Leroy and Rex and that they were on the beach at White Hills when the comp and his son drove up. She claims that her husband told comp not to let his dog out of the vehicle. She said that the son got out of his parents' vehicle and threw a Frisbee (this was at the rear of their vehicle) and next they heard a commotion and their dogs were on top of Taj. Alana claims that her dogs play in that fashion with her at home. She further claimed that the neighbour (comp) is psycho and has been threatening them and their dogs. She said that the boy did not seem distraught at the time, however his father was crying. She claims that until the boy saw his father crying he was fine. Advised her to keep her dogs secure and that I will visit comp today to ascertain his side of the incident. I will also drop DARF off. Photographed the offending dogs and discussed what action CoMI can take or may take, including declaring the 3 dogs (which have no history on record) as Dangerous Dogs, possible court action (including seeking destruction) and infringements. Mr and Mrs Mianich advised that they have purchased a property in Nannup and will be moving with their dogs soon. They claimed that the dogs will be contained in a fenced enclosure at the new property. 1300hrs phoned and spoke to comp at length about the attack. He said he had received call from dog owner last night to see how his son was and that this morning he had spoken to Alana Mianich whom he claimed said that "his kid shouldn't have got out of the car". He is most concerned that the dog owners aren't taking full responsibility here and of the potential for these dogs to do this again, possibly on a smaller child. 5/1/15 1600hrs attended 9 Taywood Close and spoke to victim 10yo male Taj Downs with his mother Jennefer Seneque. Taj was very sore and had several areas on his body where the dogs had attacked causing puncture wounds and also scratches. Taj said he had come out of the back of his parents vehicle and had thrown his Frisbee. He went over to get it back and that's when the dogs attacked him. He was bitten on the left thigh and dropped to the ground and the dogs all jumped on him, biting and scratching him. He was very scared. His mother advised that he had attended Peel Health Campus last night and then his doctor today. Taj is on antibiotics and received a tetanus injection last night. We discussed the attack and Ms Seneque said she had her back to Taj when the attack took place and once she heard him yelling and saw the dogs on her son she raced over with her partner to help. They took Taj to Peel HC immediately. I left DARF forms for Ms Seneque and Mr Downs to complete. I asked if I may photograph Taj's injuries and Ms Seneque assisted me while I did so. Taj had a deep wound on his left thigh, puncture wounds on the back of his neck and head, along with deep scratches, scratches on his right shoulder blade and underarm area, scratches on his right arm, puncture wounds to his back near the buttocks and scratches. Taj was very sore, especially on the thigh, neck and buttocks areas. He was very lethargic and Ms Seneque said he didn't want to do anything at all. 11/1/15 SW7 collected statement from Mr Mianich (Alana Mianich was not present at the time of the attack). Wed 14/01/2015 8:59 AM msg received by LE2 to call Mrs Mianich. 14/1/15 1000hrs phoned Tim Downs and asked him how his son Taj is. He said his son has not been able to do anything on his holidays including swim or ride his motorbike or go on a holiday to Denmark while Mr Downs is on his 28 day break. He further said that his son is traumatised and also his daughter whom he claimed was backed into a wall because she saw a dog coming towards her (unclear if this was a wandering dog or one that was leashed). Mr Downs said Taj has returned to his doctor several times and that he has now completed a course of antibiotics. He advised that he is seeking destruction of the attacking dogs and has engaged a lawyer - Mr Zane Norman of Trewitt and Norman 92407722 - to take civil action against the dog owners and to seek compensation. I also asked him if he and his wife have had time to complete their statements. He advised that he will place in his letterbox for me to collect tomorrow. Mr Downs further claimed that the dogs at 8 Whitehill Rd have attacked other dogs on 3 occasions previously although these were not reported. I advised him that it was the intention at this point to declare the 3 attacking dogs dangerous and explained the conditions under which the dogs will have to be kept. I also advised him that infringements will be issued to the dog owners for the attack. He is not happy at all with that course of action. 1020hrs spoke briefly to Coordinator Paul Kimber to advise him of status as I will be on annual leave from 16/1. Photographs attached of the offending dogs and also victim Taj Downs 1100hrs phoned Mrs Mianich who has been keen to find out if Taj Downs is going to be alright. Advised her that he is very sore and has a number of wound areas. I also advised her that I have spoken to Tim Downs today and that he is not happy about the dogs being declared dangerous and has engaged a lawyer to take civil action against them. We discussed the attack and the number of injury sites inflicted on Taj. Mr Mianich said I will need to talk to her husband if I am going to request voluntary surrender of his dogs for destruction. We made an appointment to discuss the attack further at 1600hrs today. 1600hrs attended 8 Whitehill Rd and showed Mr and Mrs Mianich the photographs of injuries and had a discussion about the circumstances of the attack and the limited content of Mr Mianich's statement. Mr Mianich said that his 3 dogs circled Mr Downs' vehicle when they drove up next to him on the beach because they had their Jack Russell in the car and then he told the dogs to go away so they went to the water. Mr and Mrs Downs had their backs to the area where Taj was attacked. Taj got out of the back of his parent's vehicle, threw the Frisbee and the next thing they heard the commotion. However after the attack Mr Mianich advised that Rex chased Mr Downs' vehicle and claimed that Mr Downs had tried to run the dog over. We discussed the implications for the future when the Mianichs move to their new home in Nannup. I advised them that I am happy to stand by my decision to declare their three dogs dangerous and issue the fines and they can see what transpires if and when Mr Downs proceeds with legal action against them. However they should note that this is an unprovoked attack on a child and that the outcome this time has not been life threatening but that it is possible this could happen again. I suggested that they consider voluntary surrender for euthanasia. Both dog owners were in tears as the photographs of Taj's injuries was upsetting. Dog owners will think things over and get back to me tomorrow. 15/1/15 1030hrs spoke to David Mianich who advised that Richard from H H Vet is attending property this evening at 1800hrs to euthanize all 3 dogs. Note registration record for Charlie shows him as Bronson (ie Charles Bronson). Arranged to visit this afternoon and deliver the infringements - 801959/60/61/62/63/64 a total of \$1800 for not under control in exercise area and attack causing injury. Auth updated for dogs' records. 1400hrs attended 8 White Hill Rd and Mr Mianich was at the gate. Gave him the infringements and he was tearful about euthanizing his 3 dogs. Advised him that I now intended visiting the complainant to check on Taj and obtain the complainant and witness statements. I advised him that I will convey their decision to euthanize the 3 dogs to the complainant. 1420hrs attended 9 Taywood Close and spoke to Jennefer Seneque (victim's mother) and advised her of the outcome of the investigation. She said the grapevine had already passed information that dog owners were euthanizing their animals. She said there had been a lot of "chat" in the local area and also on facebook with varying opinions about what action should be taken. She said this has been upsetting. Advised her that dog owners are upset but are taking action and have been informed. I advised her that to date no contact has been made with rangers from their legal representative Mr Norman. While I was on site Ms Seneque phoned her partner Tim Downs and advised him of the outcome. I photographed Taj's injuries which seem to be healing quite well although he said he hasn't been sleeping well but this wasn't due to dog attack. His mother advised that Taj doesn't want to do anything. I collected the completed DARFs 1428hrs missed call on my mobile from Mr Mianich. 1449hrs phoned Mr Mianich who advised me that he and his wife have changed their mind and they have decided to fight for their dogs. They advised they will not euthanize their dogs and will take them as dogs Declared Dangerous to their new home at Nannup. I told Mr Mianich that I had already advised the victim and his parents of their earlier decision to euthanize their dogs. He asked if I could speak to Mr Downs to get him to drop the issue and he would be prepared to pay compensation to Mr Downs. I advised Mr Mianich that I would not do so. Mrs Mianich came on the phone and said it doesn't matter, "we will fight for our dogs and not be bullied or intimidated". Dangerous Dog letter drawn up for delivery 16/1 and residents letters also. Friday, 16 January 2015 8:40 AM msg received from CSO as follows: To: 1Rangers; Ranger Admin Morning all, Mrs Mianich rang, owner of the staffies involved in the incident last week. Can the relevant ranger please contact her on 9582 1221 or 0429 313332, she was told to call back this morning, thank you 16/1/15 0845hrs LE2 phoned Mrs Mianich who advised that she is going down to New address at Nannup with her 3 dogs today as she has things that need to be done now that her house in Bouvard has sold. She said she and her husband have decided not to euthanize their dogs as they believe this is a one off incident and the dogs will be housed at their new 7acre property in Nannup in an enclosure and not be going in public again. I advised Mrs Mianich that a letter declaring the 3 dogs Leroy, Rex and Charlie Dangerous Dogs will be delivered to 8 White Hill Rd this morning by another ranger as I am now on leave for 6 weeks. I reminded her of her responsibility to ensure that the Shire of Nannup is made aware of the DD declaration and of her address in that district where the dogs will be kept. Mrs Mianich said they will be going to and from Nannup and Whitehills over the next few weeks as part of the process of moving house. They will keep the dogs with them at 8 White Hill Rd and also 4 Lechenaultia Drive, Jalbarragup, during this period. I asked Mrs Mianich to provide this advice in writing by emailing me. She undertook to do this asap. I also advised Mrs Mianich that Jennefer Seneque's statement refers to a 4th dog and asked

Customer Request Detail



Request Number: 122489

Print Date: 26/01/2015 12:05:18PM

about that. Mrs Mianich said that they have a 16yo staffy male called Doyle. I advised her that Doyle is not registered and that she must also do so as soon as possible. As I understand from Mrs Mianich Doyle was not at the beach on the night of the attack. Dogs David Mianich David Mianich [whitehills1@bigpond.com] You replied on 16/01/2015 10:30 AM. Sent: Friday, 16 January 2015 9:41 AM To: Linda Emery Attachments: Dear Linda, We wish to inform you that we have re-considered putting our dogs Charlie, Leroy and Rex down. I also wish to let you know that we will be going to and from Nannup today to lot 4 Lechenaultia Drive Jalbarragup, with our dogs, as we have sold our house and are starting to move our possessions there. We will be informing the Shire of Nannup that we have dogs that have been declared dangerous dogs and will be implementing what is necessary by law in regards to signage and fencing, muzzles and leads ASAP for the safety of the general public. Regards David Mianich LE2 responded as follows: Friday, 16 January 2015 10:30 AM To: David Mianich [whitehills1@bigpond.com] Hello David Thank you for advising me of your decision and of your transition with your dogs between Bouvard and Nannup. I will phone Mr Downs to advise him of the current status. The letter declaring your 3 dogs as Dangerous Dogs will be delivered to your Whitehill Rd property today. Regards Linda Emery Ranger City of Mandurah 1035hrs LE2 phoned Tim Downs, father of victim Taj Downs 0419170856 and left msg advising him of dog owners' decision and of declaration of the 3 dogs as Dangerous Dogs. 1233hrs 16/1/15 email as follows received from David Mianich Dear Linda, Just to keep you updated, we have contacted the Nannup Shire in regards to our dogs residing at lot 4 Lechenaultia Drive, Jalbarragup. Tracey Bishop is the lady that we will be dealing with and she is unavailable until Monday. We have ordered dangerous dog collars via express post. We have muzzles. We have put up the dangerous dogs signage that you provided for us on the 2 entry points that face 8 Whitehill Road Bouvard. We thank you for that. We think the best thing for the dogs, rather than taking them back and forward with leads and muzzles is for them to reside in Nannup as we have sold 8 Whitehill Road. Bouvard. We are also concerned that someone may take matters into their own hands and throw a poison bait over the fence. We are in the process of implementing an inner dangerous dog fence (snake proof) which we are required to do by law as well as having the current fencing surrounding the hole of the property in Nannup. All dogs are booked into the Nannup Vet to be micro chipped and then we will register them in Nannup as soon as that has been done. We thank your team of Rangers for the way in which you have handled this terrible situation. We do realise the seriousness of what has happened to Taj and his Family and are not taking it lightly. We have tried to contact them and they have not returned our call. Regards David Mianich LE2 responded as follows at 1346hrs Hello David Thank you for the updated information regarding the relocation of your dogs. Once your dogs are microchipped you should be able to transfer registrations from Mandurah to Nannup. You may need to reapply to the Shire of Nannup to keep more than 2 dogs at your new address unless as a rural property the number of dogs you have is within that shire's local laws. May pay to check with Mrs Bishop when she returns on Monday. You can only register your dogs for one year at a time. Regards Linda Emery Ranger, Ranger Services LE2 emailed media and relevant officers with update on this issue. 16/1/15 GV6 Attended property 8 White hills and issued DD letters to owner for dogs being declared dangerous LEROY tag #33724 /2015 , REX tag #33524 /2015, BRONSON tag #66153 /2017. Letters to neighbours also left in post boxes at relevant addresses.

DOG ATTACK REPORT FORM

CITY OF
MANDURAH

Date: 5/1/15 Investigation Number: 122689
Time: 1600

COMPLAINANT DETAILS

Name: JIM DOWNS
Address: 9 TAYWOOD CL BOUVARD
Phone: (H) _____ (W) _____

VICTIM DETAILS

Name: TAT DOWNS
Address: 9 TAYWOOD CL BOUVARD
Phone: (H) 0895323159 (W) 0419170856
Date of Birth: 09/08/1966 2009

WITNESS DETAILS

Name: LIMOTHY DOWNS
Address: 9 TAYWOOD CL BOUVARD
Phone: (H) 0895323159 (W) 0419170856

DETAILS OF ATTACK

Date: 04-01-2015 Time: 7:00 PM

LOCATION:

Street Number: _____ Street: _____
Suburb: WHITE HILL BEACH Other: _____
WHITE HILL BEACH (Beach, park, etc.)

DESCRIPTION OF DOGS

Breed: _____ Colour: _____
Markings: _____ Male / Female: _____ Wearing Collar: Yes / No
Wearing Collar: Yes / No Positively Identified: Date: _____ Time: _____

DOG OWNER DETAILS (If known)

Name: _____
Address: _____
Phone: (H) _____ (W) _____

DOG ATTACK REPORT FORM

CITY OF
MANDURAH

Date: 5/1/15 Investigation Number: 122489

Time: 1600

COMPLAINANT DETAILS

Name: ~~SEN~~ SENEGUE JENNEFER

Address: 9 TAYWOOD CL BOUVARD

Phone: (H) 0419170856 (W) _____

VICTIM DETAILS

Name: TAT DOWNS (10YRS)

Address: 9 TAYWOOD CL BOUVARD

Phone: (H) _____ (W) _____

Date of Birth: _____

WITNESS DETAILS

Name: Jenefer Senegue

Address: 9 Taywood close Bouvard

Phone: (H) 95823159 (W) _____

DETAILS OF ATTACK

Date: 04-01-2015 Time: 8.00 pm

LOCATION:

Street Number: _____ Street: _____

Suburb: White hill Beach Other: _____

White hill (Beach) park, etc.)

DESCRIPTION OF DOG/S

Breed: American staffy Colour: light tan (3) dog

Markings: Tan Male Female: Wearing Collar: Yes / No

Wearing Collar: Yes / No Positively Identified: Date: _____ Time: _____

DOG OWNER DETAILS (If known)

Name: Dave

Address: White Hill Rd.

Phone: (H) _____ (W) _____

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3 Peel Street | PO Box 710 | Mandurah WA 6210
T (08) 9550 6772 | F (08) 9550 4385 | E info@mandurah.wa.gov.au
www.mandurah.wa.gov.au

INJURY DETAILS (if applicable)

Page 2.
CITY OF
MANDURAH

Location of Injury: neck, legs torso

Extent: deep wounds

X Was medical treatment required: ☒ Yes ☐ No Date: 4/1/2015 Time: 8:00 pm

Doctors Name: (if known) D' Yetty Olukolu

Name of surgery / hospital attended: Peel Health Campus, Sonic Health

DETAILS OF THE ATTACK: (as it occurred)

X 4 January 2015 8:00 pm my family and myself pulled up at the north end of White Hill beach, to say hello to Dave. We greeted him by staying Happy New Year and asked him if it was safe to hop out as he had 4 dogs running around. Dave said it was safe just as long you keep your dog in the car. So Tim and myself hopped out and stood in front of our 4 wheel drive. Tim introduce me to Dave then I look beyond and notice that my son Taj Daons being attack by 3 or 4 dogs. I screamed and ran over so did Dave and Tim, Taj was on the floor protecting his face as the dogs where biting his neck and body and also jumping on his back. Dave then yell at his dogs. Tim kicked one as they took off. I grab Taj and ran back to the car then I yelled at Tim to drive us back home. Then I drove Taj to Peel Health campus where he

DETAILS OF THE ATTACK: (as it occurred)

Page 3.
City of
MANDURAH

was checked out and was given a
tetanus shots I drove Taj home he
had a shower to wash all the beach sand
off then I dressed his wounds, the
one on his leg was especially deep.
The next day I took Taj to my GP
Dr Yetty Olukolu at Sonic Health Plus Mandurah.
She looked at his wounds, the nurse cleaned
and dressed the wounds. The Dr
wrote a script of antibiotics.
Since then Taj has been back
to the pr to redress his wound
and continues to take this
antibiotics.

"I swear that the above details re to the best of my knowledge true and correct. Should the matter come before a court of law, I shall be willing to attend, to support such facts."

I would like the matter to be dealt with by: (Please tick)

- ☐ Verbal Caution ☐ Written Caution
☐ Infringement ☒ Court Action

Complainants Signature: *Pineque*

Date: _____

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www.cityofmandurah.wa.gov.au

City of
MANDURAH

COMPLAINANT DETAILS

Name: JIM DOWNS
Address: 9 JAYWOOD CL BOUVARD
Phone: (H) _____ (W) _____

VICTIM DETAILS

Name: TAT DOWNS
Address: 9 TAYWOOD CT BOUJARD
Phone: (H) 0895823159 (W) 0419170856
Date of Birth: 09/08/1986 2004

WITNESS DETAILS

Name: TIMOTHY LEWIS
Address: 914 WOOD CLOVE BOULEVARD
Phone: (H) 0845823159 (W) 0919170856

DETAILS OF ATTACK

Date: 04-01-2015 Time: 7:00 PM

LOCATION:

Street Number: _____ **Street:** _____

Suburb: WHITE HILL BEACH Other: _____

WHITE HILL BEACH (Beach, park, etc.)

DESCRIPTION OF DOG S

Breed: _____ **Colour:** _____

Markings: _____ Male / Female: Wearing Collar: Yes / No

Wearing Collar: Yes / No **Positively Identified:** Date: _____ Time: _____

DOG OWNER DETAILS (If known)

Name: _____

Address: _____

Phone: (H) _____ (W) 1-800-451-1234

INJURY DETAILS (If applicable)

Page 2.
City of
MANDURAH

Location of Injury: NECK, LEGS, TORSO

Extent: DEEP WOUNDS

Was medical treatment required: Yes / No Date: 04-01-2015 Time: ON DOING

Doctors Name: (if known) DR YEHY OLUKOLU

Name of surgery / hospital attended: PEEL HEALTH CAMPS / SONIC ESKINE

DETAILS OF THE ATTACK: (as it occurred)

~~WE TO~~ ON THE 4TH JANUARY AT AROUND 8PM
MY FAMILY AND ME WERE AT WHITE HILL BEACH
ON LEAVING WE NOTICED DAVE SO WE PULLED UP TO
SAY HAPPY NEW YEAR TO HIM. BEFORE HOPPING OUT OF
THE CAR I ASKED DAVE IF IT WAS OK TO SET OUT
AND HE SAID YES BUT LEAVE YOUR DOGS IN THE CAR,
WHICH WE DID.

WE WERE STANDING AT THE FRONT OF OUR QWOO
TALKING TO DAVE WHEN MY WIFE JEN NOTICED THE
ATTACK OF THE DOGS ON MY SON TAJ AND STARTED
SCREAMING AND WE STARTED RUNNING TOWARDS TAJ
AND YELLING AT THE DOGS TO STOP. ~~TO THE~~
TAJ WAS COILED UP IN THE FETAL POSITION
WITH HIS EYES CLOSED AND THE DOGS WERE STILL
ATTACKING TAJ UNTIL I KICKED ONE AND TRIED
TO PUNCH ANOTHER.

WE THEN PICKED TAJ UP TO GET HIM IN THE
CAR TO TAKE TO HOSPITAL ASAP. AS ALL DOCTORS WILL
REPORT IT WAS A SAVAGE AND BRUTAL ATTACK THAT
OUR LOVELY SON SUFFERED AND IN FACT IS STILL
SUFFERING 10 DAYS LATTER AND HE HAS TROUBLE
SLEEPING AND GETTING OVER THE ATTACK AND HAS
AFFECTED OUR HOLE FAMILY
AND OUR FAMILY'S HOLIDAYS.

IN SHORT, IT WILL TAKE A LONG TIME TO
RECOVER FOR TAD AND FAMILY.
TAD IS BLESSED AND SON WAS ON HIS SIDE
THAT NIGHT

"I swear that the above details re to the best of my knowledge true and correct. Should the matter come before a court of law, I shall be willing to attend, to support such facts."

I would like the matter to be dealt with by: (Please tick)

☐ Verbal Caution

☐ Written Caution

☐ Infringement

☐ Court Action

DO NOT MUST BE
DESTROYED/Put DOWN

X Complainants Signature: T. B...

X Date: 15-1-2015

Filed about its future
17

vibrant, prosperous, connected and sustainable...a city of the future

30 January 2015

Our Ref: WRK28

Mr David Mianich
8 Whitehills Road
BOUVARD WA 6211

Dear David,

DANGEROUS DOGS (DECLARED) - SECTION 33 DOG ACT 1976

As you are aware, due to an alleged non-provoked dog attack on a child on the 4 January 2015, three male Staffordshire Bull Terriers were **declared dangerous** in accordance with Section 33E (1) of the *Dog Act 1976 (the Act)*. The names and registration numbers of these dogs are:

- Rex – tan/white sterilized male – tag number 33524
- Leroy – tan/white sterilized male - tag number 33724
- Bronson "Charlie" - tan sterilized male - tag number 66153

These dogs are registered within the City of Mandurah in your name. It is understood that you have purchased the above property within the Shire of Nannup with the intention of keeping these dogs on this property.

Following notification of your intentions, the Shire of Nannup has undertaken a thorough review of this position. As part of this review we have taken into consideration numerous facts that need to be considered. These have included:

- Consultation with Rangers at the City of Mandurah and Busselton,
- Consultation with the Department of Local Government,
- Consultation with full Shire of Nannup Council,
- A review of all paperwork relating to the unprovoked attack and
- The impact that minimal ranger coverage would have on this situation.

On review of all of these factors, we have decided that the Shire of Nannup is not prepared to allow these dogs to reside within our shire. As per Section 17 of the Act.

17A. If no application for registration made:

- 2) *A local government may give written notice to the owner of a dog that the dog cannot be registered by the local government because —*
(e) the dog is a dangerous dog.

Within this section provided that there are valid reasons for the refusal, the Shire of Nannup may refuse to allow the dogs to reside within our Shire. Listed below are the reasons that this decision has been reached:

- The alleged attack was on a ten year old minor, which resulted in puncture wounds to his neck, thigh and buttocks. Photographic evidence supports that the outcome could have been significantly worse had adults not been around to remove the dogs from the child.
- The attack itself was the result of three dogs attacking in a pack. It is reasonable to assume that this mentality would be similar if an opportunity was to arise at any point in the future. The evidence of the bite wounds supports that the attack was the result of numerous dogs attacking and not a single animal.
- The Shire of Nannup does not have a Ranger Services Department within its shire boundaries. If an attack were to occur, there would be a significant time delay in getting rangers to attend the scene.

This also means that the Shire is not able to continue to monitor the dogs at a level warranted by dogs that have previously attacked and have been declared dangerous. It is of major concern to the Shire of Nannup that this could not be undertaken at a sufficient level and hence as a result our tolerance levels to housing dogs of this nature needs to be reduced to zero tolerance.

- The area in which the dogs are housed is isolated. Therefore if an attack were to happen at this location there would be a significant time delay in getting medical attention to the victim.

Based on all of these factors, and in the interest of Public Safety, the Shire of Nannup has decided that it will not allow the dogs to remain within this Shire. We therefore request that the dogs be removed from this property within 14 days of receiving of this notice.

We also need to advise you that under the Act, as the owner of these dogs you have the right to appeal to the State Administrative Tribunal if you do not agree with our decision.

S17. Refusal or cancellation of registration:

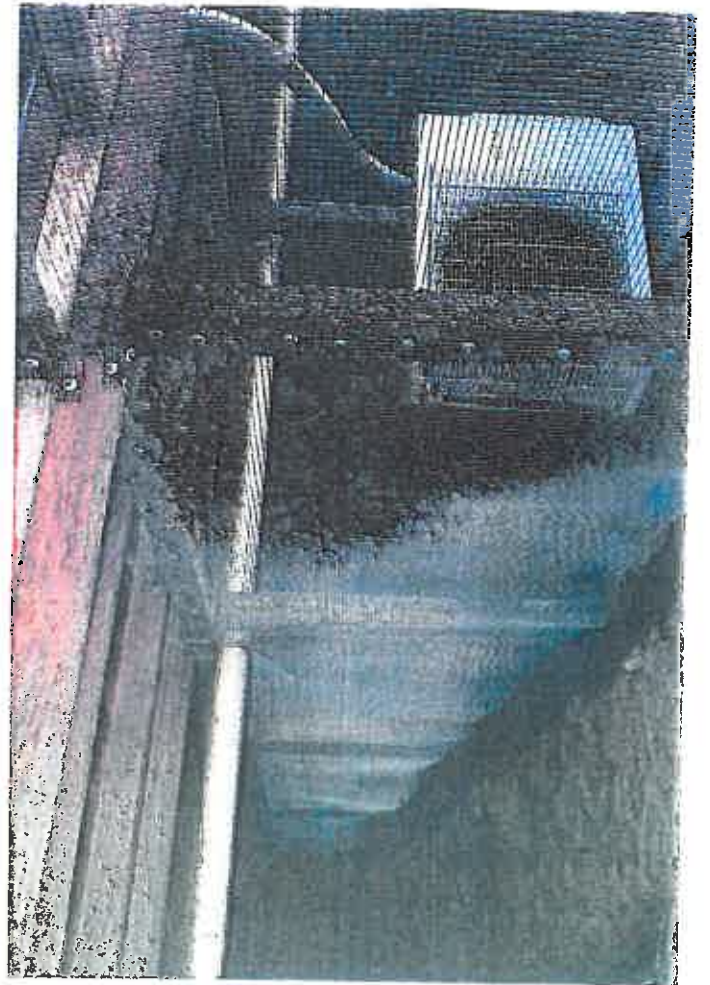
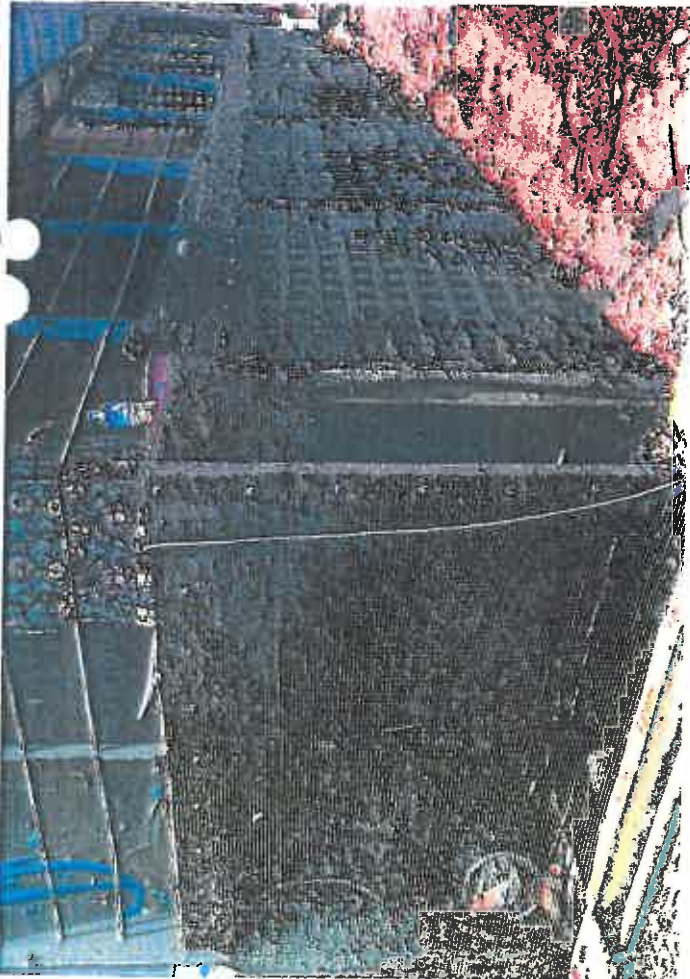
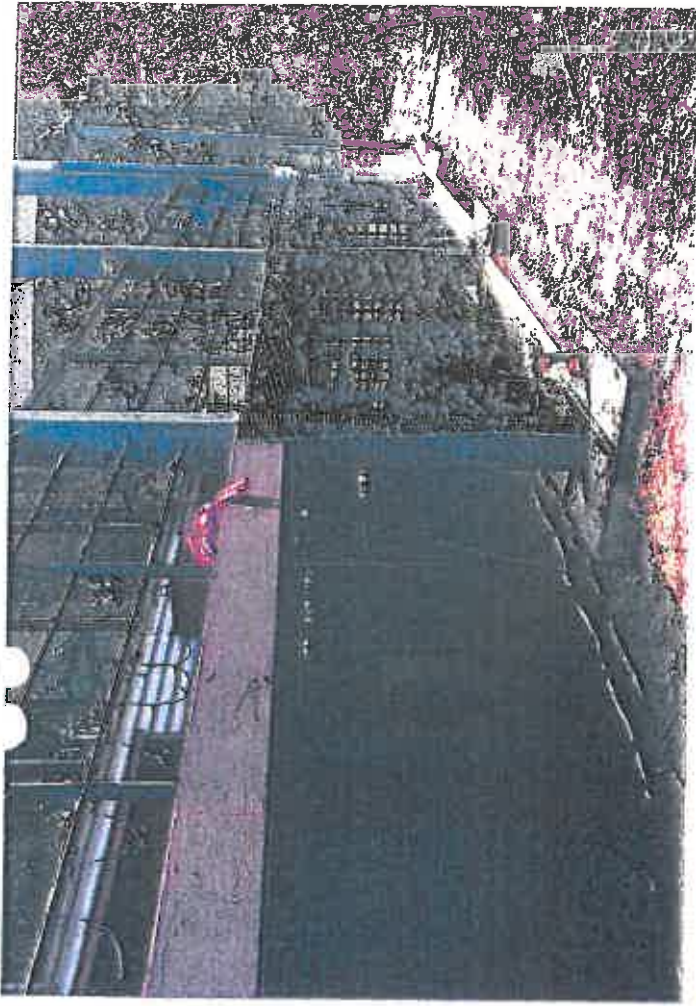
(1) Where a local government refuses to effect or renew the registration of a dog, or cancels a registration or gives a written notice under section 17A(2), the applicant or the registered owner or owner of the dog, as the case may be, may apply to the State Administrative Tribunal for a review of the decision.

We acknowledge that on your behalf, there has been significant expense spent in trying to reach compliance within this area. We also acknowledge that these dogs are part of your family and as such you would like them to be welcomed into our community. However based on the facts outlined above, the actions of the dogs as shown on the 4th of January does not support this application. We do not have the facilities or capability to ensure that if the dogs were to remain within our Shire that other residents would remain safe.

If you have any queries on this matter please do not hesitate to contact me on this.

Yours sincerely,

**TRACIE BISHOP
CORPORATE FINANCE OFFICER**



Tracie Bishop

From: Matt Hayes <matt.hayes@dlgc.wa.gov.au>
Sent: Monday, 16 February 2015 11:05 AM
To: Tracie Bishop
Subject: Provisions relating to control of dangerous dogs

Hi Tracie,

Just following up on our telephone conversation, I've had a chat with Darrelle and we agree with your interpretation of section 33GA of the *Dog Act 1976*. The term 'enclosure' isn't specifically defined by the legislation in a way that would preclude a secure yard from meeting the Act's requirements. However, regardless of whether it is a fenced area or some sort of locked pen, it must meet the criteria of section 33GA(2) in that its construction:

- prevents the dog from escaping;
- prevents the dog from being removed or released without the permission of the person liable for the dog's control; and
- prevents a child under 7 from entering or placing any part of its body into the enclosure without adult assistance.

- We can confirm your interpretation that if, at any time, the dog is not secured in such a location, it must be:
- muzzled in accordance with section 33GA(6);
 - appropriately restrained or tethered, in accordance with section 33GA(7); and
 - controlled by an appropriately capable person at least 18 years of age, in accordance with section 33GA(8).

I hope this is of some assistance, and if you have any queries or requests for clarification, please don't hesitate to contact me on 6552 1655 or at matt.hayes@dlgc.wa.gov.au.

Best wishes,
 Matt

Matt Hayes
 Senior Legislation Officer
 Legislation
 Department of Local Government and Communities
 Tel: +61 8 6552 1655
 Fax: +61 8 6552 1555
 Email: matt.hayes@dlgc.wa.gov.au
 Web: www.dlgc.wa.gov.au

This email message and any attached files may contain information that is confidential and subject of legal privilege intended only for use by the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient be advised that you have received this message in error and that any use, copying, circulation, forwarding, printing or publication of this message or attached files is strictly forbidden, as is the disclosure of the information contained therein. If you have received this message in error, please notify the sender immediately and delete it from your Inbox.

Jim Kelly.

From: Chris Roycroft <chris@nannuprealestate.com.au>
Sent: Thursday, 26 February 2015 1:48 AM
To: Jim Kelly.
Cc: 'David Mianich'; nancy@nannuprealestate.com.au
Subject: David Mianich and Alana Rainer
Attachments: Letter from David & Alana.docx; Stat Decs and Letters.pdf; Letter from GEOVET.pdf; 2nd letter from shire.pdf; Letters received from Shire.pdf

Dear Jim

I have been asked by David Mianich and Alana Rainer to scan the attached letter and information (since they do not have a scanner) and email it through to you so you can provide a hard copy to the Councillors before their 2.00pm information meeting on Thursday the 26th of February 2015 . Could you please ensure that this is done.

Kind Regards

Chris

Chris Roycroft

Principal/Licensee
Nannup Real Estate

T 9756 1177 F 9756 1141
M 0428 320 837
www.nannuprealestate.com.au

26th February 2015

David Mianich & Alana Rainer
Lot 4 Leschenaultia Drive
Jalbarragup WA 6275

To Nannup Shire Councillors

RE: Information with regard to our 3 staffy dogs.

We started making our move to live in Nannup on the 3rd of December 2013 when we put in a cash offer to purchase 3 Forrest Street. We intended to open up a shop there and stay the occasional night but complications with shire regulations made us withdraw this offer and start looking for a house first.

Our property in Jalbarragup was bought on the 12th of February 2014 just over a year ago. Initially, using the property as a weekend retreat until we were ready to sell our 8 White Hill Road property. We spent the year getting the property ready for sale (it was hard to leave it as we have lived there for 10 happy years). In the meantime put in a cash offer to purchase a second property in Nannup at 3 Forrest Street which we hoped to open up as a shop in the near future.

The only reason we are mentioning the above is to prove to everyone involved that we are not trying to run away from Mandurah with our 'dangerous dogs' (who were not dangerous at the time) but to make a permanent life for ourselves in what we consider to be a beautiful friendly town.

Unfortunately, after living for 10 years next to the same beach and taking our dogs there every day, a tragic accident took place on the 4th of January 2015 which labelled our dogs 'dangerous dogs' by the Shire of Mandurah with which our dogs are registered.

Although we do not deny that our dogs did bite the 10 year old boy, we do believe there were extenuating circumstances that caused this which included a frisby which the young boy was playing with and the fact that the adults were in conversation and not taking any notice of what the child was doing.

Since our dogs have never shown any aggression towards anyone before, we decided to fight the dangerous dog label by taking the matter to the SAT, showing them our evidence that these dogs have always been friendly and well behaved, and that the beach incident was a one off brought on by a unusual set of circumstances. The child running around with the frisby, the inattention of the adults and the dogs getting over excited thinking they were supposed to catch the frisby.

We have done all that has been asked of us by both rangers in both Shires. The only reason the Blackwood River part of our property has not yet been fenced is because we are waiting for Gary Dickson to do it but the fencing has already been ordered.

Since the Shire of Nannup has given us no chance at all to put forward any information that could be important in making a decision we have taken the unprecedented step of emailing this letter and the attached letters and sworn statements from a number of vets who have dealt with our dogs, friends

and neighbours who have known us and our dogs for some time, to give Councillors who may have to deal with this information a bigger overall picture.

We have bought a home in Nannup and our place has been sold and the current purchase of 3 Forrest and our sale is unconditional with settlement in three week's time, this means that if we cannot live in Nannup with our dogs we will be literally homeless until we sell our two properties and move on. We have invested much time and effort and money in deciding that Nannup is the place we want to live and we trust that the evidence we have provided will be enough to prove that our dogs are not out to attack anyone and anything without cause.

Finally, we are prepared to do anything the Shire requires of us to make our property safe even putting a special safety fence around the whole property with very fine wire, as high as is required so no child can get in. However, the house is fairly isolated from any other property and there are several acres and if fenced in this way should be completely safe. We would also like to let the shire know that we are with our dogs 24/7 since we do have an income that does not require us to go to work, therefore the dogs are never left on their own.

Yours Sincerely

David Mianich and Alana Rainer

Dr Paul Repton & Associates

89 Bussell Highway, PO Box 1040, Busselton WA 6280

Phone. 9754 4422 Fax. 9754 2101 Email. busseton@geovet.com.au

ABN. 18 065 541 817 www.geovet.com.au

24 Hour Emergency Service

Busselton - Nannup - Capel



Thursday, 19th February, 2015

To Whom It May Concern

This is to certify that on Thursday, 22nd January 2015, I examined both Leroy and Rex, 6 year old Staffordshire bull terriers, owned by Alana Mianich, of Jalbarragup. This consultation was for approximately 30minutes during which time I was investigating their eye problems. It was my opinion that both dogs were pleasant and easy to handle in this time. I was not exposed to any behaviour by either animal that suggested a tendency towards aggression in this consultation.

Yours sincerely,

A handwritten signature in black ink that reads "Brett Edwards". The signature is written in a cursive, flowing style.

Dr Brett Edwards BSc BVMS

Caring for all animals



Small Animal General Practice
Ophthalmology Referral Clinic
Stem Cell Therapy Clinic

121 Westfield Road, Camillo WA 6111

Phone: (08) 9390 7822

Fax: (08) 9390 0271

Email: admin@championlakevet.com.au

Website: www.championlakevet.com.au

Opening Hours:

Monday - Friday, 8.00 am - 7.00 pm

Saturday, 8.00 am - 2.00 pm

To whom it may concern,

Regarding ~~Leroy Mlanich~~ who is a Male Brown and White Staffordshire Bull Terrier (DOB 28th January 2010).

Owners Details: Mr Mlanich

Lot 3 Forest Street

Nannup WA 6275

I examined Leroy on the 2nd and 23rd of February 2015 and found that he had a severe keratitis of the right eye which was causing significant discomfort. A successful surgery was performed on the 2nd Feb to graft conjunctiva into the cornea after removal of the unhealthy tissue.

Leroy has not shown any sign of dominant or aggressive behaviour to any member of my staff during our examinations or handling.

His eye appears to be more comfortable since surgery as based on today's follow-up visit.

Regards,

Dr Colin Sherry BSc BVMS CertVOphthal

Dr Paul Repton & Associates

89 Bussell Highway, PO Box 1040, Busselton WA 6280

Phone. 9754 4422 Fax. 9754 2101 Email. busselton@geovet.com.au

ABN. 18 065 541 817 www.geovet.com.au

• Koolberrup • Dunsborough • Busselton

Busselton • Nannup • Capel



Thursday, 19th February, 2015

To Whom It May Concern

This is to certify that on Thursday, 22nd January 2015, I examined both Leroy and Rex, 6 year old Staffordshire bull terriers, owned by Alana Milanich, of Jalbarragup. This consultation was for approximately 30 minutes during which time I was investigating their eye problems. It was my opinion that both dogs were pleasant and easy to handle in this time. I was not exposed to any behaviour by either animal that suggested a tendency towards aggression in this consultation.

Yours sincerely,

A handwritten signature in black ink that reads "Brett Edwards". The signature is stylized with a large, sweeping "S" at the end.

Dr Brett Edwards BSc BVMS

Caring for all animals





HALLS HEAD SMALL ANIMAL CLINIC

Dr Paul J. Gendle B.Sc., B.V.M.S.

Dr Richard J. Gibson B.Sc., B.V.M.S. & Associates

12 Peelwood Parade, Halls Head

Phone: 9581 1012

ABN: 34 313 135 912

Fax: 9581 2963

Clinic Hours

Monday - Friday 9am-6.00pm Saturday 9am-12noon Sunday & Public Hols 10am-12noon
Consultation by Appointment Only

11th February 2015

To whom it may concern

I have treated multiple animals belonging to David Mianich and Alana Rainer over the last 15 years, including their current dogs. I have examined the dogs both in the clinic and at home, and at no stage in these examinations have any of the dogs exhibited any aggression.

I have found Mr Mianich and Ms Rainer to be responsible owners, always fully compliant with treatment regimes and medication requirements.

The recent events have been surprising, as my past experience with the dogs has at no stage intimated a tendency towards either individual or pack related aggression.

Your Sincerely

Dr Richard Gibson BSc BVMS



Small Animal General Practice
Ophthalmology Referral Clinic
Stem Cell Therapy Clinic

121 Westfield Road, Camillo WA 6111

Phone: (08) 9390 7622

Fax: (08) 9390 0271

Email: admin@championlakevet.com.au

Website: www.championlakevet.com.au

Opening Hours:

Monday - Friday. 8.00 am - 7.00 pm

Saturday. 8.00 am - 2.00 pm

To whom it may concern

Regarding - Rex Mianich who is a Male Brown And White Staffordshire Bull Terrier (DOB 28th January 2010).

Owners Details: Mr Mianich

Lot 3 Forest Street

Nannup WA 6275

I examined Rex on 2nd and 23rd February 2015 and found that he had a significant eyelid inflammation causing significant discomfort as seen by squinting and a generalized allergic skin disease.

Rex has not shown any sign of dominant or aggressive behaviour to any member of my staff during our examinations or handling.

His eyes both now appear to be more comfortable since the Anti-allergic medication with his eyes being held open and no sign of squinting.

Regards,

Dr Colin Sherry BSc BVMS CertVOphthal

Regards,

STATUTORY DECLARATION
Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

1, 1

Mr Geoffrey Paul Mason of 5 Tattler Lane, Wannanup W.A 6120 retired.

make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

2

That:

1. I have known Mr & Mrs David and Alana Mianich since I sold them my semi-rural property at 8 Whitehill Road, Bouvard 6210 back in 2005.
2. Since the sale of the property I have remained in regular contact with David and Alana as friends and join in regularly with them at social events together with other friends and previous neighbours in the local Bouvard community, and
3. I have known David and Alana to be very responsible, animal caring friendly people, and
4. I have known David and Alana's 3 x Staffordshire dogs, namely Charlie 9 years old, Rex and Leroy both 6 years of age, and
5. Since knowing David and Alana's 3 dogs and during all my many personal visits to their residence I have always found the dogs to all be well looked after, well trained and obedient in nature and all round friendly and very family loving pets.
6. On many occasions I have taken my grandchildren to visit David and Alana at their residence and have experienced no safety issues or concerns with regards to the 3 dogs interacting with me, my wife or any of my grandchildren.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

3



4 Place
5 Day
6 Month and year

Declared at 4

FALCON

on 5

19th

of 6 FEBRUARY 2015

Before me



7 Signature of person before whom the declaration is made (see over)

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

8
MURCHAN WAINSTAN PHARMACEUTICAL
FRIENDS PHARMACY FALCON
Shop 3 MARI PLAZA
FALCON 95372644

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

SHANE + ROBYN McDONALD
48 CHALLENGER RD,
MADORA BAY. 6210
PH. 0400088712

TO WHOM IT MAY CONCERN:

HAVING KNOWN
DAVID MIANNICH AND PARTNER ALANA BOTH AT WORK
AND SOCIALLY FOR THE PAST FOUR YEARS MY WIFE
AND I CAN'T SPEAK HIGHLY ENOUGH OF THEIR CARING AND
VERY RESPONSIBLE ATTITUDE TOWARDS THEIR STAFFORDSHIRE
TERRIER DOGS.

OUR NINE YEAR OLD GRANDAUGHTER HAS
INTERACTED I.E. PLAYED, CUDDLED AND KISSED THESE
DOGS SINCE THEY WERE PUPPIES. MY WIFE AND I
ARE VERY PROTECTIVE GRANDPARENTS AND HAVE NEVER
FELT UNEASY WITH HER BEING AROUND ALANA AND DAVID'S
STAFFIES.

IN OUR OPINION FOR THESE DOGS TO BE LABELED
DANGEROUS IS TO SAY THE LEAST LUDICROUS.

YOURS SINCERLY
SHANE ROBYN McDONALD

P.S. IF ANY FURTHER INFORMATION IS REQUIRED, PLEASE DON'T HESITATE
TO CONTACT ME

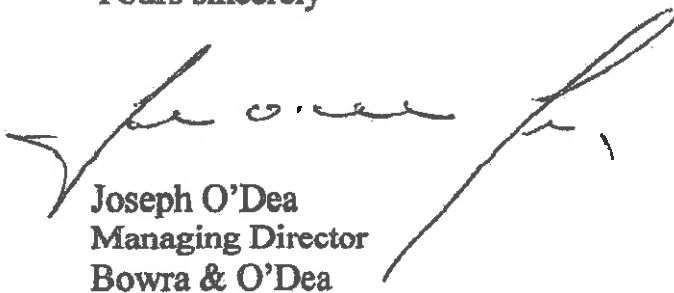
19 February 2015

TO WHOM IT MAY CONCERN

I would like to take this opportunity to inform you that I have personally known David Mianich for the last 24 years. With in that time I have watched and appreciated his time and effort that he has dedicated to all his dogs since they were puppies. I have spent time alone with them and more in particular my 10 year old daughter has spent time alone with them as well. Within all the years concerned there has NEVER been any incident or any form of aggression from any of the dogs in question.

I would have no hesitation in being alone with the dogs, or leaving my daughter in their company.

Yours sincerely



Joseph O'Dea
Managing Director
Bowra & O'Dea

Peter and Nathalie Pires
9 White Hill Road
Bouvard WA 6211

20th February, 2015

To Whom It May Concern,

David Mianich and Alannah Rainer, moved to 8 White Hill Road, in January, 2005. Over the past 10 years, we can confirm that they have been exceptionally considerate neighbours and very responsible dog owners.

Their three dogs, Rex, Leroy and Charlie, have at no stage displayed any aggressive behavior towards us, neither have we ever felt threatened or intimidated by them.

The dogs have always been well looked after and well behaved, so much so, that it is very unusual to even hear them ever barking.

Should you have any further queries regarding David and Alannah's dogs, please do not hesitate to contact us directly on (08) 9582 1710.

Yours sincerely,



Peter Pires



Nathalie Pires

BD & MM Hardingham
6 Whitehill Road
BOUVARD WA 6211

To Whom It May Concern

Re: Dangerous Dogs

Mr Dave Mianich, of 8 Whitehill Road Bouvard, has advised us of his dogs being processed towards being declared as Dangerous Dogs.

We wish to inform you that in the 10 or so years of knowing Mr Mianich and visiting his property on numerous occasions, that we have never witnessed any dangerous behaviour from any of his animals. Even on trips to the local beach, the dogs have always been well behaved and usually contained within his vehicle if others approach.

It would be a shame to see these animals on such a register as we believe them to be well treated and self-confined with no threat to the public.

We trust you will take our opposition into account when reaching your verdict.

Kind Regards


Miriam Hardingham

20th February 2015

TO WHOM IT MAY CONCERN.

(Dear Sir/Madam,)

RE: DOGS OWNED BY MR DAVID MIANICH & M/S ALANA RAINER
@ 8 WHITE HILL ROAD, BOUVARD, W.A. 6211.

In regard to the dogs owned by the above people I would like to now inform you of the following information.

I have visited the property at least 5 times where the dogs reside and firstly I must confirm the dogs have been extremely obedient and very friendly the times I have called at the said property.

I can remember the first visit where I opened the driveway gate to get to the Owners house and only 5 metres inside the gate I was greeted by 4 or 5 "Staffy" dogs who just sat there and looked at me with their tails wagging. The Owners were not home so I let myself out without a "growl" or any aggressive nature from either dog. Aggressive dogs would have growled and shown aggression towards me when I first let myself in the gate.

I have a 3 year old Grandaughter who once came with me to the Owners property and when I got her out of my vehicle I placed her on the ground and she walked up to all the dogs in different places and started to "pat" them. No aggression from any of the dogs and when they were being patted their tails were wagging and all the dogs were looking for more pats and attention from my Grandaughter. She must have been making a fuss over the dogs for at least 15 minutes "incident free". If you came in contact with the dogs you would easily "see" just how good natured and obedient the dogs are. A credit to the Owners indeed.

I do not socialise with the Owners as I only know them through mutual business and I was absolutely shocked when they told me about the dogs being classed as Dangerous Dogs, hence I volunteered this reference.

I trust the above is of assistance to you regarding your decision making process.

Yours Sincerely,



Harry Rayner (Justice of The Peace, No: 8409).

3 Colonial Court,
BOUVARD W.A. 6211.

February 24TH, 2015

WESTERN AUSTRALIA

OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

STATUTORY DECLARATION

Lance Vincent CONNOP

I,
OF 25 MERLIN DRIVE CARINE , PERTH WESTERN AUSTRALIA, POLICE SERGEANT
.....

sincerely declare as follows:-

I have known David MIANICH for approximately 21 years. Prior to him moving to Whitehills Road , Lake Clifton , David lived opposite my home in Merlin Drive Carine. We became good friends and over the years have maintained regularly contact. I met his partner Alana RAINER in approximately 2006.

In the time that I have known David he has always had dogs and always had not less than two dogs.

When David moved to Lake Clifton he purchased a breeding pair of English Staffordshires and they had several litters. From those litters he kept a total of three puppies which are now the subject of proceedings before the Tribunal.

I know David and Alana very well and they are of excellent character, are honest in their dealings with people and have an excellent community spirit.

I have been to their home on many occasions and on occasions when other members of his family have also been in attendance. On all the occasions I have attended David and Alana's home the dogs have been in attendance.

At no time have I ever witnessed any of the dogs in any way display any aggressive conduct towards myself or my wife or any persons in attendance. The dogs are well behaved and clearly enjoy the company of people and receiving affection.

David and Alana are entirely responsible in respect to the ownership of their dogs. They derive a great deal of pleasure from the company of their dogs and have over the years spent a considerable sum of money on ensuring their welfare with regular veterinary maintenance along with fencing around their 5 acre property to ensure the dogs do not wander.

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*

at.....East Perth.....
(place)

19th.....FEBRUARY 2015.....
(date)

In the presence of -

(Signature of authorised witness)

~~Donald MERRICK~~ EMANUEL SMITH
WEST AUSTRALIA POLICE INSPECTOR
(Name of authorised witness and qualification as such a witness)

by.....
(Signature of person making the declaration)

L.V. CONNOR

Dog Act 1976

Part VI Control of dogs

Division 2 Dangerous dogs

s. 33GA

has effect 7 days after the giving of a notice under subsection (1).

[(4), (5) deleted]

- (6) Where an objection is lodged with a local government in accordance with subsection (2)(b)(i) the local government shall consider it and —
- (a) if the local government dismisses the objection, the owner may, within 7 days after the giving of a notice by the local government as to the dismissal of the objection, apply to the State Administrative Tribunal for a review of the decision; or
 - (b) if the local government has not given notice to the owner stating that the objection has been considered, and setting out its determination on the objection, within 35 days after the giving under subsection (1) of the notice of the making of the declaration, the owner may, within 42 days after the giving of the notice under subsection (1), apply to the State Administrative Tribunal for a review of the decision to which the owner objected.
- (7) Where a local government gives notice of the dismissal of an objection under this section, that notice must set out the reason for the dismissal of the objection.

[Section 33F inserted by No. 24 of 1996 s. 10; amended by No. 10 of 1998 s. 29(1); No. 55 of 2004 s. 260 and 268; No. 18 of 2013 s. 35.]

33GA. Offences relating to dangerous dogs

- (1) Every person liable for the control of —
- (a) a commercial security dog must ensure that the dog wears a collar of a kind prescribed to be worn by commercial security dogs with information attached to

or endorsed on the collar in accordance with the regulations; or

- (b) a dangerous dog other than a commercial security dog must ensure that the dog wears a collar of a kind prescribed to be worn by dangerous dogs other than commercial security dogs with information attached to or endorsed on the collar in accordance with the regulations.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (2) Every person liable for the control of a dangerous dog must ensure that the enclosure within which the dog is confined, whether or not the enclosure is at the premises where the dog is ordinarily kept or ordinarily permitted to live, is constructed to —
- (a) prevent the dog from escaping; and
 - (b) prevent the dog from being removed or released from the enclosure without the permission of the person liable for the dog's control; and
 - (c) prevent a child who has not reached 7 years of age from entering, or inserting any part of its body into, the enclosure without the help of an adult.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
- (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.

- (3) Subsection (2) does not apply to a commercial security dog when it is working.
- (4) When a commercial security dog is working at premises, every person liable for the control of the dog and the person who arranges for the dog to guard or protect the premises must ensure that —
- (a) the dog is confined to the premises and that the enclosure within which the dog is confined is constructed to —
 - (i) prevent the dog from escaping that enclosure; and
 - (ii) prevent the dog from being removed or released from that enclosure without the permission of a person liable for the dog's control;and
 - (b) during any time that a person other than the dog's handler has lawful access to the area in which the dog is working —
 - (i) the dog is confined to an enclosure that is constructed to —
 - (I) prevent the dog from escaping that enclosure; and
 - (II) prevent the dog from being removed or released from that enclosure without the permission of a person liable for the dog's control; and
 - (III) prevent a child who has not reached 7 years of age from entering, or inserting any part of its body into, that enclosure without the help of an adult;
- or

- (ii) the dog is held by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length by a person who has reached 18 years of age and who is capable of controlling the dog; or
- (iii) the dog is securely tethered on a temporary basis by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (5) The occupier of the premises where a dangerous dog is ordinarily kept or ordinarily permitted to live must ensure that a warning sign, of a prescribed kind, is displayed at each entrance to the premises.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (6) When a dangerous dog is not confined in an enclosure, every person liable for the control of the dog must ensure that the dog wears a muzzle.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;

- (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (7) When a dangerous dog is not confined in an enclosure, every person liable for the control of the dog must ensure that —
 - (a) the dog is held by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length by a person who has reached 18 years of age and who is capable of controlling the dog; or
 - (b) the dog is securely tethered on a temporary basis by means of a chain, cord, leash or harness of sufficient strength and not exceeding the prescribed length.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (8) When a dangerous dog is not confined in an enclosure, every person liable for the control of the dog must ensure that the dog is controlled by a person who has reached 18 years of age and who is capable of controlling the dog.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (9) Every person liable for the control of a dangerous dog must ensure that the dog is not in a public place —
 - (a) at all if the place is specified under section 31(2B) as a place where dogs are prohibited at all times; or

- (b) at a time when the place is specified under section 31(2B) as a place where dogs are prohibited at that time.

Penalty:

- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (10) Every person liable for the control of a dangerous dog must ensure that the dog —
- (a) does not kill a person; and
 - (b) does not endanger the life of a person.
- (11) A person who contravenes subsection (10) is guilty of a crime.
Penalty: imprisonment for 10 years.

[Section 33GA inserted by No. 18 of 2013 s. 36.]

33GB. Dangerous dogs (restricted breed) to be sterilised

- (1) The owner of a dangerous dog (restricted breed) that has reached 3 months of age must ensure that the dog is sterilised.
Penalty:
- (a) a fine of \$10 000, but the minimum penalty is a fine of \$500;
 - (b) for each separate and further offence committed by the person under the *Interpretation Act 1984* section 71, a fine of \$500.
- (2) It is a defence to a charge of an offence under subsection (1) if the person charged satisfies the court that the dog —
- (a) has a physical condition that is likely to cause the dog to die if it is sterilised; or

(b) is sterile.

[Section 33GB inserted by No. 18 of 2013 s. 36.]

33GC. Restrictions on transferring ownership of dangerous dogs (restricted breed)

(1) In this section —

restricted breed pup means a pup —

- (a) having at least one parent that is a dangerous dog (restricted breed); and
- (b) that is under 3 months of age.

(2) A person must not advertise a dangerous dog (restricted breed) or a restricted breed pup as being for sale or otherwise available for transfer of ownership.

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$500.

(3) A person must not sell a dangerous dog (restricted breed) or a restricted breed pup to another person.

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$500.

(4) A person must not otherwise transfer the ownership of a dangerous dog (restricted breed) or a restricted breed pup to another person unless —

- (a) the dog or pup forms part of a deceased estate and its ownership is transferred by the executor of the will in relation to, or the administrator for, the estate; or
- (b) the owner of the dog or pup is certified, by a person registered under a written law as a medical practitioner, as being not capable of caring for the dog or fulfilling the responsibilities that an owner of a dangerous dog (restricted breed) has under this Act; or

- (c) the Minister in his absolute discretion forms the view that extraordinary conditions exist in a particular case and a transfer of ownership is justified in that case.

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$500.

- (5) A person must not —

- (a) buy a dangerous dog (restricted breed) or a restricted breed pup from another person; or
- (b) otherwise accept the ownership of a dangerous dog (restricted breed) or a restricted breed pup from another person except in the circumstances mentioned in subsection (4)(a) or (b).

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$500.

- (6) It is a defence to a charge of an offence under subsection (5) in relation to a restricted breed pup if the person charged satisfies the court that the person did not know and did not have reasonable cause to believe that the dog was a restricted breed pup.

[Section 33GC inserted by No. 18 of 2013 s. 36.]

33GD. Dangerous dogs (restricted breed) not to be bred

A person must not —

- (a) breed a dangerous dog (restricted breed); or
- (b) breed from a dangerous dog (restricted breed).

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$500.

[Section 33GD inserted by No. 18 of 2013 s. 36.]

33GE. Prohibition on transfer of ownership of dangerous dogs (declared) to persons under 18

(1) In this section —

receiver means a person to whom —

- (a)** a dangerous dog (declared) is sold; or
- (b)** the ownership of a dangerous dog (declared) is otherwise transferred;

relevant time means the time at which an offence under subsection (2) is alleged to have been committed.

(2) A person must not sell, or otherwise transfer the ownership of, a dangerous dog (declared) to a person who has not reached 18 years of age.

Penalty: a fine of \$10 000, but the minimum penalty is a fine of \$500.

(3) It is a defence to a charge of an offence under subsection (2) if the person charged satisfies the court that —

- (a)** at or before the relevant time the receiver had produced to the person charged evidence that the receiver had reached 18 years of age; and
- (b)** at the relevant time the person charged had no reason to believe that the receiver had not reached 18 years of age.

(4) For the purposes of subsection (3)(a) the following documents can be used as evidence that a person has reached 18 years of age —

- (a)** a current passport;
- (b)** a current Australian driver's licence;
- (c)** a prescribed document,

that bears a photograph of the person and indicates by reference to the person's date of birth or otherwise that the person has reached 18 years of age.

[Section 33GE inserted by No. 18 of 2013 s. 36.]

33G. Seizure and destruction

- (1) Where an authorised person or a police officer has reasonable grounds to believe that an attack by a dangerous dog has occurred, whether or not a warrant has been applied for under section 29(5a), that authorised person or police officer may, if he has reasonable grounds to believe it is necessary to do so, enter onto or into any premises and there seize the dog and thereafter the dog may be detained under section 29(3).
- (2A) An authorised person or a police officer who has reasonable grounds to believe that a dangerous dog (restricted breed) has given birth to one or more pups may —
 - (a) enter any premises under a warrant issued under section 29(5a) or with the consent of an adult occupier of the premises; and
 - (b) seize each pup; and
 - (c) detain each pup under section 29(3).
- (2) On the dog being detained as mentioned in subsection (1) or (2A) the local government or an authorised person must give notice in writing, in addition to any notice required by section 29, to the owner of the dog —
 - (a) informing the owner of the seizure and of the place where the dog is detained; and
 - (b) giving reasons for the seizure; and
 - (c) stating that, whether or not the dog is claimed, the local government proposes to cause the dog to be destroyed, at a time specified not earlier, unless the owner otherwise consents, than 10 days after the giving of the notice; and
 - (d) specifying that the owner has a right under this Division, to be exercised within not more than 7 days after the giving of the notice, either —
 - (i) to lodge a written objection with the local government, with a subsequent right to apply to

the State Administrative Tribunal for a review of the decision made by the local government on the objection; or

- (ii) to apply directly to the State Administrative Tribunal for a review,

where, and as soon as, that is practicable.

- (3) The local government shall cause a dog seized under this section to be detained until any objection which is received has been considered, the time for making an application to the State Administrative Tribunal for a review has passed, and if an application is made that application has been determined.
- (4) Where an objection is lodged with a local government in accordance with subsection (2)(d)(i) the local government shall consider it and —
 - (a) if the local government dismisses the objection, the owner may, within 7 days after the giving of a notice by the local government as to the dismissal of the objection, apply to the State Administrative Tribunal for a review of the decision; or
 - (b) if the local government has not given notice to the owner stating that the objection has been considered, and setting out its determination on the objection, within 35 days after the giving under subsection (2) of the notice of the seizure of the dog, the owner may, within 42 days after the giving of that notice under subsection (2), apply to the State Administrative Tribunal for a review of the decision to which the owner objected.
- (5) Where a local government gives notice of the dismissal of an objection under this section, that notice must set out the reason for the dismissal of the objection.

(6) Where —

- (a) an objection lodged with a local government in accordance with subsection (2)(d)(i) is dismissed and —
 - (i) no application for review is made to the State Administrative Tribunal; or
 - (ii) an application for review is made but the applicant discontinues the application; or
 - (iii) the State Administrative Tribunal makes an order dismissing the application for want of prosecution;
- or
- (b) an application is made under this section to the State Administrative Tribunal for a review and the State Administrative Tribunal affirms the proposal to cause the dog to be destroyed,

an authorised person, or a person specifically authorised by the State Administrative Tribunal, may destroy the dog concerned.

[Section 33G inserted by No. 24 of 1996 s. 10; amended by No. 10 of 1998 s. 29(1); No. 55 of 2004 s. 261 and 268; No. 8 of 2009 s. 47(2); No. 18 of 2013 s. 37.]

33H. Local government may revoke declaration or proposal to destroy

- (1) The local government of the district in which the dog is at that time ordinarily kept may, of its own motion or, subject to subsection (4), on the application of the owner of the dog, revoke —
 - (a) a notice under section 33F(1) declaring a dog to be a dangerous dog (declared); or
 - (b) a notice under section 33G proposing to cause a dog to be destroyed,

if the local government is satisfied that the dog can be kept without the likelihood of any contravention of this Act.

- (2) The local government may, before dealing with any application under subsection (1), require the owner of the dog to which the relevant notice relates, or a person to whom ownership, possession or control of the dog has passed, to attend with the dog a course in behaviour and training approved by the local government, or otherwise to demonstrate a change in the behaviour of the dog.
- (3) The local government must, as soon as is practicable, give notice in writing to the owner of the dog —
 - (a) of the revoking of a notice under subsection (1); or
 - (b) if the owner has sought such a revocation, of any refusal so to revoke and of the reasons for the making of the decision.
- (4) A person who was the owner of a dog at the time the relevant notice was given shall not be entitled to make an application under subsection (1)(a) until —
 - (a) any objection or application for review in respect of the notice sought to be revoked has been determined; or
 - (b) one year has elapsed since the giving of that notice, or since any preceding application under subsection (1) was determined.
- (5) Where an application is lodged with a local government under subsection (1) the local government shall consider it and —
 - (a) if the local government dismisses the application, the owner may, within 7 days after the giving of a notice by the local government as to the dismissal of the application, apply to the State Administrative Tribunal for a review of the decision; or
 - (b) if the local government has not given notice to the owner stating that the application has been considered, and setting out its determination on the objection, within 35 days after the lodging of the application under

