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LOCAL GOVERNMENT ACT 1995

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**SHIRE OF CAPEL**

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**LOCAL LAW RELATING TO THE  
KEEPING AND WELFARE OF CATS**



## LOCAL GOVERNMENT ACT 1995

## SHIRE OF CAPEL

LOCAL LAW RELATING TO THE KEEPING AND WELFARE  
OF CATS

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Shire of Capel resolved to make the following local law on 26 May 2004.

## PART 1—PRELIMINARY

## 1. CITATION

1.1 This local law may be cited as the Keeping and Welfare of Cats Local Law.

## 2. OBJECTS

2.1 The objects of this local law are to—

- (a) Promote responsible cat ownership;
- (b) Reduce the nuisance to the community caused by cats;
- (c) Limit the damage to and the loss of wildlife caused by cats; and
- (d) Promote the welfare and safety of domestic cats.

## 3. INTERPRETATION

3.1 In this local law unless the context otherwise requires—

“Act” means the *Local Government Act 1995*;

“Adult cat” means a cat of the age of 3 months or over;

“Approved Cattery” means a cattery, which is the subject of a valid planning approval, granted under a scheme or which is a non-conforming use that may continue under the scheme;

“Authorised person” means a person authorised by the Chief Executive Officer of the local government to perform the functions conferred on an authorised person under this local law;

“Cat” means any member of species *Felis Catus* (domestic cat) of the family *Felidae*. This includes all domestic, feral and stray cats but does not include any other Feline species, e.g. Lions, Tigers, etc;

“Cat pound” means a pound referred to in Clause 10.1;

“CEO” means the Chief Executive Officer of the local government;

“Council” means the Council of the local government;

“District” means the district of the local government;

“Keeper” in relation to a cat means each of the following—

- (a) The owner of the cat;
- (b) A person by whom the cat is ordinarily kept;
- (c) A person who has or appears to have immediate custody or control of the cat;
- (d) A person who keeps the cat, or has the cat in her or his possession for the time being;
- (e) A person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- (f) A permit holder of a permit which relates to the cat; or
- (g) The holder of an exemption issued in relation to the cat.

“Local Government” means the Shire of Capel;

“Local Public Notice” has the same meaning as is given to it in the Act;

“Manager” means the person or persons appointed by the Chief Executive Officer of the local government to perform this function;

“Multiple dwelling” means any building or place designed for habitation by more than one (1) domestic group and includes, but is not limited to, units, flats, town houses, duplexes or apartments;

“Notice to abate” means a notice to abate a nuisance referred to in Clause 7;

“Notice of Impounding” means the notice referred to in Clause 10.7;

“Nuisance” means if a cat—

- (a) Is injurious or dangerous to the health of any person or domestic or Australian indigenous animal or is in the opinion of an authorised person likely to be injurious or dangerous to the health of any person or domestic or Australian indigenous animal;
- (b) Creates a noise which persistently occurs or continues to a degree or extent which in the opinion of an authorised person, and has or could have a disturbing effect on the state of reasonable physical, mental, or social well-being of a person; or
- (c) behaves in a manner that is contrary to reasonable standard of behaviour expected of an animal in the locality of the premises where the cat is normally resident;

“Permit holder” means a person who holds a permit granted under this local law;

“Premises” includes—

- (a) Any land and any improvements; and,
- (b) Any part of any building in separate ownership or separate occupation, or any unit, flat, town house, duplex or apartment;

“Public place” includes any place to which the public has access;

“Registered and Identified cat” means a cat which is registered and identified under Clause 4;

“RSPCA” means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

“Sterilised” means rendered sterile—

- (a) In the case of a female cat, by ovariectomy or ovariohysterectomy; and
- (b) In the case of a male cat, by castration;

“Unidentified cat” means a cat, which is not identified under Clause 4;

“Veterinary surgeon” means a veterinary surgeon registered under the *Veterinary Surgeons Act 1960*.

## PART 2—KEEPING OF CATS

### 4. CATS TO BE IDENTIFIED AND REGISTERED

4.1 Subject to Clause 4.7, a keeper of a cat must register the cat with the local government and identify the cat in accordance with Clause 4.

4.2 An application to register a cat with the local government must include details of—

- (a) The current name, address and telephone number of the owner;
- (b) The location of the premises at which the cat is kept;
- (c) The sex of the cat;
- (d) The breed of the cat; and
- (e) Whether the cat is sterilised or unsterilised.

4.3 The local government may by resolution of its Council prescribe a fee to be paid by the keeper of a cat upon registration of a cat. The fee set may be different for a sterilised cat as distinct from an entire cat.

4.4 The local government may by a resolution of its Council set the period of registration and date of renewal.

4.5 The keeper of the cat shall notify the local government of any change in registration details as outlined in Clause 4.2.

4.6 A cat will be taken to be identified if—

- (a) The cat has a microchip implanted in its body containing the name, current address and telephone number of the keeper of the cat; or
- (b) A collar around its neck and the collar, or tag securely attached to the collar, is marked with the name, current address and telephone number of the keeper of the cat.

4.7 The requirements of Clause 4 to be registered and identified do not apply to a cat—

- (a) While at any refuge conducted by the RSPCA or any other animal welfare organisation;
- (b) While at an animal pound, which has been approved by the local government;
- (c) While at a pet shop;
- (d) While at a veterinary surgery;
- (e) Less than 3 months of age;
- (f) Until the cat has been kept within the district for more than 28 days;
- (g) Until the keeper has been a resident of the district for more than 28 days; or
- (h) Where an exemption has been granted by the local government in accordance with a policy published by the local government.

4.8.1 Except for a veterinary surgeon a person must not, without reasonable excuse, interfere with or remove the means by which a cat is identified under this local law.

**5. CATS FOR WHICH PERMIT IS REQUIRED.**

5.1 Subject to Clause 5.2, a keeper is required to have a permit—

- (a) To keep 3 or more cats on any premises;
- (b) To use any premises as a cattery.

5.2 A permit is not required under Clauses 5.1(a) or (b) if the premises concerned are—

- (a) A refuge of the RSPCA or of any other animal welfare organisation;
- (b) An animal pound, which has been approved by the local government;
- (c) A veterinary surgery; or
- (d) The subject of an exemption granted by the local government.

5.3 An application for a permit under clause 5.1—

- (a) Must be in a form approved by the CEO, and must be accompanied by the application fee for the permit determined by the local government from time to time;
- (b) Is not deemed to have been made until the application fee has been paid;
- (c) Is to be accompanied by the plans to the specification and satisfaction of the local government of the premises to which the application relates;

5.4 The local government may—

- (a) Approve an application for a permit subject to conditions; or
- (b) Refuse to approve an application for a permit.

5.5 In determining an application for a permit the local government may have regard to—

- (a) The physical suitability of the premises for the proposed use;
- (b) The suitability of the zoning of the premises for the proposed use;
- (c) The environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
- (d) The structural suitability of any enclosure in which any cat is to be kept;
- (e) The likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
- (f) The likely effect on the amenity of the surrounding area of the proposed use;
- (g) The likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use;
- (h) The applicant's infringement history with the local government or any other local government; and
- (i) Such other factors which the local government may consider to be relevant in the circumstances of the particular case.

5.6 The additional conditions contained in Schedule 1 of this Local Law shall form part of the conditions of any permit issued under this Section 5.

5.7 Any cat to which a permit relates must be a registered and identified cat;

5.8 An authorised person may, during the term of the permit, seize and impound any or all of the cats on the premises, if the authorised person suspects that a breach of the permit or of any condition of the permit, has occurred;

5.9 A permit may be revoked by the local government if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law;

5.10 A permit relates to specific premises and to a specific permit holder, and is not transferable on—

- (a) The sale or lease of the premises to which the permit relates; or
- (b) The sale or lease of a cattery;

5.11 A person shall not contravene a condition of a permit.

5.12 Unless otherwise specified on a permit, a permit commences on the date of issue and expires on the 30th day of June next following.

**PART 3—CONTROL OF CATS****6. CATS IN PUBLIC OR OTHER PLACES**

6.1 (a) A cat shall not be in a public place unless the cat is, in the opinion of an authorised officer, under effective control;

(b) If a cat is at any time in a public place in contravention of Clause 6.1(a)—

- (i) The keeper of the cat commits an offence; and
- (ii) An authorised person may seize and impound the cat.

6.2 (a) A cat shall not be in any place that is not a public place unless—

- (i) Consent to its being there has been given by the occupier, or a person apparently authorised to consent on behalf of the occupier; and
- (ii) It is under effective control.

(b) If a cat is at any time in any place in contravention of Clause 6.2(a)—

- (i) The keeper of the cat commits an offence; and
- (ii) An authorised person may seize and impound the cat.

## 7. NUISANCES

7.1 The keeper of a cat, or any other person in control of a cat, shall not allow a cat to create a nuisance.

7.2 Where, in the opinion of an authorised officer, a cat is creating a nuisance, the local government may give written notice to the keeper of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance.

7.3 When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice or until the local government withdraws the notice.

7.4 A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

## 8. CAT PROHIBITED AREAS

8.1 The lands specified in Schedule Five are designated as Cat Prohibited areas.

8.2 The local government shall not designate a place or area to be a Cat Prohibited Area without first giving Local Public Notice of its intention to designate a place or area as a Cat Prohibited Area and considering any submissions received in response to that Local Public Notice.

8.3 No person shall keep a cat in a Cat Prohibited Area.

8.4 Notwithstanding anything to the contrary in this local law, an authorised person, the owner or occupier of a Cat Prohibited Area, or a person authorised for that purpose by the owner or the occupier, may seize, detain and deliver to the local government for impounding any cat found in a Cat Prohibited Area.

8.5 A person who seizes or detains a registered and identified cat must, as soon as practicable, take reasonable steps to inform the keeper of the cat of the action taken.

## PART 4—IMPOUNDING OF CATS

### 9. CAT POUNDS

9.1 The local government may establish and maintain a pound or pounds, and may approve an animal pound maintained by any person, for the impounding of cats under this local law.

9.2 The local government may determine from time to time—

- (a) The times when a cat pound will be open for the reception and release of cats;
- (b) Times for the sale of cats from the pound; and
- (c) A scale of impounding fees to be paid on the release of impounded cats.

9.3 The local government is to keep a proper record of impounded cats (the “Impounding Register”).

9.4 The Impounding Register is to contain the following information about each impounded cat—

- (a) If known, the breed and sex of the cat;
- (b) The colour, distinguishing markings and features of the cat;
- (c) If known, the name and address of the keeper;
- (d) The date and time of seizure and impounding;
- (e) The name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat under Clause 9.1 for impounding;
- (f) The reason for the impounding;
- (g) A note of any order made by an authorised person relating to the cat; and
- (h) The date of the sale, release or destruction of the cat.

9.5 The Impounding Register is to be available for inspection by the public.

9.6 A person shall not—

- (a) Unless the person is a pound keeper, or an employee of the local government duly authorised in that regard, release or attempt to release a cat from a cat pound;
- (b) Destroy, break into, damage or in any other way interfere with or render not cat proof a cat pound; or
- (c) Destroy, break into, damage, or in any other way interfere with any container used for the purpose of catching, holding or conveying cats, which have been seized.

9.7 Where—

- (a) A keeper wishes to collect a cat within 7 days of a notice having been given under sections 3.42(1) (b) or 3.44 of the Act; and
- (b) A permit is required for the keeping of the cat,  
the cat shall not be released until the keeper obtains a permit.

9.8 The removal, impounding and disposal of cats is dealt with in Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the *Local Government (Functions and General) Regulations 1996*.

## PART 5—DESTRUCTION OF CATS

### 10. DESTRUCTION AT REQUEST OF KEEPER

10.1 A keeper of a cat may request the local government to destroy the cat.

10.2 Where a keeper requests that a cat be destroyed, the keeper must complete and sign a form of authorisation showing—

- (a) The name and residential address of the keeper making the request;
- (b) A description of the cat including its breed, colour, sex and age;
- (c) The reason for destruction; and
- (d) A signature authorising destruction,

and produce reasonable evidence to the satisfaction of the local government that the person making the request is the keeper of the cat.

10.3 The local government may charge a keeper a fee in respect of the destruction of a cat under Clause 10.1, and the local government from time to time shall determine the fee.

## **11. ABANDONMENT OF CATS**

11.1 A person must not abandon a cat.

11.2 A person who delivers a cat into the custody of an authorised person or to a cat pound is not to be regarded as having abandoned the cat.

## **PART 6—MISCELLANEOUS**

### **12. SERVING OF NOTICES**

12.1 A notice served under this Local Law may be given to a person—

- (a) Personally;
- (b) By registered mail addressed to the person; or,
- (c) By leaving it for the person at her or his address.

### **13. EVIDENCE**

13.1 In proceedings for an offence against any provision of this local law—

- (a) An allegation in the complaint that at a specified time a person was the keeper of the cat is evidence of that fact in the absence of proof to the contrary;
- (b) The onus of proving that a cat was at a specified time under the age of 3 months lies on the person making that assertion; and
- (c) A copy of an entry in a register certified by an authorised person shall, without proof of the signature of the person appearing to have signed the copy or that he or she is an authorised person be evidence of the matters relevant to the proceedings set out in that certified copy.

### **14. OBJECTIONS AND APPEALS**

14.1 When—

- (a) The local government makes a decision to—
  - (i) Grant or refuse to grant a person a permit under this local law; or
  - (ii) Renew, vary or cancel a permit that a person has under this local law;

the provisions of Division 1 of Part 9 of the Act and Regulations 33 and 34 of the Local Government (Functions and General) Regulations 1996 apply to that decision.

### **15. GENERAL OFFENCE AND PENALTY PROVISIONS**

15.1 (a) Any person failing to do any act required to be done, or doing any act forbidden to be done by any provision under this local law, or any notice or order given or made under any provision of this local law commits an offence.

(b) An offence against any provision of this local law is a prescribed offence for the purposes of Section 9.16(1) of the Act.

(c) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

15.2.1 The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule, is the modified penalty for that offence.

15.3 An infringement notice in respect of an offence against this local law may be given under Section 9.13 of the Act and is to be in the form of Schedule 3.

15.4 A notice sent under Section 9.20 of the Act withdrawing an infringement notice is to be in the form of Schedule 4.

15.5 A penalty for an offence against this local law may be recovered by the local government taking proceedings against the alleged offender in a Court of Petty Sessions.

15.6.1 The local government shall cause to be kept adequate records of all infringement notices given, and all penalties received under this local law.

### **16 DEFENCE**

16.1 It is a defence to a charge of an offence of contravening clause 5.11, 6.1 (b), 6.2 (b) if the keeper charged satisfies the court that at the material time some other person (whom he or she shall identify) over the age of 18 years was the keeper of the cat(s).

*Schedule 1***ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS****A—PERMIT TO KEEP 3 OR MORE CATS**

## ADDITIONAL CONDITIONS

- (1) The premises will during the currency of the permit, remain adequately fenced (premises will be deemed not to be adequately fenced if there is more than one escape of a cat from the premises);
- (2) The keeper will have during the term of the permit adequate space for the exercise of the cats;
- (3) In the case of a multiple dwelling, where there is no suitable dividing fence, the written consent to the application for a permit of the occupier of the adjoining multiple dwellings has been obtained;
- (4) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
  - (a) Dies; or
  - (b) Is permanently removed from the premises.

**B—PERMIT TO USE PREMISES AS A CATTERY**

## ADDITIONAL CONDITIONS

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Washing basins and running hot and cold water are to be available to the satisfaction of the local government.
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
- (8) An entry book is to be kept recording in respect of each cat the—
  - (a) Date of admission;
  - (b) Date of departure;
  - (c) Breed, age, colour and sex; and
  - (d) The name and residential address of the keeper;
- (9) The entry book is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) No sick or ailing cat is to be kept on the premises.

*Schedule 2***KEEPING AND WELFARE OF CATS LOCAL LAW**

Item No.	Clause No.	Nature of Offence	Penalty	Penalty Cat prohibited Area
1	4.1	Failure of a keeper to register a cat	\$100.00	\$500.00
2	4.6	Failure of a keeper to identify a cat	\$100.00	\$500.00
3	5.1	Failure of an occupier to hold a permit	\$250.00	\$250.00
4	5.11	Breach of a condition of a permit	\$100.00	\$100.00
5	6.1	Cat in a public place	\$200.00	\$200.00
6	6.1	Cat in other than a public place	\$200.00	\$250.00
7	7.4	Failure to comply with a notice to abate a nuisance	\$200.00	\$200.00
8	8.1	Cat in a Cat Prohibited Area		\$500.00
9	11.1	Abandonment of cat	\$250.00	\$250.00



**Schedule 3**

*Local Government Act 1995*

**KEEPING AND WELFARE OF CATS LOCAL LAW  
INFRINGEMENT NOTICE**

Serial No. ....

Date ...../...../.....

To: <sup>(1)</sup> .....

Of: <sup>(2)</sup> .....

It is alleged that on ...../...../..... At <sup>(3)</sup> .....

At <sup>(4)</sup> .....

You committed the following offence—

Contrary to Clause ..... of the Keeping and Welfare of Cats Local Law.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid within a period of 28 days after the giving of this notice. The modified penalty may be paid by either posting this form together with the amount of the modified penalty to the Chief Executive Officer of the Shire of Capel at Forrest Road, Capel or by paying the amount of the modified penalty to an authorised person at the Shire of Capel at Forrest Road, Capel between the hours of 8.30am to 4.30pm Monday to Friday.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry, additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Name and title of authorised person giving the notice .....

Signature: .....

Insert—

- (1) Name of alleged offender
- (2) Address of alleged offender
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed

**Schedule 4**

*Local Government Act 1995*

**KEEPING AND WELFARE OF CATS LOCAL LAWS  
NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No. ....

Date ...../...../.....

To: <sup>(1)</sup> .....

Of: <sup>(2)</sup> .....

Infringement Notice No ..... dated ...../...../..... for the alleged offence ..... has been withdrawn.

The modified penalty of \$ .....

- \* Has been paid and a refund is enclosed.
- \* Has not been paid and should not be paid.
- \* Delete as appropriate

Name and title of authorised person giving the notice .....

Signature: .....

Insert—

- (1) Name of alleged offender to whom infringement notice was given
- (2) Address of alleged offender

**Schedule 5**  
**CAT PROHIBITED AREAS**  
**BOYANUP**

Reserve No.	Location	Vesting/ownership	Purpose
2627	Bridge Street	Shire of Capel	Park
2628	Bridge Street	Shire of Capel	Park & Recreation
2629	Turner Street	Shire of Capel	Bush Fire Brigade Stn
5886	SW Highway	Shire of Capel	Hall Site
6742	Payne Street	Shire of Capel	Cemetery
8333	SW Highway	Shire of Capel	Parklands& Picnic
24100	Gray Road	Shire of Capel	Sanitary Site
27193	Salter Street	Shire of Capel	Stock Yards
27194	Salter Street	Shire of Capel	Stockyards & Parking
37253	Christopher Way	Shire of Capel	Public Recreation

**CAPEL**

1907	Properjohn Road	Shire of Capel	Water
8934	Austin Road	Shire of Capel	Excepted from sale & Occupation
9515	Stirling Road	Shire of Capel	Drainage
14054	Prowse Road	Shire of Capel	Council Depot & Pound
15634	Goodwood Road	Shire of Capel	Recreation Ground
21929	East Road	Shire of Capel	Sand Quarry
24529	Range Road	Shire of Capel	Sanitary & Sand
25516	Dunkley Street	Shire of Capel	Recreation
27833	Forrest Road	Shire of Capel	Infant Health Clinic & Kindergarten
28743	Maslin Road	Shire of Capel	Public Recreation & Drainage
33261	Goodwood Road	Shire of Capel	Community Country Club

**DALYELLUP**

28825	Bussell Highway	Shire of Capel	Public Recreation
28836	Bussell Highway	Shire of Capel	Public Recreation
31021	Harewoods Road	Shire of Capel	Rubbish Depot

**GELORUP**

29470	Frances Road	Shire of Capel	Public Recreation
35462	Hampstead Road	Shire of Capel	Public Recreation
35950	Sheoak Street	Shire of Capel	Public Recreation
36501	5-Mile Brook	Shire of Capel	Public Recreation
36502	5-Mile Brook	Shire of Capel	Public Recreation
36754	Hasties Road	Shire of Capel	Public Recreation
45214	Sleaford Drive	Shire of Capel	Recreation & Drainage

**GWINDINUP**

18237	SW Highway	Shire of Capel	Special Conditions
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**PEPPERMINT GROVE BEACH**

26842	Peppermint Grove Road	Shire of Capel	Recreation
28996	Hardy Terrace	Shire of Capel	Public Recreation
34334	Peppermint Grove Terrace	Shire of Capel	Public Recreation
35483	Peppermint Grove Terrace	Shire of Capel	Public Recreation
41219	Cape View Lane	Shire of Capel	Public Recreation

**STRATHAM**

<b>Reserve No.</b>	<b>Location</b>	<b>Vesting/ownership</b>	<b>Purpose</b>
23000	Bussell Highway	Shire of Capel	Travellers Stopping Place & Caravan Park

**RURAL**

5035	Goodwood Road	Shire of Capel	Gravel
5036	Tutanup Road	Shire of Capel	Recreation
6433	Urquart Road	Shire of Capel	Cemetery
10862	Mallokup Road	Shire of Capel	Recreation
20291	Goodwood Road	Shire of Capel	Recreation
21313	Goodwood Road	Shire of Capel	Quarry Gravel
22293	Range Road	Shire of Capel	Settlers Requirements
24563	Capel River Mouth	Shire of Capel	Recreation & Camping
32188	Goodwood Road	Shire of Capel	Gravel
38581	Bussell Highway	Shire of Capel	Drainage

**FREEHOLD LAND**

<b>Lot No.</b>	<b>Location</b>	<b>Ownership</b>	<b>Purpose</b>
Lot 40	Thomas Street	Shire of Capel	Recreation
Lot 67	Thomas Street	Shire of Capel	Recreation
Lot 2	Forrest Road	Shire of Capel	Offices

\_\_\_\_\_

The Common Seal of the Shire of Capel was hereunto affixed by a resolution of Council in the presence of—

MURRAY SCOTT, Shire President.

PAUL SHEEDY, Chief Executive Officer.

Dated this 30th day of June 2004.

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