



WESTERN AUSTRALIAN GOVERNMENT Gazette

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- Easter and Christmas holidays cause disruption each year.
- Australia Day and Anzac Day cause disruption when they fall on a Tuesday or Friday.

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JOHN A. STRIJK, Government Printer.

— PART 1 —

LOCAL GOVERNMENT

LG301*

LOCAL GOVERNMENT ACT 1995

City of Armadale

ENVIRONMENT, ANIMALS AND NUISANCE AMENDMENT LOCAL LAWS 2005

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Armadale resolved on 17 January 2005 to make the following local laws.

Citation

1. These Local Laws may be cited as the *City of Armadale Environment, Animals and Nuisance Amendment Local Laws 2005*.

Principal Local Laws

2. In these Local Laws, the *City of Armadale Environment, Animals and Nuisance Local Laws 2002* (published in *Government Gazette* (Special) No. 36 of 1st March, 2002 and amended in *Government Gazettes* 190 of 22nd Oct 2002 and 174 of 4th November 2003 are referred to as the principal local laws.

Clause 3 amended

3. Clause 3 of the principal local laws is amended by—

- (a) inserting immediately after the definition of “building site” the definition “‘bush’ has the same meaning as is given to it in the *Bush Fires Act 1954*”;
- (b) inserting immediately after the definition of “refuse” the definition “‘residential zone’ means and includes any area zoned ‘Residential’ or ‘Special Use’ under the City’s Town Planning Scheme”; and
- (c) deleting the definition of “rural zone” and inserting in its place “‘rural zone’ means and includes any area zoned ‘Agricultural Protection’, General Rural’, or Rural B, C, D, E or X, with or without numerical suffixes, under the City’s Town Planning Scheme”.

Clause 30 amended

4. Clause 30 of the principal local laws is amended by deleting from the words “other than in a rural zone” and replacing them with the words “other than where animals are kept in a rural zone in accordance with the City’s Town Planning Scheme or under authority of a development approval under the *Town Planning and Development Act 1928*”.

Clause 38 amended

5. Clause 38 of the principal local laws is amended in sub clause (3) by deleting paragraphs (a) and (b) and replacing them with—

- “(a) cat; unless it is—
 - (i) desexed; and
 - (ii) fitted with a collar to which are attached at least two bells and a tag bearing the name, address and telephone number of the animal’s owner;
- (b) horse; or
- (c) other farm animal or poultry for commercial purposes.”

Division 4 added to Part 3

6. Part 3 of the principal local laws is amended by adding immediately following Division 3 the following new Division—

“Division 4—Special Water Conservation Provisions

Prohibition on the sinking of wells or bores in specified area

45A Within the area described in the City’s Town Planning Scheme No. 2 as Special Use Zone 66, and shown shaded in Schedule 11, no person shall sink any water bore or well, other than for the purpose of providing water to the golf course.”

Clause 49 deleted and substituted

7. Clause 49 of the principal local laws is deleted, and the following new Clause 49 inserted in its place—

- “49. (1) Nothing in this Clause shall be construed as being in derogation of the *Bush Fires Act 1954* or any regulations or local laws made there under, and if there is any inconsistency between the provisions of this Clause and that Act or its regulations or local laws, the provisions of the Act prevail to the extent of the inconsistency.
- (2) Except when specifically authorised to do so for purpose of fuel reduction by a bush fire control officer appointed by Council under the provisions of the *Bush Fires Act 1954*, an owner or occupier of land shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse whatsoever on that land—
- (a) on a Sunday or a day that is a public holiday; or
- (b) except as provided in this Clause.
- (3) An owner or occupier of land in an industrial zone may set fire to refuse or rubbish in an incinerator located on that land provided that—
- (a) the incinerator's emission levels have been certified by a laboratory accredited by the National Association of Testing Authorities as meeting the standards specified within Tables 1 and 2 of the latest version of the document entitled *National Guidelines for Control of Emission of Air Pollutants from New Stationary Sources*, first published by the Commonwealth Government in 1985 and amended from time to time;
- (b) the use of the incinerator has been approved by the Council, subject to such other conditions as it considers appropriate;
- (c) the incinerator is used strictly in accordance with the approval referred to in paragraph (b); and
- (d) the material that is burnt will not result in the emission of gases or vapours in such quantities or of such nature as to be likely to have an adverse effect upon the environment or human health.
- (4) The owner or occupier of land upon which there is an incinerator the use of which has been approved by the Council pursuant to subclause (3)(b) shall ensure either that—
- (a) the incinerator is certified—
- (i) annually by the manufacturer as operating to the manufacturer's recommended specifications; and
- (ii) each five years in accordance with subclause (3)(a) and that in each case a copy of the laboratory's or manufacturer's certificate is forwarded to the Council's Managing or Principal Environmental Health Officer, to reach him or her within fourteen days of the relevant anniversary of the approval date; or
- (b) if other certification is required under an alternative emission assurance regime stipulated in writing by the Council as a condition of its approval, that certification is provided by the dates specified within the approval conditions; and
- (c) dark smoke is not emitted for in excess of five minutes in any period of one hour.
- (5) If an owner or occupier fails to comply with the requirements of subclause (4) or any other conditions of approval for use that have been imposed by the Council under the provisions of subclause (3), the Council may in writing withdraw its approval.
- (6) Except as provided in sub clause (3) an owner or occupier of a lot of land whose area does not exceed 1,200 square metres shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse whatsoever on that land.
- (7) An owner or occupier of land in a rural zone shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse on that land, in an incinerator or on the ground, whether under authority of a permit to do so issued under the *Bush Fires Act 1954* or outside the period when such permit is required, if—
- (a) the material to be burnt—
- (i) includes any plastic, rubber, food scraps, wet or green garden materials or other material which is likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to any other person; or
- (ii) is of such quantity or nature as to be suitable for removal by the Council's refuse collection services; or
- (b) there are other practicable means of disposal.

- (8) An owner or occupier of land in a residential zone that is not a lot to which sub clause (6) applies shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse on that land, whether in an incinerator or on the ground, unless he or she has been issued with a permit to do so under the *Bush Fires Act 1954* or these local laws.
- (9) An application for any permit to set fire to any bush, rubbish or refuse under the *Bush Fires Act 1954* or these local laws shall be in the form prescribed by Schedule 8A.
- (10) An owner or occupier of land in a residential zone who applies for a permit under the *Bush Fires Act 1954* or these local laws shall, in support of that application, truthfully—
 - (a) complete the application form; and
 - (b) answer such other questions and complete such declarations as an authorised person may from time to time require to satisfy himself or herself that issue of a permit will not result in contravention of the provisions of sub clause (12).
- (11) A permit under these local laws shall be in the form prescribed by Schedule 8B, and may be issued by an authorised person who is satisfied that no contravention of the provisions of this Clause will arise as a consequence of such issue, and may be subject to such additional conditions as the authorised person believes necessary to ensure that no such contraventions will arise.
- (12) A permit issued under these local laws may be revoked by an authorised person by giving notice to the holder of the permit in the form prescribed by Schedule 8C if the authorised person is satisfied that—
 - (a) the permit was issued wholly or partly as a consequence of a false statement or false statements made in, or in association with, the application;
 - (b) contravention of the provisions of this Clause or the conditions of the permit has occurred; or
 - (c) contravention of the provisions of this Clause or the conditions of the permit would occur if setting fire to any bush, rubbish or refuse in accordance with the permit were allowed to take place
 provided that the notice must clearly state the reason or reasons for the revocation of the permit.
- (13) An owner or occupier of land in a residential zone who has been granted a permit under the *Bush Fires Act 1954* or these local laws shall not set fire to, or cause or allow to be set on fire, any bush, rubbish or refuse on that land, whether in an incinerator or on the ground if—
 - (a) the material to be burnt—
 - (i) includes any plastic, rubber, food scraps, wet or green garden materials or other material which is likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to any other person; or
 - (ii) is of such quantity or nature as to be suitable for removal by the Council's refuse collection services; or
 - (b) there are other practicable means of removal or disposal, whichever is applicable.
- (14) An owner or occupier of land in a residential zone who has been granted a permit under the *Bush Fires Act 1954* or these local laws shall, at least 24 hours before setting fire to, or allowing to be set on fire, any bush, rubbish or refuse on that land, notify the occupiers of all properties adjoining the land upon which burning is to take place of his or her intention so to do.
- (15) Burning shall not take place during any period for which the Western Australian Bureau of Meteorology has issued an air dispersion or haze alert."

Schedules 8A, 8B and 8C added

8. Immediately following Schedule 8, the following new Schedules 8A, 8B and 8C are added:

Clause 49(9)

Schedule 8A

City of Armadale

Local Government Act 1995

Application for permit to set fire to bush, rubbish or refuse in a residential zone

NB: The City of Armadale strongly discourages burning in residential areas. A permit will be issued only when other options are not practicable and when burning is necessary for fire hazard prevention or reduction. Refusal by the

City to issue a permit does not negate the landowner's responsibilities under the provisions of the *Bush Fires Act 1954*.

Given Names			Family Name		
Address					
Post Code		Home telephone		Work telephone	
Address of the land where burning is proposed			Lot N°		St N°
Street			Suburb		
Is there a house on the land?	Yes/No		Area of lot	m ²	
Is the material to be burnt entirely standing vegetation?					Yes/No
If so, have alternatives (eg slashing, mowing etc) been considered?					Yes/No
Please explain why these are not suitable or practicable					
If the material to be burnt is not entirely standing vegetation, please describe it					
Have alternatives (eg: mulching, use of Council's green waste collection, disposal in your rubbish bin, carting to Council's waste sites etc) been considered?					Yes/No
Please explain why these are not suitable or practicable					
Estimated volume of material		m ³	Date of proposed burn		
Approximate time		am/pm	Anticipated duration		hrs
What measures will be taken to minimise the potential for pollution or nuisance?					
I understand that the material to be burned may be inspected by a Council officer and that:					
<ul style="list-style-type: none"> • making a false statement in connection with this application; • burning any plastic, rubber, food scraps, green or wet garden waste or other material likely to cause smoke or odour in such quantity as to cause a nuisance to any person; or • burning during any period for which the Western Australian Bureau of Meteorology has issued an air dispersion alert 					
are offences that may lead to an Infringement Notice imposing a modified penalty being issued against me or my prosecution.					
Signature			Date		

Clause 49(11)

Schedule 8B

City of Armadale

Local Government Act 1995

Permit to set fire to bush, rubbish or refuse in a residential zone

Subject to the *City of Armadale Environment, Animals and Nuisance Local Laws 2002*, the provisions of the *Bush Fires Act 1954* and any regulations or local laws made there under and to the due observance of the conditions endorsed on this approval permission is hereby granted to:

Given Names			Family Name		
Address					
to set fire to material detailed in Application N° at:			Lot N°		St N°
Street			Suburb		
on the	day of		2	at	am/pm.*

Note: An authorised person is not compelled to inspect an area or material to be burnt before issuing an approval to burn. The onus lies on the applicant burning not only to comply with the provisions of the Local Laws and the Bush Fires Act, but also to minimise pollution and ensure there is no danger of the fire escaping. The issue of this approval in no way affects that responsibility.

CONDITIONS & LOCAL LAWS TO BE OBSERVED

1. Only the material described in the application for a permit may be burnt, and it shall not include any plastic, rubber, food scraps, wet or green garden materials or other material which causes the generation of smoke or odour in such quantity as to cause a nuisance to other persons.
2. Occupiers of adjoining properties are to be notified at least 24 hours beforehand of the day and time that burning is planned.
3. No burning is permitted on Sundays or public holidays.
4. Burning may proceed only in weather conditions in which smoke drift is not likely to impact upon adjoining properties or streets in the area.
5. No burning may occur when there is an atmospheric inversion or haze alert current.
6. The permit holder must ensure that a responsible person attends the fire for the duration of the burn.
7. Burning time to be kept to a minimum.

OTHER CONDITIONS

* In the event that circumstances prevent burning on the specified date or time this permit may be amended to specify an alternative date and time upon telephone or verbal application to the issuing officer or other authorised person.

Signature of Authorised Person

Date _____

Clause 49(12)

Schedule 8C

City of Armadale

Local Government Act 1995

Revocation of a permit to set fire to bush, rubbish or refuse in a residential zone
Subject to the City of Armadale Environment, Animals and Nuisance Local Laws
2002, Permit N° granted to:

Given Names		Family Name	
Address			
to set fire to material at	Lot N ^o	St N ^o	Street
		Suburb	

is hereby revoked.

REASON(S) FOR REVOCATION

[illegible]

Schedule 14 amended

9. Schedule 14 to the principal local laws is amended by—

- (a) inserting in the table immediately following the description of the offence against Clause 45(1) and its modified penalty the following—

45A	Sinking a bore or well other than for the purpose prescribed	250
-----	--	-----

- (b) inserting immediately following the description of the offence against Clause 49 “, other than burning in a residential zone without a permit”; and

- (c) inserting in the table immediately following the description of the offence against Clause 49 and its modified penalty the following—

49(8)	Burning in a residential zone without having been issued with a permit	250
49(10)	Making a false statement on an application form or making a false declaration or statement in connection with an application for a permit	100

- (d) deleting the term “59(b)” appearing in last position in the column headed “Clause” and replacing it with “59(1)(b)”.

Passed by resolution of a special majority of the Council on 17th January 2005.

The Common Seal of the City of Armadale was hereunder affixed on this 21st day of January 2005 in the presence of—

L. REYNOLDS, JP, Mayor.
R. S. TAME, Chief Executive Officer.

LG302*

LOCAL GOVERNMENT ACT 1995*Shire of Capel***LOCAL LAW AMENDMENT RELATING TO THE KEEPING AND WELFARE OF CATS**

Pursuant to its powers under the *Local Government Act 1995* and all other powers, the Council of the Shire of Capel has resolved on 25 January 2005 to make the following local law.

Citation

1. This Local Law may be cited as the *Shire of Capel Local Law Amendment Relating to the Welfare and Keeping of Cats*.

Principal Local Laws

2. In this Local Law, the *Shire of Capel Local Law Relating to the Keeping and Welfare of Cats*, published in *Government Gazette* (Special) No. 135 of 3 August 2004, is referred to as the principal local law.

Clause 5.5(h) amended

3.Clause 5.5(h) of the principal local law is amended by deleting clause (h) and substituting “(h) The applicant’s infringement history with the local government or any other local government, relevant to any cat or person to which a permit relates; and”.

Clause 7.2 amended

4.Clause 7.2 of the principal local law is amended by deleting the word “given” where it appears and substituting the word “give”.

Clause 13.1 amended

5.Clause 13.1 of the principal local law is deleted and the following clause is substituted—

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

- (a) 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.”

Schedule 5 amended

6. Schedule 5 of the principal local law is amended by inserting into the relevant geographical areas (Stratham, Peppermint Grove Beach, Stratham and Boyanup respectively), the following—

Reserve No.	Location	Vesting/ownership	Purpose
“47820	Hayfield Drive	Shire of Capel	Public Recreation”
“47811	Peppermint Grove Terrace	Shire of Capel	Public Recreation and Foreshore Management”
“47819	Fisherman’s Road	Shire of Capel	Community Purposes”
“47914	SW Highway	Shire of Capel	Drainage”

Passed by resolution of a special majority of the Shire of Capel on 25th January 2005.

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

M. J. SCOTT, Shire President.
A. R. ROSS, Acting Chief Executive Officer.

Dated this 25th day of January 2005.

— PART 2 —

CONSUMER AND EMPLOYMENT PROTECTION

CE401

WEIGHTS AND MEASURES ACT 1915

APPOINTMENT

It is hereby notified that His Excellency the Governor in Executive Council has appointed Ms Anne Marie Driscoll as Chief Inspector, Weights and Measures, Trading Standards Branch, Department of Consumer and Employment Protection, Perth, in accordance with Section 6 of the *Weights and Measures Act 1915*.

Dated this 25th day January 2005.

PATRICK WALKER, Commissioner for Fair Trading.

FIRE AND EMERGENCY SERVICES

FE401*

BUSH FIRES ACT 1954

PROHIBITED BURNING PERIOD (SECTION 17)

RESTRICTED BURNING PERIOD (SECTION 18)

Correspondence No. 00111

Fire and Emergency Services Authority,
Perth.

PROHIBITED BURNING PERIOD

Pursuant to powers delegated and subdelegated under the *Bush Fires Act 1954*, I, Bill Hewitt, A/FESA Chief Executive Officer, hereby declare under Section 17 of that Act that it shall be unlawful to set fire to the bush in the Local Government district of the Shire of Menzies during the period indicated in the schedule below. The declaration made under Section 17(1) of that Act, as published in the *Government Gazette* of 27 October 1995, is hereby revoked.

Schedule

Local Government	Zone	Prohibited Burning Period	Special Comm. Date
Shire of Menzies	9	1 November to 15 March

RESTRICTED BURNING PERIODS

It is hereby notified that pursuant to the powers contained in Section 18 of the *Bush Fires Act 1954* the Fire and Emergency Services Authority of Western Australia has declared the Restricted Burning Periods for the Local Government districts of the Shires of Menzies as specified in the schedule below. The respective declarations made under Section 18 of that Act, as published in the *Government Gazette* of 27 October 1995, are hereby revoked.

Schedule

Local Government	Restricted Burning Period
Shire of Menzies	19th September to 15th March

BILL HEWITT, A/FESA Chief Executive Officer.

FE402*

BUSH FIRES ACT 1954
PROHIBITED BURNING PERIOD (SECTION 17)

Correspondence No. 00111

Fire and Emergency Services Authority,
Perth.

PROHIBITED BURNING PERIOD

Pursuant to powers delegated and sub delegated under the *Bush Fires Act 1954*, I, Bob Mitchell, FESA Chief Executive Officer, hereby declare under Section 17 of that Act that it shall be unlawful to set fire to the bush in the Local Government district of the Shire of Kojonup during the period indicated in the schedule below. The declarations made under Section 17(1) of that Act, as published in the *Government Gazette* of 27 October 1995, are hereby revoked.

Schedule

Local Government	Zone	Prohibited Burning Period	Special Comm. Date
Shire of Kojonup	4	1 November—28 February	N/A

BOB MITCHELL, FESA Chief Executive Officer.

FISHERIES

FI401*

FISHERIES ADJUSTMENT SCHEMES ACT 1987

**WEST COAST ESTUARINE AND RELATED FISHERIES VOLUNTARY FISHERIES ADJUSTMENT
SCHEME NOTICE 2005**

FD 354/04 [675]

Made by the Minister under section 10B of the Act.

1. Citation

This notice may be cited as the *West Coast Estuarine and Related Fisheries Voluntary Fisheries Adjustment Scheme Notice 2005*.

2. Interpretation

In this notice—

“authorisation” means a commercial fishing licence, a fishing boat licence or a Managed Fishery Licence;

“committee” means the West Coast Estuarine and Related Fisheries Voluntary Fisheries Adjustment Scheme Committee of Management established by written instrument dated 28 February 2004 and made under section 11 of the Act;

“Fishery” means the West Coast Estuarine Managed Fishery as declared in the *West Coast Estuarine Fishery (Interim) Management Plan 2003**;

“Managed Fishery Licence” means a managed fishery licence that authorises fishing in Area 1 of the Fishery;

“Related Fisheries” means any other fishery in which a person authorised or entitled to fish in the Fishery is also authorised or entitled to engage in fishing in accordance with a commercial fishing licence or a fishing boat licence (including by reference to any exception to an order made under section 43 of the *Fish Resources Management Act 1994*);

“scheme” means the *West Coast Estuarine and Related Fisheries Voluntary Fisheries Adjustment Scheme 2005* established by clause 3.

3. Establishment of fisheries adjustment scheme

There is established a fisheries adjustment scheme in respect of the Fishery and the Related Fisheries to be known as the *West Coast Estuarine and Related Fisheries Voluntary Fisheries Adjustment Scheme 2005*.

4. Objective

The objective of the scheme is to reduce the size of the Fishery and the Related Fisheries by reducing—

- (a) the number of persons authorised to fish in Area 1 of the Fishery and the Related Fisheries; and
- (b) the number of boats that may be used for fishing in Area 1 of the Fishery and the Related Fisheries.

5. The fishery to which the scheme applies

The fishery to which the scheme applies is the Fishery and the Related Fisheries.

6. Who may offer to surrender an authorisation

Any person who is the holder of a Managed Fishery Licence is entitled to offer the surrender of an authorisation.

7. Manner of operation

The manner of operation of the scheme shall be that—

- (a) invitations for offers to surrender authorisations shall be made in accordance with section 10C(4) of the Act and not later than 2 December 2005;
- (b) any offer shall be submitted to the committee in the form approved by the committee;
- (c) the committee shall forward any offers to the Minister and advise the Minister whether to accept or decline any offer or to make a counter offer; and
- (d) the Minister shall respond to any offer in accordance with section 10C(5) of the Act after considering any advice of the committee.

8. Duration of the scheme

The scheme shall commence operation on the date it is published in the *Gazette* and cease operation on 24 February 2006.

9. Terms of the scheme

The terms of the scheme are that, provided that the objective specified in clause 4 will be attained, compensation in an amount agreed between the Minister and the holder of an authorisation shall be paid for the surrender of the authorisation.

[*Published in the *Gazette* of 31 October 2003.]

Dated this 21st day of January 2005.

K. CHANCE, Minister for Agriculture, Forestry and Fisheries.

JUSTICE

JU401*

CHILDREN'S COURT OF WESTERN AUSTRALIA ACT 1988**APPOINTMENT**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the appointment of the following person as a Member of the Children's Court of Western Australia—

Donna Marie Vicensoni of 12a Mildura Street, Norseman

RAY WARNES, A/Executive Director, Court Services.

JU402*

DECLARATIONS AND ATTESTATIONS ACT 1913**APPOINTMENT**

It is hereby notified for public information that the Attorney General has approved of the appointment of the following person as a Commissioner for Declarations under the *Declarations and Attestations Act 1913*—

Ms Julie Maree Smith of Lot 33 Bruce Rock Road, Merredin

RAY WARNES, A/Executive Director, Court Services.

JU403*

JUSTICES ACT 1902**APPOINTMENTS**

It is hereby notified for public information that His Excellency the Governor in Executive Council has approved of the following persons to the office of Justice of the Peace for the State of Western Australia—

Michael John Caddy of 1 Teal Pass, Australind

Sandra Louise Carvalho of 11 Roberts Road, Leschenault

Graham Alexander Furey of Unit 3, 26 Denston Way, Girrawheen

Donald George Grannell of Lot 246 Walters Road, Byford
Ayman Haydar of 10 Amalfi Drive, Hillarys
Makhinder Madahar of 12 Ullswater Place, Balga
Dorothy May Newton of 11 Huntsville Court, Wanneroo
Donna Marie Vicensoni of 12a Mildura Street, Norseman
Frances Mary Wiffen of 58 Prince Street, Gosnells
Lorna Marie Worthington of 2 Nevin Court, Bunbury

RAY WARNES, A/Executive Director, Court Services.

MINERALS AND PETROLEUM

MP401*

Commonwealth of Australia

PETROLEUM (SUBMERGED LANDS) ACT 1967

GRANT OF EXPLORATION PERMITS

Exploration Permit No. WA-358-P has been granted to OMV Barrow Pty Ltd, Nippon Oil Exploration (Australia) Pty Ltd and Tap Oil Limited to have effect for a period of six (6) years from 20 January 2005.

W. L. TINAPPLE, Director, Petroleum and Royalties Division.

WESTERN AUSTRALIA

CONTAMINATED SITES ACT 2003

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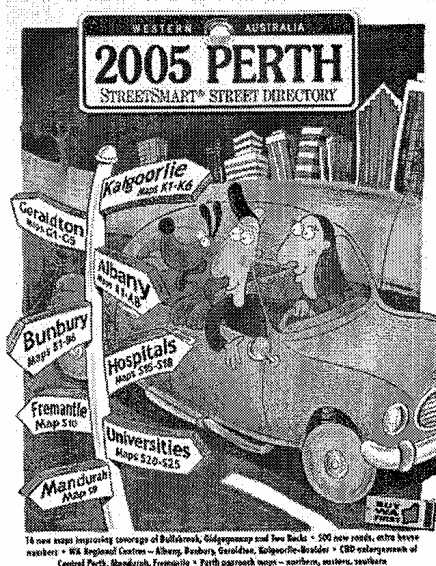
16 New Maps

It covers an area from Two Rocks in the north to Bouvard in the south with full street details.

The approach maps include Lancelin, Wongan Hills, Goomalling, Northam, York, Beverley, Williams, Boyanup, Collie and Bunbury.

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Improved coverage of Bullsbrook, Gidgegannup and Two Rocks



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