

- (b) the existing or prospective user is able to demonstrate to the reasonable satisfaction of a distribution employee that the amount of electricity to be transported in the period of 12 months beginning on the proposed access day —

- (i) will be at least 2 000 megawatt hours, if the proposed access day is on or after 1 July 2001 but before 1 January 2003; or
- (ii) will be at least 300 megawatt hours, if the proposed access day is on or after 1 January 2003.

COPY

5. **Operation of *Electricity Distribution Access (Renewable Energy) Order 2000***

Nothing in clause 4 is to be taken to affect the operation of the *Electricity Distribution Access (Renewable Energy) Order 2000*.

6. **Revocation**

The *Electricity Distribution Access Order 1998* is revoked.

COLIN BARNETT, Minister for Energy.

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## ENVIRONMENTAL PROTECTION

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EP301\*

Environmental Protection Act 1986

### Environmental Protection (Margaret River Speedway) Exemption Order 2000

Made by the Minister with the approval of the Governor in Executive Council.

1. **Citation**

This order may be cited as the *Environmental Protection (Margaret River Speedway) Exemption Order 2000*.

2. **Commencement and expiry**

This order comes into operation on the day of its publication.

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### 3. Definitions

In this order —

- “approved person”** means a person approved under item 15(1) to measure levels of noise emissions from racing vehicles for the purposes of this order while at another speedway;
- “certificate”** means a certificate given by an approved person indicating that the approved person is satisfied that a racing vehicle does not emit noise at levels that exceed the levels in item 18 or 19 (as the case may be) for the purposes of racing at the Margaret River Speedway;
- “Director”** means the Director of the Pollution Prevention Division of the Department of Environmental Protection, 141 St George’s Terrace, Perth, Western Australia;
- “item”** means an item in Schedule 1;
- “late model sedan”** means a left-hand drive racing vehicle with a sedan style body and a V8 engine, that is registered and approved for racing under the requirements of the Late Model Sedan Association Inc;
- “meeting”** means a series of races held at the speedway on one day, or on two consecutive days;
- “operator”** means the Augusta-Margaret River Hot Rod Club, an incorporated association under the *Associations Incorporation Act 1987*;
- “preliminary meeting”** means a meeting described in item 3(2);
- “racing”** includes an exhibition run, trial, test, practice, club promotion, and other similar activities involving a racing vehicle;
- “racing vehicle”** means a vehicle intended, or used, for racing at a meeting;
- “season”** means the period commencing on 15 October of a year and ending on 15 May of the following year;
- “speedway”** and **“Margaret River Speedway”** means the part of Reserve No. 18838 (Sussex Location 996) within the Shire of Augusta-Margaret River known as the “Hot Rod Club”;
- “sprint car”** means a racing vehicle having 4 open wheels, a V8 engine with a capacity of greater than 300 cubic inches, wings to provide down force assistance, and which is registered and approved for racing under the requirements of the Sprintcar Control Council of Australia Inc or the body known as the National Association of Speedway Racing;
- “super sedan”** means a racing vehicle with a sedan style body and a V8 engine, that is registered and approved for racing under the requirements of the Western Australian Sedan Car Federation Inc.

**4. Application**

- (1) This order applies while the operator is the leaseholder of the speedway.
- (2) This order applies to meetings at the speedway organised by the operator.
- (3) This order applies only to the emission of noise from racing vehicles at the speedway.

**5. Declaration of exemption and requirement to comply**

- (1) Part V of the Act (except for sections 71, 74, 76, 77 and 78) and, subject to item 26(1), the *Environmental Protection (Noise) Regulations 1997* are declared not to apply to the emission of noise from racing vehicles at the speedway.
- (2) The declaration under subclause (1) is subject to the conditions specified in Schedule 1.
- (3) The operator is required to comply, or ensure compliance, with the conditions specified in Schedule 1.

**Schedule 1 — Conditions of exemption**

[cl. 5]

**Division 1 — Racing****1. Racing at speedway to comply with Schedule**

Racing at the speedway must be in accordance with this Schedule.

**2. Race meetings**

- (1) A meeting can only take place during a season.
- (2) Racing can only take place at a meeting.
- (3) Racing vehicles are not to be operated at the speedway at any time other than a meeting.

**3. Number of meetings**

- (1) No more than 10 meetings (not counting a preliminary meeting) are to be held during a season.
- (2) In addition to the 10 meetings per season, a preliminary meeting may be conducted in a season, if the preliminary meeting —
  - (a) is held —
    - (i) before the next meeting in the current (2000-2001) season; or
    - (ii) before any other meeting in a season, for any subsequent season;
  - (b) is used to conduct tests on racing vehicles to establish their compliance with this order; and
  - (c) is held between noon and 5.00 pm on a single day,

and the operator may also use that preliminary meeting for the scrutineering of racing vehicles.

**4. Days allowed for scheduled meetings**

A meeting can only be held on consecutive days once per season.

**5. Meetings not to exceed 5 hrs per day**

- (1) The races at a meeting can only take place within a 5 hour period on any one day.
- (2) The 5 hour period must be between midday and 10.00 pm. on any one day.

**6. Limitation on appearances by certain racing vehicles**

- (1) Up to 4 meetings per season (other than a preliminary meeting) may be nominated, at which sprint cars, super sedans and/or late model sedans can race.
- (2) At a meeting where the sprint cars, super sedans and/or late model sedans can race, only a maximum of 5 races can involve any of those racing vehicles.
- (3) A sprint car, super sedan or late model sedan must not be operated at the speedway other than in those races at those meetings, unless it is being tested, scrutinised, or evaluated.

**7. Scheduled meetings to be published**

- (1) The racing programs for a season are to be published in the Augusta-Margaret River Mail, and in the Busselton-Margaret River Times, showing proposed dates of meetings for the next season, as set out in subitem (2).
- (2) The times for publishing the dates of meetings for a season are as follows:
  - (a) a season's racing program of meetings at which no sprint cars, super sedans or late model sedans will race must be published —
    - (i) within 14 days of Gazettal of this order (for the 2000-2001 season); and
    - (ii) during the last 2 weeks of the September prior to the season (for any subsequent season);
  - (b) a season's racing program of meetings at which sprint cars, super sedans and/or late model sedans are to race must be published —
    - (i) within 14 days of Gazettal of this order (for the 2000-2001 season); and
    - (ii) during the last 2 weeks of the October at the start of the season (for any subsequent season).
- (3) Meetings must not take place on days other than those published in the racing program.

**8. Use of speedway outside of meetings**

- (1) Racing vehicles are not to be permitted to operate on speedway premises other than during a meeting.

- (2) All reasonable measures are to be taken to prevent any vehicle from using the speedway for racing other than during a meeting.

**Division 2 — Noise within the speedway (before 2002-2003 season)**

**9. Application of Division**

This Division applies until 15 October 2002.

**10. Measuring of most racing vehicles**

The level of noise emitted by a racing vehicle that is to race at the speedway is to be measured in accordance with Division 3 and records are to be created, kept and maintained in accordance with Division 5, as far as is practicable in the circumstances.

**11. Information regarding testing requirements**

All owners of vehicles that are raced at the speedway in the 2000-2001 season and the 2001-2002 season are to be advised of the testing requirements that are to be required on and from 15 October 2002.

**12. Management plan to be developed**

- (1) A management plan for the implementation of the full testing regime that is to be in force on and after 15 October 2002 is to be developed before 30 June 2001, and a copy of the plan is to be given to both the Director and to the Shire of Augusta-Margaret River on or before 30 June 2001.
- (2) The management plan in subitem (1) must include the results of any noise emission testing carried out during the 2000-2001 season.

**13. Obviously noisy racing vehicles may be prevented from racing**

Despite the more stringent requirements of Division 3 not having effect until 15 October 2002, if a racing vehicle at the speedway emits a level of noise that is conspicuously louder than that of the other racing vehicles in the same class at the meeting, the operator may require that vehicle to immediately cease racing, and may prevent that vehicle from further racing at the speedway until that vehicle's noise level has been shown to comply with item 18 or 19 in Division 3, as the case requires.

**Division 3 — Noise within the speedway (on and after 2002-2003 season)**

**14. Measuring individual racing vehicles**

- (1) The level of noise emitted by a racing vehicle ("the tested vehicle") is to be measured while the tested vehicle completes 3 consecutive laps of the speedway within a period that is not greater than 4 times the average race-winning lap time for finals (i.e. other than for heats) recorded at the speedway over the previous season, for the class of racing vehicle to which the tested vehicle belongs.
- (2) The measurements are to be made at a point that is —
  - (a) inside the inner boundary of the speedway track;
  - (b) within 30 metres (plus or minus one metre) of the inner boundary of the speedway track; and

- (c) on, or as close as practicable to, the shorter axis of the speedway track,

and with the measuring microphone not less than 1.2 metres or more than 1.4 metres above the ground plane.

**15. Measurements taken at another speedway**

- (1) The noise emission measurements described in item 14 may be taken at another speedway, by a person approved by the Director; in order to establish noise emissions from a racing vehicle that is to race at the Margaret River Speedway.
- (2) Where the approved person is satisfied that the levels of noise emissions from a racing vehicle (as tested at another speedway) do not exceed those set out in item 18 or 19 (as the case may be), the person may give a signed certificate setting out the details required under item 22 to the owner of the racing vehicle, indicating compliance with the appropriate item.
- (3) The operator is taken to comply with this order if it relies upon a recent certificate relating to a racing vehicle, instead of further testing the racing vehicle under this order.

**16. Calculation of average noise level**

- (1) The level of noise emitted by a racing vehicle is taken to be the level obtained by —
  - (a) adding together the maximum level of noise measured for the vehicle on each of the laps referred to in item 14(1); and
  - (b) dividing the total resulting from that addition by 3.
- (2) If a racing vehicle is tested at another speedway, to establish the noise level of that racing vehicle for the purposes of this order, the lap time specified in item 14(1) is to be determined —
  - (a) from the average race lap time for that class of racing vehicle at the speedway where the test is carried out; or
  - (b) by calculating the lap time for the test, by adjusting the relevant lap time at the Margaret River Speedway in proportion to the difference in length of the 2 tracks.

**17. When racing vehicles are to be tested**

- (1) The noise level for a racing vehicle is to be obtained at or before the first meeting of the season at which that racing vehicle is entered to race.
- (2) A racing vehicle tested at another speedway, that has gained a certificate, need not be subject to a further initial test in order to comply with this order.
- (3) Despite assessing the noise level for a racing vehicle at the start of the season or having a certificate, if the engine or exhaust system of that vehicle is modified or replaced during the season, the level of noise emitted by that racing vehicle must be reassessed before it races again.

**18. Noise emissions – sprint cars, super sedans or late model sedans**

- (1) The level of noise emitted by a sprint car, super sedan or late model sedan that is to be raced at a meeting must not exceed 95 dB  $L_{A\text{ slow}}$

when measured in accordance with item 14 and calculated in accordance with item 16.

- (2) A sprint car, super sedan or late model sedan may exceed 95 dB  $L_{A\text{ slow}}$  when being tested to determine its noise emission level for the purposes of this order.

**19. Noise emissions – other racing vehicles**

- (1) The level of noise emitted by a racing vehicle, other than a sprint car, super sedan or late model sedan, that is to be raced at a meeting must not exceed 90 dB  $L_{A\text{ slow}}$  when measured in accordance with item 14 and calculated in accordance with item 16.
- (2) A racing vehicle may exceed 90 dB  $L_{A\text{ slow}}$  when being tested to determine its noise emission level for the purposes of this order.

**20. Obviously noisy racing vehicles may be prevented from racing**

If a racing vehicle at the speedway emits a level of noise that is conspicuously louder than that of the other racing vehicles in the same class at the meeting, the operator may require that vehicle to immediately cease racing, and may prevent that vehicle from further racing at the speedway until that vehicle's noise level has been shown to comply with item 18 or 19, as the case requires.

**Division 4 — Noise levels in residential areas**

**21. Measurement of noise levels in residential areas**

- (1) The level of noise emitted from 2 meetings held each season [at least one of which must be a meeting described in item 6(1)] is to be measured at, or adjacent to, 2 separate residential premises in the vicinity of the speedway.
- (2) The dates of the meetings and the appropriateness of the measurement sites must first be approved by both the Director and the Shire of Augusta-Margaret River.
- (3) A person who carries out these residential noise measurements must be approved by the Director and the Shire of Augusta-Margaret River.

**Division 5 — Records and reports**

**22. Record of tests**

The operator is to record all results from tests carried out to show compliance with item 10 of Division 2 or item 18 or item 19 of Division 3 and retain those results in a form that shows (for each test) —

- (a) details of the racing vehicle tested;
- (b) the racing vehicle's owner;
- (c) the date and location of the test;
- (d) the calculated lap time;
- (e) the actual time for the 3 laps of the test;
- (f) the point of measurement;
- (g) the measured noise levels; and
- (h) the signature of the approved person.



**23. Record of loud racing vehicles**

The operator is to make a record of all racing vehicles that have been required to cease racing due to the operation of item 13 (Division 2) or item 20 (Division 3) and retain that record in a form that shows —

- (a) details of the racing vehicle required to cease racing;
- (b) the racing vehicle's owner;
- (c) the date and time at which the request to cease racing occurred;
- (d) the action take by the driver of the racing vehicle following the request; and
- (e) the action taken by the owner of the racing vehicle to remedy the excessive noise emissions.

**24. Records to be forwarded within 21 days of request**

If requested to do so in writing by the Director, or by the Shire of Augusta-Margaret River, the operator is to forward a copy of all, or any of the records made under items 22 or 23 (as the case requires) to the person or body making the request, within 21 days of the request.

**25. Reports**

- (1) The operator is to prepare a written report in a form and of a standard approved by the Director each time that measurements are made and recorded, under item 21, of the level of noise emitted from a meeting.
- (2) The operator is to ensure that a copy of each report is given, within 30 days after the measurements referred to in the report are made, to the Director and to the Shire of Augusta-Margaret River.

**Division 6 — General****26. Instruments and inspectors**

- (1) An instrument used to measure levels of noise emissions for the purposes of this order must be calibrated in accordance with, and otherwise comply with, Schedule 4 to the *Environmental Protection (Noise) Regulations 1997*.
- (2) A person who operates the instrument must be approved by both the Director and the Shire of Augusta-Margaret River.
- (3) The Director may approve of a person or persons to measure levels of noise emissions from racing vehicles while at another speedway for the purposes of this order.

**27. Assistance to be given to inspectors**

- (1) An inspector performing functions in relation to this order is to be given any assistance the officer reasonably requires.
- (2) Access to all areas of the speedway (including the racetrack and the parking facilities) is to be provided for inspectors from the Department of Environmental Protection and the Shire of Augusta-Margaret River (and their assistants) who are engaged in activities related to this order during any meeting.



- (3) Access to a particular area at a particular time during a meeting may be refused for safety reasons, if the safety concerns are reasonable in the circumstances.

CHERYL EDWARDES, Minister for the Environment.

Approved by the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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## LOCAL GOVERNMENT

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LG301\*

### LOCAL GOVERNMENT ACT 1995

#### SHIRE OF HARVEY

#### FENCING LOCAL LAWS—AMENDMENT (1)

Made by the Shire of Harvey, under the *Local Government Act 1995*.

#### Citation

1. This Local Law may be cited as the Shire of Harvey Fencing Local Law—Amendment (1).

#### Principal Local Law

2. In this law, the Shire of Harvey Fencing Local Law\* are referred to as the Principal Local Law.

(\*Published in the *Government Gazette* on Friday 23<sup>rd</sup> June 2000, in No. 117 special, on pages 3176-3184).

#### Amendment

3. The principal Local Law is amended by deleting the *third schedule* and substituting the following—

#### “SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RURAL LOT AND A SPECIAL RURAL LOT

- (1) In the case of a non-electrified fence, a sufficient fence on a Rural Lot is a fence of posts and wire construction, the minimum specifications for which are—
- (a) Wire shall be high tensile wire and not less than 2.5mm. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
  - (b) posts shall be of indigenous timber or other suitable material including—
    - timber impregnated with a termite and fungicidal preservative;
    - standard iron star pickets; or
    - concrete;Cut not less than 1800mm long x 100mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1200mm above the ground spaced at 4000mm maximum centres; and
  - (c) strainer posts shall not be less than 2250mm long and 150mm diameter at the small end (tubular steel to be 90mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.
- (2) An electrified fence having four wires only is a sufficient fence if constructed generally in accordance with (1).”

Passed at an ordinary meeting of the Council of the Shire of Harvey held on 12th December, 2000.

Dated this 19th day of December, 2000.

J. W. OFFER, Shire President.  
KEITH LEECE, Chief Executive Officer.

LG302\*

**LOCAL GOVERNMENT ACT 1995***Shire of East Pilbara*

A Local Law to Repeal Defunct and Obsolete Local Laws made under the Local Government Act 1960 and earlier legislation.

Under the powers conferred by the *Local Government Act 1995*, and by all other powers, the local government of the Shire of East Pilbara resolved to make the following Local Law on the 15th day of December 2000.

**Repeal**

The following local laws are repealed—

By-laws relating to—

Long Service Leave (Marble Bar), published in the *Government Gazette* of 20 July, 1951;

Old Refrigerators and Cabinets (Marble Bar), published in the *Government Gazette* of 19 December, 1962, as amended in the *Government Gazette* of 3 October, 1975;

Petrol Pumps, published in the *Government Gazettes* of 13 May, 1964 and 8 December 1966 (Nullagine) as amended in the *Government Gazette* of 3 October, 1975;

Sick Leave, published in the *Government Gazette* of 7 November, 1972;

Caravan Parks and Camping Grounds, published in the *Government Gazette* of 25 October, 1974;

Vehicle Wrecking, published in the *Government Gazette* of 13 August, 1982;

Motels, published in the *Government Gazette* of 16 April, 1982;

Payment of Rates and Charges, published in the *Government Gazette* of 6 August, 1993;

Removal or Refuse, Rubbish and Disused Materials, published in the *Government Gazette* of 13 May, 1994.

Signs, Hoardings, and Bill Posting, published in the *Government Gazette* of 6 March, 1992.

Dated this 15th day of December 2000.

The Common Seal of the Shire of East Pilbara was affixed in the presence of—

A. COCHRANE, President.

A. COOPER, Chief Executive Officer.

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**RACING, GAMING AND LIQUOR**

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RA301\*

**Totalisator Agency Board Betting Act 1960****Totalisator Agency Board (Betting)  
(Modification of Operation) Regulations 2000**

Made by the Governor in Executive Council.

**1. Citation**

These regulations may be cited as the *Totalisator Agency Board (Betting) (Modification of Operation) Regulations 2000*.