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 Gazette

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PUBLISHING DETAILS

The Western Australian *Government Gazette* is published by the Government Printer for the State of Western Australia on Tuesday and Friday of each week unless disrupted by Public Holidays or unforeseen circumstances.

Special *Government Gazettes* containing notices of an urgent or particular nature are published periodically.

The following guidelines should be followed to ensure publication in the *Government Gazette*—

- Material submitted to the Executive Council prior to gazettal will require a copy of the signed Executive Council Minute Paper.
- Copy must be lodged with the Publication Officer, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition)—

Email address:

gazette@dpc.wa.gov.au

- Inquiries regarding publication of notices can be directed to the Publications Officer on (08) 6552 6012.
- **Lengthy or complicated notices should be forwarded early to allow for preparation. Failure to observe this request could result in the notice being held over.**

After lodging any notices, confirmation is not required by post. *If original copy is forwarded later and published, the cost will be borne by the advertiser.*

GOVERNMENT GAZETTE

PUBLISHING DETAILS FOR EASTER 2021

A gazette will be published on **Thursday 1st April**
and closing time for copy is Wednesday 31st March at noon.

A gazette will be published on **Friday 9th April**
and closing time for copy is Wednesday 7th April at noon.

The Gazette will not be published on Tuesday 6th April.

— PART 1 —

JUSTICE

JU301

Supreme Court Act 1935

Supreme Court Rules Amendment (Court of Appeal) Rules 2021

SL 2021/34

Made by the judges of the Supreme Court.

Part 1 — Preliminary

1. Citation

These rules are the *Supreme Court Rules Amendment (Court of Appeal) Rules 2021*.

2. Commencement

These rules come into operation as follows —

- (a) Part 1 — on the day on which these rules are published in the *Gazette*;
- (b) the rest of the rules — on 3 May 2021.

Part 2 — *Supreme Court (Court of Appeal) Rules 2005* amended

3. Rules amended

This Part amends the *Supreme Court (Court of Appeal) Rules 2005*.

4. Rule 3 amended

In rule 3(1) delete the definition of *file* and insert:

file, in relation to a document, means —

- (a) for a civil appeal, to file the document in accordance with the RSC Order 67A; or

- (b) for a criminal appeal, to file the document at the Court of Appeal Office at the Supreme Court, together with any fee required to be paid under the *Supreme Court (Fees) Regulations 2002*;

5. Rule 12 amended

Delete rule 12(4).

6. Rule 13 amended

Delete rule 13(3).

7. Rule 20 amended

Delete rule 20(2) and (6).

8. Rule 21 amended

Before rule 21(1) insert:

- (1AA) For the purposes of documents filed electronically, this rule applies with any necessary changes.

9. Rule 22A inserted

At the end of Part 3 insert:

22A. Service of documents

If under these rules a registrar or other proper officer is required to serve a document on a party or other person, or give notice or notification to a party or other person or a court, the relevant document may be served on the person or given to the person or court —

- (a) by posting the document by pre-paid post to the address for service of the person or the address of the court; or
- (b) if the person has given a fax number for service or the court has a fax number — by sending the document to the person or court at that number; or
- (c) if the person has given an email address for service or the court has an email address — by sending the document to the person or court as an attachment to an email sent to that address; or

- (d) if the person or court is an authorised user of the ECMS —
 - (i) by putting the document in an electronic mailbox maintained by the Court; and
 - (ii) by sending to the email address of the person or court recorded on the ECMS an email that says the document is in the mailbox.

10. Rule 36 amended

In rule 36(4) delete “them and may do so by fax or email.” and insert:

them.

11. Rule 39 amended

(1) Before rule 39(1) insert:

(1AA) For the purposes of documents filed electronically, this rule applies with any necessary changes.

(2) After rule 39(4) insert:

(4A) If an appeal book is filed under the RSC Order 67A using the ECMS, each volume of each part of the appeal book —

- (a) must not be greater than 200 megabytes; and
- (b) must contain a colour version of a document if the original is a colour document; and
- (c) must be in a form that allows the text to be electronically searchable.

12. Rule 47 amended

After rule 47(3)(g) insert:

- (ga) if a document, including an appeal book, has been filed electronically, to order the provision of a paper version of the document;

13. Rule 63 amended

Delete rule 63(2) and insert:

- (2) When the appeal is concluded other than due to it being discontinued, a registrar must prepare, sign and seal the judgment or order of the Court of Appeal or a single judge, as the case requires.

Part 3 — Rules of the Supreme Court 1971 amended**14. Rules amended**

This Part amends the *Rules of the Supreme Court 1971*.

15. Order 67A amended

In Order 67A rule 3(1)(e) delete “CA matter,” and insert:

criminal appeal,

The Hon. Chief Justice PETER QUINLAN,
Chief Justice of Western Australia,
Supreme Court of Western Australia.

Date: 24 March 2021.

LOCAL GOVERNMENT

LG302

LOCAL GOVERNMENT ACT 1995

Town of Victoria Park

PENALTY UNITS LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and by all other powers the Council of the Town of Victoria Park resolved to make the following local law on the 16th February 2021.

PART 1—PRELIMINARY**1. Citation**

This local law may be cited as the *Town of Victoria Park Penalty Units Local Law 2021*.

2. Commencement

This local law commences on—

- (a) 1 July 2021; or
(b) the fourteenth day following its publication in the *Government Gazette*,

whichever is the later.

3. Purpose and Effect

(1) The purpose of this local law is to prescribe the value of a penalty unit for the purposes of modified penalties expressed in penalty units under other local laws.

(2) The effect of this local law is to set the value of a penalty unit for the purposes of other local laws within the district.

4. Application

This local law applies throughout the district.

5. Interpretation

(1) In this local law, unless the context requires otherwise—

Act means the *Local Government Act 1995*;

district means the district of the local government;

local government means the Town of Victoria Park; and

local law means a local law made by the local government.

(2) Any other term or expression used in this local law and not defined has the meaning given to it in the Act.

PART 2—PENALTY UNIT**6. Calculation of modified penalty**

If a local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

7. Value of penalty unit

The value of a penalty unit is \$10.00.

Dated the 12th day of March, 2021.

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Town of Victoria Park resolved to make the following local law on the 16th February 2021.

The Common Seal of the Town of Victoria Park was affixed by the authority of a resolution of the Council in the presence of—

KAREN VERNON, Mayor.
ANTHONY VULETA, Chief Executive Officer.

LG301**LOCAL GOVERNMENT ACT 1995****DOG ACT 1976**

City of Greater Geraldton

DOGS AMENDMENT LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995*, the *Dog Act 1976* and all other powers enabling it, the Council of the City of Greater Geraldton resolved on 23 March 2021 to make the following local law—

1. Citation

This local law is cited as the *City of Greater Geraldton Dogs Amendment Local Law 2021*.

2. Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

3. Principal local law

This local law amends the *City of Greater Geraldton Dogs Local Law 2020* as published in the *Government Gazette* on 11 September 2020.

4. Clause 2.1(1)(e) deleted

Clause 2.1(1)(e) is deleted.

5. Clause 3.13(2)(c) amended

In clause 3.13(2)(c) the words “in the opinion of the local government” are deleted.

Dated 24 March 2021.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

SHANE VAN STYN, Mayor.
ROSS McKIM, Chief Executive Officer.

— PART 2 —

FIRE AND EMERGENCY SERVICES

FE401

EMERGENCY MANAGEMENT ACT 2005

EXTENSION OF STATE OF EMERGENCY DECLARATION

I, Reece Raymond Whitby, the Minister for Emergency Services, hereby extend the state of emergency declaration made on 15 March 2020 at 12:45 pm.

The state of emergency declaration is extended for a period of fourteen (14) days.

The powers that may be exercised during the period by which the state of emergency declaration is extended are limited as follows: Nil limitations.

Time when declaration made: 12:10 pm.

Date on which declaration made: 23 March 2021.

This declaration has effect from 12 am on 26 March 2021 and remains in force until—

- (a) 12 am on 9 April 2021; or
- (b) It is revoked under section 59 of the *Emergency Management Act 2005*.

This declaration of an extension of a state of emergency declaration is made under section 58 of the *Emergency Management Act 2005*.

REECE RAYMOND WHITBY, Minister for Emergency Services.

LOCAL GOVERNMENT

LG401

LOCAL GOVERNMENT ACT 1995

Shire of Capel

BASIS OF RATES

I, Gordon MacMile, being delegated by the Minister of the Crown to whom the administration of the *Local Government Act 1995* is committed by the Governor, and acting pursuant to section 6.28 (1) of that Act, hereby, and with effect from 2 February 2021, determined that the method of valuation to be used by the Shire of Capel as the basis for a rate in respect of the land referred to in the Schedule is to be the gross rental value of the land—

Schedule

	Designated Land
UV to GRV	All those portions of land being Lots 4820 to 4833 inclusive and Lots 4842 to 4846 inclusive as shown on Deposited Plan 400738; Lot 684, Lot 685, Lot 687, Lot 688, Lot 701 and Lots 716 to 720 inclusive as shown on Deposited Plan 417856; Lots 629 to 639 inclusive and Lots 647 to 656 inclusive as shown on Deposited Plan 419367; Lots 657 to 662 inclusive, Lots 670 to 674 inclusive and Lots 676 to 678 inclusive as shown on Deposited Plan 419392; and Lots 901 to 908 inclusive and Lots 919 to 923 inclusive as shown on Deposited Plan 419425.

GORDON MacMILE, Acting Executive Director, Local Government Support,
Department of Local Government, Sport and Cultural Industries.

PLANNING

PL401

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Dowerin
Local Planning Scheme No. 2—Amendment No. 2

Ref: TPS/2381

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Dowerin Local Planning Scheme amendment on 24 March 2021 for the purpose of—

1. Rezoning portion of Lot 28 (59) Goldfields Road, Dowerin from ‘Parks and Recreation’ to ‘Townsite’ zone; and
2. Amending the Scheme Map accordingly.

D. HUDSON, Shire President.
R. McCALL, Chief Executive Officer.

PL402

PLANNING AND DEVELOPMENT ACT 2005
APPROVED LOCAL PLANNING SCHEME AMENDMENT
Shire of Esperance
Local Planning Scheme No. 24—Amendment No. 6

Ref: TPS/2616

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the Shire of Esperance Local Planning Scheme amendment on 24 March 2021 for the purpose of—

1. Delete the content related to SU3 (third row) of Schedule 5—Special Uses with the following—

No.	Description of Land	Special Use	Conditions
SU3	Lot(s) 203, 204, 205 and 206 Orleans Bay Road, Condingup	As a ‘D’ use— <ul style="list-style-type: none"> • Tourist Development • Caravan Park • Restaurant/Café • Single House (Managers Residence) • Recreation—Private 	<p>1. Objectives The objectives of the zone are to—</p> <ul style="list-style-type: none"> (i) provide for high quality short-term accommodation to complement the Duke of Orleans Bay Caravan Park; (ii) ensure all development is compatible with its rural and natural landscape setting; (iii) ensure development does not compromise the role and function of the Condingup townsite; and (iv) ensure that infrastructure and development is co-ordinated and does not result in fragmented development, ownership or management arrangements. <p>2. General</p> <ul style="list-style-type: none"> (i) Aside from the manager’s residence, occupation of the site is to be for tourism purposes only, limited to short-term accommodation (being no more than 3 months occupation in any 12-month period). <p>3. Subdivision</p> <ul style="list-style-type: none"> (i) Strata titling of the development shall be subject to the establishment of by-laws for ongoing management and implementation, which shall address the following to the satisfaction of the responsible authority— <ul style="list-style-type: none"> a. Implementation of an approved local development plan;

No.	Description of Land	Special Use	Conditions
			<p>b. Provision for a full-time manager residing on site;</p> <p>c. Ongoing management of common property, including bushfire management</p> <p>d. provision of a potable water supply;</p> <p>e. Wastewater disposal in accordance with State policy;</p> <p>f. Staging of development to be coordinated with harvesting and lease arrangements relating to the blue gum plantation;</p> <p>g. Any Building Designs, Materials and Colour as set out in condition 6; and</p> <p>h. Occupation and management of accommodation and its availability.</p> <p>(ii) Where strata titling of the site is proposed, the caravan park is to remain on a single land title.</p> <p>4. Infrastructure</p> <p>The following servicing and infrastructure is to be provided to the satisfaction of the relevant decision-maker—</p> <p>(i) Wastewater disposal in accordance with State policy;</p> <p>(ii) A potable water supply; and</p> <p>(iii) Electricity supply and upgrades as necessary.</p> <p>5. Concept Plan and Development Approval</p> <p>(i) Development shall generally be in accordance with a concept plan, or any variation to that plan approved by Council and shall incorporate the following—</p> <ul style="list-style-type: none"> • All fire breaks between the tourist development and adjoining uses; • Any buffers required from the adjoining blue gum plantation and rural land; • If the development is to be staged, the identification of the lots to be developed in each stage. <p>(ii) All development shall be subject to development approval.</p> <p>(iii) Only one single house may be permitted on the site. This dwelling is for the exclusive occupation of the manager of the tourist accommodation, including a partner and/or dependents.</p> <p>(iv) All buildings and infrastructure shall be set back a minimum of 20 metres from Orleans Bay Road and Crown Reserve 41097 unless otherwise determined by the Local Government, in order to reflect current guidelines and codes of practice in relation to bush fire management and buffer setbacks from rural land uses.</p> <p>6. Building Designs, Materials and Colour</p> <p>(i) Dwellings, outbuildings and structures associated with the use of the land shall be designed and constructed of materials which allow them to blend into the landscape of the site;</p>

No.	Description of Land	Special Use	Conditions
			<p>(ii) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket unless otherwise determined by the Local Government. Preferred fencing shall be of rural construction (post and strand); and</p> <p>(iii) Development of the site is to address its location in a rural setting with siting and landscaping to limit visual impact of development on landscape values which may be demonstrated through a landscape plan.</p> <p>7. Bushfire Management Prior to subdivision or development, a Bushfire Management Plan and Emergency Evacuation Plan is to be prepared in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas, to the satisfaction of the local government</p> <p>8. Notification of Prospective Owners</p> <p>(i) Provision shall be made to the Local Government's satisfaction to ensure prospective purchasers of land within Special Use SU3 are given a copy of these conditions prior to entering into an agreement to acquire any property.</p> <p>(ii) Notifications to be incorporated onto all titles advising land owners and their successors of the existing blue gum plantation on the adjoining land and that in future there may be other agricultural uses developed in the surrounding area and that the plantation or other uses may impact on the amenity of the tourist development.</p>

I. MICKEL, Mayor.
M. SCOTT, Chief Executive Officer.

WATER

WA401

WATER SERVICES ACT 2012

RENEWAL OF LICENCE

Notice is given that the following water services licence has been renewed—

Licensee:	Shire of Gnowangerup ABN 71 892 627 607
Expiry Date:	19 March 2046
Class(es) of Water Service:	Non-potable water supply services and sewerage services (WL11, Version 7)
Operating Area:	The operating area is the area set out in plan OWR-OA-090(C) in the State of Western Australia
Inspection of Licence:	Economic Regulation Authority 4th Floor Albert Facey House 469 Wellington Street Perth WA 6000

Ms NICOLA CUSWORTH, Chair,
Economic Regulation Authority.

PUBLIC NOTICES

ZZ401

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Ian Southern, late of 8 Ruby Avenue, Langford, in the State of Western Australia, Retired Accountant, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on the 7th day of November 2020, are required by the Executor and Trustee, being Ms Cheryl Ann Southern, of c/- Mort & Associates, PO Box 20, Cannington, WA, 6987, to send particulars of their claims to her at Mort & Associates of PO Box 20, Cannington, WA, 6987, by the date being one month following the publication of this notice, after which date the Executor and Trustee may convey or distribute the assets, having regard only to claims of which she then has notice.

MORT & ASSOCIATES as solicitor for the Executor and Trustee.

ZZ402

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Erzebet Juhas (also known as Elizabeth Juhas), late of Rossmoyne Waters, 31 Webb Street, Rossmoyne, who died on 22 July 2020.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, are required by the executor of the deceased's estate, Rose Curtis to send particulars of their claims to her at Equitas Lawyers, PO Box 8366, Perth BC WA 6849 within one (1) month of the date of publication of this notice, after which date the executor of the deceased's estate may distribute the assets of the estate, having regard only to the claims of which she then has notice.

Dated 24 March 2021.

ZZ404

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

Colleen Patricia Lee-Steere, formerly of 2B Wisbey Street, Carey Park, Western Australia, late of 926 Woodrow Street, Bunbury, Western Australia, who died on 22 June 2020, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, are required by the executor of the deceased's estate, Simon Godfrey Lee-Steere to send particulars of their claims to him at Zion Legal, Level 11, 456 Lonsdale Street, Melbourne within one (1) month of the date of publication of this notice, after which date the executor of the deceased's estate may distribute the assets of the estate, having regard only to the claims of which he then has notice.

Dated 26 March 2021.

ZZ405

TRUSTEES ACT 1962

DECEASED ESTATES

Notice to Creditors and Claimants

John Francis Murphy, late of 6 Monroe Cross, Aveley, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died 29 December 2020, are required by the personal representative Kerry Allana Murphy c/- Lynn & Brown Lawyers, PO Box 1114, Morley, WA 6943 to send particulars of their claims to her by the 29 April 2021, after which date the personal representative may convey or distribute the assets of the estate, having regard only to the claims of which she then has notice.

ZZ403**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Marion Louise Burgin, late of Juniper Annesley, 4-10 Hayman Road, Bentley, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 9 December 2020 are required by Executor, Perpetual Trustee Company Limited ACN 000 001 007 of Level 18, 123 Pitt Street, Sydney, New South Wales to send particulars of their claims to them within one (1) month from the date of publication of this Notice, after which date it may convey or distribute the assets, having regard only to the claims of which it then has notice.

PERPETUAL TRUSTEE COMPANY LIMITED,
Level 18, 123 Pitt Street, Sydney, New South Wales.

ZZ406**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

In the matter of the Estate of Alex Grant Ireland, late of Aegis Montgomery House, 1 Heritage Lane, Mount Claremont, in the State of Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the Estate of the deceased, who died on the 1st day of December 2020, are required by the Executors, Robin Leigh Chinnery and Mark Alexander Ireland, to send the particulars of their claim to Messrs Taylor Smart of 1 Regal Place, East Perth in the State of Western Australia, by the 30th day of April 2021, after which date the said Executors may convey or distribute the assets, having regard only to the claims of which they then have had notice.

Dated the 26th day of March 2021.

GARRY E. SAME, Taylor Smart.

ZZ407**TRUSTEES ACT 1962****DECEASED ESTATES**

Notice to Creditors and Claimants

Maria Luisa Gonzalez, late of 112 Mirrabooka Avenue, Koondoola, Western Australia, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962* relates) in respect of the estate of the deceased, who died on 22 March 2020, are required by the trustee of the late Maria Luisa Gonzalez, c/- Mountains Lawyers, PO Box 5379, Rockingham Beach WA 6969 to send particulars of their claims to the trustee within 30 days of this notice, after which date the trustee may convey or distribute the assets, having regard only to the claims of which the trustee then has notice.

MOUNTAINS LAWYERS PTY LTD, Solicitors for the Trustee,
Telephone: (08) 9592 7326.
