



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

3281



PERTH, TUESDAY, 23 JULY 2013 No. 127

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 12.00 NOON

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The Western Australian *Government Gazette* is published by State Law Publisher 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 and in some cases the Parliamentary Counsel's Certificate.
- Copy must be lodged with the Sales and Editorial Section, State Law Publisher no later than 12 noon on Wednesday (Friday edition) or 12 noon on Friday (Tuesday edition).

Delivery address:

State Law Publisher  
Ground Floor,  
10 William St. Perth, 6000  
Telephone: 6552 6000 Fax: 9321 7536

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## — PART 2 —

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### FIRE AND EMERGENCY SERVICES

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FE401\*

**FIRE AND EMERGENCY SERVICES ACT 1998**

## APPROVAL OF VMRS GROUPS

Correspondence No. 13133

Department of Fire and Emergency Services.

Pursuant to section 18H(1) of the *Fire and Emergency Services Act 1998*, I hereby approve the following group of persons as a VMRS Group for the purposes of the Act—

Fremantle Volunteer Sea Rescue Group (Inc.)

WAYNE GREGSON APM, FES Commissioner.

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### JUSTICE

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JU401\*

**JUSTICES OF THE PEACE ACT 2004**

## APPOINTMENT

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

Mervyn James Darcy of 47 Buttercup Parkway, Halls Head

RAY WARNES, Executive Director,  
Court and Tribunal Services.

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### PLANNING

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PL401\*

**PLANNING AND DEVELOPMENT ACT 2005**

## APPROVED LOCAL PLANNING SCHEME AMENDMENT

*Shire of East Pilbara*

Town Planning Scheme No. 4—Amendment No. 16

Ref: TPS/0940

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 East Pilbara local planning scheme amendment on 5 June 2013 for the purpose of—

1. Rezoning Lot 1 Trotman Avenue and Lots 21 and 22 Giles Avenue, Newman from Residential R15 to Residential R15/R40.
2. Amending the Scheme Maps accordingly.

L. CRAIGIE, Shire President.  
A. COOPER, Chief Executive Officer.

## PL402\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*Shire of East Pilbara*  
 Town Planning Scheme No. 4—Amendment No. 17

Ref: TPS/0941

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 East Pilbara local planning scheme amendment on 5 June 2013 for the purpose of—

1. Rezoning a portion of Unallocated Crown Land adjoining Lot 688 Newman Drive, Newman, to 'Special Use' zone with an 'SU 15' designation as shown on the Scheme Amendment Map.
2. Amending the Scheme Map accordingly.

L. CRAIGIE, Shire President.  
 A. COOPER, Chief Executive Officer.

## PL403\*

**PLANNING AND DEVELOPMENT ACT 2005**  
**APPROVED LOCAL PLANNING SCHEME AMENDMENT**  
*City of Wanneroo*  
 District Planning Scheme No. 2—Amendment No. 115

Ref: TPS/0615

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 City of Wanneroo local planning scheme amendment on 10 July 2013 for the purpose of—

1. Deleting 'Additional Use Zone 1-26', 'Restricted Use Zone 2-1' and 'Restricted Use Zone 2-2' from Schedule 2 of District Planning Scheme No. 2.
2. Adding the 'Smart Growth Community' zone to the list of zones contained in subclause 3.1.1 of the Scheme.
3. Rezoning the portions of Lot 9036 Marmion Avenue, Jindalee, zoned 'Urban Development', 'Commercial', 'Civic and Cultural', 'Business—Additional Use 1-26', 'Restricted Use 2-1' and 'Restricted Use 2-2' to 'Smart Growth Community' zone.
4. Zoning the unreserved portion of Lot 3054, Jindalee, 'Smart Growth Community' zone.
5. Modifying the final paragraph under subclause 3.2.2 of the Scheme to read as follows—  
 The Special Use Zone, Marina Zone, Urban Development Zone, Smart Growth Community Zone, Industrial Development Zone, Rural Community Zone and Centre Zone are not listed in Table 1 and the permissibility of uses in those zones is to be determined by the provisions specifically applying to them in the Scheme or in any Agreed Structure Plan approved under Part 9.
6. Inserting a new clause 3.25 at the end of Part 3 of the Scheme, to read as follows—

**3.25 SMART GROWTH COMMUNITY ZONE**

- 3.25.1 The purpose of the Smart Growth Community Zone is to facilitate the orderly planning and development in an integrated manner within a regional context through the application of a Transect Based Code. The Transect Based Code is to include standards to regulate land use and coordinate the design of buildings, thoroughfares and civic spaces to promote development that adheres to the principles of the Transect.
- 3.25.2 The objectives of the Smart Growth Community zone are to—
  - (a) designate land for future urban development;
  - (b) provide a framework for the application of a comprehensive Transect Based Code to facilitate the orderly planning and development of land;
  - (c) demonstrate development innovation through the incorporation of diverse and immersive human habitats that span the various zones of the transect; and
  - (d) promote development that is responsive to the natural landscape, environment and contextual setting.
- 3.25.3 Subclauses 4.4.3, 4.4.4 and 4.4.5 shall not apply to the Smart Growth Community zone.
- 3.25.4 Special Provisions relating to individual Smart Growth Community zones are set out in Schedule 16.
- 3.25.5 Subject to subclause 3.25.14 and Clause 9.11, no subdivision (including strata or survey strata subdivision) or other development should be commenced or carried out in a Smart Growth Community zone until an Agreed Structure Plan has been

prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision (including strata or survey strata subdivision) should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan which is in existence at the time of the application for approval of the subdivision or other development is received by the responsible authority.

- 3.25.6 In clause 9.8.2 the term Transect Zone shall be used in place of the term Zone or Residential Density Code. Clauses 9.8.3(a), 9.8.3(b) and 9.8.3(f) shall not apply to the Smart Growth Community zone.
- 3.25.7 The Agreed Structure Plan area shall allocate transect zones of the transect, and may allocate civic spaces and special districts. A minimum of three of the following transect zones shall be allocated to any Smart Growth Community zone—
- Transect Zone 1—Natural Reserve (T1)
  - Transect Zone 2—Natural Living (T2)
  - Transect Zone 3—Sub-Urban (T3)
  - Transect Zone 4—General Urban (T4)
  - Transect Zone 5—Urban Centre (T5)
  - Transect Zone 6—Urban Core (T6).
- 3.25.8 The character and development within each transect zone shall be consistent with the transect zone descriptions contained in Table 3.
- 3.25.9 A Transect Based Code shall form part of an Agreed Structure Plan under Part 9 of the Scheme.
- 3.25.10 Notwithstanding clauses 3.25.9, 9.6 and 9.7, the Western Australian Planning Commission is not required to consider, approve or administer the Transect Based Code component of the Agreed Structure Plan.
- 3.25.11 The Transect Based Code component of an Agreed Structure Plan shall be consistent with the remainder of the Agreed Structure Plan in relation to residential density, lot size ranges, thoroughfare width, layout and hierarchy, public open space, land use permissibility and any other issue identified by the Western Australian Planning Commission in an Agreed Structure Plan.
- 3.25.12 In addition to the items referred to in Clause 9.3, the Transect Based Code, shall include the following design standards calibrated from the SmartCode® model ordinance—
- (a) Regulating Plan Series, comprising as a minimum, a Transect Plan and Control Plan.
  - (b) Urban Standards, comprising as a minimum, standards for building types, site coverage, building setbacks, car parking placement, building height and building frontage types.
  - (c) Thoroughfare Standards, comprising as a minimum, the assignment of thoroughfare types for all vehicular and pedestrian ways of the movement network and the inclusion of design specifications for each thoroughfare type.
  - (d) Landscape Standards, allocating civic space types to all public open space areas and including design specifications for each type.
- 3.25.13 The Transect Based Code, excluding residential density, lot size ranges, thoroughfare width, layout and hierarchy, public open space and any other issue identified by the Western Australian Planning Commission in an Agreed Structure Plan, may be varied through the preparation and approval of a Detailed Area Plan in accordance with Clause 9.14.
- 3.25.14 Any provision, standard or requirement in an Agreed Structure Plan and associated Transect Based Code shall be given the same force and effect as if it was a provision, standard or requirement of this Scheme. In the event of any inconsistency or conflict between an Agreed Structure Plan, including the Transect Based Code, and the Scheme, the provision of the Agreed Structure Plan shall prevail.

7. Modifying the first part of subclause 6.1.3 to read as follows—

- 6.1.3 Except in the case of the Marina Zone, the Centre Zone, the Urban Development Zone, the Smart Growth Community Zone, the Industrial Development Zone and the Rural Community Zone in respect of land for which no Agreed Structure Plan is in place, the Council's prior Planning Approval on land zoned by the Scheme is not required if the development consists of—

8. Modifying subclause 9.11.1 to read as follows—

- 9.11.1 It is the intent of subclauses 3.10.3(a), 3.13.3, 3.14.3, 3.15.3, 3.23.2, 3.25.5 that no subdivision or development should occur on land in the Marina, Rural Community, Centre, Urban Development, Smart Growth Community or Industrial Development zones until a Structure Plan in respect of that land has been prepared and adopted.

9. Adding the words “3.25 The Smart Growth Community Zone” to the zones list at the end of Table 1.
10. Inserting a new Table 3 to the Scheme as follows—

**Table 3 (subclause 3.25.8)—Transect Zone Descriptions**

<b>T1</b>	<b>T-1 NATURAL RESERVE</b> T-1 Natural Reserve Zone shall consist of lands approximately or reverting to a natural condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. Typical buildings are limited to civic functions.	General Character: Building Placement: Frontage Types: Typical Building Height:	Natural landscape Not applicable Not applicable Not applicable
<b>T2</b>	<b>T-2 NATURAL LIVING</b> T-2 Natural Living Zone shall consist of lots that are of sufficient size to enable the retention of natural features such as vegetation or topography. These areas shall be more ‘natural’ in character than ‘urban’ or ‘sub-urban’. Road treatments shall be mostly informal including open swales with natural drainage and informal landscaping consisting of multiple species in naturalistic clusters.	General Character: Building Type: Building Placement: Typical Building Height:	Larger lots retaining natural landscape features such as vegetation or topography Predominately detached dwellings Larger and variable front and side setbacks 1 to 2 storeys
<b>T3</b>	<b>T-3 SUB-URBAN</b> T-3 Sub-Urban Zone shall consist of low density residential areas, adjacent to higher zones that contain some mixed use. Home occupations / business and outbuildings are allowed. Planting is naturalistic and setbacks vary from shallow to relatively deep. Larger lot sizes and irregular thoroughfare alignments may be included to accommodate natural site conditions.	General Character: Building Type: Building Placement: Typical Building Height:	Medium to larger sized lots accommodating dwellings and landscaped gardens Predominantly detached dwelling Large and variable front and side setbacks 1 to 3 storeys
<b>T4</b>	<b>T-4 GENERAL URBAN</b> T-4 General Urban Zone shall consist of medium density residential areas and a component of mixed use activity. Home occupation / business and outbuildings are allowed. It shall include a wide range of building types including detached dwellings, terraces and apartments. The character is to be formal including smaller setbacks, raised kerbs, regular road patterns and landscaping consisting of single species regularly spaced.	General Character: Building Type: Building Placement: Typical Building Height:	Mix of house types including detached dwellings, townhouses, small apartment buildings, with scattered commercial activity; balance between landscape and buildings; presence of regular pedestrian activity Mixture of building types: including, but not be limited to detached dwellings, terraces, loft houses, loft buildings, apartment houses, flex buildings and mixed-use buildings Shallow to medium front and side setbacks 1 to 6 storeys

<b>T5</b>	<b>T-5 URBAN CENTRE</b> T-5 Urban Centre Zone shall consist of higher density mixed use buildings that accommodate retail, offices, terraces and apartments. It shall have a tight network of streets, with wide footpaths, raised kerbs, regular street tree planting and buildings set close to the footpaths.	General Character:	Shops mixed with townhouses, larger apartments, offices, lodging, work places, and civic buildings; predominantly attached buildings; trees within the thoroughfare reserve; substantial pedestrian activity
		Building Type:	Predominantly apartments and mixed use buildings
		Building Placement:	Shallow setbacks or none; buildings oriented to street, attached buildings form a continuous street wall
		Typical Building Height:	2 to 8 storeys
<b>T6</b>	<b>T-6 URBAN CORE</b> T-6 Urban Core Zone shall consist of the highest density and height, with the greatest variety of uses and civic buildings of regional importance. It shall have larger blocks; regular street tree planting; and buildings set close to wide footpaths.	General Character:	Medium to high-density mixed use buildings, for a range of uses including retail, residential, commercial, entertainment, civic and cultural; trees within the thoroughfare reserve; highest pedestrian and transit activity
		Building Type:	Predominately apartments, commercial buildings and mixed-use buildings
		Building Placement:	Shallow setbacks or none; buildings oriented to street; attached buildings form a continuous street wall
		Typical Building Height:	1 to 8 storeys
<b>SD</b>	<b>SD SPECIAL DISTRICT</b> SD Special District is an area that by its intrinsic function, disposition or configuration cannot or should not conform to one or more of the Transect Zones.		All standards and controls to regulate development within a Special District shall be established through the Local Structure Plan and refined in Detailed Area Plans

11. Modifying Schedule 1 (Clause 1.9)—Interpretations by inserting under Part 1—General Definitions the following definitions in alphabetical order—

**Calibration:** means the process of adaptation and revision of the model SmartCode® standards to arrive at development control standards that are responsive to the local conditions of a Smart Growth Community zoned site.

**Civic Space:** means an outdoor area dedicated for public use within a Smart Growth Community zone. A Civic Space may be a Local Reserve.

**Control Plan:** means a plan that forms part of the regulating plan series for a Smart Growth Community zone that is used to regulate locations where specific design responses are required.

**SmartCode:** means a form-based code consisting of a unified development ordinance calibrated to the local conditions of the land within a Smart Growth Community zone.

SmartCode applies the transect as the organising principle for the creation of diverse human habitats ranging from the very urban to the very natural.

**Special District:** means an area that, by its intrinsic function, disposition and/or configuration, does not conform to one or more of the normative transect zones identified in the Transect Based Code for a Smart Growth Community zone.

**Transect:** a geographical cross-section of a Smart Growth Community zone used to reveal a sequence of environments that vary by their level and intensity of urban character ranging from the very natural to the very urban. This range of environments provides the basis for organising the components of the built environment and landscape including buildings, land use, streets, planting and all the other physical elements of the human habitat.

**Transect Based Code:** means a method for regulating and organising development to achieve a specific urban form. The Code uses the transect to understand and organise the human habitat in a continuum of intensity ranging from the most natural to the most urban condition. The transect zones that comprise the transect are differentiated primarily by physical intensity of the built form, the relationship between the natural and the built environment and the complexity of uses within each zone.

**Transect Plan:** a plan that forms part of the regulating plan series for a Smart Growth Community zone used to assign transect zones, special districts and civic spaces for the classification of land within a Smart Growth Community zone.

**Transect Zone:** means any of the six zones that are allocated on the Regulating Plan Series of a Transect Based Code to achieve the development and design outcomes intended of a Smart Growth Community zone. They include the Natural Reserve (T1 Zone), Natural Living (T2 Zone), Sub-Urban (T3 Zone), General Urban (T4 Zone), Urban Centre (T5 Zone) and Urban Core (T6 Zone).

12. Inserting a new Schedule 16 to the Scheme as follows—

**SCHEDULE 16 (CLAUSE 3.15.10)—SMART GROWTH COMMUNITY ZONE  
SPECIAL PROVISIONS**

No	Description of Locality	Special Provisions
SG 1	<ul style="list-style-type: none"> <li>• Lot 9036 Marmion Avenue, Jindalee being portion of Swan Location 1370 of Plan 70682, Volume 2773, Folio 490; and</li> <li>• Portion Lot 3054 on Deposited Plan 47953, Volume 2611, Folio 665.</li> </ul>	<p><b>1.0 Environmental Provisions</b></p> <p>1.1 The Land identified as the southern T2 Zone, indicatively shown on the map in the amending document, shall occupy approximately 12.5 hectares and be located between the Metropolitan Region Scheme reserves. This area shall be referred to as the Protected Natural Living Area.</p> <p>1.2 To protect landform and vegetation within the Protected Natural Living Area, the following environmental requirements shall apply—</p> <ul style="list-style-type: none"> <li>(a) The two Metropolitan Region Scheme Parks and Recreation reservations will be linked with native vegetation retained on private land.</li> <li>(b) Building envelopes and building zones for residential development will be established in the applicable Detailed Areas Plan.</li> <li>(c) The total area occupied by all building envelopes shall not comprise more than 30% of the total land area of the Protected Natural Living Area. The 'land area' shall be defined as the Protected Natural Living Area less thoroughfare reserves and civic spaces.</li> <li>(d) No development shall occur in the Protected Natural Living Area unless there is an approved Detailed Area Plan for the area being developed or a Planning Approval.</li> <li>(e) Development can only occur within the agreed building envelopes, building zones, thoroughfares and civic spaces.</li> <li>(f) For the avoidance of doubt, clearing or disturbance of native vegetation can only occur within the agreed building envelopes, building zones, thoroughfares and civic spaces.</li> <li>(g) All services and access to the principal building and/or outbuilding will be undertaken within the nominated building zone only and involve minimum native vegetation clearing.</li> <li>(h) Any areas of native vegetation outside the building zone and building envelope that are</li> </ul>

No	Description of Locality	Special Provisions
		<p>damaged during construction will be rehabilitated to the satisfaction of the Council after installation of services or construction as the case may be.</p> <p>(i) Appropriate fencing will be detailed as part of the applicable Detailed Area Plan and shall allow, as far as practical, a corridor to assist the free passage of reptiles between the two regional reserves.</p> <p>1.3 Building Envelope, as referred to in Schedule 16, subclause 1.2(b) means the area identified on a Detailed Area Plan and is the only portion of the site to contain a dwelling, sheds, gardens, internal fences and other items ancillary to and normally associated with a dwelling.</p> <p>1.4 Building Zone, as referred to in Schedule 16, subclause 1.2(b) means the area identified on a Detailed Area Plan accommodating driveways, boundary fencing, urban firebreaks and services to the dwelling such as water/sewer and power and other items ancillary to and normally associated with a dwelling.</p> <p><b>2.0 Retail Provisions</b></p> <p>2.1 The coastal node of SG1 shall function as a Neighbourhood Centre in the hierarchy of activity centres adopted pursuant to State Planning Policy 4.2—Activity Centres for Perth and Peel, as amended from time to time.</p> <p>2.2 Retail Development within the SG1 area shall be limited to a maximum Net Lettable Area of 3,000m<sup>2</sup>, except where—</p> <p>(a) Council and the Western Australian Planning Commission considers that the retail activities constitute tourist/visitor related retailing, meaning retail activities that customarily rely wholly or partly on the trade of visitors originating from outside the SG1 area; and</p> <p>(b) A retail needs assessment study demonstrates to the satisfaction of Council and the Western Australian Planning Commission sufficient demand for a larger retail floorspace allocation to the SG1 area.</p> <p><b>3.0 Application of Adopted Policies</b></p> <p>3.1 City of Wanneroo Local Planning Policies adopted under the Scheme do not apply to the SG1 area unless otherwise stated in an adopted local planning policy.</p>

T. ROBERTS JP, Mayor.  
D. SIMMS, Chief Executive Officer.

## RACING, GAMING AND LIQUOR

RA401\*

### LIQUOR CONTROL ACT 1988

#### LIQUOR APPLICATIONS

The following are applications received under the *Liquor Control Act 1988 (the Act)* and required to be advertised.

Any person wishing to obtain more details about any application, or about the objection process, should contact the Department of Racing, Gaming and Liquor, 1st Floor, 87 Adelaide Terrace, Perth, Telephone: (08) 9425 1888, or consult a solicitor or relevant industry organisation.

App. No.	Applicant	Nature of Application	Last Date for Objections
APPLICATIONS FOR THE GRANT OF A LICENCE			
14783	Peter L Banks and Wendy J Banks	Application for the grant of a Liquor Store licence in respect of premises situated in Mandurah and known as Floatnshop	11/08/2013
14784	Mad Mex Fresh Mexican Grill Pty Ltd	Application for the grant of a Restaurant licence in respect of premises situated in Perth and known as Mad Mex Hay Street	22/08/2013

This notice is published under section 67(5) of the Act.

B. A. SARGEANT, Director of Liquor Licensing.

Date: 19 July 2013.

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## DECEASED ESTATES

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**ZX401\***

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Joan Marie Gould, late of Digby Street, Gosnells, 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 31 December 2012, are required by the trustee, Debra Hallam, of 48 Chancellor Street, Sherwood QLD 4075 (PO Box 458, Sherwood QLD 4075) to send particulars of their claims to her by the 27th day of August 2013, after which date the trustee may convey or distribute the assets, having regard only to the claims of which she then has notice.

**ZX402**

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Helen Mary McNee, late of care of Quadriplegic Centre, Selby Street, Shenton Park in the State of Western Australia, School Administrator, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the deceased, who died on 25 December 2012, are required by the executor, Diane Patricia Mohen, to send particulars of their claims to her, care of Civic Legal of Level 2, 11 Mounts Bay Road, Perth WA 6000 (Ref: 103266) within one (1) month of the date of publication hereof, after which date the executor may convey or distribute the assets, having regard to the claims of which they then have notice.

**ZX403**

### TRUSTEES ACT 1962

#### DECEASED ESTATES

##### Notice to Creditors and Claimants

Wong Kam Kit, late of Frederick Guest Village, 25 Gleddon Road, Bull Creek WA 6149, 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 15th day of March 2013, are required by the Executors and Trustees, being Mr Sin Kok Lee and Mrs Hooi Teong Chen, of c/- Beaufort Legal of Suite 9, 250 Beaufort Street, Perth WA 6000, to send particulars of their claims to them at Beaufort Legal, Suite 9, 250 Beaufort Street Perth WA 6000, by the date being one month following the publication of this notice, after which date the Executors and Trustees may convey or distribute the assets, having regard only to the claims of which they then have notice.

BEAUFORT LEGAL, as solicitors for the Executors and Trustees.

ZX404

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

## Notice to Creditors and Claimants

Sheila Hilary Whowell, late of Wearne Hostel, 1 Gibney Street, Cottesloe, Western Australia, Retired Primary School Principal, deceased.

Creditors and other persons having claims (to which Section 63 of the *Trustees Act 1962*, relates) in respect of the deceased, who died on 9 April 2013, are required by the Trustee, care of FTL Estate Services, PO Box 1194, West Perth 6872 to send particulars of their claims to them by 30 August 2013, after which date the Trustee may convey or distribute the assets having regard only to the claims of which he then has notice.

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WESTERN AUSTRALIA

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WESTERN AUSTRALIA

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