

KEWDALE LANDS DEVELOPMENT.

No. 60 of 1966.

AN ACT to make further and better provision for Railway Marshalling Yards and Services at or near Kewdale, to make provision for the Development, under existing law, of Lands in the Kewdale and Cloverdale Areas for Industry, and for incidental and other purposes.

[Assented to 12th December, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Kewdale Lands Development Act, 1966.* Short title.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

Construction.

3. This Act shall be construed in conjunction with the Metropolitan Region Town Planning Scheme Act, 1959, and the Town Planning and Development Act, 1928.

Interpretation.

4. In this Act, unless the contrary intention appears,—

“Authority” means the Metropolitan Region Planning Authority constituted by the Metropolitan Region Town Planning Scheme Act, 1959;

“Development Authority” means the Kewdale Development Authority established by section five;

“Improvement Plan No. 1” means the plan prepared by the Authority for the development (among other lands) of the land, described in Part III of the Schedule;

“Minister” means the Minister for Industrial Development;

“Schedule” means the Schedule to this Act;

“section” means a section of this Act;

“the Scheme” means the Metropolitan Region Scheme made by the Authority.

Development Authority.

5. (1) A body known as the “Kewdale Development Authority” is established.

(2) The Development Authority—

(a) is a body corporate, with perpetual succession, and shall have a common seal;

(b) is capable, in its corporate name, of acquiring, holding, and disposing of, real and personal property in the State and of suing and being sued in that name;

(c) is a corporate agency of the Crown in right of the State;

- (d) is capable of doing and suffering all such acts and things as bodies corporate may lawfully do and suffer;
- (e) is empowered, with the approval of the Minister, to borrow money, on such terms and conditions (including a term that the Treasurer guarantee the repayment of, and the payment of interest on, the money borrowed) as the Treasurer approves, for the purposes of giving effect to this Act; and
- (f) has, subject to the Minister, the general administration of this Act.

(3) All courts, judges and persons acting judicially shall take notice of the seal of the Development Authority affixed to a document and shall presume that it was duly affixed.

6. (1) The Development Authority shall consist of the three persons for the time being holding the respective offices of—

Constitution
of Develop-
ment
Authority.

- (a) Town Planning Commissioner, under the Town Planning and Development Act, 1928;
- (b) Director of the department known as the Department of Industrial Development; and
- (c) the Under Secretary for Lands appointed under the Land Act, 1933,

each by virtue of his office.

(2) The Governor may appoint one of the persons mentioned in subsection (1) of this section to be Chairman of the Development Authority.

7. (1) The Development Authority shall hold such meetings as are necessary for the performance of its functions and the Minister or the Chairman may, at any time, convene a meeting.

Meetings of
Development
Authority.

(2) Subject to this Act, the Development Authority may regulate its procedure in such manner as it thinks fit.

Function of
Development
Authority.

8. (1) The function of the Development Authority is to acquire the land mentioned in Parts II and III of the Schedule in the manner provided by this Act and, in its discretion, to develop and sell the land.

(2) For the purposes of this Act, the Development Authority may subdivide the land acquired by it, provide roads and make provision for other services, in such manner as may be approved under the Acts mentioned in section three.

(3) The costs and expenses of the administration of this Act shall be a charge on the proceeds of the sales conducted by the Development Authority.

Land in
Part I of
Schedule
taken.

9. The whole or part of the land described in Part I of the Schedule shall, by virtue of the Railways (Standard Gauge) Construction Act, 1961, be taken, for the purposes of that Act, in the manner provided by the Public Works Act, 1902.

Land in
Part II of
Schedule,
acquisition
by Authority.

10. The land described in Part II of the Schedule, being part of the land taken by virtue of the Midland Junction-Welshpool Railway Act, 1957, and being land to which paragraph (a) of subsection (7) of section thirty-seven of the Metropolitan Region Town Planning Scheme Act, 1959, applies, is deemed to have been declared, under that paragraph, as land to be held for the purposes of the Scheme and is by force of that subsection vested in the Authority for the purposes of the Scheme, that is to say, for inclusion in Improvement Plan No. 1.

11. The land described in Part III of the Schedule, being part of the land included in Improvement Plan No. 1, shall be acquired by the Authority under the provisions of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959, and, for that purpose, the things required by that section to be done prior to the acquisition are deemed to have been done; and the land when so acquired shall be consolidated with the land mentioned in section ten.

Land in Part III of Schedule, acquisition by Authority.

12. The Authority shall sell the lands consolidated pursuant to section eleven to the Development Authority for the purpose mentioned in subsection (4) of section thirty-seven A of the Metropolitan Region Town Planning Scheme Act, 1959, and, to that end, the approval of the Governor is deemed to have been given and notified, as required by that subsection.

Disposition of lands in Parts II and III of Schedule.

13. (1) The Treasurer is authorised to make such advances as may be necessary to give effect to the provisions of sections ten and eleven of this Act and those moneys shall be repayable by the Authority or the Development Authority, as the case may require, out of moneys resulting from the sale or other disposition of the lands in respect of which the advance was made.

Finance.

(2) The Treasurer, on behalf of the State, is authorised to guarantee, on such terms and conditions as he thinks fit, the repayment of, and the payment of interest on, any money borrowed by the Development Authority under this Act.

(3) The Treasurer shall cause any money required for fulfilling any guarantee given by him pursuant to this section to be paid out of the Public Account which account is hereby, to the necessary extent, appropriated accordingly; and the Treasurer shall cause any amounts received or recovered by him from the Development Authority or otherwise in respect of money so paid by him to be paid into the Public Account.

SCHEDULE.

PART I.

Extension to the Kewdale Marshalling Yards.

All that portion of land bounded by lines starting from a point on the north-eastern boundary of lot 16 of Swan Location 2753, as shown on Land Titles Office Diagram 21484 situate 6 chains 74 and four tenths links north-westerly from its eastern corner and extending south-south-easterly to the southern corner of lot 4 of location 2776, as shown on Land Titles Office Diagram 17430 and onwards to the south-western side of Sultana Road (Road Number 6009); thence south-south-westerly to a point on the south-eastern boundary of location 1349 situate about 5 chains south-westerly from its eastern corner; thence south-westerly along that boundary and onwards to the north-eastern side of the Gosnells-Beechboro Controlled Access Road; thence southerly to a point on the north-eastern side of Hardey Road situate about one chain south-easterly from the southern corner of location 4617; thence north-westerly along that side to a point situate in prolongation north-easterly of the north-western boundary of lot 13 of Canning Location 292, as shown on Land Titles Office Plan 3217; thence north-easterly along that prolongation to the eastern side of the Midland Junction-Welshpool Railway, as shown on Land Titles Office Plan 7494; thence generally northerly along that side to the north-eastern boundary of lot 16 of Swan Location 2753, as shown on Land Titles Office Diagram 21484 aforesaid and thence south-easterly along that boundary to the starting point.

PART II.

*Land Excised from Kewdale Marshalling Yards
for Development.*

All that portion of land bounded by lines starting from the intersection of the north-eastern alignment of Acton Avenue with a north-western boundary of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 and extending north-easterly and generally easterly along northern boundaries of that Marshalling Yard to a point on the south-eastern boundary of lot 17 of Swan Location 33, as shown on Land Titles Office Plan 5216 situate about 2 chains 50 links south-westerly from its eastern corner; thence south to a southern boundary of the Marshalling Yard aforesaid; thence generally westerly, generally south-westerly and generally south-easterly along boundaries of that Marshalling Yard to the northern corner of lot 75 of Canning Location 2, as shown on Land Titles Office Plan 2653; thence south-westerly, north-westerly, generally westerly and north-easterly along boundaries of the Marshalling Yard and

Road Diversions, as shown on Land Titles Office Plan 7258 aforesaid to the south-western alignment of Orrong Road; thence south-easterly and north-easterly along boundaries of Part of Canning Location 2, as shown on Land Titles Office Plan 8167 to the south-western alignment of Paterson Road and thence generally north-easterly along boundaries of the Marshalling Yard and Road Diversions, as shown on Land Titles Office Plan 7258 aforesaid to the starting point.

Less land required for Railway Service Sidings.

PART III.

Land Acquired for Development.

All that portion of land bounded by lines starting from the intersection of the north-eastern alignment of Acton Avenue with a north-western boundary of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 and extending generally north-easterly along south-eastern boundaries of Parts of Swan Location 34, as shown on Land Titles Office Plan 8167 to the south-western side of Abernethy Road; thence north-westerly along that side to the north-western side of May Street; thence north-easterly to a point on the south-western side of Belgravia Street situate 5 chains north-westerly from its intersection with the north-western side of May Street aforesaid; thence south-easterly along that side to the north-western side of May Street aforesaid; thence north-easterly along that side to the north-eastern side of Pearl Road, a point on a south-western boundary of lot 2 of locations 30, 31, 32 and 33, as shown on Land Titles Office Plan 7512; thence generally south-easterly along boundaries of that lot and onwards to the south-eastern side of Uranium Street; thence north-easterly to the south-western side of Hardey Road; thence south-easterly along that side to the south-eastern side of Rason Road; thence north-easterly along the prolongation north-easterly of that side to the south-western side of the Gosnells-Beechboro Controlled Access Road, as shown on Land Titles Office Plan 7067; thence south-easterly along that side to a point situate in prolongation north-easterly of the north-western boundary of lot 13 of Canning Location 292, as shown on Land Titles Office Plan 3217; thence south-westerly to the northern corner of that lot; thence south-easterly along the south-western side of Hardey Road aforesaid to the northernmost north-eastern corner of the Marshalling Yard and Road Diversions at Welshpool, as shown on Land Titles Office Plan 7258 aforesaid and thence generally westerly along northern boundaries of that Marshalling Yard to the starting point.