

RESERVES.

7° Elizabeth II., No. XXXV.

No. 35 of 1958.

AN ACT relating to certain Reserves and other Lands.

[Assented to 11th December, 1958.]

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:—

Short title
and citation.

1. This Act may be cited as the *Reserves Act*, 1958.

Reserve
No. A. 6862
at Albany.

2. (1) Reserve No. 6862 near Emu Point, Albany, classified as of Class "A" and set apart for the Protection of Boronia is hereby amended to excise that portion being—

an area of one acre and nine and four-tenths perches situated in the south-western corner of the reserve which has been included by survey in a proposed subdivision on Lands and Surveys Original Plan No. 7583.

(2) The land comprised in the portion so excised may be used for the purpose of certain surveyed roads as shown on the Plan No. 7583 and the balance may be included in the adjoining Reserve No. 22698, which is set apart for the purposes of Residence and Business Areas and is vested in the Emu Point (Albany) Reserve Board.

3. Reserve No. 23479 at Alexandra Bridge, classified as of Class "A" and set apart for the purposes of Picnic Ground, Children's Playground, and Tennis Courts is hereby amended by excising the portion now surveyed as Sussex Location 4175 containing ten acres two roods four and four-tenths perches, with the intention that the area so excised shall be set apart as a separate reserve for Camping and Caravan Park which shall be classified as of Class "A".

Reserve
No.A. 23479 at
Alexandra
Bridge.

4. (1) Reserve No. 4991 at Bunbury, classified as of Class "A" and set apart for the purpose of Park Lands and under the control of the Municipality of Bunbury as a Board appointed under the provisions of the Parks and Reserves Act, 1895-1955, is hereby cancelled with the intention that the land comprised therein shall be disposed of in the following manner—

Reserve
No. A. 4991 at
Bunbury.

- (a) the portion comprising a strip of land one chain wide being fifty links on either side of the centre line of a constructed roadway known as Ocean Drive commencing at the western alignment of Malcolm Street near the north-eastern corner of Bunbury Lot 366 and extending westward and southward around the boundaries of that lot to the western extremity of Carey Street and onwards to the northern alignment of Clifton Street; thence from the western alignment of Clifton Street in a general southerly direction to the eastern alignment of Russell Esplanade near its junction with Symmons Street; recommencing at the eastern alignment of Russell Esplanade opposite Wellington Street and extending

westward and southward to the southern boundary of the reserve, shall after survey be dedicated as a public highway under the provisions of the Municipal Corporations Act, 1906;

- (b) the balance of the portion north of the alignment of Carey Street and its production westward to the Indian Ocean shall be utilised—
 - (i) to provide a reserve along the ocean front for Recreation and to provide public access to the ocean in such manner as the Governor may approve, after the necessary survey has been completed; and
 - (ii) for any other purposes under the Land Act, 1933, as the Governor may approve;
- (c) the remainder of the reserve being the portion south of the northern alignment of Carey Street and its production westward shall, after providing for the dedication of Ocean Drive as a public highway, be included in Class "A" Reserve No. 9997 and set apart for the purposes of Park Lands and Recreation.

Reserve
No. A. 9997 at
Bunbury.

5. (1) Reserve No. 9997 at Bunbury, classified as of Class "A", and set apart for the purpose of Park Lands and vested in the Municipality of Bunbury in trust for that purpose, is hereby amended by changing the purpose of the reserve to Park Lands and Recreation and by altering its boundaries in the following manner—

- (a) to excise a strip of land one chain wide to contain the constructed roadway known as Ocean Drive commencing at the northern boundary of the reserve and extending in a general southerly direction through the reserve to its southern boundary, which road shall, after survey, be dedicated as a public highway under the provisions of the Municipal Corporations Act, 1906;

- (b) to include the portion of Class "A" Reserve No. 4991 being the portion south of the northern alignment of Carey Street and its production westerly to the Indian Ocean; and
- (c) to include that portion of Reserve No. 18574 being the land on the western side of Reserve No. 9997 between high and low water marks.

6. Reserve No. 3404, at Cape Leeuwin, classified as of Class "A" and set apart for the purpose of Light House and Landing-place is hereby cancelled and the land contained therein being portion of Sussex Location h being Lots 1 and 2 on Land Titles Office Plan No. 1326 and comprising the whole of the land in Certificate of Title Volume 134, Folio 57, registered in the name of Her Majesty is hereby revested in Her Majesty as of her former estate, with the intention that the land will be disposed of in the following manner—

Reserve
No. A. 3404
at Cape
Leeuwin.

- (a) the portion now surveyed as Sussex Location 4195, containing thirty-eight acres one rood and twenty-nine perches, and comprising the Cape Leeuwin Lighthouse Site shall be granted by the Governor, as for an estate in fee simple, to the Commonwealth of Australia in accordance with the provisions of the Financial Agreement Act, 1928;
- (b) the remaining portions of the land may be reserved for such purposes and in such manner as the Governor may approve.

7. (1) Reserve No. 2360 at Depot Hill near Mingenew, classified as of Class "A", and set apart for the purpose of a Stopping Place for Travellers and Stock, is hereby amended by—

Reserve
No. A. 2360 at
Depot Hill.

- (a) excising all that portion north of the northernmost boundary of Victoria Location 9908 and its production westerly; and
- (b) including the land comprised in Reserve No. 899 which is hereby cancelled.

(2) The land comprised in the portion excised from the reserve may be disposed of under the provisions of the Land Act, 1933, in such manner as the Governor may approve, subject however to the provision of a stock route or access way five chains wide along portion of the eastern boundary of Victoria Location 10026.

Reserve
No. 1352
Fremantle.

8. Reserve No. 1352 comprising Fremantle Lot 1533, containing ten acres three roods and twenty-seven perches, and being the land comprised in Certificate of Title Volume 411, Folio 146, held in fee simple by the City of Fremantle in trust for Municipal Purposes, is hereby cancelled and the City of Fremantle is hereby authorised, subject to the approval of the Town Planning Board, to subdivide, sell or otherwise dispose of, the land or an estate or interest in the land free of the trust.

Reserve
No. A. 11384
at Fremantle.

9. Reserve No. 11384, at Fremantle, classified as of Class "A" and set apart for the purpose of Education Endowment and held in fee simple by the Trustees of the Public Education Endowment, is hereby reduced by the excision of Fremantle Lots 1228 to 1236 inclusive being the whole of the land comprised in Certificate of Title Volume 765, Folio 66, and the Trustees of the Public Education Endowment are hereby authorised to dispose of the lots so excised, free of trust, to the State Electricity Commission of Western Australia.

Reserve
No. A. 18959
at Inglewood.

10. (1) Reserve No. 18959 comprising Swan Location 3160 situated at the intersection of Beaufort and Salisbury Streets, Inglewood, in the Bayswater Road District, classified as of Class "A" and set apart for the purpose of Parklands and Recreation is hereby amended to excise all that portion being—

the portion south-east of a line drawn in prolongation north-easterly of the south-eastern alignment of Lot 23 on Land Titles Office Plan No. 1625.

(2) The land comprised in the portion so excised is hereby included in the public road known as Beaufort Street and is dedicated as a public road under the provisions of the Road Districts Act, 1919.

(3) The purpose of the remaining portion of the reserve is hereby amended to Parking and may be vested in the Bayswater Road Board in such manner as the Governor may approve, but subject to the condition that the reserve shall not be leased.

11. Reserve No. 8044, at Kalamunda, comprising Kalamunda Lots 1 and 2, classified as of Class "A" and set apart for the purpose of Park is hereby cancelled with the intention that the land comprised therein may be made available for sale under such terms and conditions as the Governor may approve.

Reserve
No. A. 8044 at
Kalamunda.

12. (1) Reserve No. 18140, comprising Avon Location 23039 of ten acres, set apart for the purposes of a Hall Site and Recreation and held in fee simple by North Cunderdin Hall Incorporated in Certificate of Title Volume 846, Folio 28, in trust for the purposes of the reserve, is hereby cancelled.

Reserve
No. 18140
at North
Cunderdin.

(2) The land comprised in the reserve so cancelled is hereby revested in Her Majesty as of her former estate with the intention that after providing for certain new road requirements, the balance of the land will be reserved for any public purposes as may be approved by the Governor.

13. (1) Reserve No. 12085 at Parkerville, classified as of Class "A" and set apart for the purpose of Public Education Endowment and held in fee simple in trust for that purpose by the Trustees of the Public Education Endowment, in Certificate of Title Volume 571, Folio 32, is hereby reduced by the excision of all that portion of Parkerville Lot 24 being—

Reserve
No. A. 12085
Parkerville.

the portion now surveyed as Parkerville Lot 379 comprising an area of nine acres and sixteen perches as shown on Lands and Surveys Diagram No. 65435.

(2) The portion so excised is hereby revested in Her Majesty as of her former estate with the intention that it will be reserved for the purpose of Recreation (School Sports Ground) classified as of Class "A" and vested in the Minister for Education.

Reserve
No. A. 7123
at Perth.
Cf. Act No. 56
of 1957.

14. Section ten of the Reserves Act, 1957, is amended by adding after subsection (3) the following subsection—

(4) (a) A right of carriage way is hereby granted to the Commissioners of the Rural and Industries Bank of Western Australia over that portion of Class "A" Reserve No. 7123, being the strip of land seventeen and eight-tenths links wide along the southern boundary of Perth Lot 792.

(b) No building shall be erected on or above the right of carriage way which restricts the provision of light and air to the buildings erected, whether before or after the coming into operation of the Reserves Act, 1958, on Perth Lot 792.

Reserve
No. A. 4813 at
Point Walter.

15. All that portion of Reserve No. 4813 at Point Walter, classified as of Class "A" and set apart for the purpose of Recreation and being—

the portion surveyed as Cockburn Sound Location 1717 containing an area of twenty-eight acres three roods and one perch,

which by the authority of section six of Act No. 80 of 1947 has been used for the purpose of Immigrants' Home for a period which expired on the twenty-seventh day of March, one thousand nine hundred and fifty-seven, may by force of this Act be used for the same purpose for a further period of ten years which shall be deemed to have commenced on the twenty-eighth day of March, one thousand nine hundred and fifty-seven.

16. Reserve No. 3412 at Pawalup classified as of Class "A" and set apart for the purpose of Resting Place for Travellers and Stock is hereby reduced by the excision of all that portion on the northern side of the Blackwood River, with the intention that the portion so excised shall be set apart as a separate reserve for the Conservation of Flora and Fauna and also classified as of Class "A".

Reserve
No. 3412 at
Pawalup.

17. The Serpentine-Jarrahdale Road Board, which holds in fee simple in trust for the purposes of Recreation, Showground and Racecourse, Cockburn Sound Location 778 as comprised in Reserve 19134 and being the whole of the land comprised in Certificate of Title Volume 1047, Folio 553, is hereby authorised to lease, with the approval of the Governor, to Whittakers Investments Pty. Limited, for the purpose of a sawmill site for a term expiring on the twenty-eighth day of February, one thousand nine hundred and sixty-eight, all that portion of the reserve containing six acres as surveyed and shown on Lands and Surveys Diagram No. 61659.

Reserve
No. 19134 at
Serpentine.

18. Reserve No. 10922, at Yallingup, classified as of Class "A" and set apart for the purposes of Protection of Caves and as a Recreational and Pleasure Resort, is hereby amended to excise all that portion now surveyed as Sussex Location 4148 containing forty-four acres and twenty-three perches with the intention that the portion so excised will be set apart as a separate reserve for the purposes of Recreation, Camping and Water.

Reserve
No. A. 10922
at Yallingup.
