

RESERVES.

14° and 15° Geo. VI., No. XXXVIII.

No. 38 of 1950.

AN ACT relating to certain Reserves.

[Assented to 18th December, 1950.]

BE it enacted by the King'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 *Reserves Act, 1950.* Short title.

2. (1) Class "A" Reserve No. 23123 (Perth Lot 757) vested in the State Gardens Board in trust for beautification, recreation and temporary car parking, subject to the condition mentioned in a Proclamation published in the *Gazette* on the seventeenth day of November, 1950, ceases, by force of this Act, to be so vested and is hereby vested in The City of Perth as a Class "A" Reserve for the purpose Res. "A"
23123.

of the temporary parking of duly registered motor cars until the Governor shall by Proclamation declare that the reserve shall no longer be used for such purpose: Provided that—

- (a) two or more motor cars owned by the same person shall not be parked on the reserve at any one time;
- (b) such portion of the reserve as may be delineated by notice signed by the Minister for Lands and published in the *Gazette* shall be used for the purpose of beautification;
- (c) the Governor may by Proclamation at any time temporarily suspend or deny the use of the reserve for the purpose of temporary parking as aforesaid.

(2) During any period when the use of the reserve for the purpose of temporary parking is temporarily suspended or denied as aforesaid, and from and after the publication of a Proclamation declaring that the reserve shall no longer be used for that purpose, the reserve shall by force of this Act be vested in The City of Perth as a Class "A" Reserve for the purposes of beautification and recreation, and shall be deemed to be so vested under and for the purposes of the Land Act, 1933-1948.

Res. "A"
23124.

3. (1) Class "A" Reserve No. 23124 (Perth Lot 758) vested in the State Gardens Board in trust for recreation and beautification, subject to the condition mentioned in a Proclamation published in the *Gazette* on the seventeenth day of November, 1950, ceases, by force of this section, to be so vested and is hereby vested, and deemed to be vested under and for the purposes of the Land Act, 1933-1948, in The City of Perth as a Class "A" Reserve for the purpose of recreation of the people, subject, however, to any rights of the Commonwealth or rights under the laws of the Commonwealth in respect of the land comprised within the reserve.

(2) This section shall come into operation upon a date to be fixed by Proclamation or upon the first day of August, 1960, whichever date is the earlier.

4. All that portion of Class "A" Reserve 22776 (Perth Town Lot 478) comprising strips of land sixty-six feet wide on the western and northern boundaries of the reserve and more particularly described in the Schedule to this Act, is hereby, by force of this Act, excised from the reserve, vested in The City of Perth and deemed to be dedicated as a public highway under and for the purposes of the Municipal Corporations Act, 1906-1947, to the intent that there shall be constructed on such strips of land, with a width of forty-two feet between kerbs, a road which will be continued eastward to Plain Street, at a total cost to be shared equally between the State and The City of Perth.

Res. "A"
22776.

5. Reserve No. 19465 (Albany Lot 827) classified as of Class "A" and vested in the Municipality of Albany in trust for the purpose of a Park and Garden is hereby reduced for the purpose of widening Stirling Terrace, by the excision of that portion of the reserve bounded on the north by the southern side of Stirling Terrace and on the south by a line parallel to and distant one chain from the northern side of Stirling Terrace, subject to survey.

Reserve No.
19465,
Albany.

6. Reserve No. 20954 comprising Swan Location 3403 of 1 acre 2 roods 3.5 perches at Bayswater, classified as of Class "A", set apart for recreation and vested in the Bayswater Road Board under section 33 of the Land Act, 1933-1948 in trust for the purpose aforesaid, is hereby cancelled, and the Governor may grant the land as for an estate in fee simple to the Bayswater Road Board freed and discharged of all trusts.

Reserve No.
20954,
Bayswater.

7. Wellington Location 1281 containing 5 acres, as comprised in Reserve 6433, the subject of Certificate of Title, Volume 220, Folio 163, and now registered in the names of George Edward Dilley, Thomas Henry Coles and William Framlyn Lang, all of Capel, Farmers, as Trustees for the Capel Cemetery, is hereby revested in His Majesty as of his former estate with the intention that it continue in use as a Public Cemetery under the provisions of the Cemeteries Act, 1897-1946.

Reserve No.
6433, Capel.

Reserve No.
14222,
Denison.

8. (1) Reserve No. 14222 at Denison, classified as of Class "A" and set apart for the purposes of camping and recreation, is hereby reduced by the excision of—

all that portion of Denison Lot 30 containing 5.8 perches, bounded by lines commencing from the southern corner of that lot and extending north-westerly for 3 chains 5.8 links along its south-western boundary; thence easterly for 1 chain 8.4 links to a point on its north-eastern boundary, situate 2 chains 64.7 links from its eastern corner; thence south-easterly along the boundary of that lot to its eastern corner and south-westerly along the boundary of that lot to the starting point.

(2) The land which has been excised from Reserve No. 14222 by the operation of the last preceding subsection may be granted by the Governor as for an estate in fee simple to the registered holder of Denison Lot 29 in consideration of the payment to the Crown of an amount of forty pounds and subject to the surrender to His Majesty the King of portions of Denison Lot 29 being—

firstly—

all that portion of Denison Lot 29, containing 21 perches, bounded by lines commencing from a point on its south-western boundary 1 chain 10.3 links from its western corner, and extending north-westerly along the boundary of that lot to its western corner and north-easterly along the boundary of that lot to the northern corner, thence south-easterly for 1 chain 51.3 links along its north-eastern boundary and thence westerly to the starting point; and

secondly—

all that portion of Denison Lot 29, containing 4 perches, comprising a strip 25 links wide along the whole of the south-eastern boundary of that lot.

Reserve No.
9222,
Dinninup.

9. Nelson Location 2931, being Reserve No. 9222, granted for an estate in leasehold for a term of nine hundred and ninety-nine years, and now the sub-

ject of Lease No. 327/42, registered in the names of James Blechynden, Frederick William Gibbs and John Orange Beatty, as Trustees of the Dinninup Public Hall, is hereby revested in His Majesty as of his former estate with the intention that it shall be again reserved for the purpose of a Hall Site and vested in the Upper Blackwood Road Board.

10. Reserves A7537 and A2995, classified as of Class "A" and set apart for a "National Park" and "Park" respectively, are hereby reduced by the excision of approximate areas of 42 acres from Reserve 7537 and 8 perches from Reserve 2995 as comprised in a strip of land one chain wide, including the widening at its commencement, starting at a point about 50 links easterly from the intersection of the prolongation north-easterly of the south-eastern side of Road No. 490 and the northern side of the Great Eastern Highway, and extending, as shown on Lands and Surveys Department's Original Plan No. 5817, through Reserve A7537 (Swan Location 3264) and the south-easternmost corner of Reserve A2995 and again through Reserve A7537 to the prolongation southerly of the western boundary of Lot 1 of Swan Location 1671, with the intention that the land so excised shall be dedicated as a public road.

Reserves
A 7537 and
A 2995 at
Glen Forrest.

11. Reserve No. 2101 at Greenmount, classified as of Class "A" and set apart for the purpose of a Public Park, is hereby cancelled, with the intention that the land contained therein will be subdivided into homesites for the State Housing Commission and the Railways Department after provision for all necessary roads and reserves.

Reserve No.
2101, Green-
mount.

12. Reserve No. 21141 over Mendel Estate Lot 18 classified as of Class "A" and set apart as a Resting and Watering Place, Stock Route and Common for Travellers and Stock is hereby reduced by the excision of—

Reserve No.
A 21141,
Mendel
Estate.

all that portion of Mendel Estate Lot 18 as surveyed, excepting an area of 100 acres to be renumbered as Mendel Estate Lot 22, bounded by lines starting from a point on the southern boundary of the lot situate 5 chains easterly

from its south-western corner, and extending 359 degrees 58 minutes 31 chains 62.3 links, 89 degrees 59 minutes 31 chains 62.3 links and 179 degrees 58 minutes 31 chains 62.3 links to the said southern boundary, and thence westerly 31 chains 62.3 links along that boundary to the starting point, subject to survey,

with the intention that a Stock Route Reserve 5 chains wide will be declared along the western boundary of Mendel Estate Lot 18 and that the remainder of the said lot may be disposed of under the provisions of the Land Act, 1933-1948.

Reserve No.
6752,
Mingenew.

13. Victoria Location 2515, being Reserve No. 6752, granted as for an estate in fee simple and now the subject of Certificate of Title, Volume 230, Folio 17, registered in the names of William Henry Lintorne, Charles Shepherd Oliver and William Shepherd Oliver, as Trustees of the Cemetery at Mingeneu, is hereby revested in His Majesty as of his former estate with the intention that the Cemetery Reserve shall be placed under a Board of Control appointed under the provisions of the Cemeteries Act, 1897-1946.

Reserve No.
2360, near
Mingenew.

14. Reserve No. 2360, near Mingeneu, classified as of Class "A", and set apart for the purpose of a "Stopping Place for Travellers and Stock", is hereby reduced by the excision of all that portion bounded by lines commencing at a point 63 chains 12 links south from the north-eastern corner of Victoria Location 2980 and extending southerly in prolongation southerly of the easternmost boundary of that location for 10 chains; thence east for 80 chains and south to a point on the southern side of Road Number 3913; thence south-westerly along that side to the road angle situate about 60 chains from that point; thence south to the northernmost boundary of Location 2710; thence westerly along that boundary and onwards to an internal eastern corner of Location 2321; thence northerly along the eastern boundary of that location and westerly along its northernmost boundary to the south-easternmost corner of Location 3465; thence northerly along the

easternmost boundary of that location to the southern boundary of Location 9477; thence easterly and northerly along boundaries of that location to its north-eastern corner and thence northerly and easterly along boundaries of Location 2980 to the starting point.

15. All that portion of Reserve 11388 at Mount Barker, classified as of Class "A", which is comprised in Mount Barker Lot 99, being portion of the land comprised in Certificate of Title, Volume 571, Folio 34, registered in the name of the Trustees of the Public Education Endowment, is hereby revested in His Majesty as of his former estate with the intention that it shall be reserved for Police purposes.

Reserve
A 11388,
Mount
Barker.

16. Reserve No. 18325 at Mount Lawley containing 287 acres 1 rood 39 perches, classified as of Class "A" and set apart for recreation purposes is hereby reduced by the excision of—

Reserve No.
A 18325,
Mount
Lawley.

all that portion of "A" Class Reserve 18325, bounded by lines starting from the northern corner of Swan Location 3707 and extending north-easterly along the south-eastern side of Road No. 250 to its intersection with a south-western boundary of Location 3301; thence (as shown on O.P. 4878) 97 degrees 16 minutes 5 chains 86.6 links; 116 degrees 18 minutes 3 chains 78.1 links and 135 degrees 20 minutes 17 chains 73.7 links to the present south-eastern boundary of "A" Class Reserve 18325 aforesaid; thence south-westerly along that boundary to the eastern corner of "A" Class Reserve 19163; thence north-westerly along the boundary of Reserve 19163 to its northern corner and south-westerly along the boundary of that reserve to the eastern corner of Location 3707 aforesaid; and thence north-westerly along its north-eastern boundary to the starting point,

with the intention that after resurvey of the area and provision of certain roads, the land will again be reserved for Educational Purposes, Government Requirements and Recreation Purposes, respectively.

Reserve No.
A 19163,
Mount
Lawley.

17. Reserve No. 19163 at Mount Lawley containing 16 acres 3 roods 39 perches classified as of Class "A" and set apart for the purpose of a Park is hereby cancelled with the intention that after resurvey of the area and provision of certain roads portion of the land will be reserved for recreation purposes.

Reserve No.
10632,
Ravens-
thorpe

18. Ravensthorpe Lot 132, being Reserve No. 10632 granted for an estate in leasehold for a term of nine hundred and ninety-nine years and now the subject of Lease No. 356/42, registered in the names of Walter Egbert Elston, Robert Henry Stevenson and Charles Gilbert as Trustees of the Phillips River Mechanics' Institute, is hereby re-vested in His Majesty as of his former estate with the intention that it shall be again reserved for the purpose of a Mechanics' Institute Hallsite and vested in the Phillips River Road Board.

Reserve No.
8427,
Yallingup.

19. Reserve No. 8427 classified as of Class "A" set apart for the protection and preservation of caves and flora and for health and pleasure resort, is hereby reduced by the excision of Sussex Location 1330, of 36 acres and 28 perches, with the intention that the location be reserved for recreation.

THE SCHEDULE.

Section 4.

All that portion of "A" Class Reserve 22776, Perth Town Lot 478, containing an area of 1 acre 3 roods 35 perches as shown coloured dark brown on Lands and Surveys Diagram No. 62097, bounded by lines starting from the south-eastern corner of "A" Class Reserve 10887, Perth Town Lot 462, at a point on the northern side of Riverside Drive and extending northerly along the eastern boundary of that reserve to the southernmost boundary of Reserve 1149, Perth Town Lot S1; thence easterly along that boundary and the southern boundaries of Reserves 22240, 22241 and Lots S2 and S3 to the western side of Victoria Avenue; thence 200 degrees 37 minutes, 1 chain 30 links; thence 335 degrees 58 minutes, 42.7 links; thence 291 degrees 19 minutes, 3 chains 7.1 links; thence 290 degrees 58 minutes, 10 chains 20.6 links; thence 246 degrees 1 minute, 42.5 links; thence 201 degrees 4 minutes, 5 chains 8.3 links; thence 156 degrees, 5 minutes, 42.4 links and thence 291 degrees 7 minutes, 1 chain 30 links to the starting point.