



Western Australia

## **Canning Lands Revestment Act 1954**



## **Canning Lands Revestment Act 1954**

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## **Canning Lands Revestment Act 1954**

**An Act relating to the Resubdivision of certain Lands in the Canning District, and to certain Rights, Roads and Reserves in that District and for other purposes.**

Whereas the State Housing Commission constituted under the *State Housing Act, 1946-1954*, has acquired or desires to acquire for the purposes of that Act certain lands in the Canning District being those lands delineated on Lands and Surveys Department<sup>2</sup> Original plans 6139 and 6140 and thereon designated as Canning Locations 1274 and 1275 respectively and desires to effect a re-subdivision of the lands and to include in the re-subdivision of the lands described in the First Schedule to this Act; and whereas for the purposes of the re-subdivision it is necessary or desirable that certain roads and rights-of-way as described in the Second Schedule to this Act should be closed and extinguished and that all the lands the subject of this Act, together with the rights to any mines of coal or other minerals under the lands excepting however the whole of the lands described in section seven of this Act and also the whole of the lands described in the Third Schedule to this Act together with the aforesaid rights appurtenant thereto, should be revested in Her Majesty as of her former estate:

Be it therefore enacted by the Queen's most excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly in this present Parliament assembled, and by authority of the same, as follows: —

**s. 1**

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**1. Short title**

This Act may be cited as the *Canning Lands Revestment Act, 1954*.

**2. Cancellation of and excision of portion from reserve**

- (1) Reserve No. 21946 set apart for the purpose of pine-plantation is cancelled.
- (2) Reserve No. 10555 set apart for public utility is amended to excise the portion described in the First Schedule to this Act.

**3. Closure of certain roads and extinguishment of certain rights-of-way**

- (1) All those portions of roads and rights-of-way as described in the Second Schedule to this Act are closed and extinguished and all rights-of-way over them cease on the coming into operation of this Act.
- (2) The portions are revested in Her Majesty as of her former estate.

**4. Revesting of lands, and mineral rights**

The lands the subject of the Plans mentioned in the Preamble to this Act, and all rights to mines of coal or other minerals under the lands are revested in Her Majesty as of her former estate freed and discharged from the estate, right, title, interest, claim or demand of all persons whomsoever to or in respect of the lands or rights and the lands are deemed to be Crown land under and for the purposes of the *Land Act, 1933-1954*.

**5. Revestment of strips of land abutting Coventry and Lamb Streets**

- (1) A strip of land three feet wide abutting and extending along the width of a north-western end of Coventry Street, and being portion of Canning Location 2 on Land Titles Office<sup>2</sup> Plan No. 1995 and being part of the land comprised in Certificate of Title Volume 238 Folio 166 registered in the name of The

Intercolonial Investment Land and Building Company Limited, is revested in Her Majesty as of her former estate.

- (2) A strip of land three links wide abutting and extending along the south-eastern boundary of Lamb Street from Taree Street to the western corner of Lot 41 on Land Titles Office<sup>2</sup> Plan 3028 and being part of the land comprised in Certificate of Title Volume 438, Folio 198 registered in the name of Jeannie Lamb of Rose Bay near Sydney in the State of New South Wales Widow the Executrix of the will of John Lamb deceased, is revested in Her Majesty as of her former estate.

**6. Revestment of land held in trust by City of Perth**

All that piece of land comprising portion of Canning Location 2 the subject of Land Titles Office<sup>2</sup> Diagram 10090 and being the whole of the land comprised in Certificate of Title Volume 1077 Folio 293 registered in the name of The City of Perth and being subject to Declaration of Trust No. 4/1942, dated the 19th day of May, 1942, whereby The City of Perth acknowledged holding the land in trust for the purpose of recreation for the people, is hereby revested in Her Majesty as of her former estate with the intention that the land shall be included in Canning Location 1274 as mentioned in the Preamble to this Act, the subdivision of which shall provide for the reservation of other areas suitable for recreation purposes.

**7. Closure of portions of certain street widenings**

- (1) The portions of Coolgardie, Ashburton, Queen and Behan Streets being the widenings contiguous to Lots 17, 18, 34, 49 and 50 of Canning Location 2 on Land Titles Office<sup>2</sup> Plan No. 6099 are closed and all rights-of-way over them cease on the coming into operation of this Act.
- (2) The land comprised in each portion of the streets closed by the operation of the preceding subsection vest for an estate in fee simple in the respective owners for the time being of the lot

contiguous thereto and shall be included in and form portion of that lot.

- (3) The Registrar of Titles shall, on the application of the owner of the land contiguous to any part of the road so closed and on payment of the prescribed fee, cancel the relative Certificate of Title and issue a new one in which the relative portion of the land as described in subsections (1) and (2) of this section shall be included.
- (4) Where any land contiguous to the part of the road so closed as is mentioned in subsections (1) and (2) of this section is subject to any encumbrance whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the part shall, if the nature of the encumbrance so admits, on the issue of the new Certificate of Title showing the vesting of the part as in this section provided, become subject to the encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

**8. Deviation of Braebrise Road**

- (1) Braebrise Road is deviated in the manner shown on Lands and Surveys Department<sup>2</sup> Diagram No. 63079 and the land coloured dark brown thereon is revested in Her Majesty as of her former estate freed and discharged from the estate, right, title, interest, claim or demand of all persons whomsoever.
- (2) The land comprised in the portion of Braebrise Road as shown coloured blue on Lands and Surveys Department<sup>2</sup> Diagram No. 63079, which is closed by deviation by the operation of this section is included in Canning Location No. 1275 and revested in Her Majesty as of her former estate as provided in section four of this Act and is deemed to be Crown land under and for the purposes of the *Land Act, 1933-1954*.

**9. Dedication of certain roads**

All roads delineated on and included in the subject of Land Titles Office<sup>2</sup> Plans numbered 6412 to 6424 inclusive and 6531,

and diagram No. 18217, together with the roads described in the Third Schedule to this Act are dedicated as public roads as from the date of approval by the Surveyor General or other person appointed by the Governor of the plans, notwithstanding anything contained in the provisions of either the *Municipal Corporations Act, 1906-1953*, or the *Road Districts Act, 1919-1951*, relating to the roads.

**10. Crown Grant of revested land may be given**

The Governor may grant to The State Housing Commission without any monetary consideration whatsoever the fee simple of the whole or any portion of the lands which are revested in Her Majesty by the operation of this Act.

**First Schedule**

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**First Schedule**

**DESCRIPTION OF RESERVED LANDS.**

- (a) The whole of Reserve 21946 reserved for Pine Plantation.
- (b) The portion of Reserve 10555, reserved for Public Utility, now comprised in Hill View Terrace, as shown on Land Titles Office<sup>2</sup> Plan No. 6418.

**Second Schedule**

**DESCRIPTION OF ROADS AND RIGHTS-OF-WAY CLOSED AND EXTINGUISHED.**

The portion of Jarrah Road on Land Titles Office Plan 2179, now included in Land Titles Office Plan No. 6412.

All the roads delineated on and included in the subject of Land Titles Office Plan No. 2179, save and except the portion of Jarrah Road comprised therein.

All the roads delineated on and included in the subject of Land Titles Office Plans 2592 and 2900, together with road truncations delineated on Land Titles Office Diagram 8643.

Jarrah Road from the north-western alignment of Marquis Street to the eastern alignment of Road No. 130 including truncations (Lands and Surveys Department<sup>2</sup> Plan 5254).

The portion of Jarrah Road being the truncation at its intersection with the western side of Road No. 130 (Lands and Surveys Department<sup>2</sup> Plan 5254).

Boundary Road from the north-eastern alignment of Jarrah Road to the production north-westerly of the south-western alignment of Taree Street (Land Titles Office Plans 129 and 2711).

Devenish Street from the production south-westerly of the south-eastern boundary of Canning Location 1063 (late Lot 116 on Land Titles Office Plan 2775) to the north-western alignment of Boundary Road (Land Titles Office Plan 129).

Whittlesford Avenue from the north-eastern alignment of Devenish Street to the south-western alignment of Berwick Street (Land Titles Office Plans 2022 and 5864).

Baillie Avenue from the north-eastern alignment of Devenish Street to the south-western alignment of Berwick Street (Land Titles Office Plans 2022, 5864, and Land Titles Office Diagram 10090).

The road truncations on Land Titles Office Diagram 10089 situated at the northern and eastern corners of the land comprised in Land Titles Office Diagram 10090.

The portions of Berwick Street being truncations at its intersection with Whittlesford and Baillie Avenues (Land Titles Office Plan 5864).

**Second Schedule**

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Hill View Terrace from the north-eastern alignment of Devenish Street to the production north-westerly of the south-western alignment of Berwick Street including the truncation at the western corner of Canning Location 1160 (Land Titles Office Plans 3342, 5864 and Lands and Surveys Department<sup>2</sup> Plan 5100).

Berwick Street from the south-eastern alignment of Hill View Terrace to the north-western alignment of Boundary Road including truncations (Land Titles Office Plan 5864).

Alday Street from the north-eastern alignment of Devenish Street to the straight line being the perpendicular dropped from the western corner of Lot 71 to the north-western alignment of Alday Street (Land Titles Office Plan 3342) including truncations (Lands and Surveys Department<sup>2</sup> Plan 5100).

Leichardt Street from the north-eastern alignment of Devenish Street to the straight line joining the southern corner of Lot 17 and the western corner of Lot 46 (Land Titles Office Plan 1995).

Wyndham Street from the north-eastern alignment of Devenish Street to the straight line being the perpendicular dropped from the southern corner of Lot 5 on Land Titles Office Diagram 8669 to the south-eastern alignment of Wyndham Street (Land Titles Office Plan 1995).

Coventry Street from the south-eastern alignment of Hill View Terrace to the north-western alignment of Boundary Road including the truncation at the northern corner of Canning Location 1116 (Land Titles Office Plans 1995, 3342 and Lands and Surveys Department<sup>2</sup> Plan 5100).

The one chain road running along the north-eastern boundary of Canning Locations 1137 to 1148 inclusive, from the south-eastern alignment of Hill View Terrace to the production north-easterly of the south-eastern boundary of the Canning Location 1148 including truncations (Land Titles Office Plan 5100).

Marquis Street from the north-eastern boundary of Canning Location 65 to the south-western boundary of Canning Location 2 (Land Titles Office Plan 2125).

Boundary Street from the south-eastern alignment of Marquis Street to its junction with Road No. 123 (Land Titles Office Plan 2125 and Lands and Surveys Department<sup>2</sup> Diagram 52175).

Earl Street from the south-eastern alignment of Marquis Street to the north-western alignment of Road No. 123 (Land Titles Office Plan 2125).

Duke Street from the south-eastern alignment of Marquis Street to the north-western alignment of road No. 123 (Land Titles Office Plan 2125).

Princess Street from the north-eastern alignment of Duke Street to the western alignment of Road No. 130 (Land Titles Office Plan 2125).

York Street from the south-eastern alignment of Marquis Street to the north-western boundary of Lot 1 of Canning Location 1 (Land Titles Office Plans 2125 and 4331).

King Street from the eastern alignment of Road No. 130 to the south-western alignment of York Street (Land Titles Office Plan 2125).

High Street from the eastern alignment of Road No. 130 to the south-western alignment of York Street (Land Titles Office Plan 2125).

Royal Street from the eastern alignment of Road No. 130 to the south-western alignment of York Street (Land Titles Office Plan 2125).

Road No. 130 from its junction with road No. 123 to the south-western alignment of Devenish Street (Land Titles Office Plans 2125 and 2900 and Lands and Surveys Department<sup>2</sup> Plans 5254 and Canning 156).

The portion of road No. 123 from the production westerly of the northern alignment of Road No. 7836, running generally north-easterly and south-easterly, to the north-western alignment of Lord Street (Land Titles Office Plan 2125 and Lands and Surveys Department<sup>2</sup> Diagram 52175).

The portions of Road No. 7836 being the truncation at its junction with Road No. 123 at the western corner of Lot 2 of Canning Location 328, and the truncation at its intersection with the south-eastern alignment of Lord Street (Lands and Surveys Department<sup>2</sup> Diagram 52175).

Lord Street from the northern alignment of Road No. 7836 to the south-western alignment of Road No. 123 (Land Titles Office Plans 2125 and 5375), including the truncation adjacent to Road No. 123.

Lord Street from the production north-westerly of the north-eastern alignment of Clyde Street to the south-western alignment of York Street (Land Titles Office Plans 2125 and 4331).

Braebrise Road from the south-eastern alignment of Lord Street to the production south-westerly of the north-western boundary of Lot 18 of Canning Location 1 (Land Titles Office Plans 2461 and 4331).

**Second Schedule**

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The one chain road running along the south-western boundary of Lots 10 and 11, and the western boundary of Lot 13, from the western corner of the said Lot 10 to the northern alignment of Road No. 123 (Land Titles Office Plan 4331).

Portion of Quinn Street being a three link strip running inside and along its south-eastern alignment from the north-eastern alignment of Taree Street to the south-western alignment of Chapman Road (Land Titles Office Plan 3028).

Taree Street from a straight line parallel to and situated three links north-westerly from the production of the south-eastern alignment of Quinn Street to the north-western alignment of Wyong Street (Land Titles Office Plans 2711 and 3028).

Mount Elliott Street from the north-eastern alignment of Taree Street to the south-western alignment of Chapman Road (Land Titles Office Plan 3028).

Lamb Street from the north-eastern alignment of Taree Street to the south-western alignment of Chapman Road (Land Titles Office Plan 3028).

Coolgardie Street from the north-eastern alignment of Taree Street to the production north-westerly of the north-eastern alignment of Pollock Street (Land Titles Office Plans 2711 and 6099).

Pollock Street from the south-eastern alignment of Coolgardie Street to the north-western boundary of Lot 2 of Canning Location 2 (Land Titles Office Plans 3179 and 3277).

All those portions of rights-of-ways as follows:-

- (i) All those delineated on, and included in the subject of, Land Titles Office Plan 2592.
- (ii) All those delineated on, and included in the subject of, Land Titles Office Plan 2900.
- (iii) Commencing on the south-western alignment of Berwick Street between Langler Street and Whittlesford Avenue and running south-westerly along the south-eastern boundaries of
  - (a) part of the land on Land Titles Office Plan 5864,
  - (b) Lot 101 of Canning Location 2 (Land Titles Office Plan 2775), and

- (c) Canning Locations 1049 to 1063 inclusive (Land Titles Office Plan 2775)  
to the north-eastern alignment of Devenish Street.
- (iv) Along the south-western boundaries of Lots 35 and 42 of Canning Location 2 (Land Titles Office Plan 2022).
- (v) Along the south-eastern boundaries of Canning Locations 1149, 1148, a one chain road and Canning Locations 1125 and 1124 (Land Titles Office Plan 3342 and Lands and Surveys Department<sup>2</sup> Plan 5100).
- (vi) All those delineated on, and included in the subject of, Land Titles Office Plan 3028.

**Third Schedule**

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**Third Schedule**

**DESCRIPTION OF ADJOINING ROADS DEDICATED AS PUBLIC HIGHWAYS.**

“Hill View Terrace” one chain in width from the south-western alignment of Berwick Street to the south-western alignment of Albany Highway. (Land Titles Office Plans 3342 and 5864).

“Berwick Street” one chain in width from the north-western alignment of Hill View Terrace to the south-eastern alignment of Balmoral Street including —

- (a) truncations at its intersection with Langler and Camberwell Streets and Balmoral Street and the truncation on its north-eastern alignment at its intersection with Hill View Terrace;
- (b) portion of each of Baillie and Whittlesford Avenues; and
- (c) portion of a right-of-way (Land Titles Office Plan 5864).

“Behan Street” one chain in width from the production south-easterly of the north-eastern alignment of Pollock Street to the south-western alignment of Chapman Road including the truncation at its junction with Chapman Road (Land Titles Office Plans 3277 and 6099).

**Notes**

- <sup>1</sup> This is a compilation of the *Canning Lands Revestment Act 1954* and includes all amendments effected by the other Acts referred to in the following Table.

**Compilation table**

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<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Canning Lands Revestment Act 1954</i>	67 of 1954	30 Dec 1954	30 Dec 1954

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- <sup>2</sup> Lands and Surveys Department and Titles Office plans are now being held by the Western Australian Land Information Authority (see the *Land Information Authority Act 2006* s. 100).