

WESTERN AUSTRALIA

RESERVES ACT (No. 2) 1994

(No. 66 of 1994)

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WESTERN AUSTRALIA

RESERVES ACT (No. 2) 1994

No. 66 of 1994

AN ACT to effect certain changes in respect of certain reserves and other land.

[Assented to 1 December 1994.]

The Parliament of Western Australia enacts as follows:

PART 1 — PRELIMINARY

Short title

1. This Act may be cited as the *Reserves Act (No. 2) 1994*.

Commencement

2. This Act comes into operation on the day on which it receives the Royal Assent.

Interpretation

3. In this Act —

“**Authority**” means the National Parks and Nature Conservation Authority constituted under the *Conservation and Land Management Act 1984*.

Plans and diagrams

4. The plans and diagrams referred to in this Act are held by the Graphic Bank within the Department of Land Administration.

**PART 2 — ALTERATIONS TO AND CANCELLATIONS OF
RESERVES**

Reserve No. 19464 in the Town of Albany

5. The purpose of Reserve No. 19464, classified as of Class A, containing 1851 square metres, set apart for "Park and Gardens", is changed to "Preservation of Historic Buildings".

Reserve No. 35918 in the Shire of Broome

6. Reserve No. 35918, classified as of Class A, containing 14 182.000 0 hectares, set apart for "Conservation of Flora and Fauna" and vested in the Authority, is amended by including an area of 3 547.000 0 hectares, shown as Jarmura Location 2 on Reserve Diagram No. 518, so that the reserve contains an area of 17 729.000 0 hectares.

Reserve No. 39399 in the Shire of Broomehill

7. Reserve No. 39399, classified as of Class A, containing 133.629 7 hectares, set apart for "Conservation of Flora and Fauna" and vested in the Authority, is amended by including an area of 5.114 4 hectares, being closed roads on the western and southern boundaries of the reserve, so that the reserve contains 138.744 1 hectares, being Kojonup Location 9307 shown bordered red on Diagram No. 91227.

Reserve No. 40250 in the Shire of Busselton

8. (1) Reserve No. 40250, classified as of Class A, containing 683.442 5 hectares or thereabouts, set apart for "National Park" and vested in the Authority, is amended by excising an area of 2832 square metres now shown as a part of Sussex Location 4933 on Diagram No. 91021, so that the reserve contains an area of 683.159 3 hectares or thereabouts.

(2) Reserve No. 40250, as amended by subsection (1), is redescribed as comprising Sussex Locations 4975 and 4976 as shown on Reserve Diagram No. 1215.

Reserve No. 21629 in the Shire of Busselton

9. (1) Reserve No. 28933, classified as of Class A, containing 6.821 5 hectares and set apart for "Recreation", is cancelled.

(2) Reserve No. 24165, classified as of Class C, containing 2 598 square metres and set apart for "Fish Processing Depot", is cancelled.

(3) Reserve No. 26857, classified as of Class C, containing 1 801 square metres and set apart for "Recreation", is cancelled.

(4) Reserve No. 21751, classified as of Class A, containing 88.213 2 hectares or thereabouts, set apart for "Recreation and Camping" and vested in the Busselton Shire Council, is amended by excising Sussex Locations 4717, 4718, 4719 and a portion of 1241, which are shown as Locations 4969, 4970 and 4971 on Reserve Plan 413, so that the reserve contains an area of 66.313 2 hectares or thereabouts.

(5) Reserve No. 21629, classified as of Class A, containing 540.781 8 hectares, set apart for "Conservation and Recreation" and vested in the Busselton Shire Council, is amended —

- (a) by including the area described in subsection (1);
- (b) by including the area described in subsection (2);
- (c) by including the area described in subsection (3);
- (d) by including the area excised from Reserve No. 21751 by subsection (4); and

- (e) by including a portion of vacant Crown land comprising the area between the high water mark and the low water mark adjacent to the area referred to in paragraph (d),

so that the reserve contains an area of 570.923 1 hectares or thereabouts, shown as Dunsborough Lots 106, 174, 178 and 264, and Sussex Locations 947, 4359, 4954, 4969, 4970, 4971 and 4972 on Reserve Plan 413.

Reserve No. 27004 (Kalbarri National Park)

10. Reserve No. 27004 (Kalbarri National Park), classified as of Class A, containing 186 049.807 6 hectares, set apart for "National Park", and vested in the Authority, is amended by excising an area of 3 045.405 8 hectares, shown as Victoria Location 11987 on Plan No. 18484, so that the reserve contains 183 004.401 8 hectares.

Reserves Nos. 17671 and 42677 in the Shire of Katanning

11. (1) Reserve No. 17671, classified as of Class A, containing 21.043 7 hectares, set apart for "Recreation Picnic Ground", and vested in the Shire of Katanning, is cancelled.

(2) Reserve No. 42677, classified as of Class A, containing 179.538 9 hectares, set apart for "Landscape Protection", and vested in the Shire of Katanning, is amended by including the area referred to in subsection (1), so that the reserve contains an area of 200.582 6 hectares.

Reserve No. 563 in the Shire of Kellerberrin

12. (1) Reserve No. 16779, classified as of Class C, containing 7.284 3 hectares and set apart for "Water and Conservation of Fauna", and vested in the Minister for Water Resources, is cancelled.

(2) Reserve No. 563, classified as of Class A, containing 87.131 3 hectares, set apart for "Conservation of Flora and Fauna", and vested in the Authority, and shown on Diagram No 3207, is amended by including the area referred to in subsection (1) (also shown on Diagram No. 3207) so that the reserve contains an area of 94.415 6 hectares.

Reserve No. 1669 in the City of Nedlands

13. Reserve No. 1669, classified as of Class A, containing 23.971 6 hectares, set apart for "Recreation" and vested in the City of Nedlands, is amended by excising an area of 258 square metres, being Swan Location 11973 shown bordered green on Diagram No. 91587, so that the reserve contains 23.945 8 hectares.

Reserve No. 9228 (Moonijin Nature Reserve)

14. Reserve No. 9228 (Moonijin Nature Reserve), classified as of Class A is amended —

- (a) by revoking the current vesting of that reserve in the Minister for Water Resources; and
- (b) by changing the purpose of the reserve from "Water and Protection of Flora and Fauna" to "Conservation of Flora and Fauna".

Reserve No. 7765 in the Shire of Moora

15. Reserve No. 7765, classified as of Class A, containing 42.934 7 hectares, set apart for "Conservation of Flora and Fauna" and vested in the Authority, is amended by including an area of 1.365 0 hectares, being Melbourne Location 3994 as surveyed on Diagram No. 82791, so that the reserve contains 44.299 7 hectares.

Reserve No. 20585 in the Shire of Murray

16. The purpose of Reserve No. 20585, classified as of Class A, containing 8.184 5 hectares, set apart for "Stopping Place", is changed to "Protection of Roadside Vegetation and Stopping Place".

Reserve No. 39897 (Purnululu National Park)

17. (1) Reserve No. 39898, classified as of Class C, containing 110 602.000 0 hectares or thereabouts, set apart for "Conservation" and vested in the Authority, is amended by excising an area of 31 000.000 0 hectares or thereabouts, being all that part of the reserve shown as forming part of Luman Location 84 on Reserve Plan No. 403.

(2) Reserve No. 39897 (Purnululu National Park), classified as of Class A, containing 208 723.000 0 hectares or thereabouts, set apart for "National Park" and vested in the Authority, is amended by including the land excised by subsection (1), so that the reserve contains 239 723.000 0 hectares or thereabouts, being Luman Location 84 as shown bordered red on Reserve Plan No. 403.

Reserve No. 17186 (Walyormouring Nature Reserve)

18. (1) Reserve No. 17186 (Walyormouring Nature Reserve), classified as of Class A, containing 290.564 3 hectares, set apart for "Native Fauna" and vested in the Authority, is amended —

- (a) by including a portion of closed road bisecting that reserve; and
- (b) by redescribing the reserve as comprising Avon Location 29103, shown on Diagram No. 91442,

so that the reserve contains 294.173 2 hectares.

(2) The purpose of Reserve No. 17186, as amended by subsection (1), is changed to "Conservation of Flora and Fauna".

Reserve No. 23339 in the Shire of Westonia

19. The purpose of Reserve No. 23339, classified as of Class A, containing 465.990 5 hectares, set apart for "Water and Conservation of Flora and Fauna", is changed to "Recreation".

Reserve No. 9997 in the City of Bunbury

20. Reserve No. 9997, classified as of Class A, containing 5.099 2 hectares set apart for "Parklands and Recreation" and vested in the City of Bunbury, is amended by excising an area of 3240 square metres (now shown as included in Bunbury Lot 757 in Diagram No. 91669) so that the reserve contains an area of 4.775 2 hectares.

PART 3 — REMOVAL OF TRUSTS AND REVESTING

Albany Lot 833 in the Town of Albany

21. Albany Lot 833, described in Certificate of Title Volume 83 Folio 195A, held for an estate in fee simple by the Albany Trades Hall Social and Leisure Club Incorporated with the intent that the land be used and held solely for “Trades Hall Site and Club Premises” is, by this section —

- (a) freed and discharged from that intent;
- (b) revested in Her Majesty as of Her former estate;
- (c) removed from the operation of the *Transfer of Land Act 1893*; and
- (d) constituted Crown land within the meaning of that expression in the *Land Act 1933*.

Bedforddale Lot 56 in the Town of Bedforddale

22. (1) In this section, Bedforddale Lot 56, described in Certificate of Title Volume 1639 Folio 246, held for an estate in fee simple by the Armadale Christian Education Association (Inc) in trust that the land be used and held solely for “School Site” is referred to as “the subject land”.

(2) The subject land may, upon the payment to the Minister for Lands of an agreed sum representing the land’s unimproved value, be sold and transferred by the Armadale Christian Education Association (Inc) or its representative for such consideration as it thinks fit and the subject land shall, when so transferred, be freed and discharged from the trust and may be dealt with for an estate in fee simple accordingly.

(3) The Registrar of Titles appointed under section 7 of the *Transfer of Land Act 1893* shall, upon delivery to him or her of the duplicate of the certificate of title referred to in subsection (1) registering the transfer of the subject land in accordance with subsection (2), cancel the certificate of title and make out a new certificate of title in accordance with subsection (2).

Reserve No. 41010 in the Shire of Denmark

23. (1) Lot 24 of Plantagenet Location 2176, held for an estate in fee simple by the Crown and being the land described in Certificate of Title Volume 1883 Folio 451 is, by this subsection —

- (a) re-vested in Her Majesty as of Her former estate;
- (b) removed from the operation of the *Transfer of Land Act 1893*; and
- (c) constituted Crown land within the meaning of that expression in the *Land Act 1933*.

(2) Reserve No. 41010, classified as of Class A, containing 2 430.299 8 hectares, set apart for “Conservation of Flora and Fauna”, vested in the Authority, is amended by including the land set out in subsection (1) (shown on Land Titles Office Plan 17658) so that the reserve contains 2 459.898 1 hectares.

Reserves Nos. 28330 and 24876 in the City of Perth

24. (1) Perth Lot 792, described in Certificate of Title Volume 1998 Folio 172, held for an estate in fee simple by Her Majesty Queen Elizabeth the Second to be used and held solely for the purpose of the requirements of the Commissioners of the Rural and Industries Bank of Western Australia, is by this subsection —

- (a) freed and discharged from that intent;

- (b) revested in Her Majesty as of Her former estate;
- (c) removed from the operation of the *Transfer of Land Act 1893*; and
- (d) constituted Crown land within the meaning of that expression in the *Land Act 1933*.

(2) Perth Lot 837, described in Certificate of Title Volume 1316 Folio 891, held for an estate in fee simple by Her Majesty Queen Elizabeth the Second to be used and held solely for the purpose of the requirements of the Commissioners of the Rural and Industries Bank of Western Australia, is by this subsection —

- (a) freed and discharged from that intent;
- (b) revested in Her Majesty as of Her former estate;
- (c) removed from the operation of the *Transfer of Land Act 1893*; and
- (d) constituted Crown land within the meaning of that expression in the *Land Act 1933*.

(3) Perth Lot 845, described in Certificate of Title Volume 1721 Folio 977, held for an estate in fee simple by Her Majesty Queen Elizabeth the Second, is by this subsection —

- (a) revested in Her Majesty as of Her former estate;
- (b) removed from the operation of the *Transfer of Land Act 1893*; and
- (c) constituted Crown land within the meaning of that expression in the *Land Act 1933*.

(4) Reserve No. 28330, classified as of Class A, containing 63 square metres, set apart for "Use and Requirements of R & I Bank" is cancelled.

(5) Reserve No. 24876, classified as of Class A, containing 1619 square metres, set apart for "Use and Requirements of R & I Bank" is amended by including the land described in subsections (2) and (3) so that the reserve contains an area 1697 square metres being Perth Lot 1065.

(6) The purpose of Reserve No. 24876, as amended by subsection (5) is changed from "Use and Requirements of R & I Bank" to "Historic Precinct, Public Purposes, Community Use and Ancillary and Beneficial Commercial Purposes".