

WESTERN AUSTRALIA

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## RESERVES ACT 1992

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No. 52 of 1992

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**AN ACT to effect certain changes in respect of certain reserves and other land, and to amend the *City of Perth (Lathlain Park Reserves) Act 1950*.**

*[Assented to 9 December 1992.]*

The Parliament of Western Australia enacts as follows:

## **PART 1 — PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Reserves Act 1992*.

### **Commencement**

2. (1) Subject to subsection (2), this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Section 38 shall come into operation on such day as is fixed by proclamation.

### **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. 15185 in the Shire of Augusta-Margaret River**

5. (1) Reserve No. 15185, classified as of Class A, containing 8.093 7 hectares or thereabouts, set aside for "Parklands and Recreation" is amended —

(a) by including —

- (i) an area of Crown land of 1. 520 0 hectares or thereabouts, being Dick Island; and
- (ii) areas of Crown land of 900 metres<sup>2</sup> and 1 150 metres<sup>2</sup> or thereabouts being Lion Islands,

as shown bordered pink on Reserve Diagram No. 1068;

and

(b) by redescribing the boundaries of the reserve,

so that the reserve is comprised of an area of 9.818 7 hectares or thereabouts, as shown bordered pink on Reserve Diagram No. 1068.

(2) The purpose of Reserve No. 15185, as amended by subsection (1), is changed from "Parklands and Recreation" to "Conservation of Flora and Fauna".

**Reserve No. 7692 (Beedelup National Park)**

**6.** Reserve No. 7692, classified as of Class A, containing 1 530.680 0 hectares or thereabouts, set apart for "National Park" and vested in the Authority is amended —

- (a) by excising areas of 1.803 9 hectares, 1.367 6 hectares and 1 666 metres<sup>2</sup> as shown bordered green on Original Plan No. 17765;
- (b) by including —
  - (i) an area of 2.737 4 hectares comprising Nelson Location 13352; and
  - (ii) an area of 5 029 metres<sup>2</sup> comprising Nelson Location 13354,

as shown bordered pink on Original Plan No. 17765;

and

- (c) by redescribing the boundaries of the reserve,

so that the reserve is comprised of an area of 1 590.761 8 hectares or thereabouts, being Nelson Locations 5200, 5201, 5202, 13352, 13354 and 13373 as shown on Reserve Plan No. 358.

**Reserve No. 12398 in the Shire of Brookton**

7. Reserve No. 12398, classified as of Class A, containing 252.259 5 hectares or thereabouts, set apart for "Conservation of Flora and Fauna" and vested in the Authority is amended by including a portion of Crown Land comprising 2.306 7 hectares, being Avon Location 25893 as shown on Diagram No. 55790, so that the reserve is comprised of an area of 254.566 2 hectares or thereabouts.

**Closure of private road in the  
City of Bunbury and amendment to  
Reserve No. 6962**

8. (1) All that portion of road in the City of Bunbury shown coloured brown on Office of Titles Plan No. 1540 and contained in Certificate of Title Volume 33 Folio 270 being 303.54 metres<sup>2</sup> or thereabouts, is hereby closed and all rights of way over it shall cease on and from the day on which this section comes into operation.

(2) The land referred to in subsection (1) is —

- (a) 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*.

(3) Reserve No. 6962, classified as of Class A, containing 5160 metres<sup>2</sup> or thereabouts set apart for “Park Lands and Recreation” is amended —

- (a) by including the land described in subsection (1) as amended by subsection (2); and
- (b) by including a further portion of Crown land,

so that the reserve comprises an area of 1.465 9 hectares or thereabouts, being Bunbury Lot 729 as shown on Reserve Plan No. 345.

**Reserve No. 22624 in the Shire of Busselton**

9. Reserve No 22624, classified as of Class A, containing 10.549 6 hectares or thereabouts set apart for "Parklands and Recreation" and vested in the Busselton Shire Council is amended —

- (a) by including an area of 5 794 metres<sup>2</sup> comprising Broadwater Sub Lot 34 as shown bordered pink on Diagram No. 89781; and
- (b) by recalculating the area of the reserve,

so that the reserve is comprised of an area of 13.569 1 hectares or thereabouts, as shown on Reserve Diagram No. 946.

**Reserve No. 36419 in the Shire of Carnamah**

10. Reserve No. 36419, classified as of Class A, containing 1 405.696 1 hectares or thereabouts set apart for "Conservation of Flora, Water and Protection of Caves" and vested in the Authority is amended by excising an area of 21.07 hectares as shown bordered green on Diagram No. 90436, so that the reserve is comprised of an area of 1 384.626 1 hectares or thereabouts.



**Reserve No. 39824 (Dale Conservation Park)**

11. The purpose of Reserve No. 39824, classified as of Class A, containing 5 798.000 0 hectares or thereabouts and vested in the Authority is changed from "Conservation and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*" to "Conservation Park and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*".

**Reserve No. 26480 in the Shire of Denmark**

12. Reserve No. 26480, classified as of Class A, containing 7.782 0 hectares or thereabouts set aside for "Recreation" and vested in the Denmark Shire Council is amended by including an area of 1.036 7 hectares being Denmark Lot 1027 as shown bordered pink on Diagram No. 90304 so that the reserve is comprised of an area of 8.818 7 hectares or thereabouts.

**Reserves Nos. 36996, 41466, 17495,  
26628, 28478, 28479 and 15776  
(D'Entrecasteaux National Park)**

13. (1) The reserves set out in column 1 in the Table to this subsection, classified as of Class A, containing the area (or thereabouts) set out in column 2 of that Table, set aside for the purpose set out in column 3 in that Table, and vested in the Authority, are cancelled.

TABLE

	Column 1 (Reserve No.)	Column 2 (Area:ha)	Column 3 (Purpose of reserve)
1.	41466	21 608.268 8	National Park and Water
2.	17495	581.259 6	National Park
3.	26628	1 607.378 5	National Park and Water
4.	28478	64.749 7	National Park and Water
5.	28479	32.374 9	National Park and Water

(2) Reserve No. 15776, classified as of Class A, containing 283.279 9 hectares or thereabouts set apart for "Camping and Recreation" and vested in the Shire of Manjimup, is cancelled.

(3) The reserves set out in column 1 in the Table to this subsection, classified as of Class C, containing the area (or thereabouts) set out in column 2 of that Table, set aside for the purpose set out in column 3 of that Table and vested as set out in column 4 of that Table, are cancelled.

TABLE

Column 1 (Reserve No.)	Column 2 (Area:ha)	Column 3 (Purpose)	Column 4 (Vested)
9537	192.000 0	Excepted from sale	not vested
9539	303.514 2	Excepted from sale	not vested
9540	526.091 3	Excepted from sale	not vested
9588	1 762.406 0	Experimental farm	not vested
11182	352.000 0	Excepted from sale	not vested
14891	404.685 6	Excepted from sale	not vested
17015	404.685 6	Public utility	not vested
21122	4.856 2	Recreation	not vested
21712	404.685 6	Excepted from sale	not vested
25784	26.3577	Water	not vested
26198	671.778 2	Recreation	not vested
29681	4.046 9	Conservation of flora and fauna	the Authority
30503	4.0469	Experimental plot — agriculture department	not vested
31357	247.262 9	Conservation of fauna	not vested
33495	52.055 3	Government requirements	not vested

Column 1 (Reserve No.)	Column 2 (Area:ha)	Column 3 (Purpose)	Column 4 (Vested)
33496	100.991 8	Government requirements	not vested
33993	108.473 5	Government requirements	not vested
34075	85.467 1	Government requirements	not vested
38234	0.6524	Educational purposes	Minister for Education

(4) Reserve No. 17072, classified as of Class C, containing 809.3713 hectares or thereabouts of unvested land set aside for the purpose of "Public Utility" is cancelled.

(5) Reserve No. 36996 (D'Entrecasteaux National Park), classified as of Class A, containing 34 895.000 0 hectares or thereabouts set aside for "National Park and Water" and vested in the Authority is amended —

- (a) by including the lands set out in subsection (1);
- (b) by including the land set out in subsection (2);
- (c) by including the lands set out in subsection (3);
- (d) by including the land set out in subsection (4), other than the portion of that land described as Nelson Location 13385 on Miscellaneous Diagram No. 309;
- (e) by including those portions of vacant Crown land shown on Reserve Plans Nos. 367 (1) to 367 (5); and

- (f) by including those portions of revested freehold land now comprising Nelson Locations 13422 to 13428 (inclusive) as shown on Reserve Plans Nos. 367 (2), 367 (4) and 367 (5),

so that the reserve now comprises an area of 114 566.513 5 hectares or thereabouts, being all the land bordered pink on Reserve Plans Nos. 367 (1) to 367 (5), Miscellaneous Plan No. 1662, Reserve Plan No. 270 and Reserve Diagram No. 871.

**Reserve No. 15197 in the Shire of Dumbleyung**

**14.** (1) Reserve No. 15197, classified as of Class A, containing 48.562 3 hectares or thereabouts set aside for "Protection of Flora" and vested in the Authority is amended —

- (a) by including an area of Crown land of 6.475 0 hectares being former Reserve No. 24404;
- (b) by including an area of Crown land of 4047 metres<sup>2</sup>, being former Reserve No. 17459; and
- (c) by redescribing the boundaries of the reserve,

so that the reserve is comprised of an area of 56.785 9 hectares being Williams Location 15742 as shown on Original Plan No. 16561.

(2) The purpose of Reserve No. 15197, as amended by subsection (1), is changed from "Protection of Flora" to "Conservation of Flora and Fauna".

**Reserve No. 35637 (Goongarrie National Park)**

**15.** (1) Reserve No. 35637, classified as of Class A, containing 60 355.546 6 hectares or thereabouts set apart for "National Park" and vested in the Authority is amended —

- (a) by excising an area of 300 hectares or thereabouts as shown bordered green on Miscellaneous Diagram No. 315;
- (b) by including a portion of Crown land comprising 20.234 3 hectares or thereabouts being former Reserve No. 12850; and
- (c) by redescribing the reserve to comprise Marmion Locations 21, 22, 23, 24 and 25 and Location 58 as shown on Reserve Plan No. 338,

so that the reserve is comprised of an area of 60 396.556 8 hectares or thereabouts.

(2) The land referred to in subsection (1) (a) is hereby included in Pastoral Lease 3114/409.

(3) The Registrar of Titles appointed under section 7 of the *Transfer of Land Act 1893* shall, upon delivery to him of duplicate Crown Lease No. 443/66 (Pastoral Lease 3114/409), amend that lease in accordance with this section.



**Reserve No. 7537 (John Forrest National Park)**

**16.** Reserve No. 7537, classified as of Class A, containing 1 508.182 2 hectares or thereabouts set aside for "National Park" and vested in the Authority is amended —

- (a) by including an area of 23.186 4 hectares being Swan View Sub Lot 135 as shown bordered pink on Diagram No. 90374; and
- (b) by including an area of 1 145.442 1 hectares being Swan Location 11664 as shown bordered pink on Original Plan No. 17947,

so that the reserve is comprised of an area of 2 676.810 7 hectares or thereabouts.

**Reserve No. 25113 in the Shire  
of Kent**

17. (1) Reserve No. 25113, classified as of Class A, containing 107 615 hectares or thereabouts set apart for "Conservation of Fauna" and vested in the Authority is amended by including an area of 197.086 6 hectares being Kent Location 2126 in the Shire of Jerramungup, as shown bordered pink on Miscellaneous Diagram No. 240, so that the reserve is comprised of an area of 107 812.086 6 hectares or thereabouts.

(2) The purpose of Reserve No. 25113, as amended by subsection (1), is changed from "Conservation of Fauna" to "Conservation of Flora and Fauna".

**Reserve No. 17705 in the Shire of Kojonup**

18. Reserve No. 17705, classified as of Class A, containing 4.100 0 hectares or thereabouts set apart for "Recreation and Shopping Place" and vested in the Kojonup Shire Council is amended —

- (a) by including an area of 3769 metres<sup>2</sup> being former Reserve No. 19035; and
- (b) by redescribing the boundaries of the reserve,

so that the reserve now comprises 4.481 8 hectares, being Kojonup Location 9299 as shown bordered pink on Diagram No. 90415.

**Reserve No. 16040 in the Shire of Koorda**

19. Reserve 16040, classified as of Class A, containing 278.676 7 hectares or thereabouts set apart for "Conservation of Flora and Fauna" and vested in the Authority is amended as a result of a resurvey so that the reserve is comprised of an area of 249.424 5 hectares or thereabouts being Cowcoving Agricultural Area Lot 302 as shown on Reserve Diagram No. 945.

**Reserve No. 32549 in the Shire of Lake Grace**

**20.** Reserve No. 32549, classified as of Class A, containing 3 609.721 1 hectares set apart for "Conservation of Flora and Fauna" and vested in the Authority is amended by excising an area of 5.000 hectares comprising Roe Location 3114, as shown bordered pink on Diagram No. 90067, so that the reserve is comprised of an area of 3 604.721 1 hectares.

**Reserve No. 39820 (Lane Poole Reserve)**

21. The purpose of Reserve No. 39820, classified as of Class A, containing 3 028.000 0 hectares or thereabouts set apart for "Conservation and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*" and vested in the Authority, is changed to "Conservation Park and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*".

**Reserve No. 39822 (Lane Poole Reserve)**

**22.** The purpose of Reserve No. 39822, classified as of Class A, containing 2 593.000 0 hectares or thereabouts set apart for "Conservation and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*" and vested in the Authority is changed to "Conservation Park and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*".

**Reserve No. 39823 (Lane Poole Reserve)**

**23.** The purpose of Reserve No. 39823, classified as of Class A, containing 2 582.000 0 hectares or thereabouts set apart for "Conservation and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*" and vested in the Authority, is changed to "Conservation Park and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*".



**Reserves Nos. 39840, 39841, 39842  
and 39819 (Lane Poole Reserve)**

24. (1) Reserve No. 39840, classified as of Class A, containing 80.936 9 hectares or thereabouts set apart for "Conservation" and vested in the Authority, is cancelled.

(2) Reserve No. 39841, classified as of Class A, containing 64.749 8 hectares or thereabouts set apart for "Conservation" and vested in the Authority, is cancelled.

(3) Reserve No. 39842, classified as of Class A, containing 64.749 4 hectares or thereabouts set apart for "Conservation" and vested in the Authority, is cancelled.

(4) Reserve No. 39819, classified as of Class A, containing 1 545.000 0 hectares or thereabouts set apart for "Conservation and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*" and vested in the Authority, is amended by including the land set out in subsections (1), (2) and (3) so that the reserve comprises 1 755.436 1 hectares or thereabouts.

(5) The purpose of Reserve No. 39819, as amended by subsection (4) is changed from "Conservation and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*" to "Conservation Park and the Agreement defined in section 2 of the *Alumina Refinery Agreement Act 1961*".

**Reserve No. 25798 in the Shire of Cranbrook**

**25.** Reserve No. 25798, classified as of Class A, containing 3 290.228 2 hectares or thereabouts, set apart for "Conservation of Flora and Fauna" and vested in the Authority is amended by including an area of 5.748 8 hectares comprising Nelson Location 12741 situated in the Shire of Manjimup, as shown on Original Plan No. 8988, so that the reserve is comprised of an area of 3 295.977 0 hectares or thereabouts.

**Reserve No. 4813 in the City of Melville**

**26.** Reserve No. 4813, classified as of Class A, containing 67.582 5 hectares or thereabouts set apart for "Recreation" and vested in the Melville City Council is amended —

- (a) by including a section of closed road;
- (b) by excluding an area of 12.500 0 hectares, being Swan Location 11240 as shown bordered pink on Original Plan No. 17553; and
- (c) by redescribing the boundaries of the reserve,

so that the reserve is comprised of 57.500 0 hectares, being Swan Location 11241 as shown bordered pink on Original Plan No. 17553.

**Reserve No. 20835 in the Shire of Wagin**

**29.** Reserve No. 20835, classified as of Class A, containing 171.586 7 hectares or thereabouts set apart for "Conservation of Flora and Fauna" and vested in the Authority is amended as a result of a recalculation of the area of the reserve, so that the reserve is comprised of an area of 158.459 4 hectares, being Williams Location 13476 as shown bordered pink on Diagram No. 90105.

**Reserve No. 24581 in the City of Wanneroo**

**30.** (1) Reserve No. 24581, classified as of Class A, containing 116.411 4 hectares or thereabouts, set apart for "Sanctuary for Fauna" and vested in the Authority is amended —

- (a) by including a portion of Crown land comprising 1.821 0 hectares or thereabouts;
- (b) by including a portion of Crown land comprising 3301 metres<sup>2</sup>, being Lot 7 on Office of Titles Diagram No. 63664; and
- (c) by redescribing the boundaries of the reserve,

so that the reserve is comprised of 129.134 5 hectares, being Swan Location 11607 as shown bordered pink on Original Plan No. 17933.

(2) The purpose of Reserve No. 24581, as amended by subsection (1), is changed from "Sanctuary for Fauna" to "Conservation of Flora and Fauna".

**Reserve No. 25746 in the City of Wanneroo**

31. Reserve No. 25746, classified as of Class A, containing 115.948 7 hectares or thereabouts set apart for "Cemetery" is amended by including an area of 7171 metres<sup>2</sup> being Swan Location 11401 as shown bordered pink on Original Plan No. 17785, so that the reserve is comprised of an area of 116.665 8 hectares or thereabouts.

**Reserve No. 30668 in the Shire of West Arthur**

**32.** Reserve No. 30668, classified as of Class A, containing 70.327 3 hectares or thereabouts, set apart for "Conservation of Flora and Fauna" and vested in the Authority is amended by including an area of 12.196 2 hectares comprising Williams Location 12710 so that the reserve is comprised of an area of 82.523 5 hectares or thereabouts.

**Reserve No. 11710 (Yalgorup National Park)**

**33.** Reserve No. 11710, classified as of Class A, containing 10 425.230 8 hectares or thereabouts set apart for "National Park" and vested in the Authority is amended —

- (a) by excising areas of 19.038 1 hectares, 1.119 8 hectares, 4.459 2 hectares and 22.884 3 hectares as shown bordered green on Original Plan No. 17593; and
- (b) by including an area of 46.897 6 hectares comprising Wellington Location 5578 as shown bordered pink on Original Plan No. 17593,

so that the reserve is comprised of an area of 10 424.627 0 hectares or thereabouts.



**Reserves Nos. 24944 and 20262  
in the Shire of Yilgarn**

**34.** (1) Reserve No. 24944, classified as of Class A, containing 416.886 9 hectares or thereabouts, set apart for "Conservation of Flora and Fauna" and vested in the Authority is cancelled.

(2) Reserve No. 20262, classified as of Class A, containing 1 018.707 2 hectares or thereabouts, set apart for "Conservation of Flora and Fauna" and vested in the Authority is amended —

- (a) by including the land referred to in subsection (1); and
- (b) by resurveying the reserve,

so that the reserve is comprised of an area of 1 438.003 2 hectares, being Jilbadji Location 1013 as shown bordered pink on Diagram No. 90149.

**PART 3 — REMOVAL OF TRUSTS****Church site at Grass Patch**

**35.** (1) Grass Patch Lot 46, described in Certificate of Title Volume 380 Folio 163A held for an estate in fee simple by the Australasian Conference Association Limited on trust that the land be held and used solely for the purpose of "Church Site (Seventh Day Adventist)" may be sold and transferred by the Australasian Conference Association Limited for such consideration as it thinks fit, and the land shall, when so transferred, be freed and discharged from the trust and may be dealt with accordingly.

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

### **Country Club at Pemberton**

**36.** (1) Nelson Location 12599, described in Certificate of Title Volume 22 Folio 276A, held for an estate in fee simple by the Pemberton Country Club Inc. on trust that the land be held and used solely for the purpose of "a site for a Club and Club Premises" may be sold and transferred by the Pemberton Country Club Inc. for such consideration as it thinks fit, and the land shall, when so transferred, be freed and discharged from the trust and may be dealt with accordingly.

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

**Farm school at Tardun**

**37.** (1) In subsection (2) and (3), Lots 1 and 2 of Victoria Locations 8959 and 3665, as shown on Office of Titles Plan No. 17702, forming part of the land described in Certificate of Title Volume 375 Folio 126A held for an estate in fee simple by The Trustees of the Christian Brothers of Strathfield, New South Wales, on trust that the land be used and held solely for the purpose of a "Farm School", are referred to as the subject lands.

(2) The subject lands may be sold and transferred by The Trustees of the Christian Brothers of Strathfield, New South Wales, for such consideration as they think fit, and the subject lands 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 of the duplicate of the certificate of title referred to in subsection (1) registering the transfer, in accordance with subsection (2), of the subject lands, amend that certificate of title and make out one or more certificates of title in accordance with subsection (2).

**"Subiaco Endowment Lands" in Subiaco**

**38.** (1) The lands known as the "Subiaco Endowment Lands" as described in—

- (a) Certificate of Title Volume 299 Folio 102A;
- (b) Certificate of Title Volume 1402 Folio 563;
- (c) Certificate of Title Volume 1545 Folio 375;
- (d) Certificate of Title Volume 1589 Folio 192;  
and

(e) Certificate of Title Volume 1589 Folio 193,

each held for an estate in fee simple by the City of Subiaco on trust that the lands be used solely for the purpose of "Municipal Endowment" may be sold and transferred by the City of Subiaco for such consideration as it thinks fit, and those lands shall, when so transferred, be freed and discharged from their respective trusts and each may be dealt with accordingly.

(2) 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 any or all of the certificates of title referred to in subsection (1) registering the transfer, in accordance with that subsection, of the land or lands concerned, cancel the relevant certificate of title and make out a new certificate of title in accordance with subsection (1).

**PART 4 — CITY OF PERTH (LATHLAIN PARK  
RESERVES) ACT 1950 AMENDED**

***City of Perth (Lathlain Park  
Reserves) Act 1950 amended***

**39.** The *City of Perth (Lathlain Park Reserves) Act 1950\** is amended by inserting after section 3 the following sections —

“ 4. All that land being portion of Swan Location 36 and being Lot 16 on Plan 4570, and being the land comprised in Certificate of Title, Volume 3, Folio 291A, registered in the Office of Titles in the name of the City of Perth is discharged from all trusts now affecting that land.

5. All that land being portion of Swan Location 36 and being Lot 200 as shown in Diagram 60911, and being the land comprised in Certificate of Title, Volume 1591, Folio 324, registered in the Office of Titles in the name of the City of Perth, is discharged from all trusts now affecting that land. ”

[\* *Act No. 53 of 1950.*]

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