

WESTERN AUSTRALIA

---

---

# RESERVES AND LAND REVESTMENT ACT 1991

---

No. 57 of 1991

---

**AN ACT to effect certain changes in respect of certain reserves and other land, and to amend section 167A of the *Transfer of Land Act 1893* and section 297A of the *Local Government Act 1960*.**

*[Assented to 17 December 1991]*

The Parliament of Western Australia enacts as follows:

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Reserves and Land Revestment Act 1991*.

### Commencement

2. This Act shall come 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. (1) The plans and diagrams referred to in Part 2 are held by the Graphic Bank Crown Surveys within the Department of Land Administration.

(2) The plans and diagrams referred to in the Table to section 21 are held by the Graphic Bank Freehold Surveys within the Department of Land Administration.

**PART 2—ALTERATIONS TO AND CANCELLATIONS OF RESERVES****Reserve No. 18720 in the Shire of Augusta-Margaret River**

5. (1) Reserve No. 18720, classified as of Class A, containing 17.687 3 hectares, set apart for “National Park” and vested in the Shire of Augusta-Margaret River is amended as the result of a redefinition so that the reserve is comprised of an area of 18.019 5 hectares or thereabouts, being Margaret River Lots 45, 46, 53, 54 and 96 as shown bordered pink on Reserve Plan No. 334.

(2) The purpose of Reserve No. 18720, as amended by subsection (1), is changed from “National Park” to “Park and Recreation”.

**Reserve No. 29911 in the Shire of Boyup Brook**

6. Reserve No. 29911, classified as of Class A, containing 2.390 1 hectares, set apart for “Park” and vested in the Shire of Boyup Brook, is amended by excising an area of 754 square metres now comprising a portion of Boyup Brook Lot 369 as shown bordered pink on Diagram No. 89882.

**Reserve No. 18090 at Cunderdin**

7. Reserve No. 18090, classified as of Class A, containing 16.121 6 hectares or thereabouts and set apart for "Recreation", is cancelled.

**Reserves Nos. 39960, 40841 and 41466  
(D'Entrecasteaux National Park)**

8. (1) Reserve No. 39960, classified as of Class A, containing 2 522.149 5 hectares set apart for "National Park" and vested in the Authority is cancelled.

(2) Reserve No. 40841, classified as of Class A, containing 18 600.000 0 hectares or thereabouts, set apart for "National Park" and vested in the Authority is cancelled.

(3) Reserve No. 41466, classified as of Class A, containing 486.119 3 hectares or thereabouts, set apart for "National Park and Water" and vested in the Authority is amended by including the land referred to in subsections (1) and (2), so that the reserve is comprised of an area of 21 608.268 8 hectares or thereabouts.

(4) For the purposes of section 7 (2) of the *Conservation and Land Management Act 1984* the land referred to in subsection (3) is deemed to be reserved under section 29 of the *Land Act 1933* for the purpose of "National Park and Water" at the time when subsection (3) comes into operation.

**Reserve No. 8800 in the Shire of Goomalling**

9. (1) The purpose of Reserve No. 8800, classified as of Class A, containing 1 922 square metres set apart for "Park and Rest Room" and vested in the Shire of Goomalling is changed to "Park and Community Centre".

(2) The classification as of Class A of the land referred to in subsection (1) is cancelled.

**Reserve No. 30082 (Hamersley Range National Park)**

10. (1) Reserve No. 30082, classified as of Class A, containing 604 089.946 4 hectares or thereabouts set apart for "National Park-Dales Gorge" and vested in the Authority is amended—

(a) by excising—

- (i) 6272.2 hectares or thereabouts of the reserve, shown coloured pink and yellow on C.D. Plan No. 4171; and
- (ii) 111.2 hectares or thereabouts being Windell Location 130;

and

(b) by including—

- (i) 5737.6 hectares or thereabouts, shown coloured green and orange on C.D. Plan No. 4171; and
- (ii) 150.5 hectares or thereabouts being Windell Location 131,

so that the reserve is comprised of an area of 606 597 hectares or thereabouts, being Windell Locations 126, 127 and 131 shown on Reserve Plan No. 333.

(2) The purpose of Reserve No. 30082, as amended by subsection (1), is changed from "National Park-Dales Gorge" to "National Park".

**Reserve No. 18414 in the Shire of Harvey**

11. Reserve No. 18414, classified as of Class A, containing 8 337 square metres and set apart for "Stopping Place" is cancelled.

**Reserve No. 10129 in the Shires of Kent and Gnowangerup**

12. Reserve No. 10129, classified as of Class A, set apart for “Water and Conservation of Flora and Fauna” and vested in the Water Authority of Western Australia is amended as a result of a resurvey so that the reserve is comprised of an area of 1 891.561 8 hectares being Kent Location 748 as shown on Original Plan No. 17737.

**Reserve No. 10504 in the Shire of Manjimup**

13. The purpose of Reserve No. 10504, classified as of Class A, containing 79.889 3 hectares vested in the Manjimup Shire Council and set apart for “Recreation and Stopping Place”, is changed to “Parkland Rehabilitation, Gravel and Water”.

**Reserve No. 27575 (Neerabup National Park)**

14. Reserve No. 27575, classified as of Class A, containing 1 094.179 7 hectares or thereabouts set apart for “National Park” and vested in the Authority is amended by excising an area of 25.541 7 hectares comprising Swan Location 11533, as shown bordered green on Original Plan No. 17813, so that the reserve is comprised of an area of 1 068.638 0 hectares or thereabouts.

**Reserve No. 20091 at Wanneroo**

15. Reserve No. 20091, classified as of Class A, containing 68.948 1 hectares or thereabouts, set apart for “Recreation and Parklands” and vested in the City of Wanneroo is amended—

(a) by excising a small portion of the reserve; and

(b) by including—

(i) a portion of closed road;

(ii) a portion of Crown land formerly included in Reserve No. 28058; and

(iii) portions of Crown land formerly vested in the City of Wanneroo,

so that the reserve is comprised of an area of 84.446 0 hectares being Swan Location 11139 as shown on Original Plan No. 17410.

#### **Reserve No. 24491 (Watheroo National Park)**

16. Reserve No. 24491, classified as of Class A, containing 39 975 hectares or thereabouts set apart for "National Park" and vested in the Authority is amended by excising an area of 38.250 0 hectares comprising Victoria Location 11890 as shown bordered red on Diagram No. 89981, so that the reserve is comprised of an area of 39 936.75 hectares or thereabouts.

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

17. Reserve No. 11710, classified as of Class A, containing 9 348.367 6 hectares or thereabouts set apart for "National Park" and vested in the Authority is amended by including a portion of Crown land comprising 1 076.863 2 hectares, being Wellington Location 5524 as shown bordered pink on Original Plan No. 16855, so that the reserve is comprised of an area of 10 425.230 8 hectares or thereabouts.

#### **Reserve No. 9868 (Yanchep National Park)**

18. (1) Reserve No. 9868, classified as of Class A, containing 2 799.005 7 hectares (as gazetted), set apart for "Protection and Preservation of Caves and Flora, and for Health and Pleasure Resort" and vested in the Authority is amended by including a portion of Crown land containing 48.131 8 hectares.

(2) Reserve No. 9868 is to now comprise Swan Location 11544 as resurveyed on Original Plan No. 17799 with its area being recalculated at 2 842.207 3 hectares.

(3) The purpose of Reserve No. 9868, as amended by subsections (1) and (2), is changed from "Protection and Preservation of Caves and Flora, and for Health and Pleasure Resort" to "National Park".

### PART 3—REMOVAL OF TRUSTS

#### **Ambulance quarters at Bunbury**

19. (1) Bunbury Lot 153, described in Certificate of Title Volume 1241 Folio 172, held for an estate in fee simple by the St John Ambulance Association in Western Australia Incorporated on trust that the land be held and used solely for "St John Ambulance Association Quarters" may be sold and transferred by the St John Ambulance Association in Western Australia Incorporated 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 for an estate in fee simple accordingly.

(2) The Registrar of Titles appointed under section 7 of the *Transfer of Land Act 1893* shall, on 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).

#### **Church manse at Subiaco**

20. (1) Perth Lot 543, described in Certificate of Title Volume 1293 Folio 291, held for an estate in fee simple by the Churches of Christ in Western Australia Incorporated on trust that the land be held and used solely for "Ecclesiastical Purposes (Churches of Christ in Western Australia Incorporated)" may be sold and transferred by the Churches of Christ in Western Australia Incorporated 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 for an estate in fee simple accordingly.

(2) The Registrar of Titles appointed under section 7 of the *Transfer of Land Act 1893* shall, on 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).

#### PART 4—LAND REVESTMENT

##### Land revested in Her Majesty

21. (1) All the land specified in the Table to this section—

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

(2) The reservation under section 20A of the *Town Planning and Development Act 1928* of the land specified in the Table to this section is cancelled.

(3) Part VIIA of the *Land Act 1933* applies to land constituted Crown land under subsection (1) as if the land were land comprised in a road which is closed as being no longer required as a road.

#### TABLE

##### 1. City of Armadale

- (1) The pedestrian accessway containing an area of 209 square metres extending between Selsdon Road and Heron Court, Westfield and bounded by Lots 481 and 482 on Plan 12637, Lot 311 on Plan 11982 and Lot 648 on Diagram 55012.
- (2) The pedestrian accessway containing an area of 136 square metres extending between Lantana Way and Lake Road, Westfield and bounded by Lots 80 and 81 on Plan 9386.



(3) The pedestrian accessway containing an area of 109 square metres off Windarra Way and situated between Lots 91 and 92 on Plan 11692.

2. City of Cockburn

The pedestrian accessway containing an area of 105 square metres off Chaucer Close, Spearwood and situated between Lots 326 and 327 on Plan 12634.

3. City of Kalgoorlie-Boulder

The pedestrian accessway containing an area of 2 113 square metres extending between Marshall Street and Hawkins Street, Kalgoorlie along the Northwestern boundaries of Lots 85 to 94, inclusive on Plan 14659, accessway, Lots 95 and 96 on Diagram 66824, Lot 114, accessway, Lots 115 and 134 on the aforementioned Plan 14659.

4. City of Wanneroo

(1) The pedestrian accessway containing an area of 307 square metres extending between Callison Way and Edgington Crescent, Koondoola and bounded by Lots 28, 29, 49 and 50 on Plan 11141.

(2) The pedestrian accessway containing an area of 256 square metres extending between O'Grady Way and Gummow Way, Girrawheen and bounded by Lots 62 and 63 on Plan 10471 and Lots 110 and 111 on Plan 11255.

(3) The pedestrian accessway containing an area of 256 square metres extending between Koondoola Avenue and Woodford Court, Koondoola and situated between Lots 760, 761, 776 and 777 on Plan 11458.

**PART 5—AMENDMENT OF *TRANSFER OF LAND ACT 1893* AND  
*LOCAL GOVERNMENT ACT 1960***

**Section 167A of *Transfer of Land Act 1893* amended**

22. Section 167A of the *Transfer of Land Act 1893*\* is amended by—

(a) deleting “Every right-of-way” and substituting the following—

“ (1) Subject to subsection (2), every right-of-way ”;

and

(b) inserting after the existing section the following subsection—

“ (2) Subsection (1) does not apply, and is deemed never to have applied, to or in relation to land—

(a) vested in the Crown under section 20A of the *Town Planning and Development Act 1928* for the purpose of a pedestrian accessway or right-of-way; or

(b) shown and marked as a footway or right-of-way on a map or plan (being a map or plan deposited with the Registrar of Titles) and transferred to the Crown—

(i) at the same time as, or after, the issue of certificates of title in accordance with that map or plan; and

(ii) before the commencement of section 20A of the *Town Planning and Development Act 1928*. ”.

[\*Reprinted as approved 7 July 1975.

For subsequent amendments, see 1990 Index to Legislation of Western Australia, p. 160.]

### **Section 297A of *Local Government Act 1960* amended**

23. Section 297A of the *Local Government Act 1960*\* is amended by inserting after subsection (13) the following subsections—

“ (14) If, before the commencement of the *Reserves and Land Revestment Act 1991*—

(a) the whole or part of an accessway has been closed or purports to have been closed; and

(b) the land comprised in the whole or part referred to in paragraph (a), or in a portion of that whole or part, has been vested in any person,

under this section, the closure and vesting of the land referred to in paragraph (b) and any act or thing made or

done in relation to the closure and vesting of that land are deemed to be, and always to have been, valid.

(15) In subsection (14)—

“accessway” means land—

- (a) vested in the Crown under section 20A of the *Town Planning and Development Act 1928* for the purpose of a pedestrian accessway or right-of-way; or
- (b) shown and marked as a footway or right-of-way on a map or plan (being a map or plan deposited with the Registrar of Titles) and transferred to the Crown—
  - (i) at the same time as, or after, the issue of certificates of title in accordance with that map or plan; and
  - (ii) before the commencement of section 20A of the *Town Planning and Development Act 1928*. ”.

[\*Reprinted as approved 24 June 1983.

For subsequent amendments, see 1990 *Index to Legislation of Western Australia*, p. 93.]

---