

WESTERN AUSTRALIA

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## **RESERVES ACT 1997**

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**No. 38 of 1997**

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

*[Assented to 19 November 1997]*

The Parliament of Western Australia enacts as follows:

## **PART 1 — PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Reserves Act 1997*.

### **Commencement**

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

### **Interpretation**

3. In this Act —

“**the Authority**” means the National Parks and Nature Conservation Authority established by section 21 of 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. 2682 in the Town of Albany**

5. Reserve No. 2682, classified as of Class A, comprising 115.144 8 hectares set apart for “Public Park” and vested in the Town of Albany, is amended by excising an area of 2 521 square metres, as surveyed and shown on Diagram 92968 as part of the land comprising Albany Lot 1449, so that the reserve comprises 114.892 7 hectares.

### **Reserve No. 12397 in the Shire of Brookton**

6. The purpose of Reserve No. 12397, classified as of Class A, comprising 3.710 9 hectares set apart for “Water” and vested in the Minister for Water Resources, is changed to “Conservation of Flora and Fauna, and Water”.

### **Closure of road, and reserves Nos. 17644, 24151 and 18987 in the Shire of Plantagenet**

7. (1) All that portion of Bolganup Road (Road No. 11946) as surveyed and shown on Diagrams 2871 and 2872, comprising 2.885 9 hectares or thereabouts, starting from the prolongation southerly of the eastern boundary of the northern severance of Porongurup Estate Lot 13 and extending generally north-easterly through Lots 14 and 15 of that Estate and north-easterly along the boundary of Lot 16 of that Estate to the prolongation south-easterly of the southernmost south-western boundary of Lot 17 of that Estate, is closed and all rights of way over that portion cease.

(2) The land contained in the portion of Bolganup Road closed under subsection (1) is constituted Crown land within the meaning of that expression in the *Land Act 1933*.

(3) Reserve No. 17644, classified as of Class C, comprising 2.367 4 hectares set apart for “Quarry (gravel)”, as described as Plantagenet Location 5356 and shown on Reserve Diagram 1450, is cancelled.

(4) The 16.197 5 hectares of land comprising Plantagenet Location 142, referred to in Certificate of Title Volume 1783 Folio 407, are —

- (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*.

(5) Reserve No. 24151, classified as of Class C, comprising 6.475 0 hectares set apart for “Mount Barker Water Supply” and described as Porongurup Estate Lot 22, is amended by redescribing the reserve as Porongurup Estate Lot 28, as surveyed and shown bordered red on Plan 19581, so that the reserve comprises 6.348 6 hectares.

(6) Reserve No. 18987, classified as of Class A, comprising 2 511.197 6 hectares set apart for “National Park” and vested in the Authority, is amended by redescribing the reserve as —

- (a) Plantagenet Locations 909, 951, 966, 1036, 1037, 1106, 5058, 5075, 5356, 5878, 7073, 7436, 7526, 7569, 7570, 7904 and 7905, as shown on Diagram 2959, Diagram 3671, Plan Plantagenet 298, Diagram 7448, Diagram A1889, Diagram 49189, Reserve Diagram 1450, Plan 8077, Diagram 80864, Diagram 45/73, Diagram 2957, Diagram 3397 and Plan Plantagenet 99; and

- (b) Porongurup Estate Lots 2, 3, 4, 6, 7, 10, 11, 13, 23, 24, 25, 26 and 27, as shown on Diagrams 49187, 49188, 2865, 49189, 2864, 2873, 2962, 2874, 74806, 67297 and 43035 and Plan 19581,

so that the reserve comprises 2 620.962 0 hectares.

**Reserve No. 9337 (Kitchener Park and Mueller Park) in the City of Subiaco**

**8.** Reserve No. 9337, classified as of Class A, comprising 5.534 7 hectares set apart for “Recreation” and vested in the City of Subiaco with a power to lease, is amended —

- (a) by excising an area of 1.122 7 hectares so that the reserve comprises 4.412 0 hectares, and redescribing the reserve as Swan Location 12734 as surveyed and shown bordered red on Plan 19154; and
- (b) by changing the purpose of the reserve to “Recreation and Occasional Vehicle Parking”.

**Reserve No. 21429 (Rugged Hills Nature Reserve) in the Shire of Toodyay**

**9.** (1) The 2.155 0 hectares of land comprising Lot 235 on Plan 20781, referred to in Certificate of Title Volume 2045 Folio 975, are —

- (a) revested in Her Majesty as of Her former estate;
- (b) removed from the operation of the *Transfer of Land Act 1893*;
- (c) constituted Crown land within the meaning of that expression in the *Land Act 1933*; and
- (d) redescribed as Avon Location 29168.

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(2) Reserve No. 21429, classified as of Class A, comprising 252.048 4 hectares set apart for “Conservation of Flora and Fauna” and vested in the Authority, is amended by including the land described in subsection (1) so that the reserve comprises 254.203 4 hectares.

**Reserve No. 27575 (Neerabup National Park) in the City of Wanneroo**

**10.** Reserve No. 27575, classified as of Class A, comprising 1 068.638 0 hectares or thereabouts set apart for “National Park” and vested in the Authority, is amended by excising an area of 8.789 6 hectares, shown as Swan Location 12520 on Diagram 92531, so that the reserve comprises 1 059.848 4 hectares or thereabouts.