

RESERVES AND LAND REVESTMENT ACT 1990

(No. 21 of 1990)

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RESERVES AND LAND REVESTMENT ACT

No. 21 of 1990

AN ACT relating to certain reserves and other land and to amend the *Reserves Act and Reserves Amendment Act 1984* and the *Reserves and Land Revestment Act 1988*.

[Assented to 31 July 1990.]

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 1990*.

Commencement

2. (1) Subject to subsection (2) and sections 15 (2), 16 (3) and 30 (3), the provisions of this Act shall come into operation on such day as is, or such days as are respectively, fixed by proclamation.

(2) Section 30 (3), (4), (5) and (6) shall come into operation on the day on which this Act receives the Royal Assent.

Plans and diagrams as to reserves

3. The plans and diagrams referred to in Part 2 are held by the Graphic Bank Crown Surveys within the Department of Land Administration.

Plans and diagrams as to land revestment

4. The plans and diagrams referred to in the table to section 33 are held by the Graphic Bank Freehold Surveys within the Department of Land Administration, except that Diagram No. 88958, referred to in item 9 (2) of the table, is held by the Graphic Bank Crown Surveys within that Department.

PART 2—ALTERATIONS TO AND CANCELLATIONS OF RESERVES**Reserve No. 24063 at Attadale**

5. Reserve No. 24063, classified as of Class A, containing 29.077 5 hectares, set apart for "Recreation" and vested in the City of Melville, is amended by excising an area of 727 square metres or thereabouts comprising Swan Location 11143 as shown bordered pink on Diagram No. 88806.

Reserve No. 15633 in the Shire of Busselton

6. Reserve No. 15633, classified as of Class A, containing 707.281 7 hectares or thereabouts, set apart for "National Park" and vested in the National Parks and Nature Conservation Authority, is amended by including an area of 2.095 5 hectares as shown coloured blue on Miscellaneous Diagram No. 140.

Reserves Nos. 28535 and 28536 at Busselton

7. (1) Reserve No. 28536, classified as of Class A, containing 888 square metres, set apart for "Tennis and/or Squash" and vested in the Shire of Busselton, is cancelled.

(2) Reserve No. 28535, classified as of Class A, containing 9717 square metres, set apart for "Tennis Courts" and vested in the Shire of Busselton, is amended—

- (a) by excising a small portion of the land which comprises the reserve; and

(b) by including—

(i) the major portion of the land referred to in subsection (1);

and

(ii) portions of vacant Crown land,

so that the reserve is comprised of an area of 9 700 square metres being Busselton Lot 418 as shown bordered pink on Diagram No. 89088.

Reserve No. 24309 at Cockburn Sound

8. (1) Reserve No. 24309, classified as of Class A, containing 30.651 8 hectares or thereabouts, being Cockburn Sound Location 1746, set apart for "Recreation and Camping" and vested in the City of Cockburn, is redescribed to comprise Cockburn Sound Locations 1746 and 3015 with its area remaining unaltered.

(2) Notwithstanding the purpose for which the land referred to in subsection (1) is reserved, the City of Cockburn may grant a lease of the whole or part of that part of the reserved land being Cockburn Sound Location 3015 for the purpose of vehicle parking in association with industrial activities on the land comprising the Jervoise Bay Industrial Area, and a lease may provide for vehicle parking on the leased land by the general public, at any time or at restricted times, in common with or to the exclusion of the lessee.

(3) A lease granted under subsection (2) shall be laid before each House of Parliament by the Minister within 14 sitting days of such House next following the date of the lease.

(4) If either House of Parliament passes a resolution cancelling a lease laid before it under subsection (3) within 14 sitting days of such House after the lease has been laid before it, or a copy of a lease is not laid before both Houses of Parliament in accordance with subsection (3), the lease is thereupon cancelled.

(5) The cancellation of a lease under subsection (4) does not affect the validity or cure the invalidity of anything done or the omission of anything between the date of the lease and the passing of the resolutions.

Reserve No. 18731 at Darlington

9. Reserve No. 18731, classified as of Class A, containing 3.700 4 hectares, set apart for "Recreation" and vested in the Shire of Mundaring, is amended by excising an area of 3082 square metres comprising Greenmount Sub Lot 581 as shown bordered pink on Diagram No. 89197.

Reserve No. 22795 at Esperance

10. Reserve No. 22795, classified as of Class A, containing 31 389.922 5 hectares or thereabouts, set apart for "National Park" and vested in the National Parks and Nature Conservation Authority, is amended by including an area of 188.173 3 hectares being Esperance Location 2049.

Reserve No. 30082 (Hamersley Range National Park)

11. Reserve No. 30082, classified as of Class A, containing 617 601.600 0 hectares, set apart for "National Park-Dales Gorge" and vested in the National Parks and Nature Conservation Authority, is amended by excising an area of 354.501 7 hectares as shown bordered green on Miscellaneous Diagram No. 170.

Reserve No. 18698 near Jilakin Lake

12. (1) The purpose of Reserve No. 18698, classified as of Class A, containing 149.721 0 hectares and set apart for "National Park", is changed to "Conservation of Flora and Fauna".

(2) For the purposes of section 7 (2) of the *Conservation and Land Management Act 1984*, the land referred to in subsection (1) is deemed to be reserved under section 29 of the *Land Act 1933* for the purpose of the conservation of flora and fauna at the time when subsection (1) comes into operation.

Reserves Nos. 20768 and 20769 at Karlgarin

13. The classifications as of Class A of the following reserves are cancelled—

- (a) Reserve No. 20768, containing 4.350 4 hectares or thereabouts, set apart for "Parklands" and vested in the Shire of Kondinin; and

- (b) Reserve No. 20769, containing 5.749 1 hectares or thereabouts, set apart for "Parklands" and vested in the Shire of Kondinin.

Reserve No. 21253 in the Shire of Kondinin

14. Reserve No. 21253, classified as of Class A, containing 3 328.422 8 hectares, set apart for "Conservation of Flora and Fauna" and vested in the National Parks and Nature Conservation Authority, is amended by excising an area of 1.311 2 hectares comprising Roe Location 3104 as shown bordered red on Diagram No. 89028.

Section 17 of *Reserves and Land Revestment Act 1988* amended (Reserve No. 8731 at Lake Monger)

15. (1) Section 17 of the *Reserves and Land Revestment Act 1988** (relating to reserve No. 8731) is amended in subsection (1) by deleting "8549" and substituting the following—

" 7012 ".

[*Act No. 67 of 1988.]

(2) Subsection (1) is deemed to have come into operation on the day on which the Act referred to in that subsection came into operation.

Reserve No. 8428 in Leeuwin-Naturaliste National Park

16. (1) Reserve No. 8428, classified as of Class A, containing 356.462 7 hectares, set apart for "National Park" and vested in the National Parks and Nature Conservation Authority, is amended by including—

- (a) an area of 29.956 5 hectares comprising Sussex Location 4750;

and

- (b) an area of 121.183 7 hectares comprising Sussex Location 4863.

(2) Section 47 of the *Reserves Act and Reserves Amendment Act 1984** (relating to reserve No. 8428) is amended in subsection (2) by deleting paragraph (b).

[*Act No. 6 of 1984.]

(3) Subsection (2) is deemed to have come into operation on the day on which the Act referred to in that subsection came into operation.

Reserve No. 9633 at Mandurah

17. The classification as of Class A of Reserve No. 9633, containing 5.464 8 hectares or thereabouts, set apart for "Recreation" and vested in the Town of Mandurah, is cancelled.

Reserve No. 21231 at Mandurah

18. Reserve No. 21231, classified as of Class A, set apart for "Recreation" and vested in the Town of Mandurah, is amended by including—

- (a) a portion of closed road; and
- (b) a portion of vacant Crown land,

so that the reserve is comprised of an area of 5.389 7 hectares or thereabouts being Murray Location 1397 as shown bordered red on Reserve Diagram No. 724.

Reserves Nos. 33966 and 33967 at Maylands

19. (1) Reserve No. 33967, classified as of Class C, containing 11.722 5 hectares and set apart for "Recreation", is cancelled.

(2) Reserve No. 33966, classified as of Class A, containing 50.177 4 hectares, set apart for "Parklands and Recreation" and vested in the City of Stirling, is amended by including the land referred to in subsection (1), so that the reserve is comprised of an area of 61.899 9 hectares.

Reserves Nos. 7537 and 8164 at Mundaring

20. (1) Reserve No. 8164, classified as of Class A, containing 4.517 3 hectares or thereabouts, set apart for "National Park" and vested in the National Parks and Nature Conservation Authority, is cancelled.

(2) Reserve No. 7537, classified as of Class A, containing 1503.664 9 hectares or thereabouts, set apart for "National Park and Native Game" and vested in the National Parks and Nature Conservation Authority, is amended by including the land referred to in subsection (1).

(3) The purpose of reserve No. 7537, as amended by subsection (2), is changed to "National Park".

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

Reserve No. 25746 at Padbury

21. Reserve No. 25746, classified as of Class A, containing 116.288 7 hectares, set apart for "Cemetery" and vested in the Trustees of the Pinnaroo Valley Memorial Park Cemetery, is amended by excising—

(a) an area of 2 887 square metres comprising Swan Location 10988;

and

(b) an area of 513 square metres comprising Swan Location 10989,

as shown bordered pink on Original Plan No. 16979.

Reserve No. 8431 at Prevelly

22. Reserve No. 8431, classified as of Class A, containing 530.614 4 hectares and set apart for "Protection and Preservation of Caves and Flora and for Health and Pleasure Resort", is amended by excising an area of 71.243 5 hectares or thereabouts comprising—

(a) Sussex Location 4660;
and

(b) Sussex Location 4862 as shown bordered pink on Reserve Diagram No. 786.

Reserve No. 1704 at Wagin

23. Reserve No. 1704, classified as of Class A, containing 4.046 9 hectares and set apart for "Recreation", is cancelled.

Reserve No. 9838 at Wannamal

24. Reserve No. 9838, classified as of Class A, set apart for "Conservation of Flora and Fauna" and vested in the National Parks and Nature Conservation Authority, is amended by including portions of vacant Crown land, so that the reserve is comprised of an area of 159.620 4 hectares being Swan Location 11249 as shown on Plan No. 17437.

Reserve No. 39962 at Waterman

25. Reserve No. 39962, classified as of Class A, set apart for "Conservation of Flora and Fauna and Passive Recreation" and vested in the City of Stirling, is amended by excising an area of 96 square metres as shown bordered green on Diagram No. 89179.

Reserve No. 9617 in the Shire of Wickepin

26. Reserve No. 9617, classified as of Class A, containing 290.354 1 hectares or thereabouts, set apart for "Conservation of Flora and Fauna" and vested in the National Parks and Nature Conservation Authority, is amended—

(a) by excising Williams Locations 15686 and 15687; and

(b) by including portions of vacant Crown land,

so that the reserve is comprised of an area of 245.043 2 hectares or thereabouts being Williams Location 15756 as shown on Plan No. 17324.

Reserve No. 14398 in the Shire of Wickepin

27. (1) Reserve No. 14398, classified as of Class A, containing 118.168 2 hectares or thereabouts, set apart for "Protection of Flora and Fauna" and vested in the National Parks and Nature Conservation Authority, is amended by including a portion of vacant Crown land, so that the reserve is comprised of an area of 144.135 4 hectares or thereabouts being Williams Location 15758 as shown on Plan No. 17331.

(2) The purpose of Reserve No. 14398, as amended by subsection (1), is changed to "Conservation of Flora and Fauna".

(3) For the purposes of section 7 (2) of the *Conservation and Land Management Act 1984*, the land referred to in subsection (1) is deemed to be reserved under section 29 of the *Land Act 1933* for the purpose of the conservation of flora and fauna at the time when subsection (2) comes into operation.

Reserve No. 24556 in the Shire of Wickepin

28. (1) Reserve No. 24556, classified as of Class A, containing 351.322 0 hectares, set apart for "Protection of Flora and Fauna" and vested in the National Parks and Nature Conservation Authority, is amended by including—

- (a) Williams Locations 15686 and 15687;
- (b) a portion of closed road; and
- (c) portions of vacant Crown land,

so that the reserve is comprised of an area of 496.764 4 hectares being Williams Location 15757 as shown on Plan No. 17323.

(2) The purpose of Reserve No. 24556, as amended by subsection (1), is changed to "Conservation of Flora and Fauna".

(3) For the purposes of section 7 (2) of the *Conservation and Land Management Act 1984*, the land referred to in subsection (1) is deemed to be reserved under section 29 of the *Land Act 1933* for the purpose of the conservation of flora and fauna at the time when subsection (2) comes into operation.

Reserve No. 23572 in the Shire of Busselton

29. Reserve No. 23572, classified as of Class A, set apart for "Recreation" and vested in the Shire of Busselton, is amended as a result of original survey to comprise an area of 29.006 2 hectares being Sussex Location 4857 as shown bordered red on Diagram No. 88917.

Reserve No. 9337 at Subiaco

30. (1) Reserve No. 9337, classified as of Class A, containing 13.996 2 hectares, set apart for "Recreation" and vested in the City of Subiaco, is amended by excising an area of 7.608 7 hectares comprising Swan Location 11285 as shown on Original Plan No. 17506, so that the reserve now comprises Swan Location 11286 as shown on that Plan.

(2) All current leases or subleases of the whole or any part of the land excised from Reserve No. 9337 under subsection (1) are cancelled.

(3) Subsections (1) and (2) shall not be proclaimed to come into operation until after a memorandum of agreement between the City of Subiaco, the Western Australian Football Commission and the Subiaco Football and Sporting Club Inc. as to the future use of Swan Location 11285 has been laid before each House of Parliament, or if Parliament is not sitting, has been delivered to the Clerk of each House.

(4) If the 3 parties referred to in subsection (3) are unable, within 2 months of the day on which this Act receives the Royal Assent, to agree on the provisions of the memorandum of agreement to be presented to Parliament, the Minister for Lands shall conciliate between the parties as to the matters in dispute and if the parties remain in dispute after such conciliation, the Minister shall make a conclusive determination of the provisions of the memorandum of agreement.

(5) If the City of Subiaco refuses to execute a memorandum of agreement the provisions of which have been determined under subsection (4), and whether or not the Subiaco Football and Sporting Club Inc. executes the memorandum of agreement, the Minister for

Lands shall recommend to the Governor that he direct, under section 33 (3) of the Land Act 1933, that the whole or any portion of Swan Location 11285 be leased to the Western Australian Football Commission.

(6) For the purposes of the provisions of subsection (3) as to the coming into operation of subsections (1) and (2) and the presentation of a memorandum of agreement to Parliament, a memorandum of agreement the provisions of which have been determined by the Minister under subsection (4) is to be taken to be a memorandum of agreement between the 3 parties referred to in subsection (3).

PART 3—REMOVAL OF TRUSTS

Isolated childrens hostel at Kalgoorlie

31. (1) In subsection (2), the following lands held for estates in fee simple by Isolated Childrens Hostel Incorporated on trust that the lands be held and used solely for the purposes of "Hostel Site" and "Isolated Childrens Hostel" respectively, are referred to as "the subject lands"—

- (a) Kalgoorlie Lot 1464 being all the land described in Certificate of Title Volume 1567 Folio 581;
- (b) Kalgoorlie Lots 1465 and 1466 being all the land described in Certificate of Title Volume 1495 Folio 528.

(2) The subject lands may be sold and transferred by Isolated Childrens Hostel Incorporated for such consideration as it thinks fit, and the subject lands shall, when so transferred, be freed and discharged from the trusts 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, on delivery to him of duplicates of the certificates of title referred to in subsection (1) registering the transfer, in accordance with subsection (2), of the subject lands, cancel those certificates of title and make out one or more certificates of title in accordance with subsection (2).

Hall site at Kellerberrin

32. (1) Kellerberrin Lot 226, described in Certificate of Title Volume 1208 Folio 381, held for an estate in fee simple by the Perth Congregation of Jehovah's Witnesses Incorporated on trust that the land be held and used solely for the purpose of "Hall Site", may be sold and transferred by the Perth Congregation of Jehovah's Witnesses 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**

33. (1) All the land specified in the table to this section is—

- (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*.

(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. Shire of Albany

The land in the right of way being 366 square metres along the southern boundary of Lot 48 of Plantagenet Location 520 on Diagram No. 44646.

2. Town of Albany

The land in the right of way being 1454 square metres extending from the eastern boundary to the southwestern boundary of Lot 6 of Plantagenet Location 42 on Diagram No. 31225.

3. City of Armadale

- (1) The land in the right of way being 3461 square metres near Brookton Highway, Roleystone and shown coloured brown on Diagram No. 50006.
- (2) The pedestrian accessway containing 109 square metres along the southwestern boundary of Lot 13 of Canning Location 31 on Plan No. 12330.
- (3) The pedestrian accessway containing 68 square metres off Wyong Place, Armadale and situated between Lots 717 and 718 on Plan No. 10126.

4. City of Bunbury

The pedestrian accessway containing 332 square metres extending between Dunstan Street and Cooke Street, Bunbury and bounded by Lots 291, 317, 316 and 290 on Plan No. 12071.

5. Shire of Carnarvon

The pedestrian accessway containing 415 square metres extending between Norton Way and Olivia Terrace, Carnarvon and shown coloured brown on Diagram No. 59980.

6. City of Cockburn

- (1) The pedestrian accessway containing 243 square metres extending between Coolbellup Avenue and Perdita Way, Coolbellup and bounded by Lots 524, 505, 504 and 525 on Plan No. 8704 (1).
- (2) The pedestrian accessway containing 243 square metres extending between Hilory Street and Counsel Road, Coolbellup and bounded by Lots 407, 408, 428 and 429 on Plan No. 8232.
- (3) The pedestrian accessway containing 255 square metres extending between Batten Street and Treeby Street, Coolbellup and bounded by Lots 283, 284, 307 and 308 on Plan No. 8231 (2).

- (4) The portion of the pedestrian accessway containing 295 square metres extending between Maxworthy Place and Phoenix Road, Spearwood situated southward of the southern boundary of Lot 333 on Plan No. 11052, and extending along the northern boundaries of Lots 41 and 40 and along the northern and eastern boundaries of Lot 39 on Plan No. 11047.

7. City of Gosnells

The land in the right of way being 1090 square metres through Lot 32 of Canning Location 14a near Albany Highway, Maddington as shown coloured brown on Diagram No. 32507.

8. City of Stirling

- (1) The pedestrian accessway containing 307 square metres extending between Fenwick Street and Birchley Square, Balga and bounded by Lots 127, 103, 104 and 126 on Plan No. 9204 (2).
- (2) The pedestrian accessway containing 316 square metres extending between Eastdene Circle and Robertsbridge Road, Nollamara and bounded by Lots 28, 29, 45 and 46 on Plan No. 8113 (1).
- (3) The portion of the pedestrian accessway containing 121 square metres off Ringmer Way, Nollamara between Lots 288 and 289 on Plan No. 8318 (2).
- (4) The pedestrian accessway containing 324 square metres extending between Wanneroo Road and Rochester Crescent, Balga and bounded by Lots 323, 329, 330 and formerly 321 (now Swan Location 8476, Reserve No. 30114) on Plan No. 9205 (1).

9. Shire of Swan

- (1) The land in the right of way being 600 square metres along the northeastern boundaries of Lots 12 and 13 of Helena Location 20a on Diagram No. 47239.
- (2) The land in the portion of the right of way comprising 6.837 4 hectares being the balance of the right of way shown on Diagram No. 47584 now surveyed and shown bordered green on Diagram No. 88958.
- (3) The pedestrian accessway containing 301 square metres extending between Gamage Way and Devenish Road, Lockridge and bounded by Lots 228, 206, 207 and 227 on Plan No. 9727.

10. City of Wanneroo

- (1) The pedestrian accessway containing 307 square metres extending between Gratwick Way and Waddington Crescent, Koondoola and bounded by Lots 938, 965, 964 and 939 on Plan No. 11464.

- (2) The pedestrian accessway containing 113 square metres extending between Livonia Place and Dampier Avenue, Mullaloo along the northwestern boundary of Lot 291 on Plan No. 12113.
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