

WESTERN AUSTRALIA

RESERVES AND LAND REVESTMENT ACT

No. 47 of 1986

AN ACT relating to certain reserves and other land, to amend the *Reserves Act 1984*, to close a portion of road, and for related purposes.

[Assented to 1 August 1986.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title

1. This Act may be cited as the *Reserves and Land Revestment Act 1986*.

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 27 shall be deemed to have come into operation on the day on which the *Reserves Act 1984* came into operation.

Reserve Nos. 5099, 5100 and 5101 near Waroona

3. The following reserves, each classified as of Class A and set apart for "Recreation and Parklands", are hereby cancelled—

- (a) Reserve No. 5099, containing 64.749 7 hectares;
- (b) Reserve No. 5100, containing 80.937 1 hectares; and
- (c) Reserve No. 5101, containing 64.749 7 hectares.

Reserve No. 7557 at Torbay

4. Reserve No. 7557, classified as of Class A, containing 40.468 6 hectares and set apart for "State Forest" is hereby cancelled.

Reserve No. 7686 near Margaret River

5. (1) Reserve No. 7686, classified as of Class A, containing 1 816.009 1 hectares and set apart for "State Forest" is hereby cancelled.

(2) The Order in Council relating to State Forest No. 56, made under the *Forests Act 1918* and published in the *Government Gazette* on 23 August 1940 at page 1538, shall have, and be deemed to have had, effect as if the land referred to in subsection (1) had been Crown land within the meaning of that Act when the Order in Council was made.

Reserve No. 24436 north of Yanchep

6. Reserve No. 24436, classified as of Class A, containing 112.968 0 hectares, set apart for "Protection of Flora" and vested in the National Parks and Nature Conservation Authority is hereby cancelled.

Reserve Nos. 20194 and 2562 at Geraldton

7. (1) Reserve No. 20194, classified as of Class A, containing 3.242 6 hectares or thereabouts, set apart for "Esplanade and Recreation" and vested in the Town of Geraldton is hereby cancelled.

(2) Reserve No. 2562, classified as of Class A, containing 18.615 5 hectares or thereabouts and set apart for "Esplanade and Recreation" is hereby amended by including an area of 11.893 3 hectares comprising Geraldton Lot 2851 as shown bordered red on Lands and Surveys Plan 16038.

Reserve Nos. 28534 and 28537 at Busselton

8. (1) Reserve No. 28534, classified as of Class A, containing 2 534 square metres, set apart for "Parklands and Public Open Space" and vested in the Shire of Busselton is hereby cancelled.

(2) Reserve No. 28537, classified as of Class A, containing 5 969 square metres, set apart for "Parklands and Public Open Space" and vested in the Shire of Busselton is hereby cancelled.

Reserve No. 385 at Wonnerup

9. Reserve No. 385, classified as of Class A, containing 11.607 7 hectares or thereabouts, set apart for "Camping and Recreation" and vested in the Shire of Busselton is hereby amended by including an area of 479 square metres comprising Wonnerup Lot 93 as shown bordered red on Lands and Surveys diagram 87243.

Reserve No. 4156 at Albany

10. Reserve No. 4156, classified as of Class A, containing 1.282 8 hectares, set apart for "Museum and Park" and vested in the Town of Albany is hereby amended by including an area of 1 768 square metres comprising Albany Lot 875 as surveyed and shown on Lands and Surveys Diagram 57632.

Reserve No. 9457 at Narrogin

11. Reserve No. 9457, classified as of Class A, containing 1 265 square metres, set apart for "Parklands and Recreation" and vested in the Town of Narrogin is hereby amended by including an area of 525 square metres comprising Narrogin Lot 1629 as surveyed and shown on Lands and Surveys Diagram 87078.

Reserve No. 22204 at Mandurah

12. Reserve No. 22204, classified as of Class A, set apart for "Parklands and Recreation" and vested in the Shire of Mandurah is hereby amended by including an area of 5 491 square metres comprising Cockburn Sound Location 2666 so that the reserve is comprised of Cockburn Sound Locations 2666 and 960.

Reserve No. 24093 at Bunbury

13. Reserve No. 24093, classified as of Class A, containing 1.8661 hectares, set apart for "Children's Playground" and vested in the City of Bunbury is hereby amended by including an area of 659 square metres comprising Bunbury Lot 666 as surveyed and shown on Lands and Surveys Diagram 86831.

Reserve No. 10003 in the Shire of Plantagenet

14. (1) Reserve No. 10003, classified as of Class A, containing 105.800 5 hectares and set apart for "Protection of Boronia" is hereby amended by including—

- (a) an area of 56.448 4 hectares comprising Plantagenet Location 5966; and
- (b) a further area of 73.506 8 hectares comprising portion of Plantagenet Location 4932,

so that the reserve is comprised of the whole of Plantagenet Locations 5966 and 7547 as shown bordered red on Lands and Surveys Reserve Diagram 539.

(2) The purpose of Reserve No. 10003, as amended by subsection (1), is hereby changed to "Conservation of Flora and Fauna".

(3) For the purposes of the *Conservation and Land Management Act 1984* Reserve No. 10003, as amended by 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. 5574 at South Perth

15. Reserve No. 5574, classified as of Class A, containing 7.249 3 hectares, set apart for "Public Recreation" and vested in the City of South Perth is hereby amended by excising an area of 7 195 square metres comprising Perth Lot 963 as surveyed and shown on Lands and Surveys Diagram 86975.

Reserve No. 5691 at Subiaco

16. Reserve No. 5691, classified as of Class A, containing 3.033 9 hectares and set apart for "School" is hereby amended by excising an area of 967 square metres comprising Perth Lot 728.

Reserve No. 14222 at Port Denison

17. Reserve No. 14222, classified as of Class A, containing 10.842 2 hectares, set apart for "Camping and Recreation" and vested in the Shire of Irwin is hereby amended by excising an area of 25 square metres comprising Port Denison Lot 581 as surveyed and shown on Lands and Surveys Diagram 86882.

Reserve No. 20928 at Denmark

18. Reserve No. 20928, classified as of Class A, containing 271.186 2 hectares or thereabouts, set apart for "Recreation and Camping" and vested in the Shire of Denmark is hereby amended by excising an area of 15.348 2 hectares comprising Plantagenet Location 7553 as surveyed and shown on Lands and Surveys Diagram 86775.

Reserve No. 31362 at Walpole

19. Reserve No. 31362, classified as of Class A, containing 18 390.394 2 hectares or thereabouts, set apart for "National Park" and vested in the National Parks and Nature Conservation Authority is amended by excising an area of 2 530.640 1 hectares or thereabouts being the area shown bordered red on Lands and Surveys Miscellaneous Diagram 109.

Reserve No. 8313 at Northam

20. The purpose of Reserve No. 8313, classified as of Class A, containing 2.311 2 hectares, set apart for "Natives" and vested in The Minister for Community Welfare is hereby changed to "Use and Benefit of Aboriginal Inhabitants".

Reserve No. 5098 near Waroona

21. The purpose of Reserve No. 5098, classified as of Class A, containing 121.405 7 hectares and set apart for "Recreation and Parklands" is hereby changed to "Conservation of Flora and Fauna".

Reserve No. 22674 at Broadwater

22. The purpose of Reserve No. 22674, classified as of Class A, containing 53.246 5 hectares, set apart for "Camping and Recreation" and vested in the Shire of Busselton is hereby changed to "Recreational Camp Sites and Group Holiday Accommodation".

Reserve No. 24435 in the Shire of Lake Grace

23. (1) The purpose of Reserve No. 24435, classified as of Class A, containing 47.348 2 hectares and set apart for "Townsite and Protection of Flora" is hereby changed to "Conservation of Flora and Fauna".

(2) For the purposes 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.

Reserve No. 21678 at Bunbury

24. (1) Reserve No. 21678, classified as of Class A, containing 1.1230 hectares and held for an estate in fee simple by the City of Bunbury upon trust for the purposes of closed cemetery and public park is hereby amended by including both areas of 22 square metres comprising closed roads shown bordered red on Lands and Surveys Diagram No. 86780.

(2) The land included in Reserve No. 21678 under subsection (1) is hereby vested in the City of Bunbury for the same estate or interest and subject to the same trust as the land described in Certificate of Title Volume 1052 Folio 975 and is deemed to be incorporated with and to form part of the parcel of land described in that certificate of title.

(3) The Registrar of Titles appointed under section 7 of the *Transfer of Land Act 1893* shall make such alterations in Certificate of Title Volume 1052 Folio 975 as may be necessary to show that the land vested in the City of Bunbury under subsection (2) has become incorporated with and forms part of the parcel of land described in Certificate of Title Volume 1052 Folio 975.

Albany Lot 1194

25. (1) Albany Lot 1194, described in Certificate of Title Volume 1452 Folio 163, held for an estate in fee simple upon trust for "Hostel Site (Slow Learning Childrens Group of W.A. (Inc))" by the Slow Learning Childrens Group of W.A. (Inc.) ("the Group") and upon the condition that the land shall not be leased or mortgaged in whole or in part without the consent of the Governor shall, upon the Registrar of Titles making out a new certificate of title under subsection (2), be freed and discharged of that trust and condition and, subject to the condition that all proceeds of sale of that land by the Group shall be used for the purposes of the Group, 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 upon—

- (a) the delivery to him of the duplicate of the certificate of title issued under that Act in respect of Albany Lot 1194; and
- (b) being satisfied that the Group has paid to the State an amount of \$30 000 for the purposes of this section,

cancel that certificate of title and make out to the Group a certificate of title to the land freed and discharged from the trust and condition referred to in subsection (1).

Section 23 of Act No. 120 of 1984 amended

26. Section 23 of the *Reserves Act 1984* is amended by deleting "Sussex" and substituting the following—

“ Margaret River ”.

Land in Mosman Park revested in Her Majesty

27. (1) The land in the right-of-way being portion of Mosman Park Suburban Lot 18 and being part of the land on Diagram 7775 and being the whole of the land in Certificate of Title Volume 1591 Folio 491 is hereby—

- (a) without conferring any right to compensation, revested in Her Majesty as of Her former estate and freed and discharged from all trusts, mortgages, charges, obligations, estates, interests, rights-of-way or other easements or encumbrances whatsoever;
- (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) Part VIIA of the *Land Act 1933* applies to the land constituted Crown land under subsection (1) as if that land were land comprised in a road that is closed as being no longer required as a road.

Land revested in Her Majesty

28. (1) All that land specified in the Table to this section is hereby revested in Her Majesty as of Her former estate and removed from the operation of the *Transfer of Land Act 1893*, and is constituted Crown land within the meaning of that expression in the *Land Act 1933*.

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

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

TABLE

1. City of Gosnells

The pedestrian accessway containing 59 square metres bounded by Lots 135 and 136 on Office of Titles Plan 11179 and extending between Ibbot Court on that Plan and Reserve 33507.

2. City of Gosnells

The pedestrian accessway containing 59 square metres bounded by Lots 145 and 146 on Office of Titles Plan 11179 and extending between Ibbot Court on that Plan and Reserve 33507.

3. City of Gosnells

The pedestrian accessway containing 44 square metres bounded by Lots 146 and 147 on Office of Titles Plan 11179 and extending between Ibbot Court on that Plan and Reserve 33507.

4. City of Gosnells

The pedestrian accessway containing 59 square metres bounded by Lots 157 and 158 on Office of Titles Plan 11179 and extending between Ibbot Court on that Plan and Reserve 33507.

5. Shire of Kalamunda

The pedestrian accessway containing 398 square metres abutting portion of the western boundary of Lot 19 on Office of Titles Plan 12882 and extending between Broula Road and Canning Road on that Plan.

6. City of Stirling

The pedestrian accessway containing 324 square metres bounded by Lots 175, 176, 192 and 193 on Office of Titles Plan 8691 and extending between Dounley Street and Bepton Way on that Plan.

7. City of Stirling

The land in the right-of-way and portion of the pedestrian accessway bounded by Lot 109 and the southern severance of Lot 108 on Office of Titles Diagram 34583 and extending between part of Lot 13 and the area between the north-eastern corner of Lot 103 and the south-eastern corner of Lot 104.

8. City of Wanneroo

The pedestrian accessway containing 222 square metres bounded by Lots 38, 39, 46 and 47 on Office of Titles Plan 13970 and extending between Mirrabooka Avenue and Ipswich Crescent on that Plan.

9. City of Wanneroo

The pedestrian accessway containing 225 square metres bounded by Lots 70, 71, 85 and 86 on Office of Titles Plan 13970 and extending between the eastern and western parts of Ipswich Crescent on that Plan.

10. City of Wanneroo

The pedestrian accessway containing 114 square metres bounded by Lots 7 and 8 on Office of Titles Plan 13970 and extending between Ipswich Crescent and Reserve 35186 on that Plan.

11. City of Wanneroo

The pedestrian accessway containing 162 square metres bounded by Lots 291 and 292 on Office of Titles Plan 10180 and extending between Kerr Place on that Plan and Reserve 33069.

12. City of Cockburn

The pedestrian accessway containing 324 square metres bounded by Lots 28, 29, 59 and 60 on Office of Titles Plan 9319 and extending between Romeo Road and Friar John Way on that Plan.

Road closure

29. (1) That portion of Harvest Road being 548 square metres comprising North Fremantle Lot 441 as surveyed and shown on Department of Land Administration Diagram 87559 is hereby closed.

(2) Section 294 of the *Local Government Act 1960* shall apply to the land referred to in subsection (1) as if the closure had been effected under that Act.
