

ROAD CLOSURE.

13° Elizabeth II., No. LXXIX.

No. 79 of 1964.

AN ACT to provide for the closure of certain Roads and Rights-of-way and of portions of certain Roads and Rights-of-way and for incidental and other purposes.

[Assented to 14th December, 1964.]

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 *Road Closure Act, 1964.*

2. (1) All those portions of public roads, at Augusta, in the Shire of Augusta-Margaret River, being—

Closure of portions of roads at Augusta.

- (a) the portion of Ellis Street, being the eastern extremity of that street, east of the production southerly of the eastern alignment of Road No. 12372, and extending to the shore of Hardy Inlet; and
- (b) the portion of a road, east of Lot 3 of Augusta Suburban Lot 130, as shown on Land Titles Office Diagram No. 14914 and being the portion east of a line, commencing at a point on its southern alignment, situated one chain eastward of the south-eastern corner of the Lot 3 in this paragraph mentioned and extending northerly to the southern alignment of Ellis Street to a point where it intersects the production southerly of the eastern side of Road No. 12372 (River Road),

are hereby closed and all rights of way over them shall cease, on the coming into operation of this Act.

(2) The land comprised in the portions so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it shall be set apart as a Reserve for the purpose of "Recreation", to be vested in the Shire of Augusta-Margaret River, in such manner as the Governor may approve, under the provisions of the Land Act, 1933.

3. (1) All those portions of a public road, in the Shires of Bassendean and Bayswater, being—

Closure portion Alice Street Bassendean and Bayswater.

the portion of Alice Street, commencing from the north-eastern alignment of Clune Street and extending north-eastward to the south-western alignment of Florence Street, as shown on Land Titles Office Plan No. 5093,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion of the road so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be included, by survey, in Swan Location 7845 and dedicated, under the provisions of subsection (3) of section eleven of the Industrial Development (Resumption of Land) Act, 1945, to the purposes of that Act.

Closure
portion
Parade
Street,
Bunbury.

4. (1) All that portion of a private road, provided in a subdivision of Wellington Location 41, on Land Titles Office Plan No. 2138, Sheet 2, and being—

the portion of Parade Street Bunbury, commencing at the production easterly of the northern alignment of Teede Road and extending north-easterly to the western alignment of Bussell Highway,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that the land may be reserved, or disposed of, under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

Closure of
right-of-way
Busselton.

5. (1) The private right-of-way, in a subdivision of Busselton Lots 97 to 100, inclusive, as shown on Land Titles Office Diagram No. 8160 and being—

the right-of-way, commencing at the eastern alignment of King Street and extending eastward along the northern boundary of Lot 7 and southward along the eastern boundaries of Lots 7, 8 and 9 on the said diagram,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the right-of-way so closed, being the sole remaining land in Certificate of Title Volume 1030, Folio 301, is hereby revested

in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it may be disposed of to the owners of the contiguous lots, under the provisions of section one hundred and eighteen A of the Land Act, 1933, in such manner as the Governor may approve.

6. All those portions of a private road and rights-of-way, in a subdivision of Esperance Location 107, as shown on Land Titles Office Plan No. 2276, and situated in the Shire of Esperance and being—

Closure of Queen Street and certain rights-of-way at Esperance.

- (a) the whole of a private road known as Queen Street, including a reserve one and one-half links in width, on its northern side, at the northern end of the subdivision of Esperance Location 107, on Plan No. 2276; and
- (b) all those portions of private rights-of-way, within the subdivision of Esperance Location 107, on Plan No. 2276,

are hereby closed and all rights of way over them shall cease, on the coming into operation of this Act.

7. (1) All that portion of Holland Street in the Town of Geraldton, being—

Closure of portion of Holland Street, Geraldton.

that portion of Holland Street, extending from the production, easterly, of the southern boundary of Geraldton Lot 697, southward, to the northern alignment of Shenton Street,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion of Holland Street so closed shall be incorporated in a later subdivision of the land comprising the adjoining Geraldton Lots 698, 701, 702, 705, 706, 710 and 711, in which a diversion of Holland Street will be provided.

(3) The road widening, at the truncated south-western corner of Geraldton Lot 1391, shall be included in that lot which is set apart as Reserve No. 24062, for the Geraldton High Schoolsite.

Closure of
Reuben
Street
Kojonup.

8. (1) All that portion of a public road, known as Reuben Street, extending from the northern alignment of Blackwood Road to the southern alignment of Bilston Street, at Kojonup, is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion so closed may be disposed of to the Shire of Kojonup, as owner of the contiguous land, in such manner as the Governor may approve, under the provisions of the Land Act, 1933.

Closure of a
right-of-way
at Kojonup.

9. (1) All that portion of a private right of way, in a subdivision of Portion of Kojonup Suburban Lot P.15, on Land Titles Office Plan No. 4743, and being—

portion of the Right-of-Way commencing at the eastern alignment of Reuben Street and extending eastward along the northern boundaries of Lots 21 and 20, on Plan No. 4743,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it may be disposed of to the Shire of Kojonup, as owner of the contiguous land, in such manner as the Governor may approve, under the provisions of the Land Act, 1933.

Closure of
portion
Bickley
Street
Kwinana.

10. (1) All that portion of a public road in the Shire of Kwinana, being—

the portion of Bickley Street, commencing at the eastern alignment of Rockingham Road and extending west to the western alignment of Morley Street, as shown on Lands Titles Office Plan No. 3638, Sheet 1,

is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion so closed is hereby vested as for an estate in fee simple in Her Majesty, with the intention that it be included with the contiguous portions of Cockburn Sound Location 508, being Lots 71 to 76, inclusive, lots 135 to 142, inclusive, and portions of Lot 77 and of Lots 79 to 86, inclusive, on Land Titles Office Plan No. 3638, Sheet 1, in a composite Industrial Site, now re-surveyed as Lot 11, as shown on Lands and Surveys Diagram No. 70193.

11. (1) All those public roads and portions of public roads, in the Town of Melville, in a subdivision of Swan Location 73, as shown on Land Titles Office Plan No. 6163, being—

Closure of
various roads
Town of
Melville.

- (a) the portion of Farrin Street, from the eastern alignment of Booker Street to the western alignment of Morriett Street;
- (b) the portion of Morriett Street, from the northern alignment of Stoneham Road to the southern alignment of Burke Drive;
- (c) Kenby Crescent, from the western alignment of Morriett Street to the southern alignment of Birch Street;
- (d) the portion of Booker Street, near its intersection with Calpin Crescent, being the portion surveyed as Lot 1, on Diagram No. 28255;
- (e) the portion of Calpin Crescent, between Booker Street and Kingsall Road, being the portion surveyed as Lot 4, on Diagram No. 28255;
- (f) the portion of Kingsall Road, near its intersection with Calpin Crescent, being the portion surveyed as Lot 2 on Diagram No. 28255;
- (g) the portion of Handford Street, from the northern alignment of Stoneham Road to the southern alignment of Warragoon Crescent;

- (h) the portion of Stoneham Road, being the widening on its south side, opposite the southern end of Handford Street;
- (i) Bickner Street, from the eastern alignment of Haig Road to the north-eastern alignment of Burke Drive;
- (j) the portion of Bricknall Road, from the south-eastern alignment of Warragoon Crescent to the northern alignment of Stoneham Road, and from the southern alignment of Stoneham Road to a line parallel to, and situated thirty links south of, the southern alignment of Moysey Road; and
- (k) Moysey Road, from the eastern alignment of Bricknall Road to the north-eastern alignment of Burke Drive,

are hereby closed and all rights of way over them shall cease, on the coming into operation of this Act.

(2) The land comprised in the roads or portions of roads so closed may be disposed of to the owners for the time being of the adjoining land, under the provisions of section one hundred and eighteen A of the Land Act, 1933, in such manner as the Governor may approve.

Closure of
right-of-way
at Peppermint
Grove.

12. (1) All that portion of a private right-of-way, in the Shire of Peppermint Grove, being the portion along the southern boundaries of Lots 5 and 6 of Mosman Park Suburban Lot 119, as surveyed and shown on Land Titles Office Plan No. 1106, commencing at a line drawn at a right angle to the southern boundary of the Lot 5 mentioned, at a point situated five chains fifteen links eastward from the eastern alignment of Palmerston Street, and extending eastward to, and terminating at, the production easterly of the southern boundary of the Lot 6 mentioned, where the remaining portion of the right-of-way turns northward, is hereby closed and all rights of way over it shall cease, on the coming into operation of this Act.

(2) The land comprised in the portion so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it may be disposed of to the Perth Diocesan Trustees, as owners for the time being of certain adjoining land, under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

13. (1) All those portions of private rights-of-way, in a subdivision of Swan Location X, in the section surrounded by Derril Avenue, April Road, Cascade Avenue and Williams Road, at Mount Yokine, in the Shire of Perth, as shown on Land Titles Office Plan No. 1989 and comprising portion of the land contained in Certificate of Title Volume 649, Folio 122, are hereby closed and all rights of way over them shall cease, on the coming into operation of this Act.

Closure of certain rights-of-way Mount Yokine.

(2) The land comprised in the portions of the rights-of-way so closed is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be divided into sections to be made available for inclusion in the contiguous lots under the provisions of section one hundred and eighteen A of the Land Act, 1933, in such manner as the Governor may approve.

14. (1) All those portions of surveyed roads and a right-of-way, in the Shire of Perth, more particular described in the Schedule to this Act, are hereby closed and all rights of way over them shall cease, on the coming into operation of this Act.

Closure of roads and right-of-way at Balga.

(2) The land comprised in the roads and right-of-way that have been closed by the operation of subsection (1) of this section, is hereby revested in Her Majesty as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it will be made available to The State Housing Commission, for inclusion in a later subdivision of the adjacent land, under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

SCHEDULE.

(Section 14.)

1. Portion of Camberwell Road, being a public road, commencing at the eastern alignment of Princess Road and extending eastward, as shown on Land Titles Office Plans 5102 and 5143, to the western alignment of Redcliffe Road.

2. Portion of St. Kilda Road, being a public road, commencing at the eastern alignment of Princess Road and extending eastward, as shown on Land Titles Office Plans Nos. 5102 and 5143, to the eastern boundary of Plan 5143.

3. Portion of Sydney Road, being a public road, commencing at the prolongation northward of the western boundary of Lot 171, on Land Titles Office Plan No. 5102, and extending east, as shown on Plans Nos. 5102 and 5143, to the eastern boundary of Plan No. 5143.

4. Portion of an unnamed public road, along the eastern side of Lots 26 to 40, inclusive, including a widening adjacent to Lots 43, 44 and 45, as shown on Land Titles Office Plan No. 5143.

5. Portion of an unnamed public road, along the northern and north-eastern sides of Lots 116 to 120, inclusive, Lots 164, 165 and 110, from the southern alignment of St. Kilda Road to the western alignment of Redcliffe Road, including a widening at the south-eastern corner of Lot 110, as shown on Land Titles Office Plan No. 5143.

6. Portion of Redcliffe Road, a public road, commencing at the northern alignment of Nugent Street and extending north through Reserve No. 20150 (Swan Location 3249) and onwards through Swan Location K.1, as shown on Land Titles Office Plan No. 2895, and continuing northward through Swan Location K, as shown on Land Titles Office Plan No. 5143, to the southern alignment of Camberwell Road.

7. Portion of a private right-of-way, twenty-five links in width, commencing at the south-western corner of Lot 21 and extending northward, along the western boundaries of Lots 21, 20, 11, 10 and 1, to the southern alignment of Camberwell Road, as shown on Land Titles Office Plan No. 5143.

8. Portion of Victoria Road, a public road, commencing at a line connecting the north-west corner of Lot 180 and the south-west corner of Lot 153, on Land Titles Office Plan No. 2895, and extending easterly, to the eastern boundaries of Lots 196 and 249, on Land Titles Office Plan No. 3031.

9. Portion of Truganina Road, a private road, commencing at the eastern boundary of Reserve No. 20150 (Swan Location 3249) and extending easterly, as shown on Land Titles Office Plan No. 2466, to the eastern boundary of that plan.

10. Portion of Nugent Road, a public road, commencing at the production south of the eastern boundary of Reserve No. 23265 (Swan Location 2676) and extending east, to the western alignment of the road on the eastern boundary of Land Titles Office Plan No. 2466.

11. Portion of a private road, on Land Titles Office Plan No. 2466, commencing at the eastern alignment of former Maud Avenue and extending eastward along the southern boundaries of Lot 10 and Swan Locations 3225 and 3227 (Portions of Reserve No. 19911) and Lot 7 to the western alignment of the private road, on the eastern boundary of Plan No. 2466.

12. Portion of a private road, fifty links in width, along the western boundary of Swan Location No. 3223, from the northern alignment of Nugent Street to the northern boundary of Swan Location 3223, as shown on Land Titles Office Plan No. 2466.

13. Portion of Cusack Road, a private road, as shown on Land Titles Office Plan No. 2895, from the southern, to the northern, boundary of that plan.

14. Portion of a private road, one chain in width, commencing at the northern alignment of Nugent Street and extending northwards, along the eastern boundary of Swan Location 3223 (Portion of Reserve No. 19911), as shown on Land Titles Office Plan No. 2466.

15. Portion of a private road, one chain in width, commencing from the northern alignment of Widgee Road and extending north, along the eastern boundaries of Lots 13, 12, Swan Location No. 3225 and Lot 3, as shown on Land Titles Office Plan No. 2466, to the southern alignment of Truganina Road, on the northern boundary of that plan, and onwards, along the eastern boundaries of Lots 196 and 249, as shown on Land Titles Office Plan No. 3031, to the northern boundary of that plan.

16. Portion of a private road, fifty links in width, commencing at the northern alignment of Widgee Road and extending north, along the eastern boundaries of Lots 17, 7 and 6, as shown on Land Titles Office Plan No. 2466, to the southern alignment of Truganina Road, on the northern boundary of that plan.