

ROAD CLOSURE.

9° Elizabeth II., No. LXV.

No. 65 of 1960.

AN ACT for the Closure of certain Roads and Rights-of-way and of portions of certain Roads and Rights-of-way, and for other purposes.

[Assented to 2nd December, 1960.]

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:—

1. This Act may be cited as the *Road Closure Act, 1960.* Short title
and citation.

2. (1) All those portions of public roads in the Albany Municipal District being—
Closure of
various roads
at Albany.
 - (a) portion of Spearwood Road (formerly McKeown Road) extending from the southern alignment of Cuming Road to the northern alignment of Ince Street;

- (b) De Hamel Street extending from Macdonald Road to Spearwood Road;
- (c) portion of Ashwell Street extending from Macdonald Road to the north-western alignment of Dymes Street;
- (d) Bailey Street from the eastern alignment of Spearwood Road to the north-western alignment of Ashwell Street; and
- (e) portion of Maxwell Street from Bailey Street to the north-western alignment of Dymes Street,

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 and portions of roads so closed is hereby revested in Her Majesty as of her former estate, with the intention that it may be reserved under the Land Act, 1933, in such manner as the Governor may approve.

Closure of
portion of
Macdonald
Road,
Albany.

3. (1) All that portion of a public road in the Albany Municipal District being—

the portion of Macdonald Road, Albany, between the southern alignment of Grey Street and the northern alignment of Carlisle 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 road so closed is hereby revested in Her Majesty as of her former estate, with the intention that it be reserved under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

Closure of
certain roads
at Balcatta.

4. (1) All those portions of public and private roads at Balcatta in the Perth Road District being—

- (a) all that portion of Balcatta Road (road number 7), bounded on the west by the prolongation northerly of the eastern

boundary of lot 12 of Swan Location 92, as shown on Land Titles Office Deposited Diagram 15957 and on the east by the western alignment of Odin Road (road number 5);

- (b) all that portion of Odin Road (road number 5) bounded on the south by the northern alignment of Balcatta Road and on the north by the prolongation westerly of the southern boundary of lot 90 of Swan Location K as shown on Land Titles Office Deposited Plan 4595;
- (c) the whole of Kings Road as shown on Land Titles Office Deposited Plan 2895; and
- (d) all those portions of Delawney Street (road number 5904)—
 - (i) bounded by lines starting from the intersection of the eastern side of Jones Street (road number 1284) and the northern side of Delawney Street and extending easterly seven chains fifty-two and three-tenths links along that side of Delawney Street; thence one hundred and eighty-seven degrees eleven minutes, one chain and eight-tenths links to the southern side of Delawney Street; thence westerly along that side to the eastern side of Jones Street aforesaid, and thence northerly to the starting point; and
 - (ii) bounded by lines starting from the north-western corner of lot 9 of Perthshire Location Au as shown on Land Titles Office Deposited Plan 924, Sheet 1, a point on the southern side of Delawney Street and extending westerly fourteen chains forty-eight and four-tenths links along that side; thence seven degrees eleven minutes, one chain and eight-tenths links to the northern side of Delawney Street; thence easterly

along that side to a point situate in prolongation northerly of the western boundary of Lot 9 of Location Au aforesaid, and thence southerly along that prolongation to the starting point,

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 road and portions of roads so closed shall vest as for an estate in fee simple in The State Housing Commission of Western Australia, as owner for the time being of the contiguous land, with the intention that it be included in a re-subdivision thereof.

(3) The Registrar of Titles shall, on application by The State Housing Commission and payment of the prescribed fees, issue certificates of title for the land by this section vested.

Closure of
portion of
road
widening
at Belmont.

5. (1) All that portion of a road widening at the intersection of Maida Vale Road and Grand Parade in the Belmont Park Road District being—

portion of the road widening at the intersection of the western side of Grand Parade and the south-western side of Maida Vale Road as shown on Land Titles Office Plan 6716, containing eight perches, bounded by lines starting from the northernmost corner of that road widening and extending one hundred and nine degrees one minute, fifty-seven and five-tenths links; thence one hundred and thirty-four degrees fifty-six minutes, one chain and forty-eight links; thence one hundred and sixty degrees fifty-two minutes, fifty-seven and five-tenths links; and thence three hundred and fourteen degrees fifty-six minutes, two chains fifty-one and three-tenths links to the starting point,

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 road so closed is hereby vested as for an estate in fee simple in The State Housing Commission of Western Australia as owner for the time being of the contiguous Lot 21 on Land Titles Office Plan 6176 being portion of the land comprised in Certificate of Title Volume 1206, Folio 908 and shall be included in and become portion of that lot.

(3) The Registrar of Titles shall, on the application of The State Housing Commission of Western Australia and payment of the prescribed fees, cancel the relative certificate of title to the contiguous land and issue a new certificate in which the land in the portion of road by this section closed and vested shall be included.

6. (1) All that portion of a public road in the Busselton Road District being—

Closure of
portion of
road No. 739,
Busselton.

the portion of Road number 739 commencing at the north-eastern corner of Lot 44 on Land Titles Office Diagram number 21313 and extending two hundred and forty-six degrees four chains twenty-seven and seven-tenths links along the north-western boundaries of Lots 44, 43, 42 and 41 respectively on Land Titles Office Diagram number 21313; thence two hundred and twelve degrees forty-four minutes forty-two and four-tenths links to the eastern alignment of Ford Road; thence three hundred and fifty-nine degrees twenty-nine minutes one chain six and six-tenths links; thence thirty-nine degrees thirty-six minutes forty-two and four-tenths links; thence seventy-nine degrees forty-two minutes three chains ninety-three and nine-tenths links to the starting point, as surveyed and shown on Lands and Surveys Diagram number 67182,

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 road so closed is hereby vested in the owners for the time being of the respective contiguous Lots 41 to 44 both inclusive on Land Titles Office Diagram number 21313, to the intent that the respective portion as surveyed and shown on Lands and Surveys Diagram number 67182 shall be included in and become portion of the adjoining lot in each case.

(3) The Registrar of Titles shall, on application by the owner for the time being of land contiguous to any portion of the road by this section closed and vested and on payment of the prescribed fee, cancel the relative certificate of title to the land and issue a new certificate in which the land in the contiguous portion of the closed road shall be included.

(4) Where any land contiguous to a portion of the road by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that portion shall if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portion as in this section provided, become subject to that encumbrance, as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

Closure of a
certain road
widening at
Cannington.

7. (1) The road widening adjacent to the south-eastern alignment of Cecil Avenue, Cannington, in the Canning Road District, and being—

the truncation at the northernmost corner of Lot 16 of Canning Location 105 as surveyed and shown on Land Titles Office Diagram 21813, 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 widening so closed is hereby included in and shall become portion of Lot 16 on Land Titles Office Diagram 21813 and is vested as for an estate in fee simple in the owner for the time being of that lot.

(3) The Registrar of Titles shall, on the application of the owner for the time being of Lot 16 on Land Titles Office Diagram 21813 and on payment of the prescribed fee, cancel the relative certificate of title in which that lot is comprised and issue a new certificate in which the portion of the road widening so closed and vested shall be included.

(4) Where any land contiguous to the portion of the road widening by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that portion shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portion as in this section provided, become subject to that encumbrance, as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

8. (1) All that portion of Cleaver Street in the Carnarvon Municipal District, being—

Closure of
portion of
Cleaver
Street,
Carnarvon.

the portion of Cleaver Street, Carnarvon, commencing at the north-eastern alignment of Egan Street and extending north-easterly to its extremity at the boundary of Carnarvon Lot 564,

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 road so closed is hereby re-vested in Her Majesty as of her former estate, with the intention that it be included with other contiguous land in a proposed new school site reserve.

9. (1) All those portions of a public right-of-way in the Claremont Municipal District being—

Closure of
portions of
right-of-way,
Claremont.

the portion of a right-of-way along the western boundary of Location 235 at Claremont extending from the northern alignment of Shenton Road to the southern alignment of Saunders

Street and the portion of the same right-of-way from the northern alignment of Saunders Street to the southern alignment of Bellevue Terrace,

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 of the right-of-way so closed is hereby revested in Her Majesty as of her former estate, with the intention that it be divided by survey into portions and that the respective portion be sold as for an estate in fee simple, in each case, to the owner for the time being of the lot contiguous to its western side, under the provisions of the Land Act, 1933, at such price and subject to such conditions as the Governor may approve.

Closure of
various roads
at Embleton.

10. (1) All those portions of public and private roads at Embleton in the Bayswater Road District being—

- (a) the portion of Reman Road bounded on the north-west by the south-eastern alignment of Greenford Road and on the south-east by the north-western alignment of Rothbury Road;
- (b) the portion of Russell Street bounded on the north-west by the south-eastern alignment of Greenford Road and on the south-east by the north-western alignment of Rothbury Road;
- (c) the portion of Drynan Street bounded by lines starting from a point on its north-eastern alignment situate eight chains forty-one and four-tenths links south-easterly from the intersection of that alignment and the south-eastern alignment of Greenford Road and extending south-easterly along the northern alignment of Drynan Street to the north-western alignment of Rothbury Road; thence south-westerly along that alignment to the

south-western alignment of Drynan Street; thence north-westerly along that alignment to a point situate six chains sixty-one and two-tenths links south-easterly from the intersection of that alignment and the south-eastern alignment of Greenford Road aforesaid, and thence easterly one chain seventy-nine and six-tenths links to the starting point;

- (d) the portion of Beaufort Street bounded on the south-west by the north-eastern alignment of Drake Street and on the north by the southern alignment of Collier Road;
- (e) the portion of Broadway bounded by lines starting from a point on the northern alignment of Broadway situate eight chains sixty-six and two-tenths links easterly from the intersection of that alignment and the eastern alignment of Crimea Street and extending easterly along the northern alignment of Broadway to a point situate one chain and twenty-five links westerly from the south-eastern corner of Lot 1025 of Swan Location Q1 as shown on Land Titles Office Deposited Plan 3263; thence southerly to a point on the southern alignment of Broadway situate one chain and twenty-five links westerly from the north-western corner of Lot 1008; thence westerly along that alignment to a point situate eleven chains five and eight-tenths links easterly from the intersection of that alignment and the eastern alignment of Crimea Street aforesaid, and thence north-westerly two chains eighty-two and six-tenths links to the starting point;
- (f) the portion of Broadway bounded by lines starting from the south-western corner of Lot 1024 of Swan Location Q1 as shown on Land Titles Office Deposited Plan 3263 and extending easterly along the northern alignment of Broadway to the western alignment of Irwin Road; thence southerly

fifty links along that alignment; thence westerly parallel to the northern alignment of Broadway to a point situate in prolongation southerly of the western boundary of lot 1024 aforesaid, and thence northerly along that prolongation to the starting point;

- (g) the portion of Irwin Road bounded by lines starting from the intersection of the eastern alignment of that road and the northern alignment of Collier Road and extending westerly fifteen links along the lastmentioned alignment; thence northerly nine chains thirty-two and four-tenths links parallel to the eastern alignment of Irwin Road; thence one hundred and one degrees twelve minutes, fifteen links to that eastern alignment, and thence southerly along that alignment to the starting point; and
- (h) the portion of Irwin Road bounded by lines starting from the south-western corner of lot 1010 of Swan Location Q1 as shown on Land Titles Office Deposited Plan 3263 and extending southerly, two chains along the eastern alignment of Irwin Road; thence three hundred and twenty-eight degrees, eighty-eight and one-tenth links; thence six degrees twenty-nine minutes, forty-two and four-tenths links; thence forty-four degrees fifty-seven minutes, eighty-one and two-tenths links, and thence forty-six degrees fifty minutes, thirty-two links to the starting point,

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 of roads so closed is hereby vested, as for an estate in fee simple, in The State Housing Commission, with the intention that it be incorporated in a re-subdivision of the contiguous land as shown on Land Titles Office Plans numbers 7410 to 7415 both inclusive.

(3) The Registrar of Titles shall, on the application of The State Housing Commission and on payment of the prescribed fees, issue a certificate, or certificates, of title for the land in the portions of roads by this section closed and vested.

11. (1) All that portion of a public right-of-way in the Municipal District of the City of Fremantle being—

Closure of
portion of
a certain
right-of-way
at Fremantle.

the portion of a right-of-way extending along the western side of Fremantle Lot 1514 from the south-western boundary of Fremantle Lot 1386 to the north-eastern boundary of Fremantle Lot 1380 and extending north-westerly along that boundary as shown on Certificate of Title Volume 119, Folio 20, to a line drawn in prolongation of the north-western boundary of that lot,

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 right-of-way so closed is hereby revested in Her Majesty as of her former estate, with the intention that it shall be included by survey in the contiguous Fremantle Lot 1693 and granted in fee simple to the City of Fremantle in trust for municipal purposes.

12. (1) All those portions of public roads in the Geraldton Municipal District being—

Closure of
portions of
Rowe and
Dean
Streets,
Geraldton.

(a) the portion of Rowe Street commencing at the southern alignment of Ord Street and extending southerly to a surveyed line commencing at a point on the eastern boundary of Geraldton Lot 1157 situated five chains seventeen and three-tenths links south of the north-eastern corner of the lot and extending one hundred and forty-seven degrees fifty minutes sixty-nine and five-tenths links; thence one hundred and

sixty-one degrees five minutes one chain eighty-two and three-tenths links to the western boundary of Geraldton Lot 1200 at a point nine and three-tenths links south of its north-western corner; and

- (b) the portion of Dean Street extending from the western alignment of Rowe Street, including widenings, and extending westward to a surveyed line connecting a point on its northern alignment ten chains thirty-nine and nine-tenths links from Rowe Street, with a point on its southern alignment ten chains thirty-one links from Rowe Street,

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 shall vest, as for an estate in fee simple, in Cuming Smith & Mount Lyell Farmers Fertilisers Limited as owner for the time being of the contiguous land, by way of exchange for land to be surrendered to Her Majesty by the said company for the purpose of a road deviation from Rowe to Pope Streets and for the widening of Pope Street in the manner surveyed and shown coloured dark brown on Land Titles Office Plan number 7519.

(3) Upon registration of the surrender, by the company mentioned in subsection (2) of this section, of the land required for the road deviation and widening, as provided in that subsection, and on the application by that company and on payment of the prescribed fees, the Registrar of Titles shall cancel the relative certificates of title to the contiguous land and issue a new certificate in which the land comprised in the portions of roads by this section closed and vested shall be included.

(4) Where any land contiguous to a portion of the roads by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that portion shall, if the nature of the

encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portions as in this section provided, become subject to that encumbrance as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

13. (1) All that portion of a private right-of-way in the Perth Road District being—

Closure of
right-of-way,
Joondanna.

the right-of-way twenty-five links wide extending from Banksia Street to Edinboro Street, Joondanna, along the northern boundaries of Lot 798 of Perthshire Location Au on Land Titles Office Plan 2431 and Lot 8 of the same location on Diagram 10772,

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 right-of-way contiguous to Lot 798 of Perthshire Location Au, as shown on Land Titles Plan 2431, shall be included in and become portion of that lot, by way of exchange for portion of that lot resumed for the widening of Banksia Street and is hereby vested, as for an estate in fee simple, in the owners for the time being of that lot.

(3) The portion contiguous to Lot 8 on Land Titles Office Diagram number 10772 is hereby revested in Her Majesty as of her former estate and removed from the operation of the Transfer of Land Act, 1893, with the intention that it may be disposed of to the holders of the contiguous land under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

(4) The Registrar of Titles shall, on the application of the owners for the time being of the land contiguous to the part of the right-of-way so closed as is mentioned in subsection (2) of this section, and on payment of the prescribed fees, cancel the relative certificates of title to that land and issue new certificates in which the land in the respective parts shall be included.

(5) Where any land contiguous to that part of the right-of-way so closed as is mentioned in subsection (2) of this section is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that part shall, if the nature of the encumbrance so admits, on the issue of the new certificates of title showing the vesting of the part as in this section provided, become subject to that encumbrance as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

Closure of
portions of
certain roads
at Kalamunda.

14. (1) All those portions of public roads at Kalamunda in the Darling Range Road District being—

- (a) all that portion of Road number 1841, known as Alpine Road, commencing at the prolongation westerly of the southern boundary of Lot 77 of Canning Location 154 on Land Titles Office Plan number 4440 and extending southerly to the prolongation easterly of the southern boundary of Canning Location 929; and
- (b) all that portion of a public road along the northern boundary of Canning Location 929 extending from the western alignment of Alpine Road (number 1841) westward to a line surveyed and shown on Land Titles Office Diagram number 22683 as the north-western boundary of Lots 23 and 24 on that Diagram,

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 shall vest, as for an estate in fee simple, in the owner for the time being of the adjoining Canning Location 929 as comprised in Certificate of Title Volume 1025, Folio 725 and shall be included in and become portion of that location, subject to the surrender to Her Majesty of the land comprising Lots 19 and 31 on Land Titles Office Diagram number 22683 by way

of exchange for the land comprised in the portions of roads so closed and for the land surveyed as Canning Location 1587, for which a Crown Grant shall be issued.

(3) The Registrar of Titles shall on the application of the owner for the time being of the contiguous land and on payment of the prescribed fees cancel the relative certificates of title to that land and issue a new certificate in which the land comprised in the portions so closed and vested shall be included.

(4) Where any land contiguous to a portion of the roads by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that portion shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portion, as in this section provided, become subject to that encumbrance as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

15. (1) All those portions of a public road and a private right-of-way at Margaret River in the Augusta-Margaret River Road District being—

Closure of
portion of
Pericles
Crescent and
right-of-way
at Margaret
River.

- (a) the portion of Pericles Crescent commencing from the southern alignment of Forrest Street and extending south along the western boundaries of Lots 1, 14, 13 and 12 on Land Titles Office Plan number 6589 thence east to the production southward of the eastern boundary of the said Lot 12; and
- (b) the portion of a private right-of-way commencing at the southern alignment of Pericles Crescent and extending south along the western side of Lot 15 on Land Titles Office Plan 6589 being portion of the land comprised in Certificate of Title Volume 1195, Folio 296,

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 be included in the contiguous Schoolsite Reserve number 19579.

Closure of
portion of
Road
number 3044
at Meckering.

16. (1) All that portion of Road number 3044 at Meckering in the Cunderdin Road District being—

the portion commencing at the north-western corner of Meckering Agricultural Area Lot 11 and extending thirty-six degrees fifty-three minutes, fourteen chains ninety-eight and five-tenths links along the south-eastern boundary of Meckering Agricultural Area Lot 10 to its north-eastern corner; thence two hundred and four degrees twenty-five minutes, five chains forty-five and five-tenths links; thence one hundred and eighty-three degrees eleven minutes, six chains eleven and five-tenths links; thence one hundred and sixty degrees forty minutes, six chains eleven and three-tenths links; thence one hundred and thirty-eight degrees nine minutes, six chains one and three-tenths links; thence three hundred and six degrees fifty-three minutes, fifteen chains fifty-five and one-tenths links to the starting point as surveyed and shown on Lands and Surveys Diagram number 67218,

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 the owner for the time being of the adjoining Avon Location 5934 and shall be included in and become portion of that location.

(3) The Registrar of Titles shall, on the application of the owner of Avon Location 5934 and on payment of the prescribed fee, cancel the relative

certificate of title and issue a new certificate in which the portion of the road so closed and by this section vested shall be included.

(4) Where any land contiguous to a portion of road by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that portion shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portion as in this section provided, become subject to that encumbrance as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

17. (1) All that portion of a public road in the Mingenew Road District being—

Closure of
a road
widening
at Mingenew.

portion of Road number 2275 bounded by lines starting from a point on the western side of that road situate twenty-six chains seventy-five and seven-tenths links northerly from the south-eastern corner of Lot M375 of Victoria Location 1904, and extending three hundred and forty-one degrees forty-one minutes, five and six-tenths links; thence three hundred and twenty-seven degrees forty-eight minutes, ten chains one and two-tenths links; thence twenty-three degrees twenty-five minutes, thirteen chains fifty-seven and one-tenth links, and thence one hundred and eighty degrees seven minutes, twenty-one chains seven and four-tenths links to the starting point,

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 included in and shall become portion of the contiguous Lot M375 of Victoria Location 1904 and is hereby vested, as for an estate in fee simple, in the owners for the time being of that lot.

(3) The Registrar of Titles shall, on the application of the owners for the time being of land contiguous to the portion of the road widening by this section closed and vested, and on payment of the prescribed fee, cancel the relative certificate of title to that land and issue a new certificate in which the land in that portion shall be included.

(4) Where any land contiguous to a portion of the road widening by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that portion shall, if the nature of the encumbrance so admits on the issue of the new certificate of title showing the vesting of the portion as in this section provided, become subject to that encumbrance as if it has originally been included in the encumbrance by the owner for the time being of that estate or interest.

Closure of
a certain
right-of-way
at Narrogin.

18. (1) A public right-of-way in the Municipal District of Narrogin being—

the right-of-way thirteen links wide extending from the eastern alignment of Federal Street along the northern boundary of Narrogin Lot 1234 (Class "A" Reserve number 17386—Park) to the western boundary of the Railway Reserve, 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 is hereby revested in Her Majesty as of her former estate, with the intention that it may be disposed of to the owner of the contiguous Narrogin Lot 2F under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

Closure of
right-of-way
at Nollamara.

19. (1) A private right-of-way at Nollamara, in the Perth Road District, being—

the right-of-way having access from the north-western side of Derril Avenue between Williams and Crawford Roads and extending around the section comprising Lots 4 to 17 both inclusive on Land Title Office Plan number 1989, 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 is hereby vested as for an estate in fee simple in the owners for the time being of Lots 1 to 17 both inclusive on Land Titles Office Plan number 1989 in the following manner—

- (a) the portion at the rear of Lots 4 to 16 both inclusive shall be divided into sections by prolongation of the side boundaries of those lots and each section shall be included in and become portion of the respective contiguous lot;
- (b) the portions at the rear of Lots 1, 2 and 3 shall be divided into sections by prolongation of the side boundaries of those lots and each section shall be included in and become portion of the respective contiguous lot; and
- (c) the portions at the rear and side of Lot 17 shall be included in and become portion of that lot.

(3) The Registrar of Titles shall, on the application of the owner for the time being of Lots 1 to 17 both inclusive on Land Titles Office Plan number 1989 and on payment of the prescribed fee, cancel the relative certificate of title to each lot and issue a new certificate in which the respective portion of the right-of-way so closed shall be included.

(4) Where any land contiguous to a part of the right-of-way by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that part shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the part as in this section provided, become subject to that encumbrance as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

20. (1) The public road known as Arcadia West at Safety Bay, in the Rockingham Road District, is hereby deviated to extend through Class "A" Reserve

Deviation of
Arcadia
West, at
Safety Bay.

number 22948 in the manner surveyed and shown coloured dark brown on Lands and Surveys Original Plan number 8357 involving the excision of one acre two roods three and eight-tenths perches from the reserve.

(2) The portion of the road as shown coloured blue on Plan number 8357 is hereby closed, with the intention that the land comprised therein be divided into portions as shown on the plan and that the respective portion be made available for sale to the owner for the time being of the contiguous lot, in each case, under the provisions of the Closed Roads Alienation Act, 1932, in such manner as the Governor may approve.

Closure of
portion of
Jackson
Avenue,
Scarborough.

21. (1) All that portion of a public road at Scarborough in the Perth Road District being—

the portion of Jackson Avenue bounded by lines commencing at the north-eastern corner of Reserve number 25656 and extending two hundred and eighty-one degrees forty minutes, five chains thirty-three and eight-tenths links; thence ninety-one degrees seventeen minutes, one chain eleven links; thence one hundred and one degrees forty minutes, three chains forty-four and six-tenths links; thence one hundred and fifteen degrees forty-two minutes, eighty-two and five-tenths links to the starting point,

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 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 identified as Swan Location 7034, containing fourteen perches, and be included in Reserve number 25656 which is set apart for the purpose of North Scarborough High Schools site.

22. (1) All that portion of Welwyn Avenue, Manning, in the Municipal District of the City of South Perth, being—

Closure of portion of Welwyn Avenue, Manning.

portion of Welwyn Avenue comprising a widening twenty-five links wide on its eastern side between Bradshaw and Conochie Crescents including truncations at the north-western and south-western corners of Lots 617 and 621 respectively on Land Titles Office Plan number 6241,

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 road so closed is hereby vested as for an estate in fee simple in The State Housing Commission as owner for the time being of the contiguous Lots 617 to 621 both inclusive on Land Titles Office Plan number 6241 with the intention that it be included in a re-subdivision of those lots.

(3) The Registrar of Titles shall on application by The State Housing Commission and payment of the prescribed fees, issue a certificate of title for the land in the portion of the road so closed.

23. (1) Notwithstanding the provisions of section eight of the Lake Avenue Resubdivision of Land Act, 1937, the portion of the public right-of-way in the Subiaco Municipal District, being—

Closure of a certain right-of-way at Subiaco.

the portion marked R.O.W. extending along the western boundary of Lot 1 on Land Titles Office Plan number 5790 and being portion of the land comprised in Certificate of Title Volume 1059, Folio 799,

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

(2) The City of Subiaco which is registered or entitled to be registered as proprietor of an estate in fee simple in the land contained in the portion

of the right-of-way so closed is hereby authorised to dispose of the land, at such prices as it may decide, but in the following manner—

- (a) the portion comprising the truncation at the north-eastern corner of Lot 17 on Plan number 5790 may be disposed of to the owner for the time being of that lot; and
- (b) the remaining portion may be disposed of to the owner for the time being of Lot 1 on Plan number 5790.

(3) Upon registration of the relevant transfers from the City of Subiaco to the owners for the time being of Lots 17 and 1 on Plan 5790 and upon application by those owners and on payment of all statutory fees the Registrar of Titles shall cancel the relative certificates of title for those lots and issue new certificates in which the respective portion of the closed right-of-way shall be included and which shall be included in and become portion of the contiguous lot.

(4) Where any land contiguous to a portion of the right-of-way by this section closed and vested is subject to encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then that portion shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portion as in this section provided, become subject to that encumbrance as if it had originally been included in the encumbrance by the owner for the time being of that estate or interest.

Closure of
certain
rights-of-way
at Victoria
Park.

24. (1) All those private rights-of-way at Victoria Park in the Municipal District of the City of Perth being—

the rights-of-way shown coloured brown on Land Titles Office Diagram number 2314 in the section bounded by Great Eastern Highway,

Leigh Street and Kitchener Avenue, and being the sole remaining land in Certificate of Title Volume 390, Folio 171,

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 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 disposed of in fee simple to the owners for the time being of the contiguous land, under the provisions of the Land Act, 1933, in such manner as the Governor may approve and is hereby authorised to approve.

25. (1) All that private right-of-way at Victoria Park in the Municipal District of the City of Perth being—

Closure of
right-of-way
at Victoria
Park.

the right-of-way twenty-five links wide commencing from the eastern alignment of Harvey Street opposite the eastern end of Benporath Street and extending eastward and southward as shown on Land Titles Office Diagrams numbers 1959 and 8234 being the sole remaining land in Certificate of Title Volume 58, Folio 40,

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 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 by survey into portions to be disposed of to the owners of the contiguous lots, under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

Closure of
portion of
Victoria
Square,
Perth.

26. (1) All that portion of a public road in the Municipal District of the City of Perth, being—

all that portion of Victoria Square, Perth, containing an area of fourteen and four-tenths perches, bounded by lines starting from a point on its western side situate one chain two and two-tenths links north-north-easterly from the intersection of that side and the northern side of Murray Street and extending north-north-easterly one chain seventy-nine and three-tenths links along that side of Victoria Square; thence east-south-easterly, one chain seventy-eight and six-tenths links along the northern side of Victoria Square; thence two hundred and eighty-five degrees thirty-three minutes, twenty-three and seven-tenths links; thence two hundred and seventy-four degrees eighteen minutes, twenty-three and seven-tenths links; thence two hundred and sixty-three degrees four minutes, twenty-three and seven-tenths links; thence two hundred and fifty-one degrees forty-nine minutes, twenty-three and seven-tenths links; thence two hundred and forty-six degrees twelve minutes, eighty-three links; thence two hundred and forty degrees thirty-seven minutes, twenty-three and seven-tenths links; thence two hundred and twenty-nine degrees twenty-eight minutes, twenty-three and seven-tenths links; thence two hundred and eighteen degrees eighteen minutes, twenty-three and seven-tenths links; and thence two hundred and seven degrees nine minutes, twenty-three and seven-tenths links to the starting point,

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 road so closed is hereby revested in Her Majesty of as her former estate, with the intention that it be reserved as an addition to the Royal Perth Hospital Site as Perth Lot 815 and granted in trust for that purpose to the Board of Management, Royal Perth Hospital.

27. (1) All that portion of a public road in the Perth Road District being—

Closure of
portion of
Lonsdale
Street,
Yokine.

the portion of Lonsdale Street, Yokine, containing fifteen and seven-tenths perches, bounded by lines starting from the north-eastern corner of lot 58 of Swan Location 1176 as shown on Land Titles Office Diagram 22944 and extending westerly one chain thirty-six and three-tenths links along the northern boundary of that lot; thence forty-six degrees forty-seven minutes, one chain and forty-six links; thence seventy-eight degrees three minutes, one chain seven and three-tenths links along the south-eastern boundaries of lot 206 of Location 1176 as shown on Land Titles Office Diagram 23557; thence two hundred and thirty-four degrees seventeen minutes, ninety-two and two-tenths links to a point situate in prolongation northerly of the eastern boundary of Lot 58 of Location 1176 aforesaid, and thence southerly along that prolongation to the starting point,

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 road so closed is hereby included in and shall become portion of the contiguous Lot 206 of Swan Location 1176 as shown on Land Titles Office Diagram 23557 and is vested, as for an estate in fee simple, in the Perth Road Board, as owner for the time being of that lot.

28. (1) All that portion of public road number 9801 (Way) at Canning Bridge in the Municipal District of the City of South Perth being—

Closure of
portion of
Road
No. 9801
(Way) South
Perth.

the portion twenty-five links wide extending from the southern alignment of Manning Road to the northern alignment of Paterson 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 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 disposed of to the owner for the time being of the contiguous land under the provisions of the Land Act, 1933, in such manner as the Governor may approve.
