

ROAD CLOSURE.

8^o Elizabeth II., No. LXXIV.

No. 74 of 1959.

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 14th December, 1959.]

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
and citation.

1. This Act may be cited as the *Road Closure Act, 1959.*

Closure of
Little Street,
Albany.

2. (1) The public road known as Little Street in the Albany Municipal District, being—

the road extending from the western alignment of Suffolk Street westerly to the prolongation

southerly of the western boundary of Albany Lot 724,

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 road so closed is hereby revested in Her Majesty as of her former estate with the intention that it may be disposed of by the Governor under the provisions of the Land Act, 1933, in such manner as he may approve.

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

Closure of portion of Seawolf Road, Albany.

the portion of Seawolf Road extending from the southern alignment of South Coast Road (Road No. 9220) southward through Albany Lot 895 to the shore of Princess Royal Harbour,

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 with the intention that portion of it will be included in Albany Lot 1104, as surveyed on Lands and Surveys Diagram No. 65964, which it is proposed shall be made available for sale under the provisions of the Land Act, 1933, for an addition to the Albany Wool Stores Site.

4. (1) All those portions of public roads at Augusta in the Augusta-Margaret River Road District being—

Closure of various roads at Augusta.

- (a) Green Street, extending from York Street to Turner Street;
- (b) the portion of Turner Street between Bussell and Bunbury Streets;
- (c) the portion of Bussell Street between Turner Street and Albany Terrace;

- (d) the unnamed street separating Augusta Lots 31 and 38 and extending from York Street to Albany Terrace,

may be closed on a date to be fixed by proclamation and all rights of way over them shall cease on the date mentioned in the proclamation.

(2) The land comprised in the portions of the roads when so closed may be included in a Town Planning Scheme for Augusta Townsite being prepared for the Augusta-Margaret River Road Board, and may be disposed of for that purpose under the Land Act, 1933, in such manner as the Governor may approve.

Closure of
certain roads
and right-of-
way at
Bassendean.

5. (1) All those portions of roads and right-of-way in the Bassendean Road District, being—

- (a) the portions of Troy and Creswell Streets south of the southern alignment of Scadden Street, being private roads as shown on Land Titles Office Plan No. 3262;
- (b) the portion of Penzance Street south of the southern alignment of Scaddan Street, being portion of public road No. 3264;
- (c) the portion of a private right-of-way extending from Penzance to Iolanthe Streets along the southern side of Lots 829 to 838 inclusive on Land Titles Office Plan No. 3262,

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 are hereby revested in Her Majesty as of her former estate and are removed from the operation of the Transfer of Land Act, 1893, with the intention that it will be included with other adjoining Crown land in certain road extension and widenings and in the resurvey of the remaining area as Swan Locations 6869 and 6870 which shall be reserved and/or disposed of under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

6. (1) All that portion of a right-of-way in the Bassendean Road District being—

Closure of a
right-of-way
at
Bassendean.

the portion of a right-of-way extending from the north-western alignment of Railway Parade westward along the southern boundaries of Lots 810 to 827 inclusive on Land Titles Office Plan No. 3262, to the eastern alignment of Iolanthe 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 may be disposed of to the registered owners for the time being of the contiguous land under the provisions of the Closed Road Alienation Act, 1932, in such manner as the Governor may approve.

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

Closure of
portion of
Picton Road,
Bunbury.

the portion comprising an area of thirty-four and three-tenths perches, commencing at the south-western corner of Lot 2 on Land Titles Office Plan No. 3362 and extending two hundred and six degrees forty-six minutes for two chains six and four-tenths links; thence one hundred and twelve degrees twenty-seven minutes for forty-nine and seven-tenths links; thence sixty degrees forty-eight minutes for two chains eleven and two-tenths links to a north-eastern boundary of the railway reserve; thence three hundred and six degrees six minutes for one chain seventy 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 revested in Her Majesty as of her former estate with the intention that it will be identified

as Bunbury Lot 422 and shall be set apart as a Reserve for the purpose of a Park and vested in the Municipality of Bunbury in trust for that purpose.

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

8. (1) All that portion of a private right-of-way in the Bunbury Municipal District being—

a strip of land twenty-five links wide extending from the north-eastern alignment of Forrest Street northward and thence eastward, along the boundaries of Lots 8 and 7 on Land Titles Office Plan 881, to the south-western side of Preston Street, and being portion of Leschenault Location 26 as comprised in Certificate of Title Volume 1181 Folio 14,

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 shall be divided into two parts by the production south-easterly of the north-eastern boundary of Lot 8 on Land Titles Office Plan No. 881, Section 3, and each part is hereby vested as for an estate in fee simple in the respective owners of the contiguous Lots 7 and 8 on Land Titles Office Plan No. 881, Section 3.

(3) The Registrar of Titles shall, on the application of the owner for the time being of 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 fee, cancel the relative certificate of title to the land and issue a new one in which the land in the part shall be included.

(4) Where land contiguous to the part of the right-of-way so closed as is mentioned in subsections (2) and (3) of this section is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the 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 been originally included in the encumbrance by the owner for the time being of that estate or interest.

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

Closure of
portion of
Margaret
Row at
Carnarvon.

the portion of Margaret Row bounded by lines starting from a point on the left bank of the Gascoyne River situate easterly of and one chain from the Carnarvon-Roebourne Telegraph line and extending generally north-easterly upwards along that bank to a point situate south-westerly of and one chain from the westernmost boundary of Gascoyne Location 99; thence south-south-easterly along a line parallel to and one chain from that boundary and onwards to a point situate northerly of and one chain from the south side of Margaret Row; thence westerly along lines parallel to and one chain from that side to a point situate easterly of and one chain from the Carnarvon-Roebourne Telegraph line aforesaid; thence north-easterly along a line parallel to and one chain from the said telegraph line to the starting point,

is hereby closed and all rights of way over the portion 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 with the intention that it shall be included in the contiguous Water Reserve No. 24272.

10. (1) The public road known as Queenslea Drive in the Claremont Municipal District is hereby deviated in the manner shown on Land Titles Office Diagram No. 4830 and the land coloured green thereon being—

Deviation of
Queenslea
Drive,
Claremont.

(a) portion of Swan Location 350 containing an area of three and one-half perches being part of the land comprised in Diagram No. 929 and being portion of the land comprised in Certificate of Title Volume 350 Folio 180;

- (b) portion of Swan Location 616 containing nine perches being part of the land comprised in deposited Plan No. 1215 and being portion of the land comprised in Certificate of Title Volume 447 Folio 196;
- (c) portion of Swan Location 616 containing one-tenth perch being part of the land the subject of Diagram 3234 and being portion of the land comprised in Certificate of Title Volume 488 Folio 199,

is hereby revested in Her Majesty as of her former estate and is hereby included in the dedicated road known as Queenslea Drive.

(2) The portions of Queenslea Drive as shown coloured blue on Diagram No. 4830, are hereby closed and all rights of way over them shall cease on the coming into operation of this Act.

(3) The land comprised in the portions so closed is hereby vested as for an estate in fee simple in The Perth Diocesan Trustees, by way of exchange for the land revested by the operation of subsection (1) of this section.

(4) The Registrar of Titles shall, upon the application of The Perth Diocesan Trustees and on payment of the prescribed fees cancel the relative certificates of title for the land contiguous to the portions so closed and issue new ones in which the portions referred to in subsection (3) of this section shall be included.

(5) Where land contiguous to any part of the road so closed and vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the 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 been originally included in the encumbrance by the owner for the time being of that estate or interest.

11. (1) All those portions of private roads in a subdivision of portion of Wellington Location 1, in the Harvey Road District and being—

Closure of certain private roads in the Harvey Road District.

- (a) portion of Australind Road extending from the northern alignment of Mornington Road, northward to the southern alignment of Road No. 2430;
- (b) portion of Mysore Road extending from the eastern side of Australind Road to the eastern boundary of Lot 3 on Land Titles Office Diagram No. 15695;
- (c) portion of Assaye Road extending from the eastern side of Australind Road to the eastern boundary of Lot 1 on Land Titles Office Plan No. 6096;
- (d) portion of Stanley Road extending from Mornington Road northward to a northern boundary of Lot 1 on Land Titles Office Plan No. 6096,

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 roads 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 disposed of under the provisions of the Closed Roads Alienation Act, 1932, in such manner as the Governor may approve.

12. (1) All those portions of public roads near Jerramungup in the Gnowangerup Road District being—

Closure of certain roads near Jerramungup.

- (a) the one chain road passing through Kent Location 163, along a north-eastern boundary of Kent Location 587 and through part of the said Location 587 from the north-western boundary of Location 163 to the south-eastern boundary of Location 587 (Lands and Surveys Diagrams 25318 and A861);

- (b) the one chain road running along the north-eastern boundaries of Kent Locations 138 and 139 from the eastern corner of Location 138 to the northern corner of Location 139 (Lands and Surveys Diagrams 17034 and 17035);
- (c) the one chain road passing through Kent Location 714 and along part of its south-eastern boundary from the north-western boundary of the said location to a point on its south-eastern boundary situate two hundred and fifteen links from its southern corner (Lands and Surveys Diagrams A1837 and 49292);
- (d) the portion of Road No. 4889 running along the south-eastern and southern boundaries of Kent Location 691 from the south-western boundary of Kent Location 29 to the prolongation south-eastwards of the south-western boundary of the said Location 691 (Original Plan A820 and Lands and Surveys Diagram A1663);
- (e) the one chain road passing inside and along a north-western boundary of Kent Location 723 and through the said location from the north-eastern boundary of Kent Location 28 to a south-eastern boundary of the said Location 723 (Lands and Surveys Diagram A2232);
- (f) the one chain road running along part of the north-western boundary of Location 164 and a south-eastern, a south-western and a second south-eastern boundary of Kent Location 625 from the point marked X on Lands and Surveys Diagram A 1097 to the easternmost boundary of the said location; also the one chain road passing through Kent Locations 625 and 626 from the previously described road to the western boundary of the said Location 626 (Lands and Surveys Diagram A 1097);

- (g) the one chain road passing through Kent Location 749 from its northern boundary to its eastern boundary (Lands and Surveys Diagram A2382);
- (h) the one chain road passing along the southern boundary of Kent Location 697 and part of the southern boundary of Kent Location 706 from the south-western corner of the said Location 697 to the north-western corner of Location 703, and now included in Locations 1219 and 1220 (Original Plan A1701);
- (i) the one chain road passing through Kent Locations 28 and 29 from the southern corner of Location 165 to the south-western boundary of the said Location 29 (Original Plan A1604);

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 with the intention that it will be incorporated in a resubdivision of the contiguous land as surveyed and shown on Lands and Surveys Original Plans 6377 to 6383 inclusive.

13. (1) All that portion of Road No. 9825 in the Kalgoorlie Municipal District being—

Road
No. 9825 at
Kalgoorlie.

the portion of the turning area at the south-eastern extremity of the public right-of-way registered as Road No. 9825 and being the portion containing an area of six and one-tenth perches being the land coloured blue on Lands and Surveys Diagram No. 66704,

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, with the intention that it may be disposed of to the proprietor of the contiguous land by way of exchange for portion of Kalgoorlie Lot 2778 being:

portion of Lot 3 on Land Titles Office Diagram No. 18804, being the land shown coloured brown on Lands and Surveys Diagram No. 66704 under such terms and conditions as the Governor may approve.

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

14. (1) All that portion of a private right-of-way in the Kalgoorlie Municipal District being—

the private right-of-way shown coloured brown on Land Titles Office Diagram No. 1234, in a subdivision of Kalgoorlie Lot 324 near the intersection of Lionel and Hannan Streets, Kalgoorlie,

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 125 Folio 98 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 included, with the Crown land at present contained in Kalgoorlie Lot 3039, in a proposed re-subdivision into two lots to be made available for sale to the respective owners for the time being of the adjoining portions of Kalgoorlie Lot 324 being Lots 1 and 2 on Land Title Office Diagram No. 1234.

Closure of
portion of
Road
No. 11373
at Merredin.

15. (1) All that portion of Public Road No. 11373 in the Merredin Road District being—

the portion comprising a widening 100 links wide extending along the north-eastern boundary of Avon Location No. 17036, as surveyed and shown on Lands and Surveys Diagram No. 63709,

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 re-included in Avon Location 17036 and is hereby vested as for an estate in fee simple in the owner for the time being of that location.

(3) The Registrar of Titles shall, on the application of the owner for the time being of Avon Location 17036 and on payment of the prescribed fees, cancel the relative certificate of title and issue a new one in which the land in the portion shall be included.

(4) Where land contiguous to the portion of the road so closed and vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the 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 been originally included in the encumbrance by the owner for the time being of that estate or interest.

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

Closure of
portion of
Fitzgerald
Street,
Northam.

the portion of Fitzgerald Street, Northam, contiguous to the Railway Reserve commencing at a point on the south-eastern side of Fitzgerald Street in prolongation south-easterly of the north-eastern side of Burns Street and extending north-easterly for three chains to a point seventy-five links from the north-western alignment of Fitzgerald Street and continuing north-easterly parallel to and seventy-five links from that alignment to a point in prolongation south-easterly of the north-eastern side of Dick Street; thence one chain thirty links to an angle on the southern side of Fitzgerald Street situated forty-eight links north-east of the north-western corner of Lot 2 on Land Titles Office Plan No. 842 (Section S); thence south-westerly along the Railway Reserve to the starting point, subject to survey,

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 with the intention that it will be included in the contiguous Railway Reserve.

Closure of
certain roads
at North
Fremantle.

17. (1) All those portions of public roads in the North Fremantle Municipal District, being—

- (a) the whole of Leighton Street, being a road seventy-five links wide, starting from the north-western corner of North Fremantle Lot 232 (Reserve 3729) and extending easterly along the northern boundary of that lot and onwards to the western side of the Perth-Fremantle Railway Reserve;
- (b) the whole of Leighton Street Railway Crossing, being a strip of land of varying width starting from the eastern extremity of Leighton Street and extending south-easterly across the Perth-Fremantle Railway Reserve to the eastern alignment of that reserve;
- (c) all that portion of Napier Road bounded by lines starting from the junction of the southern alignment of Leighton Street and the eastern side of Napier Road aforesaid and extending fourteen chains seventy-two and two-tenths links southerly along that eastern side; thence eighty links south-westerly along that side; thence northerly to a point on the western side of Napier Road situate sixty links southerly from the south-eastern corner of North Fremantle Lot 232 (Reserve 3729); thence northerly along that western side to the southern alignment of Leighton Street aforesaid, and thence easterly along that alignment to the starting point;
- (d) all that portion of Ocean Parade situate between the production westerly of the northern side of Agnes Street and the production westerly of the southern side of Stirling 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 is hereby revested in Her Majesty as of her former estate with the intention that appropriate portions

shall be included in the contiguous reserves or new roads and the balance may be dealt with otherwise under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

18. (1) All that portion of Public Road No. 5905 in the Perth Road District being—

Closure of
portion of
Eldorado
Street,
Osborne
Park.

the portion of Road No. 5905 (Eldorado Street) Osborne Park, abutting the northern portion of Swan Location 2768 and part of the northern boundary of Location 2754, from the western alignment of Park Street to the eastern alignment of Tyler 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 shall be set apart as a Reserve for Access and Vehicle Parking and shall be vested in the Perth Road Board with power to lease to the Osborne Park Bowling Club (Inc.).

19. (1) All those portions of public roads in the Municipal District of the City of Perth, as shown coloured blue on Lands and Surveys Engineering Plan No. 423 and being—

Closure of
various
roads in the
City of Perth.

- (a) the portion of Mosey Street extending from Hay Street along the western boundary of Reserve No. 2965 to the new alignment of Adelaide Terrace;
- (b) portion of Riverside Drive extending from Plain Street to Adelaide Terrace, the bitumen surface of which has been removed and replaced by a grassed strip for inclusion in the adjoining playing fields;
- (c) portion of Terrace Road, extending from the eastern alignment of Plain Street to the north-western alignment of Riverside Drive;

- (d) portions of the old Causeway extending eastward from Adelaide Terrace to Albany Highway;
- (e) portion of Great Eastern Highway extending from its intersection with Albany Highway, north-easterly to the new alignment of Great Eastern Highway near its intersection with Asquith 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 is hereby revested in Her Majesty as of her former estate with the intention that it will be included in the respective contiguous reserves in such manner as the Governor may approve.

Closure of portion of intersection of Bulwer and Vincent Streets, Perth.

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

the portion of the road widening at the intersection of Bulwer and Vincent Streets, Perth, commencing at the south-western corner of Lot 20 on Land Titles Office Diagram No. 1584, and extending north-easterly along the boundary of that lot to the southern alignment of Vincent Street; thence westerly along that alignment for a distance of two chains ninety-one and nine-tenths links; thence one hundred and ninety-four degrees eighteen minutes for a distance of fifty-four and seven-tenths links to the prolongation north-westerly of the north-eastern alignment of Bulwer Street; thence south-easterly along that alignment 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 revested in Her Majesty as of her former estate with the intention that it shall be identified as Perth Lot 802 and shall be reserved under the

provisions of the Land Act, 1933, for the purpose of a Park and vested in the City of Perth, in trust for that purpose.

21. (1) All those portions of Mill Street and Riverside Drive in the Municipal District of the City of Perth being—

Closure of portions of Mill Street, Riverside Drive, Perth

- (a) the portion of Mill Street, south-west of the south-western alignment of Riverside Drive;
- (b) the portion of Riverside Drive south-east of a surveyed line commencing at a point on the south-western alignment of the road situated one chain seventy-two and nine-tenths links south-east of the south-eastern corner of the intersection of Mill Street and Riverside Drive and extending sixty-seven degrees twenty-seven minutes to the north-eastern alignment of the latter and extending south-easterly to another surveyed line commencing at a point on the south-western alignment of Riverside Drive situated one chain twenty-seven and three-tenths links north-west from the south-western corner of the intersection of William Street and Riverside Drive and extending sixty-six degrees forty-nine minutes for a distance of one chain fifty-seven and one-half links to the western alignment of William Street and including the road widening at the south-eastern corner of Perth Lot 758 as shown on Lands and Surveys Original Plan No. 5269,

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 with the intention that it shall be included with other contiguous land in Class "A" Reserve No. 23123 which is set apart for the purposes of Vehicle Park and Gardens and is vested in the City of Perth.

Closure of
a certain
road at
South Perth.

22. (1) All that portion of a public road in the South Perth Municipal District being—

the portion of a public road commencing at the southern alignment of Henley Street and extending south along the eastern boundary of Lot 161 on Land Titles Office Plan No. 6385 to the production south-easterly of the south-western boundary of the aforesaid Lot 161,

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 re-vested in Her Majesty as of her former estate with the intention that it be included with the contiguous land in a proposed reserve for the Koonawarra Schools site.

Closure of
portion of
Wooltana
Street,
South Perth.

23. (1) All that portion of Wooltana Street in the Municipal District of the City of South Perth being—

the portion of a road widening commencing at a point on the southern boundary of Lot 59 on Land Titles Office Plan No. 3486, situated seventy-five and seven-tenths links west of the south-eastern corner of that lot and extending two hundred and seventy degrees fifteen minutes for a distance of one chain forty-four links, thence three hundred and fifteen degrees fifteen minutes for a distance of forty-two and eight-tenths links, thence one hundred degrees seven minutes for a distance of one chain seventy-six and nine-tenths links to the starting point, comprising an area of three and one-half perches,

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 re-included in and shall again become portion of Lot 59 on Land Titles Office Plan No. 3486 and shall vest as for an estate in fee simple in the registered proprietor for the time being of the portion of the said Lot 59 as comprised in Certificate of Title Volume 682 Folio 22.

(3) The Registrar of Titles shall, on the application of the owner for the time being of Lot 59 on Land Titles Office Plan No. 3486 and on payment of the prescribed fee, cancel the relative Certificate of Title to it and issue a new one in which the land in the portion of the road so closed and vested shall be included.

(4) Where land contiguous to the portion of the road widening so closed and vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the 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 been originally included in the encumbrance by the owner for the time being of that estate or interest.

24. (1) All those portions of public roads in the Rockingham Road District being—

Closure of
portions of
Railway
Terrace and
Esplanade,
Rockingham.

- (a) the portion of Railway Terrace Rockingham extending south-easterly from the high water mark of Mangles Bay to a surveyed line commencing at a point on the north-eastern alignment of Railway Terrace situated two chains and one and nine-tenths links north-west from the north-western alignment of Rockingham Road and thence two hundred and thirty-eight degrees forty-three minutes for a distance of two chains two and three-tenths links to the south-western alignment of Railway Terrace;
- (b) the portion of the Esplanade extending from the north-eastern alignment of Val Street to the south-western alignment of Railway 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 so closed which has been surveyed to comprise Rockingham Lot 650 containing three roods thirty-five and one-half perches, is hereby included in the contiguous Class "A" Reserve No. 21487 which is set apart for the purpose of Public Recreation.

(3) It is hereby enacted that, if the Reserve shall be vested in any Authority no power shall be given to lease any portion of the reserve.

(4) The portion of the roads so closed, as comprised in the road widening and containing nine-tenths of a perch, at the north-western corner of portion of Rockingham Lot 23 being Lot 1 on Land Titles Office Diagram No. 23153, as comprised in Certificate of Title Volume 1213 Folio 126, is hereby included in and shall become portion of Lot 1 on Diagram No. 23153 and shall vest as for an estate in fee simple in the owner for the time being of that lot.

(5) The Registrar of Titles shall, on the application of the owner for the time being of Lot 1 on Diagram No. 23153, and on payment of the prescribed fee, cancel the relative Certificate of Title to that land and issue a new one in which the portion referred to in subsection (4) of this section shall be included.

(6) When land contiguous to the portion so closed and vested is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in the land, then the 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 been originally included in the encumbrance by the owner for the time being of that estate or interest.

25. (1) Subject to the provisions of this section, the whole of the land comprising a "Footway" between Tunnel Road and Western Drive at Swan View in the Mundaring Road District being—

Closure of a certain "Footway" at Swan View.

all that portion of Swan View Suburban Area Lot 37 and being the portion shown as "Footway" on Land Titles Office Plan No. 6745, being portion of the land comprised in Certificate of Title Volume 1196 Folio 988,

shall be closed and all rights of way over it shall cease, if and when there is surrendered to Her Majesty so much of Lot 52 of Swan View Suburban Area Lot 37 contiguous to the Footway as comprises the land along the eastern boundary of that lot to a depth of three feet, subject to the land being surveyed and a diagram of such survey being deposited at the Land Titles Office.

(2) When the surrender referred to in subsection (1) of this section has been effected, the whole of the land comprising the Footway shall be revested in Her Majesty as of her former estate and, together with the land surrendered pursuant to subsection (1) of this section, shall be removed from the operation of the Transfer of Land Act, 1893, to the intent that—

- (a) such portion of the land as adjoins Lot 51 of Swan View Suburban Area Lot 37 and has a length of one hundred and sixty-five feet and a depth of three feet shall under the provisions of the Closed Roads Alienation Act, 1932, be granted for an estate in fee simple to the registered proprietor of that lot without cost to him and free from all rights of way and encumbrances; and
- (b) the balance of the land shall be set apart as a reserve under the Land Act, 1933, for the purpose of a footway and may be vested in the Mundaring Road Board for that purpose.

(3) The Registrar of Titles shall on the application of the registered proprietor of Lot 51 of Swan View Suburban Area Lot 37, and on payment of the

appropriate fee prescribed by or under any relevant Act, cancel the certificate of title to that lot and issue a new one in which the portion of the land referred to in paragraph (a) of subsection (2) of this section is included.

(4) If at the time of the issue of a new certificate of title as provided in subsection (3) of this section Lot 51 of Swan View Suburban Area Lot 37 is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in that lot, then the portion of land referred to in paragraph (a) of subsection (2) of this section shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title become subject to that encumbrance as if it had been originally included in the encumbrance by the owner for the time being of that estate or interest.

Closure of
certain roads
at Mosman
Park.

26. (1) All those portions of public roads in the Mosman Park Road District and being—

- (a) the portion of Bateman Street from the south-western alignment of Marshall Street and extending south-westerly to the production easterly of the northernmost boundary of Mosman Park Lot 590;
- (b) the portion of Beagle Street from the eastern alignment of Owston Street to the western alignment of Hagan Street;
- (c) the portion of Bird Street from the north-eastern alignment of Fordham Street to the south-western alignment of Marshall Street;
- (d) the whole of Hagan Street from the southern alignment of Wellington Street to the north-western alignment of Bateman Street;
- (e) the portion of Hanlin Street from the production southward of the eastern alignment of Owston Street to the north-western alignment of Bateman 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 is hereby revested in Her Majesty as of her former estate with the intention that appropriate portions will be incorporated in Mosman Park Lots 589 and 590 which may be reserved for the respective purposes of Recreation (Golf Course) and Schoolsite, in such manner as the Governor may approve.
