

ROAD CLOSURE.

6° Elizabeth II., No. LXVI.

No. 66 of 1957.

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 6th December, 1957.]

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, 1957.* Short title.

2. (1) All that portion of Forrest Avenue in the Bunbury Municipal District being— Closure of portion of Forrest Avenue, Bunbury.
 the portion bounded by lines starting at a point situate at the western corner of Lot 221 of Leschenault Location 26 as shown on Land

Titles Office deposited Diagram No. 61 and extending one hundred and thirteen degrees forty-seven minutes five chains eight-three and six-tenths links; thence one hundred and twenty-six degrees five minutes twelve chains fifteen and two-tenths links; thence one hundred and eighty degrees eleven minutes nine and two-tenths links; thence two hundred and thirty-one degrees twenty minutes two chains twenty-three and eight-tenths links; thence two hundred and seventy-seven degrees sixteen minutes four chains forty-three and four-tenths links; thence three hundred and four degrees forty-six minutes two chains three and three-tenths links; thence three hundred and twenty-four degrees thirty-four minutes eight chains twenty-eight and three-tenths links and thence three hundred and fourteen degrees forty-six minutes three chains fifty-eight and nine-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 revested in Her Majesty as of her former estate with the intention that it be disposed of in the following manner—

- (a) the portion surveyed as Wellington Location 4670 may be exchanged for portion of Leschenault Location 26 being portion of Lot 221 the subject of Certificate of Title Volume 46, Folio 127;
- (b) the portion included in Wellington Location 4669 shall be reserved for Municipal purposes.

3. (1) All those portions of a public road known as Hill View Terrace at Bentley, in the Canning Road District being—

Closure of
portion of
Hill View
Terrace,
Bentley.

those portions of Hill View Terrace within Canning Location 1275 and being

- (a) a strip of land forty-five links wide abutting the eastern boundaries of Lots 264 to 274 inclusive on Land Titles Office Plan No. 6419, together with the truncation abutting Lot 274;
- (b) a strip of land forty-five links wide abutting the eastern boundaries of Lots 391 to 402 inclusive on Land Titles Office Plan No. 6420, together with the truncations abutting Lots 391 and 402; and
- (c) a strip of land forty-five links wide abutting the eastern boundaries of Lots 419, 420 and 421 as shown on Land Titles Office Plan No. 6420, together with the truncations abutting Lots 419, 421 and 422,

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 reincluded in Canning Location No. 1275 and shall vest as for an estate in fee simple in The State Housing Commission as owner for the time being of the contiguous land with the intention that it be included in a resubdivision of the area as surveyed and shown on Land Titles Office Plan No. 6901.

(3) The Registrar of Titles shall, on the application of The State Housing Commission and on payment of the prescribed fee, issue a certificate of title for the land comprising the portions of the roads so closed.

Closure of
portion of
Station
Street,
Cannington.

4. (1) All that portion of Public Road No. 6800 known as Station Street at Cannington, in the Canning Road Board District and being—

the portion shown coloured blue on Lands and Surveys Diagram No. 64368 comprising a total area of eight and five-tenths 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 portions so closed shall be divided into portions and shall be included in and become part of the lot or location contiguous to each respective portion.

(3) The portion contiguous to Canning Location 474 is hereby included in Reserve No. 7265 set apart for the purpose of an Agricultural Hallsite.

(4) The portions contiguous to Lots 8, 51 and 54 on Land Titles Office Plan No. 26 are hereby vested as for an estate in fee simple in The Canning Agricultural and Horticultural Society Incorporated as owner for the time being of the contiguous land.

(5) The Registrar of Titles shall on the application of The Canning Agricultural and Horticultural Society Incorporated and on payment of the prescribed fee, cancel the relevant Certificate of Title to the contiguous land and issue a new one in which the portions referred to in subsection (4) of this section shall be included.

(6) 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.

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

Closure of
portion of a
certain road
at
Carnarvon.

the portion of the surveyed road along the south-western boundaries of Carnarvon Town Lots 780 to 789 inclusive as shown on Lands and Surveys Original Plan No. 6695,

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 may be included with adjoining land in a proposed reserve for recreation in such manner as the Governor may approve and is hereby authorised to approve.

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

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

the portion of a right-of-way extending from the eastern alignment of George Street, eastward along the northern boundary of Lot 93 on Land Titles Office Plan No. 3177 to the western alignment of an intersecting right-of-way,

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

(2) The land contained in the portion of the right-of-way so closed is hereby vested as for an estate in fee simple, for a consideration of one hundred pounds, in the owner for the time being of the contiguous Lot 93 on Land Titles Office Plan No. 3177 and shall become portion of that lot.

(3) The Registrar of Titles shall, on the application of the owner for the time being of land contiguous to any portion of the right-of-way so closed and vested, 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 that portion shall be included.

(4) Where land contiguous to any part of the right-of-way 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.

Closure of
portion of
Wauhop
Road,
East
Fremantle.

7. (1) All that portion of a public road known as Wauhop Road in the East Fremantle Municipal District being—

the portion of Wauhop Road bounded by lines starting at a point on the eastern side of that road situate eleven chains sixteen and two-tenths links north of the south-western corner of Swan Location 4880; thence three hundred and twenty degrees fifty-one minutes to the high water mark of the Swan River; thence generally south-easterly along that mark to its intersection with the eastern side of Wauhop Road and thence southerly along that side 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 included in Swan Location 6320 and sold to the Commonwealth of Australia for defence purposes as a Site for a Small Craft Base for the Department of the Army.

Closure of
portion of
Cliff Street,
Fremantle.

8. (1) All that portion of a public road known as Cliff Street in the Fremantle Municipal District being—

the portion of Cliff Street bounded by lines commencing at the northern corner of Fremantle Lot 1726 and extending thirty-eight degrees

twelve minutes, eleven and five-tenths links; thence sixty-nine degrees fifty minutes, fifty nine-tenths links; thence one hundred and fifty-nine degrees fifty minutes, six links; thence two hundred and forty-nine degrees fifty minutes sixty and six-tenths links, to the commencement 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 the road so closed is hereby revested in Her Majesty as of her former estate with the intention that it be included in the contiguous Fremantle Lot 1846 which it is proposed shall be reserved as a Weighbridge Site and vested in the City of Fremantle.

9. (1) All that portion of a public road known as Finnerty Street, in the Fremantle Municipal District being—

Closure of
portion of
Finnerty
Street,
Fremantle.

the portion of Finnerty Street commencing at the prolongation south-eastward of the north-eastern boundary of Fremantle Lot 1368 and extending west to a line parallel to and one chain north-east from the south-western alignment of Vale Street and connecting with the southern boundary of the said Lot 1368,

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 with the intention that it will be included in the adjoining Reserve No. 1922 and shall be vested as for an estate in fee simple in The Fremantle Municipal Transport Board in trust for the purpose of a Bus Depot Site.

Closure of
portion of
Marine
Terrace,
Fremantle

10. (1) All that portion of a public road known as Marine Terrace in the Fremantle Municipal District being—

the portion of Marine Terrace south and west of the concrete kerbing around the northern and eastern sides of the building occupied by the Fremantle Fishermen's Co-operative Society Limited,

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

(2) The land comprising the portion of road so closed is hereby vested in Her Majesty as of her former estate with the intention that it shall be identified as Fremantle Lot 1859 and may be leased under the provisions of the Land Act, 1933, and in such manner as the Governor may approve and is hereby authorised to approve.

Closure of
certain road
widening at
Harvey
Estuary.

11. (1) Certain road widenings in the Mandurah Road District being—

the truncations of the north-eastern corner of Lot 6 and the north-western corner of Lot 7 on Land Titles Office Plan No. 6546, which were dedicated as road widenings under subsection (5) of section one hundred and fifty-seven of the Road Districts Act, 1919,

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 widenings so closed is hereby vested in the owners for the time being of the respective contiguous Lots 6 and 7 on Land Titles Office Plan No. 6546 and shall become portions of the respective lots.

(3) The Registrar of Titles shall, on the application of the owner for the time being of land contiguous to any portion of the road widenings so closed and vested, 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 that portion shall be included.

(4) Where land contiguous to any portion of the road widenings 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.

12. (1) All that portion of a public road known as Falcon Street, in the Narrogin Municipal District being—

Closure of
portion of
Falcon
Street,
Narrogin.

the portion of Falcon Street, Narrogin, between the western alignment of Floreat Street and the eastern alignment of Scott Street, including widenings at either end of the portion,

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

(2) The land comprising the portion of the road so closed is hereby revested in Her Majesty as of her former estate with the intention that it be added to the adjoining reserves for hospital purposes in such manner as the Governor may approve and is hereby authorised to approve.

13. (1) The public road known as Isidore Street in the North Fremantle Municipal District is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

Closure of
portion of
Isidore
Street,
North
Fremantle.

(2) The land comprising the road so closed is hereby revested in Her Majesty as of her former estate with the intention that it will be disposed of under the provisions of the Land Act, 1933, to the

owner for the time being of the contiguous land at such price and subject to such conditions as the Governor may approve and is hereby authorised to approve.

Closure of portion of certain roads and rights-of-way including a one link reserve at Karrinyup.

14. (1) All those portions of public roads and private rights-of-way in the Perth Road District being—

- (a) Government Road extending along the northern boundary of Swan Location 960, from the western alignment of Beltane Promenade easterly to a north-western alignment of Huntriss Street;
- (b) Government Road extending along the western boundary of Swan Location 1226 to the southern boundary of Swan Location 92;
- (c) the public roads shown on Land Titles Office Plan No. 2678 as Kathleen, Charles, Alexander, Ramsay, Marjorie, Catherine Streets and Stoneham Terrace and dedicated as Roads Nos 5973 to 5979 inclusive;
- (d) portions of public roads shown on Land Titles Office Plans Nos. 2719 and 2856 as portions of Herbert, Flamborough, Hancock, Alice, Wilding, Woodside, Holbeck and Ravenscar Streets being the portions northward of the northern alignment of Newborough Street and being portions of dedicated Roads Nos. 5964 to 5971 inclusive;
- (e) portion of public Road No. 5963 shown on Land Titles Office Plan No. 2719 as Beltane Promenade being the portion extending along the western side of Swan Location 960;
- (f) the public road shown on Land Titles Office Plan No. 2719 as Northgate Street extending from Beltane Promenade to the western alignment of Huntriss Street, dedicated as Road No. 5972;

- (g) the portion of public road No. 5956 shown on Land Titles Office Plan No. 2856 as portion of St Michaels Terrace, extending from the eastern alignment of Beltane Promenade to the western alignment of Huntriss Street;
- (h) all the private rights-of-way comprising portions of Swan Location 1226 as shown on Land Titles Office Plan No. 2678;
- (i) all the private rights-of-way comprising portions of Swan Location 960 as shown on Land Titles Office Plan No. 2719 including a reserve one link wide along southern boundary of the location;
- (j) all the private rights-of-way comprising portions of Swan Location 959 as shown on that portion of Land Titles Office Plan No. 2856 extending from Beltane Promenade to Huntriss Street and from Newborough Street to the northern boundary of the location, excepting that portion of the right-of-way separating Lots 675 to 679 inclusive from Lots 716 to 720 inclusive on the plan,

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 various portions of roads and rights-of-way (including one link reserve) so closed are hereby vested as for an estate in fee simple in The State Housing Commission as owner for the time being of the contiguous land.

(3) The Registrar of Titles shall, on the application of The State Housing Commission and on payment of the prescribed fee, issue a Certificate of Title for the land in the roads and rights-of-way (including one link reserve) so closed.

Closure of
portion of
Darling
Street,
South Perth.

15. (1) All that portion of Road No. 6678, Darling Street, in the South Perth Municipal District being—

the portion of Darling Street north-east of the north-eastern alignment of Brandon Street, is hereby closed and all rights of way over it shall cease on the coming into operation of this Act.

(2) The land comprising 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 reserved for some public purpose and vested in the Municipality of South Perth.

Closure of
portion of
Henning
Crescent,
at Manning.

16. (1) All that portion of a public road known as Henning Crescent in the South Perth Municipal District being—

the portion of Henning Crescent extending from Jarman Avenue along the western boundary of Reserve No. 24330 classified as of Class "A" to Duckett Drive,

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 the major portion of the land will be included in the adjoining Reserve for Recreation No. 24330 classified as of Class "A" after adjustment of the boundaries of the adjacent schoolsite to include truncations.

Closure of
portion of
Road
No. 10038
at
South Perth.

17. (1) All that portion of public Road No. 10038 in the South Perth Municipal District being—

the remaining portion of Road No. 10038 commencing at the eastern alignment of Goss Avenue and extending easterly to the northern alignment of Manning Road (Road No. 123),

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 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 Lots 23 and 24 on Land Titles Office Plan No. 3383 and shall be divided into parts which shall be included in and become portion of the contiguous lot.

(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.

18. (1) All those portions of a public road known as Hackett Drive, at Crawley, in the Subiaco Municipal District being—

Closure of
portions of
Hackett
Drive,
Crawley.

(a) the portions containing an area of two acres two roods six perches extending from the western boundary of Swan Location 5518 to the north-eastern corner of the location as surveyed and shown on Lands and Surveys Original Plan No. 6430;

(b) the portion containing an area of three perches adjacent to the north-eastern corner of Swan Location 5518 as shown on Lands and Surveys Original Plan No. 6430,

may by proclamation be closed by the Governor and thereupon all rights of way over them shall cease.

(2) The land comprised in the portions described in paragraph (a) of subsection (1) of this section shall upon closure be included in Swan Location 5518 which location shall be reserved by the Governor for the purpose of a Site for the Teachers' Training College.

(3) The land comprised in the portion described in paragraph (b) of subsection (1) of this section shall upon closure be included in Reserve No. 17331 Classified as of Class "A" and shall become portion of Swan Location 2885 the subject of that reserve,

(4) The Registrar of Titles shall on the application of the University of Western Australia and on payment of the prescribed fee amend Crown Lease No. 1455/1921 (Section No. 652/42) to include therein the land added to Reserve No. 17331 by this section.

Closure of
portion of
Hackett
Drive,
Crawley.

19. (1) All those portions of a public road known as Hackett Drive at Crawley in the Subiaco Municipal District being—

the two portions of Hackett Drive as shown coloured blue on Lands and Surveys Original Plan No. 7147 and containing firstly one rood six perches and secondly thirty-five and nine-tenths perches,

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 included in Reserve No. 17331 classified as of Class "A" and shall become parts of Swan Location 2885 as comprised in that reserve.

(3) The Registrar of Titles shall on the application of the University of Western Australia and on payment of the prescribed fee amend Crown Lease No. 1455/1921 (Section No. 652/42) to include therein the land added to Reserve No. 17331 by this section.

Closure of
portion of
a certain
road at
Subiaco.

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

the portion of a surveyed road at Jolimont commencing at the prolongation westerly of the northern boundary of Swan Location 2240 being portion of Jolimont Schoolsite Reserve No. 9759 and extending south-westerly to the eastern alignment of Selby 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 with the intention that portion shall be included in Reserve No. 9759 to square its boundaries and the remainder may be granted in fee simple to the University of Western Australia for inclusion in a proposed subdivision of the adjacent endowment lands.
