

## ROAD CLOSURE.

4° Elizabeth II., No. XLII.

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No. 42 of 1955.

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**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 5th December, 1955.]

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

Short title.

1. This Act may be cited as the *Road Closure Act, 1955.*

Closure of  
a private  
street in  
Albany.

2. (1) All that portion of a private street in the Albany Municipal District being—

a street provided in a private subdivision of Albany Suburban Lot 38 and shown on Land Titles Office Plan No. 3234 as Hope 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 street 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 such manner as the Governor may approve.

3. (1) The public road, known as Peter Street in the Albany Municipal District and being—

Closure of  
Peter Street,  
Albany.

a road one chain wide extending from Middleton Road south-westward as shown on Land Titles Office Diagram No. 5680,

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 and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be disposed of in such manner as the Governor may approve.

4. (1) All that portion of a public road in the Armadale-Kelmscott Road District being—

Closure of  
portion of  
Blythewood  
Avenue,  
Byford.

the portion of Blythewood Avenue, Byford, between a straight line connecting the southernmost corner and the westernmost corner respectively of lots 137 and 118 on Land Titles Office Plan 3644 and a straight line connecting the easternmost corner and the northernmost corner respectively of lots 157 and 138 on that plan,

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 vests as for an estate in fee simple therein in the respective owners for the time being of the lots contiguous thereto and where the lots on opposite sides of any portion of the road so closed are owned by different owners, the contiguous half of that portion extending to a longitudinal line along the middle thereof vests in the owner or owners of the lot or lots contiguous to it.

(3) The Registrar of Titles shall, on the application of the owner of land contiguous to the part of the road so vested and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in that part shall be included.

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

Closure of a  
certain road  
at Byford.

5. (1) All that portion of a public road in the Armadale-Kelmscott Road District being—

the whole of that portion of the road surrounding Reserve No. 20165 which is on the southern or western side of any point on a straight line joining the southerly alignments of Park Avenue and Park Road,

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 disposed of with adjoining land in such manner as the Governor may approve.

6. (1) All those portions of a private right-of-way in the Armadale-Kelmscott Road District being—

Closure of portions of a certain right-of-way at Byford.

- (i) that portion of the private right-of-way between lots 133 to 137 inclusive on Land Titles Office Plan 3644 and lots 153 to 157 inclusive on that plan and extending from Park Avenue to Blythewood Avenue, and
- (ii) that portion of the private right-of-way between lots 118 to 122 inclusive on Land Titles Office Plan 3644 and lots 138 to 142 inclusive on that plan and extending from Park Road to Blythewood Avenue,

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, vests as for an estate in fee simple therein, in the respective owners for the time being of those lots contiguous to the land and where the lots on opposite sides of any portion of the right-of-way so closed are owned by different owners, the contiguous half of that portion extending to a longitudinal line along the middle thereof vests as for an estate in fee simple therein in the owner or owners of the lot or lots contiguous to it.

(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 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 part shall be included.

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

Closure of  
portion of  
public road  
at Margaret  
River.

7. (1) All that portion of a public road at Margaret River in the Augusta-Margaret River Road District being—

the portion of a public road comprising an area of one rood two and one-tenth perches as shown coloured brown on Land Titles Office Diagram No. 10341 and connecting Town View Terrace and Forrest Road, Margaret River,

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

(2) The land comprised in the portion of the road so closed is hereby revested in Her Majesty as of Her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be set apart as a reserve for Park and Gardens.

Closure of  
Road No. 9943  
at Margaret  
River.

8. (1) All that portion of public Road No. 9943 in the Augusta-Margaret River Road District being—

the road, the subject of Lands and Surveys Diagram No. 57898, along the southern boundary of lot 65 on Land Titles Office Plan No. 4947,

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 be included in and become portion of the contiguous lot 65 on Land Titles Office Plan 4947, and shall vest as for an estate in fee simple in the owner for the time being of that lot.

(3) The Registrar of Titles shall, upon the application of the owner of lot 65, 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 road so closed shall be included.

(4) Where the land comprised in lot 65 is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in that land, then the land comprising the road so closed

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

9. (1) All that portion of Hamilton Street in the Bassendean Road District being—

Closure of  
portion of  
Hamilton  
Street,  
Bassendean.

the portion now surveyed as Swan Location 5623 on Lands and Surveys Diagram No. 63853,

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

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

10. (1) All that portion of a private right-of-way in the Bayswater Road Board being—

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

the portion of a right-of-way along the south-eastern boundary of lot 47 on Land Titles Office Plan No. 2683 Sheet 1,

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

(2) The land comprised in the portion of 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 will be disposed of to the holder for the time being of the adjoining lot No. 47 under the provisions of the Closed Roads Alienation Act, 1932, in such manner as may be approved by the Governor.

Closure of  
portion of  
Coolgardie  
and Dumond  
Streets,  
Bentley.

11. (1) All those portions of public roads in the Canning Road District and being—

- (a) the portion of Coolgardie Street, Bentley, between Taree Street and the southernmost corner of lot 580 on Land Titles Office Plan No. 6419, including widenings at the north-eastern end;
- (b) the portion of Dumond Street between Coolgardie Street and Palmerston Street, including widenings at either end,

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 vested as for an estate in fee simple in the State Housing Commission as owner for the time being of certain 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 comprising the portions of the roads so closed.

Closure of  
portion of  
Wood Street,  
Claremont.

12. (1) All that portion of Wood Street in the Claremont Municipal District being—

the portion of Wood Street at its eastern extremity being the portion one chain wide contiguous to the southern side of lot 1 on Land Titles Offices Plan No. 581,

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 adjoining schoolsite reserve, No. 9111.

Closure of  
Road No.  
4161 and  
certain  
rights-of-  
way at  
Hamilton  
Hill.

13. (1) All those portions of a public road and certain rights-of-way in the Cockburn Road District being—

- (a) Road No. 4161 being a public road one chain wide extending from the western alignment of Carrington Street westerly to a line connecting the south-western and north-western corners respectively of lots 19 and 51 on Land Titles Office Plan No. 2897;
- (b) all those rights-of-way shown on Land Titles Office Plan No. 2897 including a reserve one link wide down the western side of the land, the subject of the plan,

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

(2) The land comprised in the road, reserve and rights-of-way so closed is hereby vested as for an estate in fee simple in The State Housing Commission as owner for the time being of certain 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 road, reserve and rights-of-way so closed.

14. (1) All that portion of a surveyed road in the Geraldton Municipal District and being—

Closure of  
Raymond  
Street,  
Geraldton.

a road known as Raymond or Rowe Street extending from George Road along the north-eastern boundary of Geraldton Suburban Lot 75 to the north-western alignment of Wittenoom 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 road so closed shall by force of this Act vest for an estate in fee simple in the owners for the time being of the adjoining land and shall be reincluded in and again become portion of Geraldton Suburban Lot 76.



(3) The Registrar of Titles shall on the application of the owner of Geraldton Suburban Lot 76 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) If the aforesaid lot 76 is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in that land, then the land so vested shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title, showing the vesting of such portion as in this section provided, become subject to the 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  
portions of  
Road No. 9768  
at Lake  
Preston.

15. (1) All that portion of Road No. 9768 in the Harvey Road District as shown coloured blue on Lands and Surveys Diagram No. 63496, 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 shall vest as for an estate in fee simple in the owners for the time being of Wellington Location 698 which is contiguous to the portion of the road so closed and the portion containing one rood twenty and three-tenths perches shall be included in and become part of Location 698.

(3) The Registrar of Titles shall, on the application of the owner or owners of land contiguous to the portion of the road so closed and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in the portion of the road so closed and vested shall be included.

(4) Where the land contiguous to any 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, 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 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.

16. (1) All that portion of a public road in the Katanning Road District and being—

Closure of  
portion of  
Holly Street,  
Katanning.

the portion of Holly Street, Katanning, between the north-eastern alignment of Adam Street and the production south-westerly of the north-eastern boundary of lot 27 on Land Titles Office Plan No. 4715, including widenings at either end,

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 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 road so closed.

17. (1) All those portions of private rights-of-way in the Katanning Road District and being—

Closure of  
certain  
rights-of-  
way at  
Katanning.

the rights-of-way through the section comprising lots 27 to 40 inclusive on Land Titles Office Plan No. 4715,

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 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 application by The State Housing Commission and payment of the prescribed fee, issue a certificate of title for the land in the rights-of-way so closed.

Closure  
of various  
private roads  
at North  
Dandalup.

18. (1) All those portions of private roads in the Murray Road District being—

the roads provided in a private subdivision of part of Section A.19 of Cockburn Sound Location 16 on Land Titles Office Plan 1389, and thereon shown as Lovett, Humphreys, Shenton, Pollards and Menzies Avenues,

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 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 be disposed of in such manner as the Governor may approve.

Closure of  
portion of  
a certain  
right-of-way  
in Nedlands.

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

the portion of a right-of-way 25 links wide along the eastern boundaries of lots 264, 265 and 266 on Land Titles Office Plan No. 2668,

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 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 will be disposed of to the holder or holders for the time being of the contiguous lots 264, 265 and 266 under the provisions of the Closed Roads Alienation Act, 1932, in such manner as the Governor may approve.

20. (1) All those portions of a right-of-way at Swanbourne, in the Nedlands Road District being—

Closure of a  
right-of-way  
Swanbourne.

portions of the right-of-way twenty-five links wide along the western boundaries of lots 171 to 188 inclusive and lots 192 to 206 inclusive on Land Titles Office Plan 3337 and along the northern boundaries of lots 189 to 191 inclusive on the said plan,

are hereby closed and all rights-of-way thereover shall cease on the coming into operation of this Act.

(2) The land comprised in the portions so closed shall be divided into parts corresponding with the respective lots to which they are contiguous and each part shall vest as for an estate in fee simple in the owner for the time being of the lot in the subdivision on Land Titles Office Plan No. 3337 which is contiguous to that part and shall be included in and become a part of that lot. The portion of the right-of-way along the northern boundaries of lots 189, 190 and 191 shall be divided into two parts by a longitudinal line running along the middle of the right-of-way and the northern moiety shall vest in the owner for the time being of lot 188, and the southern moiety shall be divided into parts corresponding with the respective lot to which it is contiguous and each part shall vest in the respective owners for the time being of such of lots 189, 190 and 191 as is contiguous to it and shall be included in and become a part 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  
Bishopsgate  
Street,  
Victoria  
Park.

21. (1) All that portion of Bishopsgate Street in the Perth Municipal District being—

the portion between the south-eastern alignment of Cohn Street and the north-western alignment of Briggs 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 vested in Her Majesty and shall be included in and become portion of lot 7 on Land Titles Office Plan No. 6101, being portion of the land comprised in Certificate of Title Volume 1103, Folio 450.

(3) The Registrar of Titles shall, on application by the appropriate authority, on behalf of Her Majesty and on payment of the prescribed fee, cancel the relative certificate of title to lot 7 on Plan 6101, and issue a new one in which the land in the portion of the road so closed as is mentioned in subsection (2) of this section shall be included.

Closure of  
portion of  
Letchworth  
Centre Ave.,  
South Perth.

22. (1) All those portions of Letchworth Centre Avenue in the South Perth Road District being—

the portions surveyed and shown coloured green on Land Titles Office Diagram No. 20600,

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 State Housing Commission as owner for the time being of the contiguous lots 149 to 177 inclusive on Land Titles Office Plan No. 5137, and shall be divided into parts which shall be included in and become portion of the contiguous lot.

23. (1) All those portions of rights-of-way in the South Perth Road District being—

Closure of certain rights-of-way at South Perth.

(a) the rights-of-way twenty-five links wide along the northern boundaries of lots 146 to 161 inclusive on Land Titles Office Plan No. 5137;

(b) the right-of-way twenty-five links wide along the southern boundaries of lots 162 to 177 inclusive on Land Titles Office Plan No. 5137,

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 State Housing Commission as owner for the time being of the contiguous lots 146 to 177 inclusive on Land Titles Office Plan No. 5137 and shall be divided into parts corresponding with the respective lots to which they are contiguous and each part shall be included in and become portion of the lot contiguous to it.

24. (1) All those portions of public streets in the Wagin Municipal District and being—

Closure of portions of Bowler and Watson Streets, Wagin.

firstly, portion of Bowler Street between the Wagin-Bowelling Railway Reserve and the south-western alignment of Rendall Street;

secondly, portion of Watson Street between Urban and Bowler Streets,

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 streets so closed is hereby revested in Her Majesty as of Her former estate with the intention that it be included in the adjoining Reserve No. 23829.

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