

## ROAD CLOSURE.

12° and 13° Geo. VI., No. XLIX.

---

No. 49 of 1948.

---

**AN ACT for the closure of portions of certain roads  
and rights of way and other purposes.**

[Assented to 7th January, 1949.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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, 1948.*

Closure of  
portion of  
Road No.  
8666 at Boyup  
Brook.

2. (1) All that portion of the public road being—  
Road No. 8666, situate in the Upper Blackwood Road District, bounded by lines starting from a point on a western boundary of Boyup Brook Townsite situate 2 chains 73 links northerly from the intersection of the south-western side of the road with that townsite boundary and extending north-westerly parallel to, and 1 chain

50 links distant from the south-western side of the road for a distance of 26 chains 25 links; thence north-easterly 38  $\frac{9}{10}$ th links to the north-eastern side of the road; thence south-easterly for a total distance of 18 chains 89  $\frac{5}{10}$ th links to that townsite boundary; and thence westerly 12  $\frac{5}{10}$ th links and southerly 9 chains 71 links to the starting point;

is hereby closed and all rights of way over that portion shall cease on the passing of this Act.

(2) The land contained in that portion of Road No. 8666 which is closed by the operation of the last preceding subsection is hereby revested in His Majesty as of his former estate to the intent that the land may be leased as the Governor may direct, under the provisions of the Land Act, 1933-1946.

3. (1) All that portion of the public road, being—

Nuytsia Avenue (one chain wide), in the Bunbury Municipal District, its north-western and north-eastern sides starting from a point on the south-eastern boundary of Lot 6 of Wellington Location 494 on Land Titles Office Plan 4824, 81 and  $\frac{3}{10}$ th links north-easterly from the south-eastern corner of that lot, and extending north-easterly and easterly, as shown on the said plan, to the western side of Ecclestone Street, the southern and south-eastern sides being parallel;

Closure of  
portion of  
Nuytsia  
Avenue at  
Bunbury.

is hereby closed and all rights of way over that portion shall cease on the passing of this Act.

(2) The land contained in that portion of Nuytsia Avenue which is closed by the operation of the last preceding subsection shall by force of this Act vest for an estate in fee simple therein in The State Housing Commission, constituted pursuant to the provisions of the State Housing Act, 1946-1947, as owner for the time being of the adjoining land.

(3) The Registrar of Titles shall, on the application of, and on payment of the prescribed fee by, The State Housing Commission, cancel the relative Certificate of Title to the land adjoining the portion of Nuytsia Avenue so closed and shall issue a new Certificate of Title in which that portion shall be included.

4. The right of way situate in the Subiaco Municipal District, and being—

25 links wide and extending along the north-eastern boundaries of Daglish Lots 373, 374, 375 and 377 from the alignment of a truncation at the north corner of Lot 373 to a line extending 25 degrees 21 minutes from the south-eastern corner of Lot 377;

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

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

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

5. (1) The public rights-of-way, situate in the Kalgoorlie Road District, and being—

(i) the public right-of-way along the southern boundary of Kalgoorlie Lot 2000;

(ii) the public right-of-way along the southern boundary of Kalgoorlie Lot 2001;

are hereby closed and all rights of way over each shall cease on the passing of this Act.

(2) The land contained in the rights of way which are closed by the operation of the last preceding subsection—

shall by force of this Act be included in the lots adjoining that land and shall vest for an estate in leasehold in that land in the respective owners for the time being of those lots—

and if the lots on opposite sides of any part of the rights-of-way so closed—

are owned by different owners, the half, to the middle, of that part shall vest for an estate in leasehold in the owner of the lot contiguous to it.

(3) The Registrar of Titles shall, on the application of, and on payment of the prescribed fee by, the owner of land adjoining any part of the rights-of-way so closed and mentioned in subsections (1) and (2) of this section amend the relative Crown Lease to include therein that part.

(4) If the land in any lot adjoining any part of the rights-of-way so closed and mentioned in subsections (1), (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 that land, then that part shall, on the amendment of the Crown Lease pursuant to the provisions of the last preceding subsection, 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.

6. (1) All that portion of the public road being—  
 Kirkham Hill Terrace, Maylands, in the Perth Road District, bounded by lines starting from the western corner of Lot 97 of Swan Location 2039 on Land Titles Office Plan 2610 (Sheet 2), on a southern side of that road and extending north-easterly to the northern corner of Lot 96, and thence southerly and westerly along sides of the present road to the starting point;

Closure of  
 portion of  
 Kirkham Hill  
 Terrace at  
 Maylands.

is hereby closed and all rights of way over that portion shall cease on the passing of this Act.

(2) The land contained in that portion of Kirkham Hill Terrace which is closed by the operation of the last preceding subsection is hereby vested in the registered proprietor of Lots 96 and 97 of Swan Location 2039 on Land Titles Office Plan 2610 (Sheet 2), and shall be divided into two parts by the prolongation of the common boundary between those lots to its intersection with the frontage to Kirkham Hill Terrace, and each of those parts is hereby incorporated with and shall become portions of each of those lots which, prior to the passing of this Act, they respectively had abutted.

(3) The Registrar of Titles shall, on the application of, and on payment of the prescribed fee by, the owner of Lots 96 and 97 referred to in the last preceding subsection, cancel the relative Certificate of Title and issue a new Certificate of Title in which the land in the road so closed shall be included.

(4) If the land in the lots adjoining the road so closed and mentioned in subsections (1), (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 that land, then the land in the road so closed shall, on the issue, pursuant to the provisions of the last preceding subsection, 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 a certain road in the Mundaring Road District.

7. (1) All that portion of a public road (including truncations) near Portagabra, in the Mundaring Road District,—

passing through Swan Locations 964, 992 and 2621, starting from the south-eastern side of Road No. 3447, and extending south-easterly along the north-eastern boundaries of Lots 10 to 19 (inclusive) on Land Titles Office Plan 4109 to the western side of a surveyed road along the north-eastern boundary of that Lot 19 and the eastern boundary of Lot 34;

is hereby closed and all rights of way over that portion shall cease on the passing of this Act.

(2) The land contained in the road which is closed by the operation of the last preceding subsection is hereby revested in His Majesty as of his former estate to the intent that the land shall be included in the adjoining State Forest No. 7.

Closure of portions of Grant and Fox Streets at Narrogin.

8. All those portions of public roads in the Narrogin Municipal District, and being,—

(i) all that portion of Grant Street, Narrogin, between the western alignment of Gordon Street and the Railway Reserve;

(ii) all that portion of Fox Street, Narrogin, between the western alignment of Gordon Street and the eastern alignment of Gascon Street;

are hereby closed and all rights of way over those portions shall cease on the passing of this Act.

Closure of portion of Thompson Road at North Fremantle.

9. (1) All that portion of Thompson Road, North Fremantle, in the North Fremantle Municipal District,—

between the northern alignment of McCabe Street and the prolongation south-westerly of the north-western boundary of Reserve B.2976;

is hereby closed, and all rights of way over that portion shall cease on the passing of this Act.

(2) The land contained in that portion of Thompson Road which is closed by the operation of the last preceding subsection is hereby revested in His Majesty as of his former estate to the intent that the land may be disposed of by the Governor for an estate in fee simple by direct sale to Stewarts and Lloyds (Australia) Proprietary Limited for the purchase price of two hundred and forty pounds, and upon payment of that purchase price and the prescribed Crown Grant fee, the Crown Grant may issue accordingly.

10. (1) All that portion of East Parade in the City of Perth including the widening at its junction with Zebina Street,—

Closure of  
portion of  
East Parade  
in the City of  
Perth.

as shown on Land Title Office Diagram No. 9269,  
extending from the southern alignment of  
Gardiner Street to the western alignment of  
Zebina Street;

is hereby closed, and all rights of way over that portion shall cease on the passing of this Act.

(2) The land comprised in that portion of East Parade closed by the operation of the last preceding subsection is hereby revested in His Majesty as of his former estate to the intent that the Governor may grant the land to the City of Perth for an estate in fee simple.

11. (1) All those portions of public roads at Safety Bay, in the Rockingham Road District,—

Closure of  
Arcadia,  
Arcadia West,  
Arcadia South  
and Esplanade  
at Safety  
Bay.

designated as Arcadia, Arcadia West, Arcadia South and Esplanade, bounded by lines starting at a point on low water mark of Shoalwater Bay situate in prolongation south-westerly of the north-western side of Coventry Road (Land Titles Office Plan 5737) and extending generally southerly and easterly along the low water mark of Shoalwater Bay and of Warnbro Sound, to a point situate in prolongation southerly of the eastern boundary of Lot 128 of Cockburn Sound Location 16 (Land Titles Office Plan 5897); thence northerly along that prolongation to a point situate 1 chain 10 7/10th links southerly from the southern corner of the said Lot 128;

thence generally westerly and northerly by lines parallel to and distant one chain from the general alignment of the northern and eastern sides, respectively, of Esplanade, Arcadia South, Arcadia and Arcadia West to a point opposite the south-western corner of Lot 211 on Land Titles Office Plan 5737; thence south-westerly and north-westerly parallel to and distant one chain from the frontages of Lots 219, 218, 217 and 216, and onwards to the prolongation south-westerly of the north-western side of Coventry Road; and thence south-westerly to the starting point;

are hereby closed and all rights of way over those portions shall cease on the passing of this Act.

(2) The lands comprised in the portions of Arcadia, Arcadia West, Arcadia South and Esplanade which are closed by the operation of the last preceding subsection are hereby re-vested in His Majesty as of his former estate to the intent that the land shall be declared a Class "A" Reserve for Recreation and shall be vested in the Rockingham Road Board.

Vesting in adjoining holders of land formerly portion of Anstey Street at South Perth.

12. (1) The land being formerly portion of Anstey Street in the South Perth Road District, which was closed by the notice published in the *Government Gazette* on the tenth day of January, 1947, and being,—

a strip of land 30 links wide, formerly portion of Anstey Street, South Perth, starting from the prolongation westerly of the northern boundary of Lot 19 of Perth Suburban Lot 354 and extending southerly along the western boundaries of Lots 19, 22, 15, 16, 17, 18, 12, 4, 5 and 6 of the said Perth Suburban Lot 354 to the northern boundary of Perth Suburban Lot 414, as shown on Land Titles Office Diagrams 6022, 6584, 13427 and Plan 441;

shall by force of this Act be divided into separate parts by the prolongation westerly of the northern and southern boundaries of those lots to the eastern alignment of Anstey Street and each of those parts shall vest for an estate in fee simple therein in the owner for the time

being of the lot adjoining each of those parts, and each of those parts is hereby incorporated with and shall become portion of the adjoining lot.

(2) The Registrar of Titles shall, on the application of, and on payment of the prescribed fee by, the owner of any lot adjoining any part of the road so closed and mentioned in subsection (1) of this section, cancel the relative Certificate of Title to the lot and issue a new Certificate of Title in which that part shall be included.

(3) If the land in any lot adjoining any part of the road so closed and mentioned in subsections (1) and (2) of this section is subject to an encumbrance, whether by way of mortgage or otherwise as regards any estate or interest in that land, then the land in that part shall, on the issue, pursuant to the provisions of the last preceding subsection, of the new Certificate of Title, 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.