

ROAD CLOSURE.

10° Elizabeth II., No. LXXIV.

No. 74 of 1961.

AN ACT to provide 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 28th November, 1961.]

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, 1961*. Short title and citation.

2. (1) All those portions of a private street in the Albany Municipal District being— Closure of portions of Rowe Street Albany.

the portions of Rowe Street, Albany, as shown on Land Titles Office Plan No. 277 and being the portions on the south-western boundaries of Lots 11 and 37 on that 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 portions so closed is hereby revested in Her Majesty, as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it may be disposed of or reserved by the Governor under the provisions of the Land Act, 1933, in such manner as he may approve.

Closure
Anne Street
Bayswater.

3. (1) The public road in the Shire of Bayswater known as Anne Street and being—

Road No. 2558 extending from Lawrence Street to Coode Street,

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

(2) The land comprised in the road when so closed shall, by force of this section, thereupon vest in the Shire of Bayswater, as for an estate in fee simple, as owner for the time being of the land contiguous to the south-eastern side of the road so closed.

(3) The Registrar of Titles shall, on the application of the Shire of Bayswater and on payment of the prescribed fees, cancel the relevant certificates of title to the contiguous land and shall issue new certificates in which the land in the road so closed and vested shall be included.

(4) 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.

4. (1) All that portion of a private right-of-way at Inglewood, in the Municipal District of the Shire of Perth, being—

Closure of
right-of-way
Inglewood.

the right-of-way in the section between Crawford Road, Sexton Road and Robinson Street, as shown on Land Titles Office Plan No. 2742 and being portion of the land coloured brown 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 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 may be disposed of by the Governor under the provisions of the Land Act, 1933, in such manner as he may approve.

5. (1) All that portion of a private right-of-way at Inglewood, in the Municipal District of the Shire of Perth, being—

Closure of
right-of-way
Inglewood.

the right-of-way commencing from the north-eastern alignment of Wood Street and extending north-eastward and thence south-eastward around the boundaries of Lots 1 to 4 inclusive on Land Title Office Diagram No. 10263 and Lots 7, 6 and 5 on Diagram No. 6780 to the north-western alignment of Catherine 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 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 may be disposed of under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

Closure
portion road
No. 1135 at
Midland.

6. (1) All that portion of a public road in the Town of Midland being—

the portion of the Bellevue-Kalamunda Road (Road No. 1135), commencing at the production north-westerly of the south-western alignment of Clayton Street and extending southward to a surveyed line shown on Lands and Surveys Diagram No. 67214 extending two hundred and seventy-four degrees twenty-eight minutes from the north-western corner of lot 2 on Land Titles Diagram No. 22910,

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

(2) The land comprised in the portion when so closed shall, by force of this section, thereupon revert in Her Majesty, as of her former estate and be removed from the operation of the Transfer of Land Act, 1893, with the intention that the land be included in the contiguous Reserve No. 23917 now vested in The Midland Junction Abattoir Board.

Closure of
certain roads
at Mount
Lawley.

7. (1) All those portions of surveyed roads at Mount Lawley in the Shire of Perth being—

- (a) portion of Road No. 11220 commencing at the prolongation easterly of the northern boundary of Reserve 23735 (Coolbinia Schoolsite) and extending northward to the southern alignment of Wordsworth Avenue;
- (b) portion of Road No. 4231 commencing at the north-eastern alignment of Bradford Street opposite its intersection with Alexander Drive and extending north-eastward and thence north-westward to the southern alignment of Wordsworth Avenue;
- (c) portion of Road No. 250, commencing from the production north-westerly of the south-western boundary of Reserve 23680 (Mount Lawley High Schoolsite) and extending north-eastward to the southern alignment of Stancliffe Street; and

- (d) portion of Road No. 250 extending through Class A Reserve 18325 (Mount Lawley Golf Course) from the new alignment of Central Avenue to Walter Road,

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 be included in the contiguous reserves and new roads in such manner as the Governor may approve.

8. (1) All those portions of surveyed roads at Shenton Park in the City of Nedlands being—

Closure
certain roads
at Shenton
Park.

- (a) the portion of Road No. 2071, commencing from the northern alignment of a surveyed road along the northern boundary of Swan Location 3150 (Reserve No. 18747) and extending north-westward to a surveyed line parallel to and one chain fifty-three and four-tenths links distant from the southern boundary of Swan Location 691;
- (b) the portion of a surveyed road two chains wide, commencing at the western alignment of Selby Street and extending in a general south-westerly direction through Swan Location 2103 to the production northerly of the western boundary of Swan Location 2121; and
- (c) the portion of a surveyed road one chain wide, commencing from the production north-easterly of the north-western boundary of Swan Location 2121 and extending south-eastward and eastward to the production southward of the western alignment of Selby 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 included in, and shall become portion of, Swan Location 2103 and is hereby vested as for an estate in fee simple in The University of Western Australia, in trust, for the purpose of an "Endowment".

(3) The Registrar of Titles shall, on the application of The University of Western Australia and on payment of the prescribed fees, cancel the relevant certificates of title for the land contiguous to the portions so closed and issue new certificates in which the portions so closed and vested shall be included.

(4) Where 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 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.

Closure of
road at
Swanbourne.

9. (1) All that portion of a public road at Swanbourne in the City of Nedlands Municipal District being—

the portion of a surveyed road along the northern boundary of Cottesloe Lot 192 commencing from the eastern alignment of Swanbourne Terrace and extending easterly to the north-western side of Odern Crescent as shown on Land Titles Office Plan 7431,

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, containing one rood thirty-four and one-half perches, is hereby revested in Her Majesty, as of her former estate with the intention that it be included in the contiguous Class A Reserve No. 7804.

10. (1) All that portion of a private road in the Town of Northam Municipal District being—

Closure
portion
Dempster
Street
Northam.

the portion of Dempster Street, Northam, commencing from a line connecting the south-western corner of lot 37 with the north-western corner of Lot 23 on Land Titles Office Plan 603 and extending south-easterly to the north-western alignment of a surveyed road along the south-eastern boundaries of Lots 28 and 29 on the said 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 portion so closed is hereby revested in Her Majesty, as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be made available for sale to the owner for the time being of the contiguous land under the Land Act, 1933, in such manner as the Governor may approve.

11. (1) All that portion of a private street in the Town of North Fremantle being—

Closure
Miriam
Street,
North
Fremantle.

the remaining portion of Miriam Street, extending westward from Bracks Street as shown on Land Titles Office Plan No. 7581,

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

(2) The land comprised in the portion so closed is hereby revested in Her Majesty, as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be made available for sale to the owners of contiguous land under the provisions of the Land Act, 1933, in such manner as the Governor may approve.

Closure
portion
Harvest
Terrace,
Perth.

12. (1) All that portion of a public road in the City of Perth being—

the portion of Harvest Terrace, Perth, commencing at the north-western alignment of Malcolm Street and extending north-eastward to a line situated eighty links southward from the prolongation easterly of the southern alignment of Parliament Place,

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

(2) The land comprised in the portion when so closed shall, by force of this section, revert in Her Majesty, as of her former estate, with the intention that it be included in Class A Reserve 1162, Parliamentary Building Site, subject to any necessary adjustment to the south-eastern corner of Class A Reserve 3495.

Closure of
portion of
Upham
Street,
Daglish.

13. (1) That portion of Upham Street, Daglish, in the Municipal District of the City of Subiaco being—

the portion extending from the eastern boundary of Daglish Lot 436 to the prolongation north-easterly of the south-eastern boundary of Lot 225 of Swan Location 2123,

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 reverted in Her Majesty, as of her former estate, with the intention that it be included in Reserve No. 9397 and be granted to the City of Subiaco, in trust, for the purpose of Municipal Endowment.

Closure
certain roads
at Jolimont.

14. (1) All those portions of public roads at Jolimont in the City of Subiaco Municipal District being—

(a) portion of Jolimont Terrace, commencing at the prolongation northerly of the eastern boundary of Lot 4 of Section D on Land

Titles Office Plan No. 421 and extending westward to the eastern alignment of Peel Street;

- (b) portion of Lansdowne Street, commencing at the southern alignment of Jolimont Terrace and extending southward to a line connecting the south-western corner of Lot 51 of Section D with the south-eastern corner of Lot 17 of Section C on Plan 421; and
- (c) portion of Rosebery Street, commencing at the southern alignment of Jolimont Terrace and extending southward to a line connecting the south-western corner of Lot 53 of Section C with the south-eastern corner of Lot 15 of Section B on Plan No. 421,

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

(2) The land comprised in the portions so closed is hereby revested in Her Majesty, as of her former estate and is removed from the operation of the Transfer of Land Act, 1893, with the intention that it be included in a proposed reserve for the purpose of drainage (Jolimont Compensating Basin) to be vested in the Minister of Water Supply Sewerage and Drainage.
