

ROAD CLOSURE.

3° Elizabeth II., No. LXXI.

No. 71 of 1954.

AN ACT for the Closure of certain Roads and Rights of Way and of portions of certain Roads and Rights of Way and other purposes.

[Assented to 30th December, 1954.]

BE it enacted by the Queen'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:—

1. This Act may be cited as the *Road Closure Act, 1954.* Short title.

2. (1) All that portion of Road No. 7872 in the Beverley Road District being a surveyed road one chain wide and being the portion along the eastern boundaries of Avon Locations 5534, 5586 and 5908 and along part of the southern boundary of the Location 5908, is hereby closed and all rights of way over it cease on the coming into operation of this Act.

Closure of
Road No.
7872, Beverley
Road District.

(2) The land comprised in the portion of the road so closed is hereby revested in Her Majesty as of her former estate and may be disposed of by the Governor under the provisions of the Closed Road Alienation Act, 1932, to the registered proprietors of the adjoining Avon Locations 5534, 5586 and portion of Location 5908.

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

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

a strip of land 25 links wide extending from the south-eastern alignment of Shenton Street along the south-western boundaries of Lots 1 to 7 inclusive on Land Titles Office Plan No. 881, Section 3,

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

(2) The land comprised in 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 part of the right-of-way so closed are owned by different owners, the contiguous half of the part to the middle thereof vests as for an estate in fee simple therein in the owner of the lot 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 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.

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

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

the right-of-way extending from the western alignment of Mill Street along the north-eastern boundaries of Lots 75 to 85 inclusive on Land Titles Office Plan No. 2248,

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

(2) The land comprised in the portion of the right-of-way so closed which is contiguous to Wellington Locations 403 and 407, is hereby revested in Her Majesty as of her former estate with the intention that it shall be included in the respective contiguous locations as comprised in Reserves Nos. 23269 and 23714 respectively.

(3) The portion of the right-of-way so closed which is contiguous to Lot 74 on Land Titles Office Plan No. 2248 shall be included in and become part of that lot.

(4) The easement created by Transfer No. 5420/1908 over portion of the land comprised in Certificate of Title, Volume 438, Folio 121, being a right of carriage way appurtenant to Lots 74 to 82 inclusive, on Land Titles Office Plan No. 2248, as an extension of the right-of-way so closed, is hereby cancelled and extinguished.

5. (1) All that portion of Road No. 9381 in the Darling Range Road District being—

Closure of portion of Road No. 9381 in the Darling Range Road District.

the portion adjoining the eastern boundaries of Lots 1 and 2 on Land Titles Office diagram 13020 and being the portion coloured blue on Lands and Surveys diagram 62239,

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

(2) The land comprised in the portion of the road so closed vests for an estate in fee simple therein in the owners for the time being of the adjoining Lots 1 and 2 on Land Titles Office diagram 13020.

(3) The land comprised in the portion contiguous to the Lots 1 and 2 shall be included in the respective adjoining lot in the manner surveyed and shown on Lands and Surveys diagram 62239.

(4) The Registrar of Titles shall, on application by the owners for the time being of the Lots 1 and 2 and on payment of the prescribed fee, cancel the relative certificates of title to the lots and issue to the respective owners a new certificate of title for each lot in which the respective portions of the road so closed contiguous to the lot shall be included in accordance with the provisions of subsection (2) of this section.

(5) Where the land comprised in Lot 1 or 2 is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in that land, then the portion of the land in 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 portion as in this section provided, becomes subject to the encumbrance as if it had been originally included by the owner for the time being of that estate or interest.

Closure of
Carter Place,
Fremantle.

6. (1) The public road known as Carter Place extending from Rennie Crescent North to Rennie Crescent South in the Fremantle Municipal District is hereby closed and all rights of way over it 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 shall be reserved for Community Centre, Recreation and Park after

an adjustment of the western boundary of the adjoining Schoolsite Reserve No. 23530 to obliterate certain truncations, is made.

7. (1) All that portion of a surveyed road known as Birch Street, in the Geraldton Municipal District, being—

Closure of
Birch Street,
Geraldton.

a road extending from Phelps Street to Baston Street as shown on Land Titles Office Plan 1795,

is hereby closed and all rights of way over it 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 those lots contiguous thereto, and if the lots on opposite sides of a part of the road so closed are owned by different owners, the contiguous half of the part to the middle thereof vests as for an estate in fee simple therein in the owner of the lot 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 closed as is mentioned in subsection (2) of this section, and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in the part shall be included.

(4) Where the land contiguous to a part of the road 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.

Closure of
portion of
Baston
Street,
Geraldton.

8. (1) All that portion of a surveyed road known as Baston Street, in the Geraldton Municipal District, being—

that portion of Baston Street extending from the prolongation south-westerly of the western boundary of Lot 18 on Land Titles Office Plan 1795 to the north-western alignment of Witenoom Street,

is hereby closed and all rights of way over it 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 those lots contiguous to the land and if the lots on opposite sides of a part of the road so closed are owned by different owners, the contiguous half of the part to the middle thereof vests as for an estate in fee simple therein in the owner of the lot contiguous to it.

(3) The Registrar of Titles shall, on the application of the owner of land contiguous to a part of the road so closed as is mentioned in subsection (2) of this section, and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in the part shall be included.

(4) Where the land contiguous to a part of the road 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.

Closure of
Blanche
Street,
Geraldton.

9. (1) The private road known as Blanche Street, in the Geraldton Municipal District, and being—

a surveyed road shown on Land Titles Office Plan No. 1127, extending from the North West Coastal Highway to Hilda Street,

is hereby closed and all rights of way over it 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 if the lots on opposite sides of a part of the road so closed are owned by different owners, the contiguous half of the part to the middle thereof vests in the owner of the lot 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 closed as is mentioned in subsection (2) of this section, and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the land in the part shall be included.

(4) Where the land contiguous to a part of the road 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 such 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.

10. (1) All those portions of a surveyed road known as Hall Way in the Geraldton Municipal District, and being—

Closure of
portions of
Hall Way,
Geraldton.

- (a) the portion of the road commencing from a line parallel to and 25 links westward from the prolongation north-easterly of the north-western side of Lorna Street, thence north-westerly to the south-eastern alignment of Hilda Way, including a truncation at its north-western corner;
- (b) the portion of the road commencing from a line parallel to and 25 links eastward from the prolongation north-easterly of the south-eastern side of Lorna Street, thence

south-easterly to the north-western alignment of Pope Street, including a truncation at its north-eastern corner,

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

(2) The land comprised in the portions of the road so closed vests, as for an estate in fee simple therein, in the owner for the time being of Geraldton Suburban Lot 88 and shall be re-included in that lot, in consideration thereof the owner for the time being shall provide for an extension of Trigg Street from Hilda Way to Pope Street in a subdivision of his land.

(3) The Registrar of Titles shall, on the application of the owner for the time being of Geraldton Suburban Lot 88 and on payment of the prescribed fee, cancel the relative certificate of title and issue a new one in which the portions of the road so closed shall be included.

(4) Where the land comprised in Geraldton Suburban Lot 88 is subject to an encumbrance, whether by way of mortgage or otherwise, as regards any estate or interest in that land, then the portions shall, if the nature of the encumbrance so admits, on the issue of the new certificate of title showing the vesting of the portions as in this section provided, become subject to the encumbrance as if they had been originally included in the encumbrance by the owner for the time being of that estate or interest.

Closure of
portion of
Dunraven
Street,
Geraldton.

11. (1) All that portion of a public road, known as Dunraven Street, in the Geraldton Municipal District, and being—

the portion extending from the prolongation easterly of the southern boundary of Geraldton Lot 666 to the northern alignment of Shenton Street, including the widenings at the southern end thereof,

is hereby closed and all rights of way over it 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 shall be included in the Geraldton High School site.

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

Closure of
portion of
Onslow
Street,
Geraldton.

the portion extending from the southern alignment of Carson Terrace to the northern alignment of Shenton Street, including the widenings at both ends thereof,

is hereby closed and all rights of way over it 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 shall be included in the Geraldton High School site.

13. (1) All that portion of a public road, known as Mark Street, in the Geraldton Municipal District being—

Closure of
portion of
Mark Street,
Geraldton.

the portion extending from the production easterly of the southern boundary of Geraldton Lot 551 to a line connecting the north-east corner of the lot with a south-western corner of Geraldton Suburban Lot 95 at the south-eastern extremity of Henry Street,

is hereby closed and all rights of way over it 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 shall be disposed of under the provisions of the Closed Roads Alienation Act, 1932, in such manner as may be approved by the Governor.

Closure of
portion of
Cecil Street,
Geraldton.

14. (1) All that portion of a public road known as Cecil Street, in the Geraldton Municipal District, being—

the portion extending from Mark Street, to the prolongation southerly of the western side of Pope Street,

is hereby closed and all rights of way over it 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 under the provisions of the Closed Roads Alienation Act, 1932, in such manner as may be approved by the Governor.

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

15. (1) All that portion of a right-of-way in the Geraldton Municipal District, being—

the portion of the right-of-way 15.2 links wide and extending along the northern boundary of Lot 37 on Land Titles Office Plan No. 6390 and along the northern boundaries of Lots 8 to 13 inclusive on Land Titles Office Plan No. 3607 from Gertrude Street to Brede Street,

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

(2) The land comprised in the right-of-way so closed shall vest for an estate in fee simple in the respective owners for the time being of the lots contiguous to its southern side and shall be included in and become part of the respective contiguous lot.

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

(4) Where the land contiguous to a part of the road 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.

16. (1) All that portion of a surveyed road known as Market Street, in the Guildford Municipal District, being—

Closure of
portion of
Market
Street,
Guildford.

the portion of Market Street commencing from a line connecting the northern corner of Guildford Lot 178 with the north-western corner of Reserve No. 7400, and extending south-easterly to the northern boundary of Guildford Lot 187,

is hereby closed and all rights of way over it 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 shall be included in the adjoining schoolsite reserve No. 7400.

17. (1) The public road known as Mewburn Street, Mandurah, being Road No. 9616 in the Mandurah Road District, is hereby closed and all rights of way over it cease on the coming into operation of this Act.

Closure of
Mewburn
Street,
Mandurah.
Road No.
9616.

(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, 1893-1950, with the intention that it shall be reserved for the purpose of a park.

Closure of
portion of
Venn Street,
Northam.

18. (1) All that portion of Venn Street in the Northam Municipal District, being—

the portion extending between Railway Avenue
and the Great Eastern Railway Reserve,

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

(2) The land comprised in the portion of the road
so closed is hereby vested for an estate in fee simple
in the Municipality of Northam with the intention
that, when the survey of an extension of Venn Street
in a new position is completed, the balance of the
land may be transferred by the Municipality by way
of exchange for the land comprised in Lot 11 on
Land Titles Office Plan 2436.

(3) Where the land comprised in Lot 11 is so
exchanged, the Municipality shall include the land
comprised in the lot in Venn Street as surveyed in
its new position and as so surveyed the street shall
be re-dedicated for public use.

Closure of
a certain
right-of-way
in Inglewood.

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

the portion of the right-of-way 25 links wide,
extending from Catherine to Wood Streets,
Inglewood, along the north-eastern sides of
portion of Lot 103 on Land Titles Office Plan
2742, Lots 1 to 4 inclusive on each of Land Titles
Office diagrams 10782 and 6818 and along the
south-eastern side of Lot 1 on diagram 6818,

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

(2) The land comprised in the right-of-way so
closed vests for an estate in fee simple therein in
the respective owners for the time being of the lots
contiguous to its south-western and north-western
sides and shall be included in and become part of
the respective contiguous lots.

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

(4) Where the land contiguous to a 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, when 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.

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

Closure of
portion of
Williams
Road near
Mt. Yokina.

the portion of Williams Road on Land Titles Office Plan 5023 between the prolongation eastward of the northern boundary of Lot 156 and the prolongation eastward of the southern boundary of Lot 157,

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

(2) The land comprised in the portion of 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, 1893-1950, with the intention that, where a truncation at the corner of Swan Street and Williams Road is provided, the balance of the land in the road so closed shall be disposed of under the provisions of the Closed Roads Alienation Act, 1932, in such manner as may be approved by the Governor.