



## Office of the Registrar General

McKell Building – 2-24 Rawson Place Sydney NSW 2000  
Tel 1300 318 998 | Email [ORG-Admin@finance.nsw.gov.au](mailto:ORG-Admin@finance.nsw.gov.au)  
ABN 81 913 830 179 | [www.registrargeneral.nsw.gov.au](http://www.registrargeneral.nsw.gov.au)  
A unit of the Department of Customer Service

Our Reference: 19/158955

13 September 2019

Ms Sandra Politi

Lithgow City Council

Po Box 19 Lithgow

And by email [sandra.politi@lithgow.nsw.gov.au](mailto:sandra.politi@lithgow.nsw.gov.au)

Dear Ms Politi

### ADMINISTRATIVE REVIEW PURSUANT TO SECTION 121 REAL PROPERTY ACT - FOLIO IDENTIFIER B/9370

I refer to the above matter and your request for an administrative review of the apparent decision by NSWLRS to not recognise that Lithgow City Council is the rightful owner of the land currently comprised in Lot B in DP 9370 bearing Title reference Folio Identifier B/9370.

This land was previously comprised in Certificate of title Volume 11783 Folio 158. A copy of this Certificate of Title is attached. You will note that this Certificate of Title was created in February 1972 and therefore was the correct Certificate of Title for the land when Council purported to acquire the land in 1985.

It is noted that the letter from NSWLRS dated 5 April 2019 states inter alia that Transfer V789942 was registered in 1985 and consequent thereon Certificate of Title Volume 15388 Folio 85 was issued. However as stated this Certificate of Title has subsequently been cancelled.

A subsequent review in 1987 of these transactions revealed unfortunately that as the fee simple of the land in Lot B in Deposited Plan 9370 was in 1985 contained in Certificate of title Volume 11783 Folio 158 and the fee simple is (and continues to be) in the name of Macquarie Gardens Pty Limited, that it appears that Transfer V789942 was incorrectly drafted and registered. The then LTO (the predecessor organisation to NSWLRS) then acted to deregister the incorrect Transfer by registering Request W428311

Given the passage of time since 1987 it is not clear whether your Council was notified of the proposed deregistration of Transfer of V 789942 by Request W 428311.

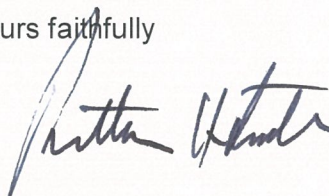
Therefore given the errors in Transfer V 789942 it is not possible to reinstate Transfer V789942 to the Torrens Register.

It is understood the land in question is a laneway running perpendicular to the rear of properties situated on Musket Street and Enfield Avenue. Given that perhaps the Council can consider using its powers under the Local Government Act to acquire it compulsorily or to take other action in accordance with advice that may be provided by Council's solicitors.

It is regretted that a more favourable response cannot be communicated.

If you have any questions regarding this letter or you wish to discuss any further steps please contact the writer on 02 93728712 or [tony.booth@customerservice@nsw.gov.au](mailto:tony.booth@customerservice@nsw.gov.au)

Yours faithfully

A handwritten signature in black ink, appearing to read 'Anthony Booth', written over a horizontal line that extends across the page.

**Anthony Booth**

**Senior Solicitor ORG**

# CERTIFICATE OF TITLE



11783

NEW SOUTH WALES

REAL PROPERTY ACT, 1900

Vol. **11783** Fol. **153**

Appln. No. 11699

Prior Title Vol. 3401 Fol. 68



Edition issued 18-2-1972

M454735

11783 Fol. 158

(Page 1) Vol.

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

**CANCELLED**  
*Jawatson*  
Registrar General.  
SEE AUTO FOLIO



S

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot B in Deposited Plan 9370 in the City of Lithgow Parish of Lett and County of Cook being part of Portion 32 granted to Andrew Browne on 24-11-1837.

FIRST SCHEDULE

MACQUARIE GARDENS PTY. LIMITED.

*Jawatson*  
Registrar General.

G R Y

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.

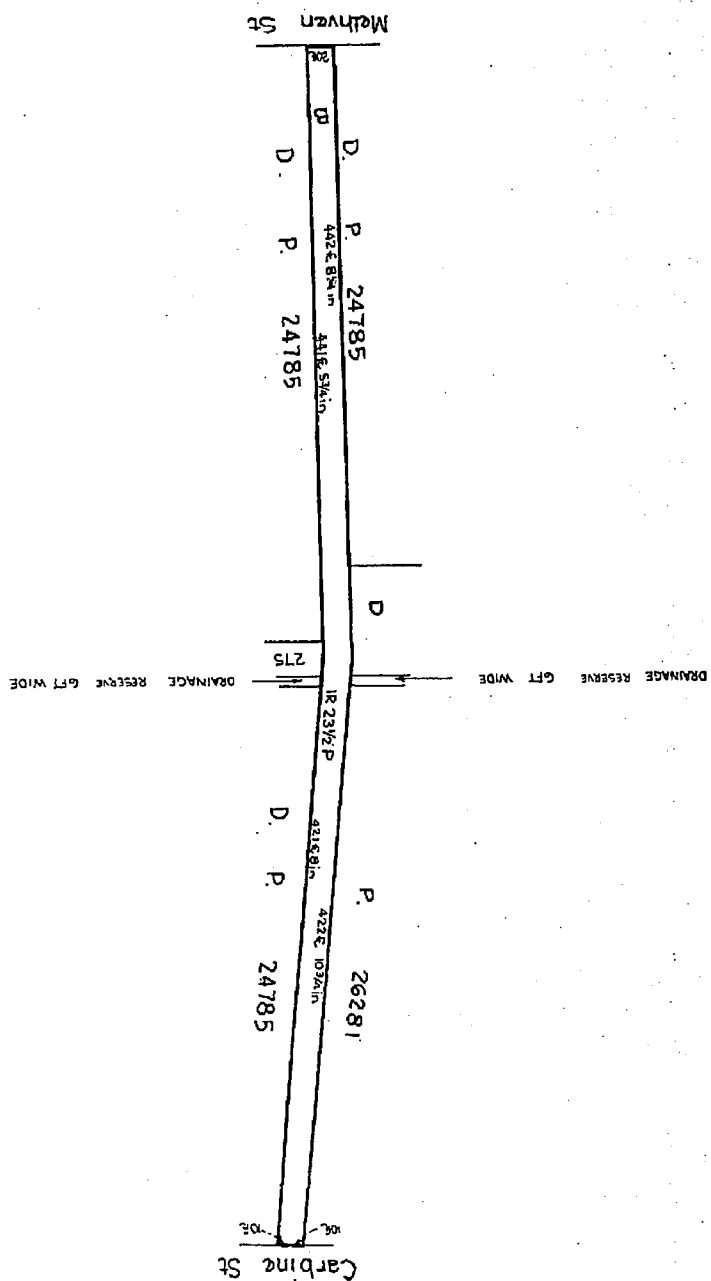
*Jawatson*  
Registrar General.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

MASATRS  
NSW

Scale : 100 feet to one inch



PLAN SHOWING LOCATION OF LAND



**FIRST SCHEDULE (continued)**

REGISTERED PROPRIETOR	INSTRUMENT		ENTERED	Signature of Registrar General
	NATURE	NUMBER		

**SECOND SCHEDULE (continued)**

PARTICULARS	ENTERED	Signature of Registrar General	CANCELLATION

**CANCELLED**  
 ALL INSTRUMENTS FILED

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED