



30/11/2020

The General Manager
Lithgow City Council
PO Box 19
Lithgow NSW 2790
council@lithgow.nsw.gov.au

Lithgow City Council

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04 DEC 2020

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GA Ref

Years

Dear Sir

Re: Incorrect titles for Auto Consol 13158-242 (your reference: PR9101)

The Department of Planning, Industry and Environment – Crown Lands (the department) is planning to lodge a dealing to amend the ownership details on title for Auto Consol 13158-242.

What is the issue?

In 1976 the land within Auto Consol 13158-242 was inadvertently omitted from the surrender document of Council owned lands which were then added to the Hassans Walls Recreation reserve (52017) by Gazette of 14 July 1978. Although the reserve was notified over the land, it still remains freehold to Lithgow Council (Attachment A).

The department notes that council tried to rectify this anomaly in 2009 (Attachment B).

What is the solution?

Transfer the title of the lots from Lithgow City Council to The State of New South Wales. To do this NSW Land registry requires the registration on an 01T form enclosed to transfer the title.

What does Lithgow City Council need to do?

Please complete Section J on the enclosed 01T form where indicated and return the form to the address below:

Attn: Lisa Orth
Department of Planning, Industry & Environment – Crown Lands
Locked Bag 21
Orange NSW 2800

What will the department do?

The department will:

- Arrange no-duty-required stamping of the 01T form by Revenue NSW
- Arrange lodgement of the 01T form with NSW Land registry Services
- Pay the fees associated with lodgement of the 01T form

You may contact me directly in in relation to this matter on 6391 3769 or via email lisa.orth@crownland.nsw.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to read 'L. Orth', written in a cursive style.

Lisa Orth
Property Management Officer
Crown lands - Orange

ATTACHMENT A

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 13158-242

SEARCH DATE	TIME	EDITION NO	DATE
25/11/2020	1:00 PM	1	28/2/2006

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS

AT HASSANS WALLS, LITHGOW, HASSANS WALLS, SHEEDYS GULLEY
LOCAL GOVERNMENT AREA LITHGOW CITY
PARISH OF LETT COUNTY OF COOK
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF LITHGOW (T H360748)

SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 LAND EXCLUDES LOT 3 & 6 IN DP33996 AS REGARDS LOT 90 IN DP751650
- 3 LAND EXCLUDES THE ROAD(S) AS REGARDS LOT 1 IN DP1094395
- 4 B543050 RIGHT OF WAY APPURTENANT TO LOT 90 IN DP751650 &
PART(S) OF LOT 1 & 2 IN DP1094395 AFFECTING THE PART
SHOWN AS "RIGHT OF WAY" IN PLAN (PAGE 3) WITH B543050
- 5 H360748 LAND EXCLUDES MINERALS AND IS SUBJECT TO RIGHTS TO
MINE
- 6 H360748 COVENANT
- 7 AC110058 RIGHT OF CARRIAGEWAY AFFECTING THE PART(S) OF LOT 90
IN DP751650 & LOT 3 IN DP251935 SHOWN AS "PROPOSED
RIGHT OF CARRIAGEWAY OVER TRACK IN USE" IN DP1089348

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS	TITLE DIAGRAM
LOTS 1-3 IN DP251935	DP251935
LOT 90 IN DP751650	CROWN PLAN 444.1507
LOTS 1-2 IN DP1094395	DP1094395.

*** END OF SEARCH ***

PRINTED ON 25/11/2020

ATTACHMENT B

028111840.

Reference: PR9101

18th November 2009

RECEIVED

19 NOV 2009

Crown Lands Orange



Land and Property Management Authority
PO Box 2146
Orange NSW 2800

Dear Sir/Madam

RE: Hassans Walls Reserve - Crown Reserve 52017

Council is in the process of compiling a data profile for Crown Reserve 52017, with the intent of preparing a Plan of Management for the reserve.

The process has highlighted an ownership anomaly within parts of the reserve. Land that was intended to be surrendered to the Crown as part of additions that appeared in Government Gazette 82(par 6466) 14th July 1978, were inadvertently omitted from the surrender document.(see attached map)

Although the reserve was notified over the land in question, it still remains freehold land in the name of Council.

I have attached correspondence from the then Department of Lands, dated 19th Oct 1989, in relation to this anomaly.

Under the current arrangements, the lands in question is classified as "community" public land in accordance with s.25 of the Local Government Act(LGA) 1993. Council is therefore required under s.36 of the LGA 1993, to prepare a plan of management for this land. However, the remainder of the reserve is Crown land, with management administered under the requirements of the Crown Lands Act 1989.

Council would appreciate advice from the Land and Property Management Authority in relation to its position on the matter of rectification of the ownership anomaly, to enable Council to determine due process for management of the reserve.

If you require any further information on this matter, please contact Council's Property and Land Use Officer, Mrs Karen Luka on 63549999.

Yours sincerely

Suzanne Lollback
Group Manager Community & Corporate

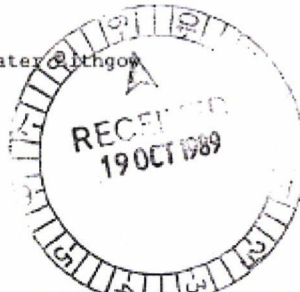
☎ (02) 6354 9999
☎ (02) 6351 4259
🌐 www.lithgow.nsw.gov.au
✉ council@lithgow.nsw.gov.au
✉ ADDRESS CORRESPONDENCE
TO GENERAL MANAGER
PO BOX 19, LITHGOW NSW 2790



DEPARTMENT OF LANDS

40/01/02

The Town Clerk
Council of the City of Greater Lithgow
Administration Centre
180 Mort Street
LITHGOW 2790 258



YOUR REF.
CUR REF. OE81 H 1840 *
CONTACT OFFICER Mr Campbell
TELEPHONE NO. (063) 638314

Dear Sir

RE: REPEATER STATIONS AND OTHER STRUCTURES ON
HASSANS WALLS RECREATION RESERVE.

I refer to previous telephone calls with your planning staff concerning Prime Television and Telecom installations on the Hassans Walls Reserve.

Enclosed is a topographical map of part of the Lithgow area showing the boundary of the Hassans Walls Recreation Reserve by green edge. A recent inspection by Senior Surveyor A Carey from this Office revealed ten structures on the land marked as 1 to 10 on the map. Three Structures numbered 3, 7 and 10 are at this stage unidentified and it would be appreciated if Council could advise details of any leases or permission given to their construction.

It might also be pointed out that the area hatched in red was inadvertently not included in the surrender document of Council owned lands in 1976 which were then added to the Hassans Walls Recreation Reserve by Gazette of 14th July, 1978. Although the reserve was notified over the red hatched area it still remains in fact freehold land under Certificate of Title Volume 13158, Folio 242 in the name of Council. Any building authority or permit for the land hatched red which contains structures 5, 6, 7 and 8 can only be given by Council at this stage as it is still registered in your name. Action has been initiated to have the matter rectified and Council will be notified when this has been effected.

Council's advise as to the structures marked 3, 7, and 10 on the attached diagram would therefore be appreciated.

Yours faithfully

Kevin Campbell

Kevin Campbell
for Regional Manager

18 OCT 1989

*C.T.P. Perhaps C.E. or
New Persons could
assist
L. Parsons. Go for memo on regarding this
CTP Jones I do not know
23/10/89*

Cnr Kite & Anson Streets Orange NSW Australia 2800 PO Box 53 Orange NSW Australia 2800
Telephone (063) 63 8300 Fax (063) 63 8389

NEW SOUTH WALES GOVERNMENT



ORANGE LANDS OFFICE

LANDS DEPARTMENT NOTICES

NATIONAL PARKS AND WILDLIFE ACT, 1974.—
PROCLAMATION

I, Sir ARTHUR ROBERT CUTLER, upon whom has been conferred the decoration of the Victoria Cross, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Knight of the Most Venerable Order of St John of Jerusalem, Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia, with the advice of the Executive Council and in pursuance of the powers vested in me under section 33 (3) of the National Parks and Wildlife Act, 1974, do, by this my Proclamation, reserve such of the lands described hereunder as are prescribed lands within the meaning of section 33 (1) of the National Parks and Wildlife Act, 1974, as part of Morton National Park.

Signed and sealed at Sydney, this 21st day of June, 1978.

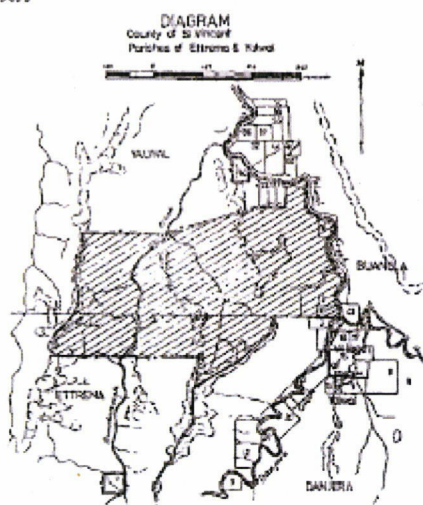
A. R. CUTLER, Governor.

By His Excellency's Command,
W. F. CRABTREE, Minister for Lands.
GOD SAVE THE QUEEN!

DESCRIPTION

Land District—*Nowra*; Shire—*Sheolhaven*

Parishes Yulwal and Ettrima, County of St Vincent, being all that piece or parcel of land containing about 2 238 hectares as shown by hatching on the diagram hereunder. NPWS P. 3095



(6040)

(6448) Sydney, 14th July, 1978.

APPOINTMENT OF TRUSTEE

IN pursuance of the provisions of section 37r, Crown Lands Consolidation Act, 1913, the undermentioned council is appointed to be sole trustee of the reserve hereinafter particularized.

W. F. CRABTREE, Minister for Lands.

Land District—*Bega*; Shire—*Imley*
Parish—*Wyndham*; County—*Auckland*

Reserve 40690 for Public Recreation at Wyndham, notified 23rd July, 1906. The Council of the Shire of Imley in place of V. J. Grant, F. G. Umbeck and P. J. Grant. L.B. 72-634, Nowra.

(6449)

Sydney, 14th July, 1978.

ERRATUM

Land District—*Kiama*; Shire—*Greater Wollongong*

IN the notification appearing in the Government Gazette of 4th November, 1977, folio 4859 (1037), under the heading "Appointment of Trustees" concerning Bulli Pass Scenic Reserve, delete the words "Proclaimed 12th June, 1923". Pp. 6010-B.

W. F. CRABTREE, Minister for Lands.

(6466)

Sydney, 14th July, 1978.

ADDITIONS TO RESERVES FROM SALE

IN pursuance of the provisions of section 28, Crown Lands Consolidation Act, 1913, I declare that the Crown lands described hereunder shall be added to the lands within the reserves specified in parentheses hereunder and be added accordingly.

W. F. CRABTREE, Minister for Lands.

FOR PUBLIC RECREATION

Land District and City—*Lithgow*

Parish Lett, County Cook, area 571.7 hectares as shown on plan catalogued Ms 4611 Orange, in the Department of Land (R. 52017, notified 9th March, 1917). L.B. 69-280, Orange.

FOR TRAVELLING STOCK

Land District—*Grenfell*; Shires—*Waugoola and Jondary*

Parishes Binda and Gooligal, County Forbes, 1,829 hectares being lots 6, 7, 8 and 12, D.P. 254138. (R. 29163, notified 8th April, 1899). Rds 77-475

(6463)

Sydney, 14th July, 1978.

NOTIFICATION OF GRANT OF EASEMENT

PURSUANT to section 136L, Crown Lands Consolidation Act, 1913, the undermentioned authority is granted an easement to drain water over the lands described hereunder.

W. F. CRABTREE, Minister for Lands.

Land District—*Newcastle*; Shire—*Port Stephens*

Parish Tomaree, County Gloucester, an easement to drain water in favour of Port Stephens Shire Council over the strip of land shown as proposed drainage easement 2.5 metres wide and variable width within lots 409 and 410 of D.P. 25708 L.B. 72-604, Maitland.

(6466)

Sydney, 14th July, 1978.

RESTORATION OF ANNUAL LEASES

THE non-renewed annual leases mentioned hereunder which appeared in the Government Gazette of 9th April, 1978, are now restored.

W. F. CRABTREE, Minister for Lands.

Land District—*Albury*; Shire—*Culivie*

Parish Buckaringah, County Hume, Annual Lease 1964 area 3,035 hectares (Account 141307); annual rent 130 holder, Frederick William Lubke.

Land District—*Bathurst*; Shire—*Abercrombie*

Parish Apsley, County Bathurst, Annual Lease 1919-27, an area 44.51 hectares (Account 141326); annual rent \$20, holder, Hugh Sinclair (deceased).

Land District—*Blayney*; Shire—*Abercrombie*

Parish Barraga, County Georgiana, Annual Lease 1901 area 4,047 hectares (Account 141351); annual rent \$16; holder, C. B. Haurhan.

Land District—*Muswellbrook*; Shire—*Merina*

Parish Tongo, County Brisbane, Annual Lease 1940, an area 48.56 hectares (Account 141620); annual rent \$25; holder, Reginald William Scott. Ten. 74-1299.

TRANSFER
New South Wales
Real Property Act 1900

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Insert Duties Assessment No. as issued by Revenue NSW Office.
Duties Assessment No.

(A) **TORRENS TITLE**

AUTO CONSOL 13158-242

(B) **LODGED BY**

Document Collection Box 469S	Name, Address or DX, Telephone, and Customer Account Number if any Dept. of Planning, Industry & Environment - Crown lands PO Box 2215 Dangar NSW 2309 PH: 1300886235 LLPN123334F	CODES T TW
	Email: <u>lisa.orth@crownlands.nsw.gov.au</u> Reference: <u>OE80R182-003</u>	

(C) **TRANSFEROR**

THE COUNCIL OF THE CITY OF LITHGOW

(D) **CONSIDERATION**

The transferor acknowledges receipt of the consideration of \$ 0.00 and as regards

(E) **ESTATE**

the abovementioned land transfers to the transferee an estate in fee simple

(F) **SHARE TRANSFERRED**

(G) Encumbrances (if applicable):

(H) **TRANSFEEE**

THE STATE OF NEW SOUTH WALES

TENANCY:

DATE

leave blank

Affix seal here

(J) I certify that I am an eligible witness and that an authorised officer of the transferor signed this dealing in my presence. [See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

SIGN HERE

Signature of witness: _____
Name of witness: _____
Address of witness: _____

Signature of authorised officer: _____
Authorised officer's name: _____
Authority of officer: _____
Signing on behalf of: _____

SIGN HERE

I certify that I am an eligible witness and that an authorised officer of the transferee signed this dealing in my presence. [See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness: _____

Signature of authorised officer: _____

Name of witness: _____
Address of witness: _____

Authorised officer's name: _____
Authority of officer: _____
Signing on behalf of: _____

leave blank

leave blank

(K) The transferee _____ certifies that the eNOS data relevant to this dealing has been submitted and stored under eNOS ID No. 2204309 Full name: Lisa Orth Signature: _____

* s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.