

On 11 October 2021, the Real Property Amendment (Certificates of Title) Act 2021 commenced, which abolished the Certificates of Title (CTs) and the control of the right to deal (CoRD) framework. All existing CTs have been cancelled and CTs will no longer be issued. Existing CTs will not need to be produced, and CoRD holder consent will not be required, for a dealing or plan to be registered. All existing Guidelines subject to this change are currently being reviewed and will be updated to reflect these changes. For further information regarding the abolition of CTs, please see <https://www.registrargeneral.nsw.gov.au/property-and-conveyancing/eConveyancing/abolition-of-certificates-of-title>

Public reserves

Parcels of land may be dedicated as a public reserve by:

- the registration of a deposited plan bearing an appropriate statement creating a lot(s) as public reserve or
- the publication of an appropriate notification in the Government Gazette vesting an existing parcel as public reserve.

Deposited Plans registered prior to 16 June 1964

Prior to 16 June 1964 there was no provision for public reserves to be vested in council on registration of a deposited plan. Early deposited plans often include parcels denoted as 'Public Garden and Recreation Space', 'Reserve for Garden' or simply 'Reserve', however these parcels were not created as public reserves on registration of the plan. A statement of creation was not endorsed on the plan and the fee of the parcel remained in the cancelled certificate of title under the name of the then registered proprietor(s). Similarly, reserves in plans subdividing Old System land were not created as public reserves on registration of the plan (see below for more information).

Public garden and recreation space

Section 340A *Local Government Act 1919* provides that parcels shown as 'public garden and recreation space' (and no others) can be conveyed or transferred to the council as public reserve. The provisions of s.340A were carried over to s.50 of the 1993 Act and still enable a council to acquire title to 'public garden and recreation space' shown in a plan approved before 15 June 1964. The section provides that the council may either:

- direct that the parcel be transferred to the council (s.50(2)) or
- publish a notice in the Government Gazette notifying that the land is vested in its name (s.50(4)).

A new title in the name of the Council will be created on lodgment and registration of a suitable [Request form 11R](#) (PDF 131 KB) prepared in terms of one of these options. A Public Reserve notification will be endorsed in the second schedule of the new title.