52.02 EASEMENTS, RESTRICTIONS AND RESERVES

A permit is required before a person proceeds:

- Under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant.


- Under Section 36 of the Subdivision Act 1988 to acquire or remove an easement or remove a right of way.

This does not apply:

- If the action is required or authorised by the schedule to this clause.

- In the circumstances set out in Section 6A(3) of the Planning and Environment Act 1987.

- If the person proceeds under Section 362A of the Land Act 1958.

- In the case of a person proceeding under Section 36 of the Subdivision Act 1988, if the council or a referral authority gives a written statement in accordance with Section 36(1)(a) or (b) of that Act.

In this clause, restriction has the same meaning as in the Subdivision Act 1988.

Note: Section 23 of the Subdivision Act 1988 provides that either the council or the person benefiting from the direction must lodge a certified plan at the Titles Office for registration.