

Restrictions on Title

Our Presenter



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Experienced lawyer and planner with over 17 years' experience in Australia and New Zealand dealing with land law and planning law.

Enquiries and Registrations

To book into one of our presentations, or arrange a presentation at your offices, contact

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Maximum
class size 10

Cost: \$495 per student
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Notes and Certificate of
Attendance

COURSE CONTENT

Session 1

Refresher: Basic Property Law

- Crown land and Freehold land
- Old Law and Torrens title freehold
- Fee-simple and indefeasibility of title
- Common law and Statutory law
- Interests in land

Crown Land Restrictions

- The Reservation of Crown land
- Conditional Crown Grants
- Easement-like provisions on Crown land

Easements – the Basics

- The purpose of easements
- Positive and negative easements
- Easements in Common law; easements in Gross
- Creation by subdivision; by acquisition

Session 2

More about Easements

- Implied and prescriptive easements
- Recording and registering easements
- Removal, extinguishment, and abandonment of easements

Covenants

- The purpose of covenants
- Statutory agreements and restrictions
- Restrictive and positive covenants
- Removal of covenants under planning law
- Provisions of the *Property Law Act 1958*
- Proposed changes to Restrictive Covenants by Subdivision

Statutory Agreements

- Sec 173, *Planning & Environment Act 1987*
- Sec 69, *Conservation Forests and Lands Act 1987*
- Trust for Nature covenants
- Heritage Act covenants

"Victoria's law of easements and covenants is based on English common law, overlaid with property, planning and subdivision legislation. This means that the overall law is very complex and has significant gaps and overlaps." – Law Reform Commission

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