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**ADVERTISED
PLAN**

C800404

C800404

Esmt. No. C-MB.31 & B345 3 STATE ELECTRICITY COMMISSION OF VICTORIA

CREATION OF EASEMENT

msc + csp to National Bank
~~XXXXXXSYNXXXXX~~ WE, ROBERT MAXWELL BUTLER AND WALTER JAMES BUTLER
both of Newstead Farmers

(hereinafter referred to as "the Owner(s)") being registered or entitled to be registered as the proprietor(s) of an estate in fee simple in ALL THOSE pieces of land delineated and coloured red on the plans hereon and marked 'A' and 'B' and being part of Crown Allotments 32, 32A and 32B Section 12 Parish of Tarrengower 993.53
= part of 5097-254
7443-543

(hereinafter referred to as "the servient tenement") subject to the encumbrances notified hereunder in consideration of the sum ofTHIRTY-FIVE POUNDS..... paid to me
by the STATE ELECTRICITY COMMISSION OF VICTORIA (hereinafter called "the Commission") DO HEREBY TRANSFER AND GRANT unto the Commission and its successors and transferees the registered proprietor or proprietors for the time being of all that piece of land described in the schedule hereunder ALL THAT the full and free right and liberty to and for it and them and its and their contractors servants agents and workmen to enter in and upon the servient tenement and to lay and erect thereon not more than ~~four poles~~ (which ~~poles~~ shall be erected at such times as the Commission or its officers shall deem advisable and at such places as the Commission shall within twentyone (21) years of the date hereof select) and such cables wires and other apparatus and appliances as may be required or desired for the transmission of electricity (all of which ~~poles~~ cables wire apparatus and appliances are hereinafter referred to as "the said appliances") but so always that every electric cable or wire shall be erected about ~~twenty-two~~ (22) feet above the present surface of the servient tenement AND ALSO to clear the servient tenement of obstructions (including any buildings whatsoever)

and to carry out thereon such digging cutting and excavating as may be reasonably necessary for the bases or foundations of the said appliances and keeping the said bases or foundations free of the injurious accumulation of water and also to use the servient tenement and the said appliances for all purposes of and incidental to transmitting electricity safely and economically across the servient tenement at any time hereafter AND ALSO to keep the servient tenement free of any buildings whatsoever and of any thing which is or may be an obstruction to the exercise

of the rights hereby granted including trees more than ~~nine~~ feet in height or any structure more than ~~nine~~ feet in height AND ALSO to maintain in good and efficient working order inspect repair renew and remove the said appliances AND ALSO from time to time to go pass and repass for all purposes aforesaid either with or without vehicles and equipment through over and along the servient tenement PROVIDED ALWAYS THAT in the exercise of the foregoing powers of the Commission to maintain repair renew and remove the said appliances the Commission shall do as little damage as may be and shall if required within two years from the exercise of the same make full compensation to the owner(s) or successors in title for any damage sustained by him or them in consequence of such exercise of such powers such damage to be determined in default of agreement in manner provided in the *Lands Compensation Act 1958* AND PROVIDED FURTHER that the Commission will at all times hereafter keep indemnified the owner(s) and successors in title from and against all damage injury or nuisance which may be caused or occasioned by the transmission of electricity on to or over the servient tenement through over or along the said appliances if such damage arise from any failure of the Commission to erect and maintain the said appliances in and according to a proper and safe manner and design in the light of present day knowledge or any cause being *vis major* the act of God or the act or neglect of any employee or agent or contractor of the Commission acting in the scope of his employment or in accordance with his authority AND PROVIDED FURTHER that nothing herein shall be deemed in any way to restrict limit or detract from any right power or authority of the Commission or its assigns under the State Electricity Commission Acts or any other Acts which now or hereafter may confer any rights duties or authorities on the Commission or its assigns.

Dated the 5th day of ~~February~~ *MAY* one thousand nine hundred and ~~Sixty Seven~~ *Sixty Seven*

Signed Sealed and Delivered by the said
JAMES HENRY BUTLER

in the State of Victoria in the presence of

Signed Sealed and Delivered by the said
ROBERT MAXWELL BUTLER
in the State of Victoria in the presence of -

Signed Sealed and Delivered by the said
WALTER JAMES BUTLER
in the State of Victoria in the presence of -

The Common Seal of The State Electricity Commission of Victoria was hereto affixed with the authority of the Commission by its Assistant Secretary ~~LEONARD GEORGE HOPE MORRISON~~
JOHN DOUGLAS SWANN
pursuant to Power of Attorney filed in the Office of the Registrar-General for Victoria No. 137232 150615.

ASST.
Secretary

ENCUMBRANCES REFERRED TO

Usual Crown Mineral Rights
Registered Mortgage No. C.578369.

SCHEDULE HEREINBEFORE REFERRED TO

The Commission's land for the benefit of which the above granted easement is acquired and to which the easement is appurtenant is ALL THAT Piece of land being ~~Block~~ Crown Allotments 09 and 010 Section 12 Parish of Hazelwood and being the whole of the land comprised in Certificate of Title entered in the Register Book of the Office of Titles volume 8053 folio 479.

memorandum of the within instrument
has been entered in the Register Book.



Plan 'A'

COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched

THE NATIONAL BANK OF AUSTRALASIA LIMITED being registered as the proprietor of a Mortgage entered in the Register Book No. C.578369 over inter alia the lands delineated and coloured red on the plans marked 'A' & 'B' hereon DOTH HEREBY CONSENT to the within Creation of Easement taking priority over the said Mortgage and to a memorandum to such effect being endorsed on the said Mortgage.

DATED the 25th day of May 1967.

Executed by THE NATIONAL BANK OF AUSTRALASIA LIMITED by being Signed, Sealed and delivered in Victoria by its Attorney ALBERT ERNEST HERBURN and WALTON HIRAM JEMSON under Power of Attorney No. 14412 (each of whom declares that he holds the office he is named in by his signature in the presence of)

DIVISIONAL DIRECTOR
VICTORIAN BRANCH

DIVISIONAL DIRECTOR
VICTORIAN BRANCH DEPARTMENT

Plan 'B'

The Registrar of Titles, Melbourne.

Please register this Creation of Easement and upon completion return Certificate of Title Volume 993 Folio 536 and Crown Grants Volume 5097 Folio 254 and Volume 7443 Folio 543 and Registered Mortgage No C.578369 to --

FOR THE NATIONAL BANK OF AUSTRALASIA LIMITED

Pro Manager
Victorian Branch Department