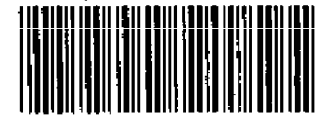


**MEMORANDUM OF COMMON PROVISIONS**  
Section 91A Transfer of Land Act 1958

**AA0790**

23/06/2003 \$59 MCP



Lodged by:

Name: Freehills

Customer Code: 2961C

This memorandum (containing 13 pages) contains provisions which are intended for inclusion in instruments to be subsequently lodged for registration.

**Provisions**

The provisions in this Memorandum are to be incorporated by reference into Instruments for Creation of Easement. The easements are to be created for the various purposes detailed at Clause 2, and will confer upon the Grantee the various rights and entitlements detailed at Clause 2, the specific nature of which will be designated in the actual Instrument for Creation of Easement.

See provisions contained in pages 2 to 13 attached



**EXAMPLE 'A'**

THIS MEMORANDUM OF COMMON PROVISIONS IS RETAINED BY THE REGISTRAR OF TITLES PURSUANT TO SECTION 91(A) OF THE TRANSFER OF LAND ACT 1958

  
ASSISTANT REGISTRAR OF TITLES  
DATE: 23 JUN 2003

Approval No. 1040008A

**MCP**



1. The provisions are to be numbered consecutively from number 1.
2. The back of this form is not to be used.
3. Further pages may be added but each page should be consecutively numbered.
4. To be used for the inclusion of covenants and easements in mortgages, transfers and leases.

# EXAMPLE 'A'

- (f) clear and keep free the Servient Land of any thing which is or may be an Obstruction to the rights granted to the Grantee under the Instrument;
- (g) without limiting clause 2.3(f), clear and keep free the Servient Land of any thing which is or may be an Obstruction to a Line of Sight or to the exercise of the rights granted under the Instrument, whether above or below ground (including all improvements, buildings, trees, plants, Soil, fill, accumulation of water or structure whatsoever);
- (h) Maintain and Change and Maintain or Change the present grades and contours of the Servient Land;
- (i) enter upon the Servient Land with or without Plant to exercise the rights granted by the Instrument;
- (j) Construct and move fences located on the Servient Land; and
- (k) Construct and Maintain gates in fences which cross the Servient Land.

## 2.4 Drainage

The Grantee may:



- (a) use any existing Drainage Works owned by the Grantee within or on the Servient Land;
- (b) lay, Construct or Excavate Drainage Works on or under the Servient Land and use, Maintain, Change and decommission, those Drainage Works; and
- (c) clear and keep free the Servient Land of any thing which is or may be an Obstruction to the rights granted to the Grantee under clauses 2.4(a) and (b).

## 2.5 Above ground transmission of electricity

The Grantee may:

- (a) Construct, install, Change, Maintain, operate and decommission Electricity Transmission Installations and Electricity Transmission Works on, under or above the Servient Land; and
- (b) use any Electricity Transmission Installation or Electricity Transmission Works owned by the Grantee on, under or above the Servient Land for the purpose of transmitting electricity in accordance with a licence issued under the *Electricity Industry Act 2000 (Vic)* and for the operation of Basslink.

## 2.6 Underground transmission of electricity

The Grantee may:

- (a) Construct, install, Change, Maintain, operate and decommission underground Electricity Transmission Installations and underground Electricity Transmission Works beneath the Servient Land; and
- (b) use any underground Electricity Transmission Installation or underground Electricity Transmission Works owned by the Grantee beneath the Servient Land for the purpose of transmitting electricity in accordance with a licence issued under the *Electricity Industry Act 2000 (Vic)* and for the operation of Basslink.

## 2.7 Above ground telecommunications

The Grantee may:

- (a) undertake Communications Works on, under or above the Servient Land;

# EXAMPLE 'A'

## Creation of Easement

### Section 45(1) Transfer of Land Act 1958

Lodged by:

Name:

Phone:

Address:

Ref: TP:80603651:

Customer Code:

The grantor being registered as the proprietor of the estate specified in the servient land transfers and grants to the grantee for the consideration expressed the easement specified subject to the encumbrances affecting the servient land including any created by dealings lodged for registration before the lodging of this creation of easement.

**Servient land:** That part of the land described in certificate of title Volume 8795 Folio 769 marked E-1 on the attached plan.

**Dominant land:** The easement is deemed to be appurtenant to the lands vested in Basslink Pty Ltd for the time being and from time to time and to every part of them, by virtue of **Section 43(3) of the Electricity Industry (Residual Provisions) Act 1993.**

**Grantor:** Daryl Maxwell Fleming

**Grantee:** Basslink Pty Limited ACN 090 996 231  
Level 12, 356 Collins Street, Melbourne, Victoria, 3000 as approved by the Governor-in-Council under section 86(1) of the Electricity Industry Act 2000.

**Estate:** In fee simple

**Consideration:** Seven Thousand Five Hundred (\$ 7,500.00)

**Easement:** 1. Permitted Purpose

The full and free right and liberty to and for the Grantee and its administrators, successors, transferees, assigns, nominees, licensees, employees, agents, contractors and sub-contractors at all times to enter in and upon the Servient Land for the purpose of erecting or laying power lines (or both) and maintaining power lines.

2. Rights and obligations

The parties' rights and obligations in relation to this Creation of Easement and the terms and conditions of this Creation of Easement are set out in the Memorandum of Common Provisions Approval No. AA790 ("Memorandum") which is varied as set out in clause 3.

3. Variations to Memorandum

Delete the phrase "3 metres" from clause 4.3(c) of the Memorandum and replace it with "4.7 metres";

(a)