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Adjournment

21 November 1985

ASSEMBLY

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I am informed there are two alternative ways of overcoming the problem. The Minister should request that his department review the whole issue should not just update that report.

Mr McDONALD (Whittlesea)—The matter I raise with the minister for Local Government is a serious matter concerning a constituent. In November 1979 Mr Glen Thompson of Whittlesea purchased land in Kyneton on a terms contract. A planning permit was current and building permits were available.

Late in 1980 a Mr Buchanan and a Mr Brian Murphy proposed a development of a time-share holiday resort on the area adjacent to my constituent's land. Subsequently, Woodleigh Heights Resort Development Pty Ltd was formed to develop Woodleigh Heights time-share resort and that company entered into a contract to purchase my constituent's land.

Some time after that the company defaulted in the contract to purchase the land, and my constituent was informed by the company that, of the rescinded this contract, it would remove his access to water and render the land valueless.

Kyneton Water Board confirmed the ability of Woodleigh Heights Resort Development Pty Ltd to carry out that threat, although the board would not make available a copy of the agreement. The Kyneton council also informed my constituent that building permits would not be available without the availability of water to the block.

The council refused to supply a copy of the water agreement between the board and the developers. My constituent, by then had initiated Supreme Court action against Woodleigh Heights Resort Development Pty Ltd and his solicitor threatened the council with a writ unless the water agreement was made available. The council reluctantly agreed to hand over the agreement.

The Supreme Court action was settled by negotiation and the court order was: first, that the company purchase part of the land; secondly, that the company pay out some of the mortgages, and, thirdly, that the company do all in its power to transfer the water agreement to the body corporate.

This order should have had the effect of making water available to the blocks and removing any encumbrances to the sale of my constituent's land. The auction for the sale of the land was arranged for 23 November, which is next Saturday.

The day following the erection of the signs to advertise the auction, the estate agent was notified by a Mr Parkinson, the shire secretary, that the signs had to be removed immediately. When asked the reason why, he was informed that they were an embarrassment to the Woodleigh Heights time-sharing resort, even though Woodleigh Heights still had signs advertising the resort adjacent to the auction signs and there was no council permission for those signs.

The estate agent was informed by letter from the water board that no water was available for the blocks. The agent was also notified by council that building permits would not be available. This means my constituent had no option but to cancel the planned auction.

This is the worst example of collusion between a water board, a council and a private developer to deprive a citizen of his democratic rights. I have provided the House with a short account of what has taken place over a two-year period. A full report has been forwarded to the Minister for Water Resources to investigate the role played by the Kyneton Water Board in this sordid affair. A report was also forwarded to the Minister for Local Government and the Minister for Police and Emergency Services because police were involved in incidents over this two-year period.

I ask the Minister for Local Government to do everything possible to investigate what has taken place and to do whatever is necessary to ensure that my constituent receives justice and is able to sell the land fairly quickly.