

3. The secondnamed Defendant is:
 - (a) a body corporate pursuant to the provisions of the laws of the State of Victoria;
 - (b) capable of being sued in the said name;
 - (c) the successor in title of the KSWT, which upon its creation and pursuant to an Order made under s.8 of the Water and Sewerage Authorities (Restructuring) Act 1983 assumed all the land easements works property powers rights liabilities and obligations of the KSWT.
4. On about 12 February 1980 a Mr K.R.Buchanan ('the subdivider') lodged with the firstnamed Defendant notices in the form of the Thirtieth Schedule to the LGA of intention to subdivide into 18 residential allotments a block of residential land owned by him and situated in Tylden Road, Kyneton in the State of Victoria ('the land').
5. The land was at all material times:
 - (a) the whole of Crown Allotment 129 and part of Crown Allotment 132 Parish of Lauriston;
 - (b) under the operation of the Transfer of Land Act 1958; and
 - (c) situated within the district of the firstnamed Defendant.
6. The land was not at any material time situated within:
 - (a) the urban district;
 - (b) the rural district;of the secondnamed Defendant or of the KSWT.