

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION

No. 6321 of 2005

BETWEEN

GLENN ALEXANDER THOMPSON and CHERYL MAREE THOMPSON

Plaintiffs

and

MACEDON RANGES SHIRE COUNCIL

First Defendant

and

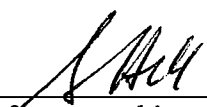
THE COLIBAN REGION WATER AUTHORITY

Second Defendant

CERTIFICATE IDENTIFYING EXHIBIT

This is the exhibit marked "GAT-24" now produced and shown to Glenn Alexander Thompson at the time of swearing his affidavit on

Before me:



Signature of person taking affidavit


SHARON ROBIN HILL
Justice of the Peace
Reg. No 106246

PART

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"LT. 3"

The following is marked
"RTS" and is to
GLENN ALEXANDER THOMPSON
his
22nd December
1982.



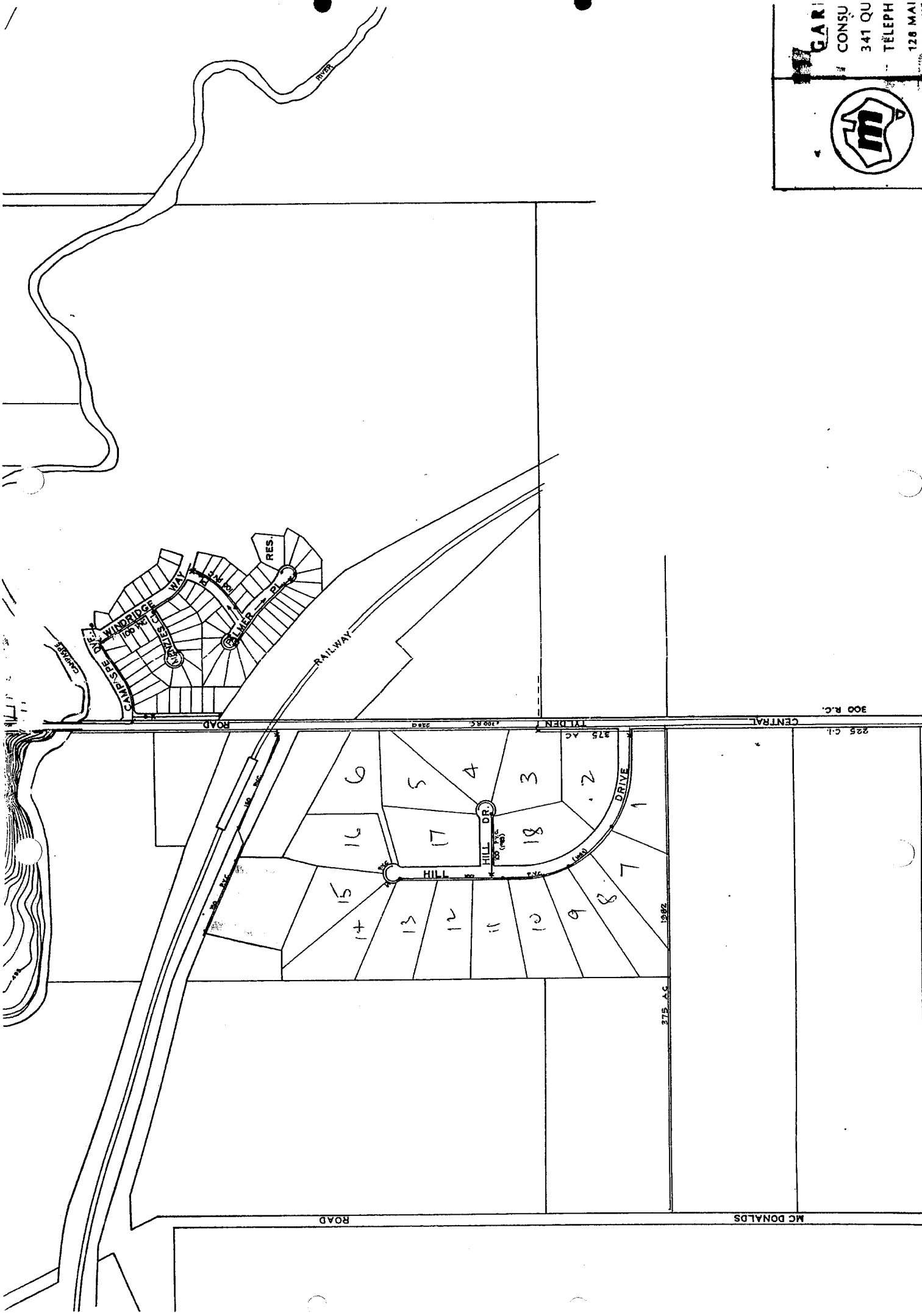
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300 R.C.

CENTRAL

225 C.I.

MC DONALDS

ROAD

SURVEYORS CERTIFICATE

SEALED 21st May, 1980.

SURVEYORS CERTIFICATION

49

LENGTHS ARE IN METRES

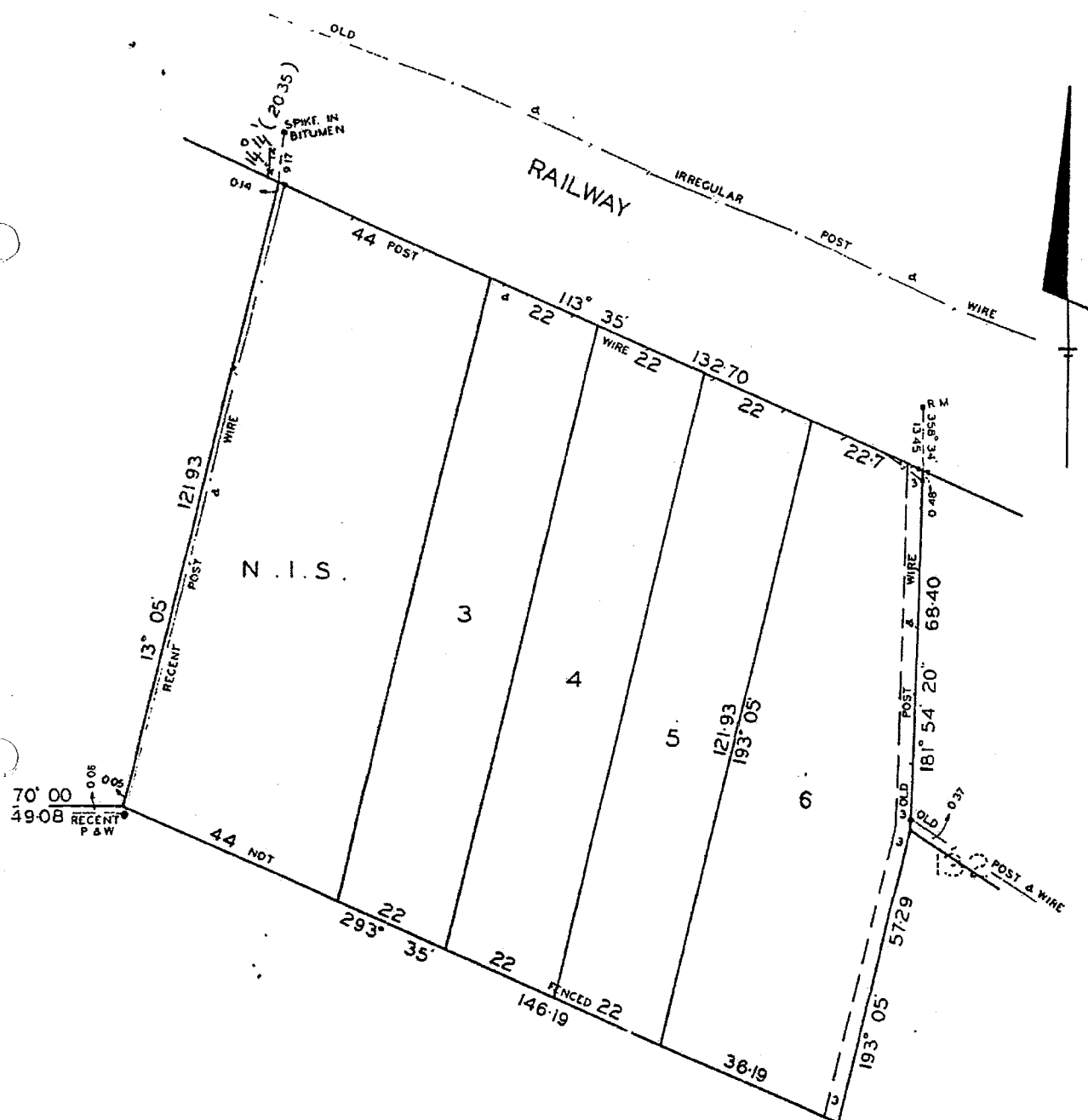
ASSOCIATIONS

ENCUMBRANCES & OTHER NOTATIONS.

GREEN - DRAINAGE
ROADWIDTHS ARE NOT SHOWN TO
SCALE

L.P. 135201.

13520



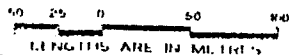
EALED 21ST MAY, 1980.

requirement under Subsection (1A) of Section 1058 has been

SURVEYORS CERTIFICATION

PLAN OF SUBDIVISION OF:
BOWN PORTION 129 &
PART OF CROWN PORTION 132

RISH: LAURISTON
COUNTY: DALHOUSIE



APPROPRIATIONS
GRASS PASTURE
THROUGH CARBONWAY & DRAINAGE

INCUMBRANCES & OTHER NOTATIONS
BLUE-STATE ELECTRICITY COMMISSION
OF VICTORIA CREATED BY
INSTRUMENT A.652971.

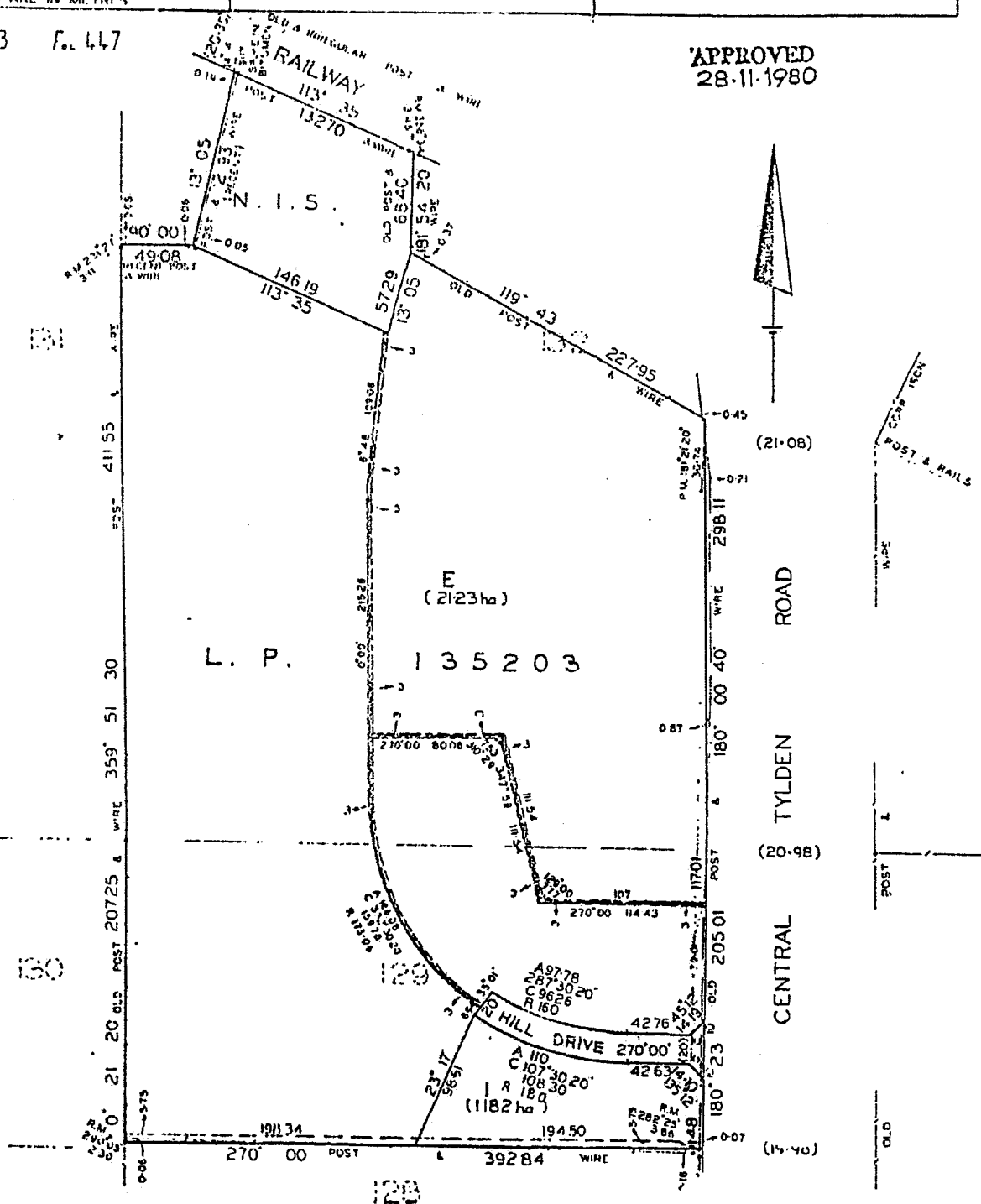
R.M.'S & ROADWIDTHS ARE NOT SHOWN
TO SCALE.

R.M.'S ARE 0.3 METRE LONG G.I.
PIPES UNLESS OTHERWISE SHOWN.

V. 9363 F. 447

APPROVED
28.11.1980

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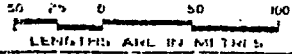


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N OF SUBDIVISION OF:

T OF CROWN PORTION 132
& 129

ISH: LAURISTON
INTY: DALHOUSIE



APPROPRIATIONS

BROWN - CARRIAGEWAY & DRAINAGE

ENCUMBRANCES & OTHER NOTATIONS

BLUE - STATE ELECTRICITY COMMISSION
OF VICTORIA CREATED BY
INSTRUMENT A 652971.

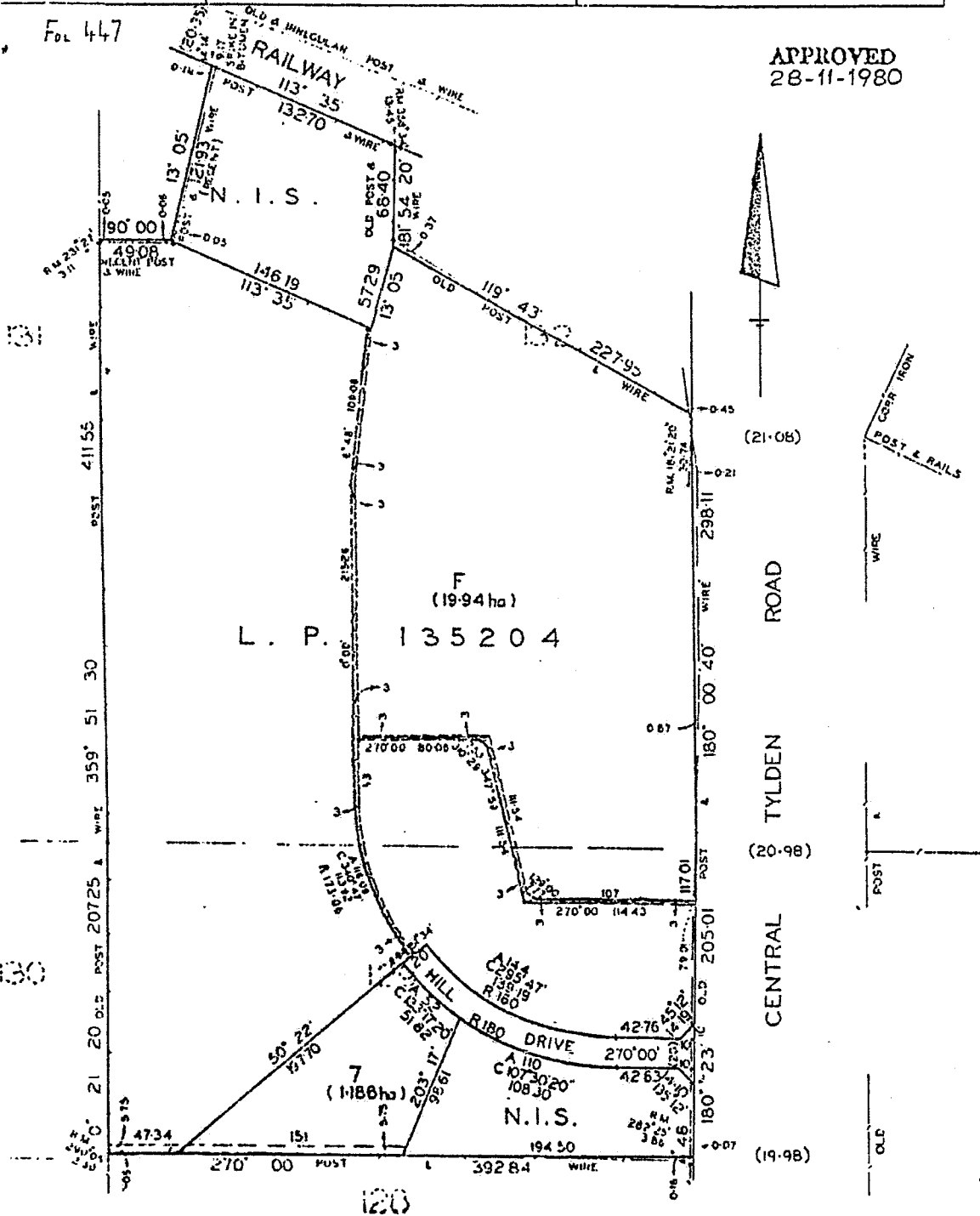
R.M.'s & ROADWIDTHS ARE NOT SHOWN
TO SCALE.

R.M.'s ARE 0.3 METRE LONG G.I.
PIPES UNLESS OTHERWISE SHOWN.
GREEN - DRAINAGE VIDE P.S. 135202

Vol 9363, Fol 447

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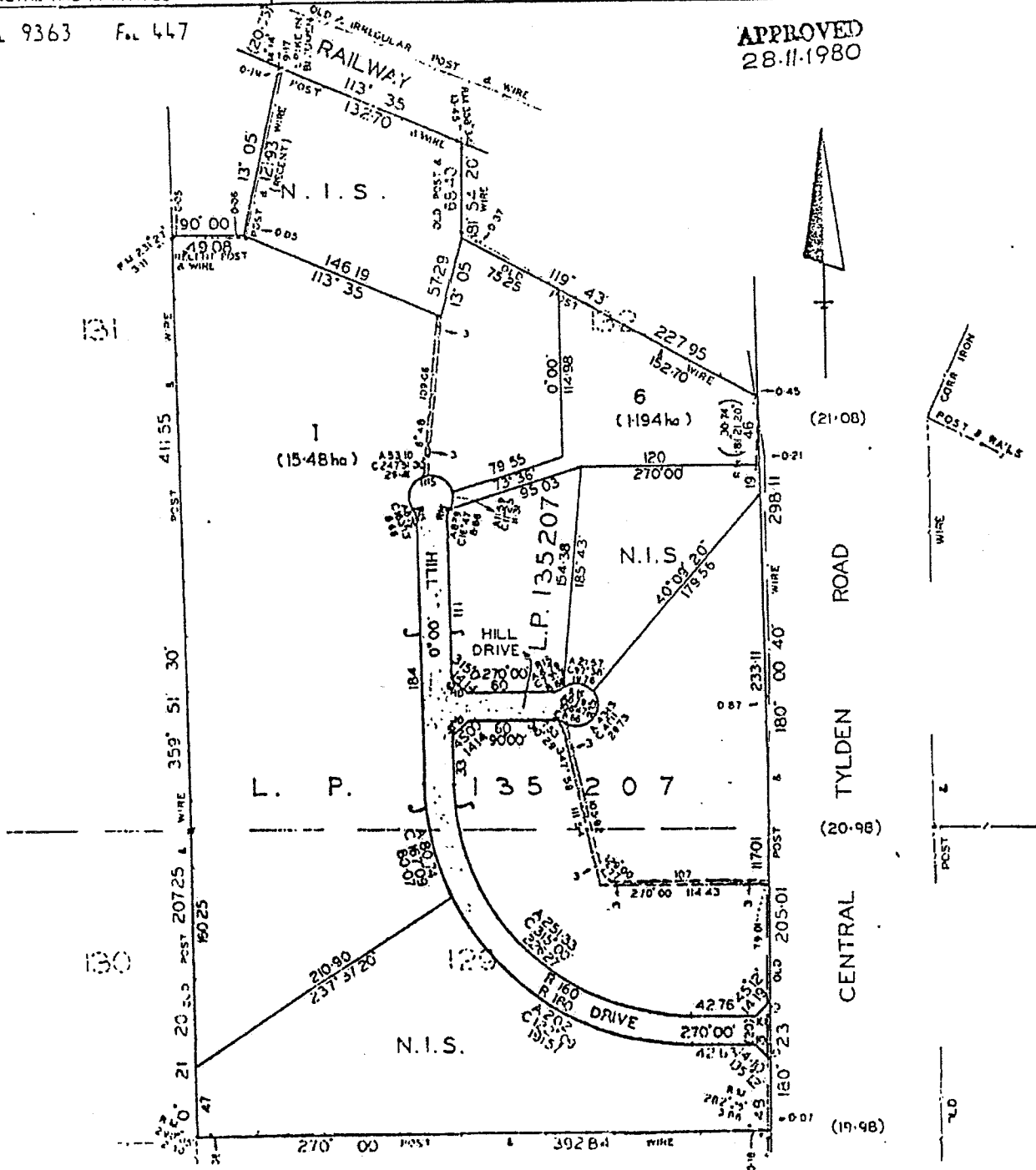
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1 OF SUBDIVISION OF: OF CROWN PORTION 132 & 129 SH: LAURISTON NTY: DALHOUSIE	APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
	BROWN - CARRIAGEWAY & DRAINAGE	GREEN - DRAINAGE VIDE P.5 135202 R.M.'s & ROADWIDTHS ARE NOT SHOWN TO SCALE. R.M.'s ARE 0.3 METRE LONG G.I. PIPES UNLESS OTHERWISE SHOWN.

50 25 0 50 100
LENGTHS ARE IN METRES

Vol 9363 Fol 447

APPROVED
28-11-1980



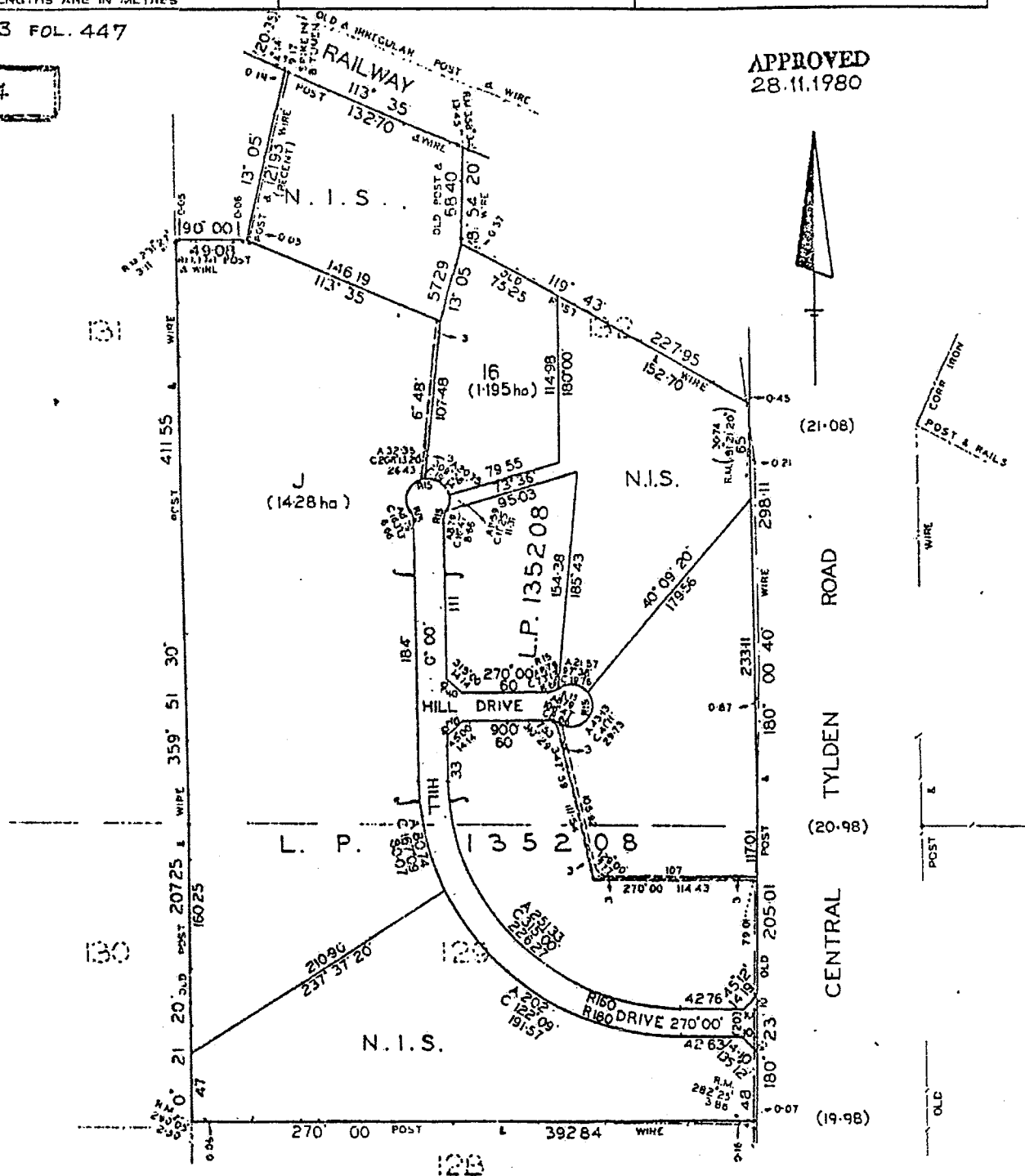
2021

<p>PLAN OF SUBDIVISION OF:</p> <p>PART OF CROWN PORTION 132 & 129</p> <p>PARISH: LAURISTON</p> <p>COUNTY: DALHOUSIE</p> <p>10</p> <p>50 0 50 100 LENGTHS ARE IN METRES</p>	<p>APPROPRIATIONS</p> <p>BROWN - CARRIAGEWAY & DRAINAGE</p>	<p>ENCUMBRANCES & ERECTION STATIONS</p> <p>GREEN DRAINAGE</p> <p>R.M.'s & ROADWIDTHS ARE NOT SHOWN TO SCALE.</p> <p>R.M.'s ARE 0.3 METRE LONG G.I. PIPES UNLESS OTHERWISE SHOWN.</p>
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VOL. 9363 FOL. 447

LITHO 514

APPROVED
28.11.1980



16-2-81

18

20th February, 1980

Crs. Rothe) That the Correspondence be received.
Hanson)

CARRIED.

SECRETARY'S REPORT: See attached.

Crs. McKenna) That the Secretary's Report as attached be received.
Harper)

CARRIED.

ENGINEER'S REPORT: See attached.

Crs. McKenna) That the report be received.
Goodman)

CARRIED.

5. Kerb and Channel Construction:

Crs. Harper) That the recommendations of the Engineer be adopted.
Foote)

CARRIED.

7. Subdivisions for Sealing:

- (a) Crs. McKenna) That the 2-lot plan of subdivision Crown Allotment 62,
White) Parish Baynton and Part Crown Allotment 81, Parish
Langley, Account Knight be signed and the sealed
attached.
- (b) Crs. McKenna) That the 2-lot plan of subdivision, Part Crown Allotment 62,
White) Parish Baynton, Account Knight be signed and the sealed
attached.

CARRIED.

- (c) Crs. Rothe) That the 2-lot plan of subdivision, Crown Portion 129
Goodman) and Part Crown Portion 132, Parish Lauriston, Account
Buchanan be signed and the seal attached.

CARRIED.

8. SUBDIVISION REQUIREMENTS:

Crs. Rothe) That the recommendations of the Engineer as set out in
Goodman) Item 8(a) and 8(b) be adopted and the appropriate notices
be served on the subdivider.

CARRIED.

9. LAURISTON ROAD/CALDER HIGHWAY INTERSECTION:

Crs. Fooks) That Council approve the proposals for this intersection.
Hanson)

CARRIED.

NEW SUBDIVISION:

Crown Allotments 1, 16, 17, Section 37, Township Kyneton. Account Hackwill

Crs. Harper) That the plan be signed and the seal attached.
Foote)

CARRIED.

SHIRE OF KYNETON

ENGINEER'S REPORT 20th February, 1980.

SUBDIVISIONS FOR SEALING.

The following plans are submitted for sealing; all necessary fees and approvals having been received.

- (a) 2 lot plan of subdivision. Crown Allotment 62, Parish Baynton and Part Crown Allotment 81, Parish Langley. Burke and Wills Track.

Owner: G. Knight.

- (b) 2 lot plan of subdivision. Part Crown Allotment 62, Parish of Baynton. Burke and Wills Track.
Owner: G. Knight.

- (c) 2 lot plan of subdivision. Crown Portion 129 and Part Crown Portion 132, Parish Lauriston. Trentham Road and Kyneton - Lauriston Road.
Owner: K. R. Buchanan.

SUBDIVISION REQUIREMENTS.

Recommend requirement be served under Section 569E (1) & (1A) on the following plans of subdivision.

- (a) 16 lot plan of subdivision (3 acres).
Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston. Trentham Road.
Owner: K. R. Buchanan.

- (b) 6 lot plan of subdivision (industrial).
Part Crown Portion 132, Parish Lauriston.
Kyneton - Lauriston Road.
Owner: K. R. Buchanan.

LAURISTON ROAD - CALDER HIGHWAY INTERSECTION.

Plans have been received from the Country Roads Board proposing alterations to this intersection.

The plan proposes the cut off of traffic entering Highway from Lauriston Road at the eastern end of the existing service road. This eliminates the potentially dangerous headon situation. The service road would be two way with right angle intersection with the highway.

Acceleration and deceleration lanes are proposed to permit safe entry and exit from the Lauriston Road and Mineral Springs Reserve.

The existing parking in front of the businesses in this area is reduced but still permits parking of several large vehicles.

The owners have been interviewed on site with Country Roads Board representatives and it is recommended that this Council has no objection to the proposal.

↓ 14
SHIRE OF KYNCTON

NOTICE OF REQUIREMENT UNDER SECTION 569E(1) & (1A) OF THE LOCAL GOVERNMENT ACT 1958.

TO: K. R. Buchanan,
1 Yea Road.,
WHEATVALE. 3757.

Whereas you are the owner of all that piece of land being Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston of which a notice in or to the effect of the thirtieth Schedule to the Local Government Act 1958, together with plan of subdivision Reference No. 79305/G referred to therein was lodged with the Council of the Shire of Kyncton on the 12th February, 1980.

Now therefore take note:-

- (1) That the said Council pursuant to Section 569E(1) of the said Act requires you to construct to the stage specified below (viz. Part Construction) the whole of all new drains, channels, streets, roads, lanes and passages shown on the said plan of subdivision which after the sealing of the said plan the Council would be authorised to make or construct within the meaning of Division 10 of Part XIX or within the meaning of Section 651 of the said Act to the satisfaction of Council in accordance with plans and specifications approved by Council.

"Part Construction" shall mean the full construction of all roads, streets, lanes and passageway pavements, (sealed 5.5^m width) roadside furniture, associated drainage, drainage of all properties including legal and proper outfall drainage.

- (2) That the said Council pursuant to Section 569E (1A) of the said Act REQUIRES you to give or cause to be given to the said Council a written statement or statements from the Kyncton Shire Waterworks Trust that an agreement or agreements have been entered into with this Authority for the provision of water supply to all the land described in the said plan of subdivision.

The Common Seal of the President and Ratepayers of the SHIRE OF KYNCTON hereto affixed this 25th day of FEBRUARY 1980 in pursuance of a Resolution of the Council and in the presence of:-

.....J. L. L. G. M. S......PRESIDENT.

.....M. H. H. H......COUNCILLOR.

.....S. G. R. M......SECRETARY.

15
K. R. & Y. R. Buchanan

EDGECOMBE ROAD KYNETON 3444

Regd. Office:

1 YEA ROAD, HUMEVALE, 37578 PHONE 776 2578. KYNETON OFFICE (054) 22 1631

7th March, 1980.

Mr. G. Wilson,
Shire Engineer,
Shire of Kyneton,
Shire Offices,
KYNETON. 3444

RECEIVED

11 MAR 1980

FILE

Dear Sir,

Re: Tylden Road Subdivision

I am enclosing a cheque for \$376.00 which brings the total paid to \$464.00.

Would you treat the industrial and residential plans separately with regard to requirements.

There is a water requirement on the 1.2 ha lots of \$12,593.00 plus \$200 levy per lot which includes the cost of supplying water to the industrial lots.

There is no sewerage requirement on the 1.2 ha allotments, however there is on the industrial lots but no details have been given because Garlick & Stewart have not finalized details. The road cost will be approximately \$13,000.00.

Would it be possible for approval to be given at the next Council meeting to accept Bank Guarantees, so that the requirements on the subdivision may be lifted.

Yours faithfully,

Ken Buchanan.

K.R. BUCHANAN

Engineer Reply

16

7th May, 1980.

Mr. K. Buchanan,
1 Yea Road.,
HUMEVALE. VIC. 3757.

Dear Sir,

RE: PLAN OF SUBDIVISIONS CROWN PORTION 129 AND PART CROWN PORTION 132,
PARISH LAURITSON.

Council would be prepared to seal the plans of subdivision without a requirement placed thereon if a Bank Guarantee to the value of \$25,000 is lodged to cover road construction costs.

Yours faithfully,

COPY ONLY.

G. J. WILSON
SHIRE ENGINEER

SUM.

AS OF SUBDIVISION FOR SEALING:

Following plans are submitted for sealing; all necessary fees and approvals
have been received.

6 Lot plan of subdivision (Industrial lots).
Lauriston Reservoir Road.
Part Crown Portion 132, Parish of Lauriston.

Owner: K. R. & Y. R. Buchanan.

This plan has been submitted in three parts and a requirement has been served
upon the owner in respect of supply of water and sewerage.

Recommendation:

That the following plans be sealed with an endorsement placed thereon stating
that a requirement under Subsection (1A) of Section 569E of the Local Government
Act 1958 has been made by Council in respect to these plans of subdivision.

- (a) Reference: 79305/B.
2 Lots. (1 & B).
- (b) Reference: 79305/C.
2 lots (2 & C).
- (c) Reference: 79305/D.
4 lots (3, 4, 5 & 6).

18 lot plan of subdivision. 3 acre residential.
Trentham Road - Hill Drive.
Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.

Owner: K. R. & Y. R. Buchanan.

This plan has been submitted in seven parts and a requirement has been served
upon the owner in respect of water supply and part street construction.

Recommend that plans be sealed with an endorsement placed thereon stating that
a requirement under Subsection (1) and (1A) of Section 569E of the Local
Government Act 1958 has been made by Council in respect to these plans.

- (a) Reference: 79305/E.
2 Lots (1 & E).
- (b) Reference: 79305/F.
2 lots (7 & F).
- (c) Reference: 79305/G.
2 Lots (8 & G).
- (d) Reference 79305/H.
2 Lots (5 & H).
- (e) Reference 79305/I.
2 Lots (6 & I).
- (f) Reference 79305/J.
2 Lots (16 & J).
- (g) Reference 79305/K.

21st May, 1980

12

ADDENDUM TO ENGINEER'S REPORT:

1. 6-lot Plan of Subdivision (Industrial lots) Lauriston Reservoir Road
Part Crown Portion 132, Parish Lauriston.

(a) Crs. Pearce) That the plan reference 79305/B be signed and
Salisbury) the seal attached subject to a requirement under
Sub-section (1A) of Section 569E of the Local
Government Act.

CARRIED.

(b) Crs. Rollinson) That the plan reference 79305/C be signed and the
Pearce) seal attached subject to a requirement under Sub-section
(1A) of Section 569E of the Local Government Act.

CARRIED.

(c) Crs. Pearce) That the plan reference 79305/D be signed and the
Salisbury) seal attached subject to a requirement under Sub-section
(1A) of Section 569E of the Local Government Act.

CARRIED.

2. 18-lot plan of subdivision three (3) acre residential.
Trentham Road - Hill Drive.
Crown Portion 129 and Part Crown Portion 132,
Parish Lauriston.

Referred to 569E
(S)(a)

(a) Crs. Rothe) That the plan reference 79305/E be signed and the
Hickey) seal attached subject to a requirement under Sub-section
(1) and (1A) of Section 569E of the Local Government Act.

CARRIED.

(b) Crs. Pearce) That the plan reference 79305/F be signed and the
Rollinson) seal attached subject to a requirement under Sub-section
(1) and (1A) of Section 569E of the Local Government Act.

CARRIED.

(c) Crs. Rollinson) That the plan reference 79305/G be signed and the
Salisbury) seal attached subject to a requirement under Sub-section
(1) and (1A) of Section 569E of the Local Government Act.

CARRIED.

(d) Crs. Pearce) That the plan reference 79305/H be signed and the
Salisbury) seal attached subject to a requirement under Sub-section
(1) and (1A) of Section 569E of the Local Government Act.

CARRIED.

(e) Crs. Rollinson) That the plan reference 79305/I be signed and the
Pearce) seal attached subject to a requirement under Sub-section
(1) and (1A) of Section 569E of the Local Government Act.

CARRIED.

(f) Crs. Salisbury) That the plan reference 79305/J be signed and the seal
Pearce) attached subject to a requirement under Sub-section
(1) and (1A) of Section 569E of the Local Government Act.

CARRIED.

(g) Crs. Pearce) That the plan reference 79305/K be signed and the
Rollinson) seal attached subject to a requirement under Sub-section
(1) and (1A) of Section 569E of the Local Government Act.

CARRIED.

Crs. Rothe) That the Engineer's Report and Addendum be received
Goodman) and adopted.

23rd October, 1980.

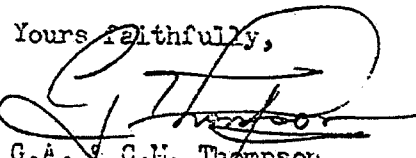
The Secretary,
Shire of Kyneton,
Shire Hall,
KYNETON, VIC., 3404.

Dear Sir,

Please find enclosed Bank Guarantee for subdivision of
K.R. & Y.R. Buchanan at Tilden Road, Kyneton.

This subdivision is now a joint venture between ourselves
and K.R. & Y.R. Buchanan. Mr Ken Buchanan is still managing the
subdivision for the partnership.

Yours faithfully,


G.A. & C.M. Thompson.

131
19/11

Forwarding bank guarantee for
\$25000 covering road construction
on residential subdivision
CP132 of Kyneton.
Rec. Engineer to recommend.

* * *

SHIRE OF KYNETON

ENGINEER'S REPORT.

20
Minutes
19th November, 1980

7. SUBDIVISIONS FOR SEALING.

The following plans of subdivision are submitted for sealing; all the relevant fees and approvals having been received.

8. 2-lot plan of subdivision.
Part Crown Portion 21, Parish of Carlsruhe.
Pipers Creek/Northumberland Road.
Owner: R.A. Jenkins.

Crs. White) That the 2-lot plan of subdivision
Walker) Part Crown Portion 21, Parish of Carlsruhe
Pipers Creek/Northumberland Road.
Owner: R.A. Jenkins be signed and the
seal attached.

CARRIED.

- 2-lot plan of subdivision
Part Crown Allotment 49, Parish of Carlsruhe.
Dettmanns Lane/Blackhill Road.
Owner: Kyneton Golf Club.

Crs. Walker) That the 2-lot plan of subdivision
White) Part Crown Allotment 49, Parish of Carlsruhe
Dettmanns Lane/Blackhill Road
Owner: Kyneton Golf Club be signed and the
seal attached.

CARRIED.

To be sealed with requirement under Section 569E 1 and 1A of the Local Government Act 1958.

- 3-lot plan of subdivision.
Crown Allotment 11 and 12, Section 34, Township of Kyneton.
Parish of Lauriston.
Corner Piper and Jeffrey Street.
Owner B. & D. Murphy.

Crs. Goodman) That the 3-lot plan of subdivision
Rothe) Crown Allotment 11, and 12, Section 34,
Township of Kyneton.
Parish of Lauriston.
Corner Piper and Jeffrey Street
Owner B. & D. Murphy be signed and the
seal attached subject to the requirement
under Section 569E 1 and 1A of the L.G.A. 1958
re Drainage and Sewerage services.

CARRIED

LIFTING OF REQUIREMENT.

The following plans have been sealed with requirement endorsed thereon. The requirement relates to road construction and water reticulation for which bank guarantees have now been lodged.

It is recommended that the requirement be now lifted and the Titles Office so informed.

Crs. Goodman) That the


SHIRE OF KYNETON

ENGINEER'S REPORT

19th November, 1980.

S. LIFTING OF REQUIREMENT cont....

- 79305/E. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.
Central Tylden Road. 2 Lots.
Owner: K. R. & Y. R. Buchanan.
Crs. Goodman) That the requirement be lifted, subject to approval
Salisbury) from the Kyneton Shire Waterworks Trust. CARRIED.
- 79305/F. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.
Central Tylden Road. 2 Lots.
Owner: K. R. & Y. R. Buchanan.
Crs. Pearce) That the requirement be lifted, subject to approval
Salisbury) from the Kyneton Shire Waterworks Trust. CARRIED
- 79305/G. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.
Central Tylden Road. 2 Lots.
Owner: K. R. & Y. R. Buchanan.
Crs. Hollinson) That the requirement be lifted, subject to approval
Salisbury) from the Kyneton Shire Waterworks Trust. CARRIED.
- 79305/H. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.
Central Tylden Road. 2 Lots.
Owner: K. R. & Y. R. Buchanan.
Crs. Hollinson) That the requirement be lifted, subject to approval
Salisbury) from the Kyneton Shire Waterworks Trust. CARRIED
- 79305/I. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.
Central Tylden Road. 2 Lots.
Owner: K. R. & Y. R. Buchanan.
Crs. Pearce) That the requirement be lifted, subject to approval
Hollinson) from the Kyneton Shire Waterworks Trust. CARRIED.
- 79305/J. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.
Central Tylden Road. 2 Lots.
Owner: K. R. & Y. R. Buchanan.
Crs. Hollinson) That the requirement be lifted, subject to approval
Salisbury) from the Kyneton Shire Waterworks Trust. CARRIED.
- 79305/K. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston.
Central Tylden Road. 2 Lots.
Owner: K. R. & Y. R. Buchanan.
Crs. Hollinson) That the requirement be lifted, subject to approval
Salisbury) from the Kyneton Shire Waterworks Trust.


The Registrar of Titles,
283 Queen Street.,
MELBOURNE. VIC. 3000.

Dear Sir,

Plan of Subdivision 2 lots. Part Crown Portion 129 and Part Crown Portion 132,
Parish of Lauriston. Surveyors Reference No. 79305/G. Plan Sealed 21st May, 1980.

Notice is given that the subdivider K. R. & Y. R. Buchanan, has complied with
the conditions of the requirement placed on the above plans pursuant to Section
569E 1 and 1A of the Local Government Act 1958.

Yours faithfully,

G. G. ICHTER
ATTN: SECRETARY

23
Shire Engineer

12th May, 1982.

A. & C.M. Thompson,
4 James Street,
WHITTLESEA, VIC. 3757.

Dear Sir,

Pt 132 Parish Lauriston - Trentham Road

Council are concerned about the delay in completing the works of the above subdivision.

I understand from the rate records that at least two of the lots have been sold and the owners have inquired of Council when the works will be completed.

It is considered that the watermain should be laid forthwith and the roadworks commenced immediately.

I would be pleased to have ^unotice of your intention prior to the Council meeting on the 19th May, 1982.

Yours faithfully,

S.G. PORTER
SHIRE SECRETARY

24

4th November, 1982.

G. A. & C. M. Thompson,
4 James Street.,
WHITTLESEA. VIC. 3757.

Dear Sir,

RE: LANE 132, MAP 132, 132nd LANE - TELINTHAI ROAD.

Further to our letter of the 12th May, 1982 re completion of road works on the above subdivision it is requested that you advise of your intentions in this matter prior to the 17th November, 1982 at which time Council will consider the construction of the road thereby utilising the grant guaranteed available to it.

Yours faithfully,

S. G. FORTER
SHIRE SECRETARY

EXTRA COPY FOR: KATH'S FILE.

Am. 17. 10

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Council has resolved that its rights under the bank guarantee be exercised and a demand for payment will be made on the bank for the full \$25,000-00.

S.G. PORTER
SHIRE SECRETARY.

491463
 19032
 3787
 Certified Mail Posting Receipt
 See also for conditions and method of posting.
 To be completed by the sender.
 Attach to the envelope and deposit
 J. L. Thompson
 H. J. Jones
 L. J. Jones
 DO YOU FORGET A RETURN RECEIPT?
 If you forget a return receipt, the post office will not accept the mail for mailing. The return receipt is a receipt from the post office for the mail. It is a receipt from the post office for the mail. It is a receipt from the post office for the mail.

Council meets on the
third Wednesday each month



TELEPHONE 22 1433

SHIRE HALL
MOLLISON STREET
KYNETON 2444

SHIRE OF KYNETON

10th December, 1982

The Manager
and Lending Department,
Westpac Banking Corporation Ltd.,
360 Collins Street,
MELBOURNE. 3001.

Dear Sir,

RE: G.A. & C.M. THOMPSON
TRADING AS WHITTLESEA SERVICE STATION

In the terms of the guarantee given by the Commercial Bank of Australia Ltd. dated 17th October, 1980 the Council now notifies the Bank that it desires payment of \$25,000-00 for the purpose of constructing a road on the subdivision on Crown Portion 132, Parish of Lauriston.

Please forward payment as soon as possible to the Council,
P.O. Box 151, Kyneton.

Yours faithfully,

S.G. PORTER
SHIRE SECRETARY

