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:

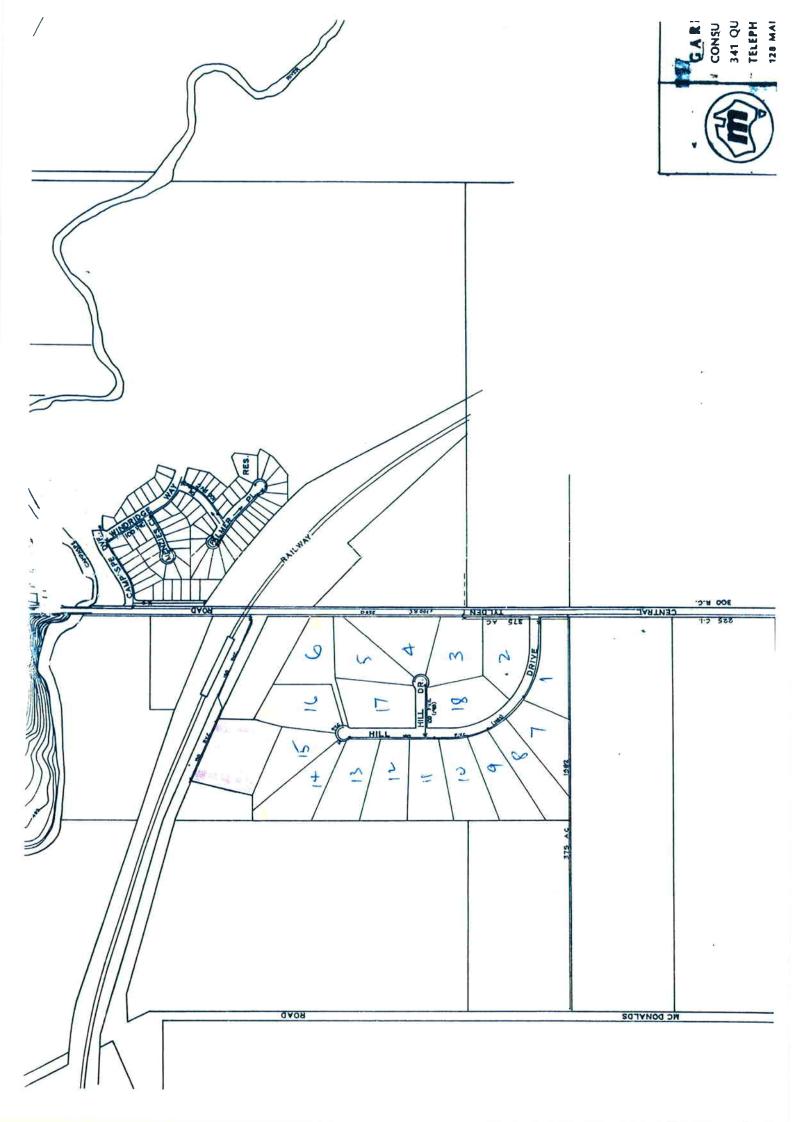
Signature of person taking affidavit

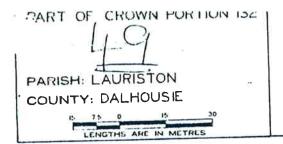
SHARON ROBIN HILL Justice of the Peace Reg. No 106246

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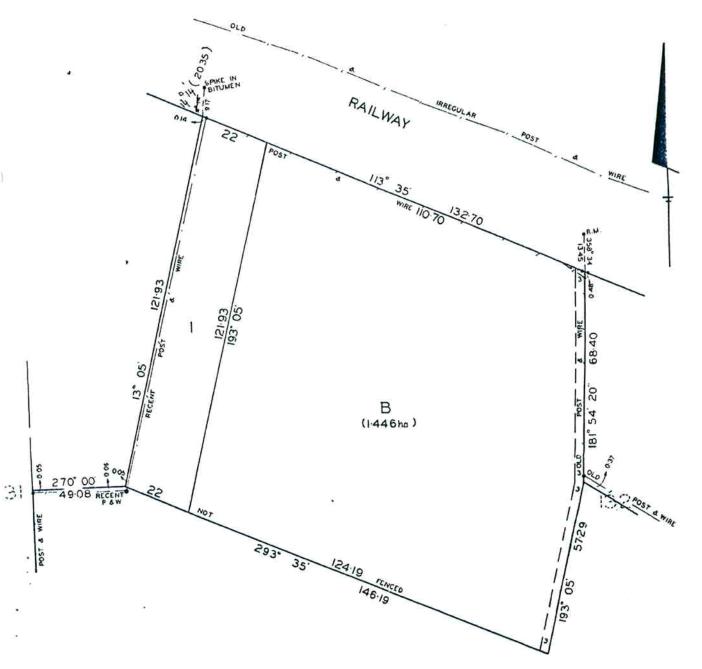
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The transfer of market GLENN ALEKANDER THOMPSON his December 1087





2 ROADWIDTHS ARE NOT SHOWN SCALE L.P.13.



CONSENT OF COUNCIL

Sealed 21st May, 1980.

A requirement under Subsection (1A) of Section 569E of the Local Government Act 1958 has been made

SURVEYORS CERTIFICATI

OF SUBDIVISION OF:

OF CROWN PORTION 132

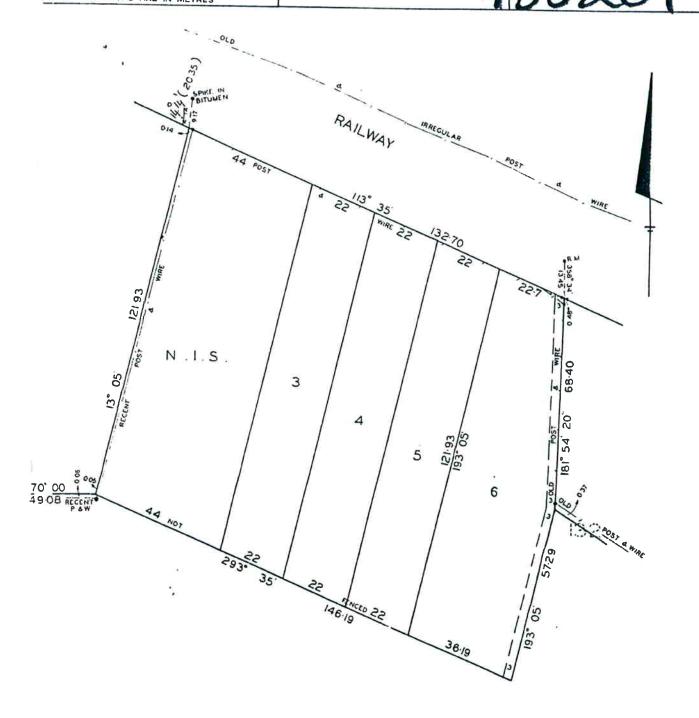
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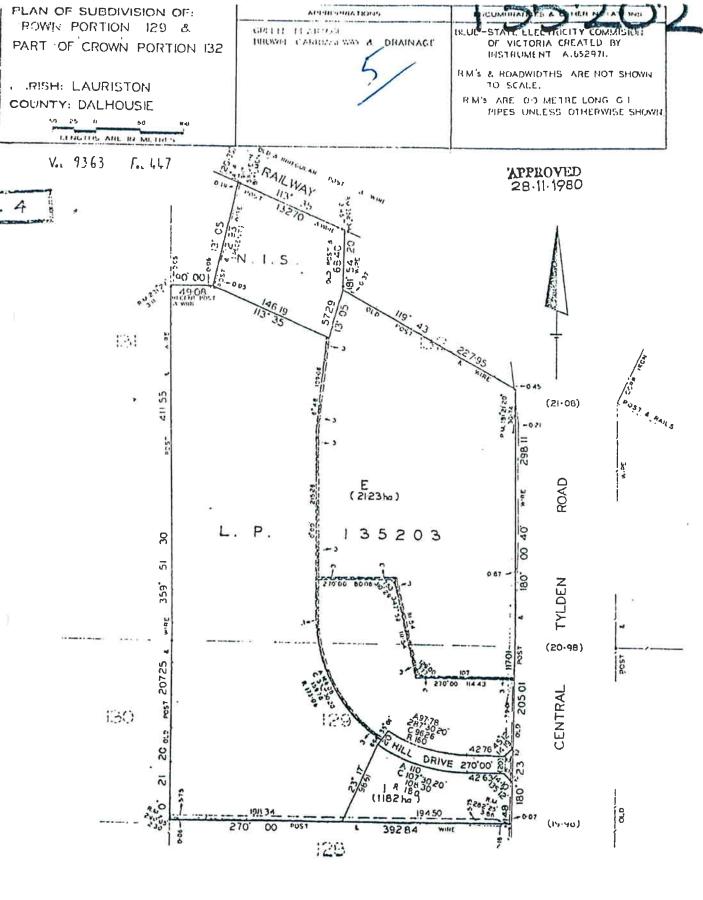
APPROPRIATIONS:

L.P. 135201.

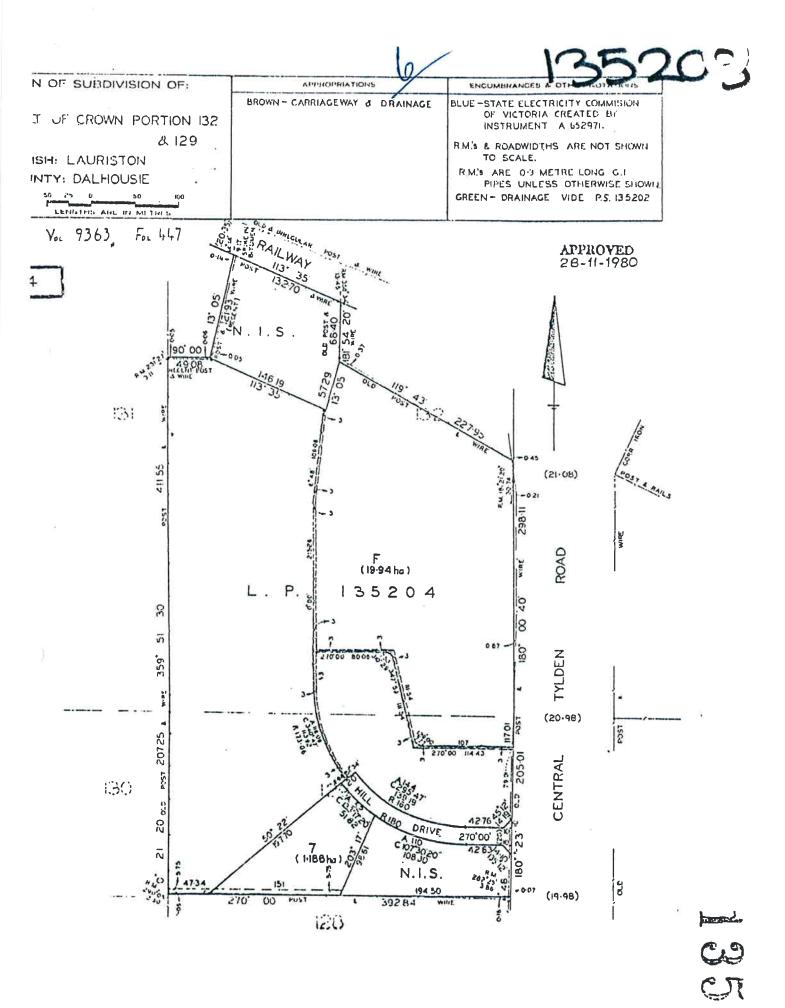
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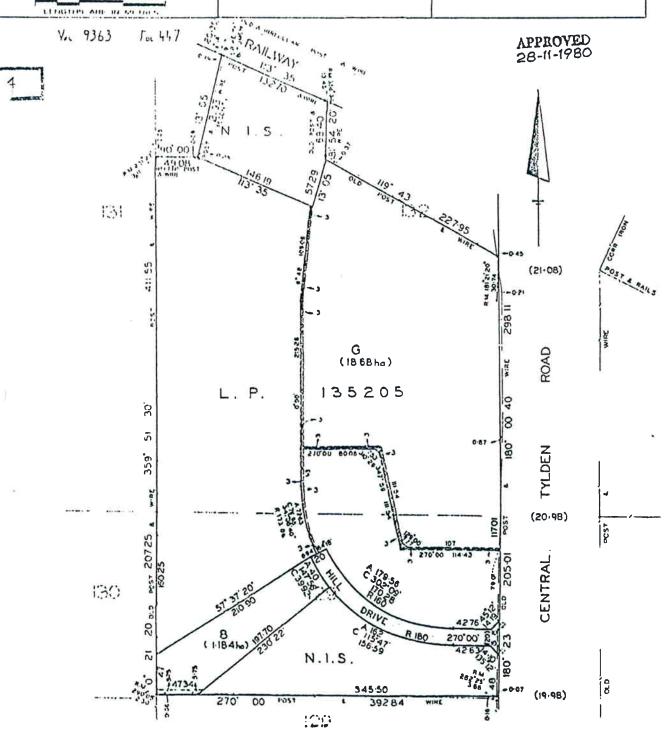
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PLAN OF SUDDIVISION OF:	PRODUCTION AND ADDRESS A	ENCUMERANCES & OTHER NOTATIONS
PART OF CROWN PORTION 132	BROWN - CARRIAGE WAY & DRAINAGE	BLUE "STATE ELECTRICITY COMMISION OF VICTORIA CREATED BY INSTRUMENT A.652471.
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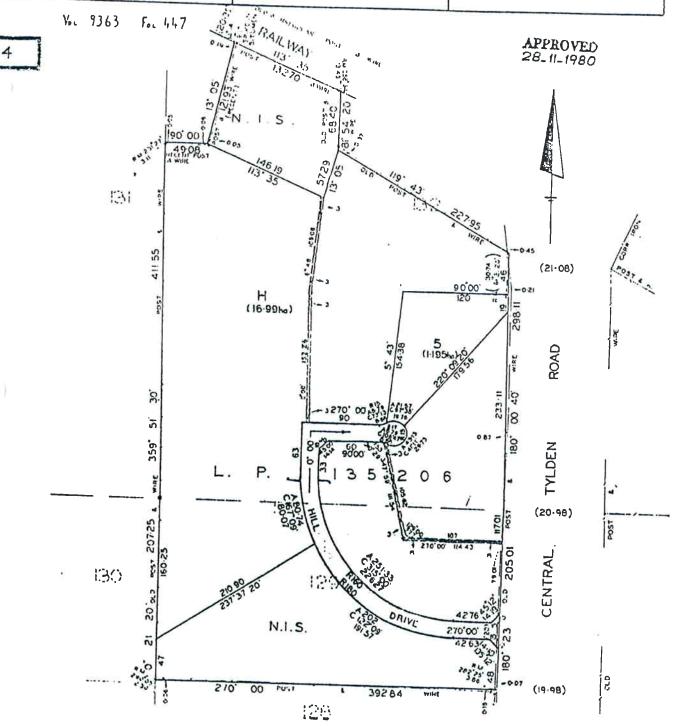


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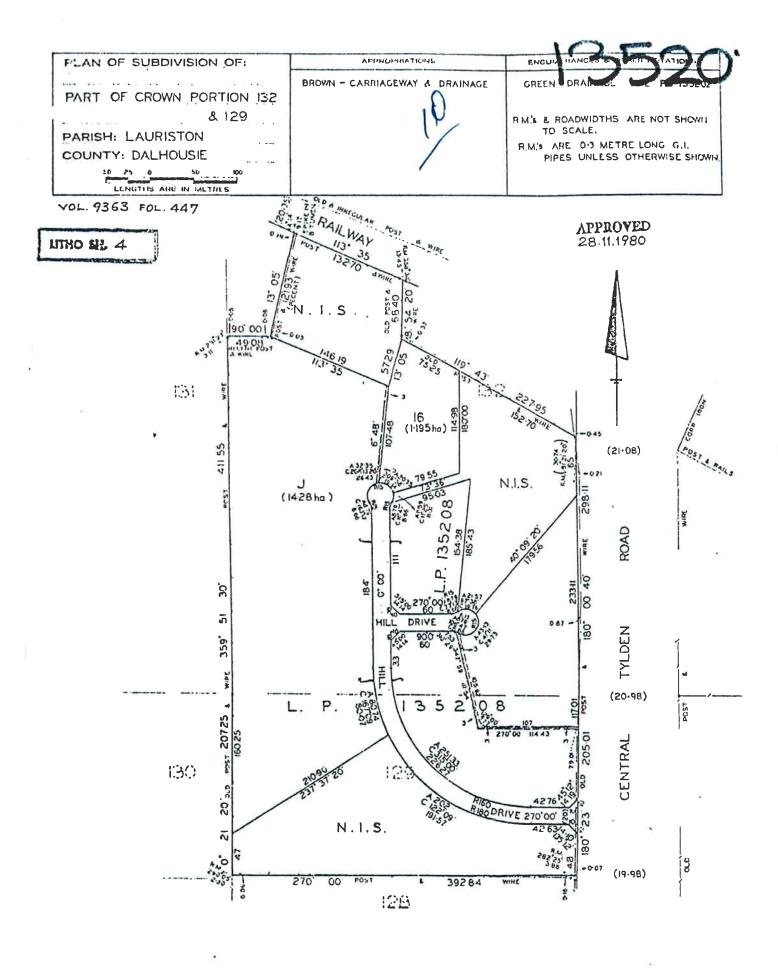
PLAN OF SUBDIVISION OF:	of presentation of	
PART OF CROWN PORTION 132	BROWN - CARRIAGE WAY & DRAINAGE	GREEN - DRAINAGE VIDE PS 135202
& 129		
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20th February, 1980

Crs. Rothe)
Hanson)

That the Correspondence be received.

CARRIED.

SECRETARY'S REPORT:

See attached.

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

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, 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.

CA RRIED.

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

CARRIED.

3. SUBDIVISD N 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.

CARRIFD.

>. LAURIS D N ROAD/CALDER HIGHWAY INTERSECTION:

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

יות בבובטייי

MANY CURSOLIDATION:

Trace illotrents 1, 16, 17, Section 37, Township Kyneton. Account Hackwill free Earper) That the plan be signed and the seal attached.

Foote)

CARRIED.

TO A PORT OF CHES

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 lat 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) & (1 Λ) 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 deacceleration 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.



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

TO: K. R. Buchanan,
1 Yes Road.,
HHETWALE. 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 thirthieth 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 Shi e of Hyheton on the 12th February, 1980.

Now therefore take note:-

(1) That the said Jouncil pursuant to Section 569R(1) of the said Act requires you to construct to the stage specified below (viz. Fart 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" width) roadside furniture, associated drainage, drainage of all properties including legal and proper outfall drainage.

(2) That the said Council pursuent to Section [69E (14) of the said Act REQUIRES you to give or cause to be given to the said Council a written statement or statements from the Lyncton 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 KYNETON hereto affixed this Sold day of Charles 1980 in pursuance of a Resolution of the Council and in the presence of:-

	•	• •	•	I to be GO Still	PRESIDENT.
•			•	1.1. HARFIEL	GOUNGILLOR.
•		• •		S.G. Paur	SECRETARY.

K. R. & Y. Buchanan
EDGECOMBE ROAD KYNETON 3444

Regd. Office:

1 YEA ROAD, HUMEVALE, 3757 PHONE F 16 2578; KYNETON OFFICE (054) 22 1631

7th March, 1980.

Mr. G. Wilson,
Shire Engineer,
Shire of Kyneton,
Shire Offices,
KYNETON. 34444

RECEIVED

11 MAR 1980

FILE 14.

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,

K.R. BUCHANAN

Engine Reply

7th May, 1980.

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

3757.

Dear Sir,

PLAN OF SUBDIVISIONS CROWN FORTION 129 AND PART CROWN FORTION 132, PARISH LAURICEN.

Council would be prepared to seal the plans of subdivision without a requirement placed thereon if a Bank Guarantee to the value of 325,000 is lodged to cover road construction costs.

Yours faithfully,

COPI Onli

G. J. WILSON SHIRE EMGINEER

FOF SUBDIVISION FOR SEALING:

following plans are submitted for sealing; all necessary fees and approvals ag 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) r .Reference 79305/I. 2 Lots (6 & I).
- √f) Reference 79305/J.
 2 Lots (16 & J).
- (g) Reference 79305/K.

17

21st May, 1980

ADDENDUM TO ENGINEER'S REPORT:

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

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

(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) 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.

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

23rd October, 1980.

The Secretary, Shire of Kyneton, Shire Hell, KYNETON, VIC., 31

Dear Sir,

Please find enclosed Bank Guarantee for subdivision of

K.R. & Y.R. Buchanan at Tylden 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.

SHIRE OF KYNETON

ENGINEER'S REPORT.

Minute.

19th November, 1980

SUBDIVISIONS FOR SEALING.

7.

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

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

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
Dettnanns 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.

fire Goodman \ mass as

21

SHIRE OF KYNETON

ENGINEER'S REPORT

19th November, 1980.

- 5. <u>LIFTING OF REQUIREMENT</u> 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 to lifted, subject to approved from the Kyneton Shire Vaterworks Trust.

 CAPPITED.
- 79305/F. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston. Central Tylden Road. 2 Lots.
 Owner: K. R. & Y. R. Buchanan.
 - Ors. Fearca) That the requirement to lifted, subject to approval Salishury) from the Kymeton Shire Vaterworks Trust.
- 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. Tollinson) That the requirement he lifted, subject to approval from the Tyneton Shire Materworks Trust.

 CARPIED.
- 79305/H. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston. Central Tylden Road. 2 Lots.
 Owner: K. R. & Y. R. Buchanan.
 - Ors. Follinson) That the requirement he lifted subject to approval from the Evneton Shira Materworks Trust.
- 19305/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 approve from the Eyneton Shire Veterworks Trust.
- '9305/#. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston. Central Tylden Road. 2 Lots.
 Owner: K. R. & Y. R. Buchanan.
 - Crs. Collinson) That the requirement be lifted, subject to approval Calis'urv) from the Kanaton Shire Vatorworks Trust.
- 9305/K. Crown Portion 129 and Part Crown Portion 132, Parish of Lauriston. Central Tylden Road. 2 Lots. Owner: K. R. & Y. R. Buchanan.
 - Ors. Rollinson) That the requirement be lifted, subject to approval from the Typeton Shire Materials.

3.

Note of Little November, 1980.

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

Dear Sir,

Plan of Subdivision 2 lots. Part Crown Portion 129 and Fart 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. LORTER

23

12th May, 1982.

.A. & C.M. Thompson, # 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 shave notice 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. N. Thompson, 4 James Street., PHITTI/SIA. VIC. 3757.

Denr Sir.

R .: 1 APT 132, 1/40T() TELENTRAL KOAD.

Further to our letter of the 12th Pay, 1982 re completion of road works on the above succivition it is requested that you advise of your intentions in this matter prior to the 17th covenber, 1982 at which time Council will consider the construction of the road thereby utilizing the Mark Currentee evailable to it.

Yours faithfully,

S. G. CET C SHIRL CECKLIFFY

EXTRA COPY FOR: KATH'S FILE.

Advice of Derisian
of Call to dollark

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

Dear Sir/Madam,

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I refer to previous correspondence in regard to the construction of the road on subdivision being part Crown Part 129, 132, Parish of Lauriston.

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.

The work will be commenced shortly and any adjustment made on completion.

Yours faithfully,

S.G. PORTER SHIRE SECRETARY.



All communications to be addressed to the Secretary

Council meets on the third Wednesday each month



TELEPHONE 22 1433

SHIRE OF KYNETON

en en line en ling hit.

10th December, 1982

00

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.

RECEIVED WAL ADMINISTRATION SECTION

13 DEC 1982

CHILE MANAGEMES OF IC. MELBOUTHE

mitten