

It is accepted by counsel for both parties that the requirement to give the Council the necessary statement of the Trust was satisfied. The requirement of Mr Buchanan under section 569E was to perform road or street construction works. By paragraphs (a) and (c) of section 569E(1), the Council is empowered to require of the owner of land performance of particular street construction works in connection with a plan of subdivision and by paragraphs (b) and (d) the Council may require payment or security for an amount equivalent to the cost of carrying out those construction works by the Council itself.

The requirement by its terms, served on the applicant, was made by the Council under paragraph (a) of subsection (1) in addition to subsection (1A). By section 569E(3) the Council is required to cause on the plan of subdivision an endorsement of the requirement made under subsection (1) or (1A) and to serve copies of the requirement on the owner. Service of the requirement upon the owner is mandatory; subsection (11). All actions by the owner and the Council in respect to the requirement must be recorded by the Council; subsection (3)(c).

It follows that it is performance of the requirement endorsed on the plan of subdivision and the subject of the notice served upon him which the owner is bound to discharge. By paragraph (ca) of subsection (3) of section 569A it is provided as follows:

"Where pursuant to this section the council requires the full construction or part construction of any street, road, lane or passage or any payments, security or undertaking to be made or