

WOODLEIGH HEIGHTS RESORT DEVELOPMENTS

Edgecombe Road,
Kyneton, 3444.

124

29th October, 1985.

The Secretary,
Kyneton Water Board,
Mollison Street,
KYNETON. VIC. 3444.

→ In Waterworks District
→ Supplied to Woodleigh Heights
by agreement.

Dear Sir,

Re: Sewerage and Water Agreement

Our company currently has agreements with the Kyneton Water Trust and Kyneton Sewerage Authority for the supply of water and conveyance of sewage to and from the land in Cluster Plan of Subdivision No: 1134 and for the proposed commercial development at the north east of Edgecombe Road and Melville Drive.

The agreement for the supply of water was originally negotiated by Mr Ken Buchanan who was the previous owner of the land.

The sewerage agreement was supplied after application by our company to develop a holiday resort on the subdivision and adjoining land.

At the time of entering the agreements our company owned some of the land within the cluster subdivision and had what we believed to be secure options over the balance of the land.

Unbeknown to us some of the land had previously been sold by K.R. & Y.R. Buchanan to G.A. & C.M. Thompson of Whittlesea and following a Supreme Court Writ which we defended and subsequently settled out of court we no longer have any claim or option over the land owned by Thompson.

We still have options over the balance of the land which is owned by K.R. & Y.R. Buchanan and to avoid confusion have enclosed a map showing the land owned by each party.

The purpose of the letter is to try to solve a number of problems for the other landowners and ourselves.

The other owners currently own land for which building permits will not be assured unless they are connected to a reticulated water supply and to sewer mains.

The Shire have allowed the subdivision to proceed on the understanding that it would be in the one ownership and face possible legal action if permits are refused to the other owners.

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ANS'D 12.11.85.

A condition of our settlement of the Supreme Court action was that we do everything possible to secure access to sewer and water for G.A. & C.M. Thompson land and failure to secure this access places us in breach of the out of court settlement.

It appears that the easist way to resolve the problem would be for a new agreement to be made with the Body Corporate Cluster Plan No: 1134 to allow the owners of all allotments within the Cluster Plan of subdivision access to the Sewer and Water Systems.

Our company wishes to retain these rights for not only the land within the Cluster Subdivision but also the Commercial Development adjoining.

The sewerage pump is located in an easement on this commercial land and our company owns the pump and pays for its upkeep and it may be easier to leave our existing agreement intact and have a seperate agreement with the body corporate.

The cost of internal reticulation must be met by the Thompsons and not our company (to service Thompsons blocks) and naturally that would be under your engineers supervision.

In the interest of health it would seem more appropriate for sewerage connection to be an essential service in the area as two natural water courses cross the property and septic systems may polute these.

We don't however insist on this and believe it would be the decision of your board or its Health Inspector.

If possible we would like to address the Kyneton Water Board to ensure that its members are clear on the matter prior to making a decision and we trust we can receive a positive response to our application for access to the services being granted to the other owners or specifitically G.A. & C.M. Thompson.

We look forward to your reply.

Yours faithfully,



BRIAN.N. MURPHY.
Managing Director.

BNM:bam