

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION**

Court Number: **6321 of 2005**

B E T W E E N :

**GLENN ALEXANDER THOMPSON
& CHERYL MAREE THOMPSON**

Plaintiffs

- and -

MACEDON RANGES SHIRE COUNCIL

First Defendant

- and -

THE COLIBAN REGION WATER AUTHORITY

Second Defendant

THIRD AFFIDAVIT OF GLENN THOMPSON

Date of Document: 7th November 2005

Filed on behalf of: The Plaintiffs

Prepared by:

Baldock, Stacy & Niven

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I, Glenn Alexander Thompson, Programmer, of 68 Summer St Orange New South Wales make oath and say:-

- 1) I am the first plaintiff in this proceeding and I have filed two previous affidavits *****
- 2) In addition to the exhibits exhibited to the previous affidavits I now wish to exhibit and refer to the following documents for these proceedings.
 - a) Valuation Report, Lauriston Reservoir Road Kyneton prepared for me by WBP property Valuers 31st October 2005. A copy of the said Valuation Report is now shown to me and marked with the letters "GAT-23"
 - b) Bundle of documents admitted into evidence by Graeme Wilson for the Council in the 1987 Magistrates Court proceeding. In this proceeding a Notice for Discovery was served on the Council however the Council refused to comply and did not provide discovery. This was of no particular concern to myself as my defence to the claim of the Council was that I was not "the owner" and documents which may or may not be discovered by the Council could not go to this point of fact. The bundle of documents admitted into evidence were provided to my then Barrister, Mr. Barry Fox at the Court door, as the matter was called. The documents provided were black and white copies. Mr Fox proceeded to number the documents in blue and these numbers are now



present on the top of each document in the range 2 to 26 inclusive. While the Council was giving it's evidence Mr Fox made notes on the documents in both red and blue ink.

- i) The "clipped" copies of the plans admitted into evidence are numbered 2 to 12 inclusive and comparison of these plans with the plans contained in my previous exhibits GAT-8 and GAT-9 reveals that the Council discovered the identical "clipped" plans in the 1988 County Court proceeding.
- ii) The front sheet of this bundle of documents is numbered "GT.3" which is the exhibit number for the purpose of the 1987 Supreme Court Appeal.
- iii) The bundle of documents now exhibited by my has been copied in colour.

Now produced and shown to me marked with the letters GAT-24 is the bundle of documents referred to in this paragraph.

- c) "Sheet 1" and "Sheet 2" of Plan of Cluster Subdivision registered 9th August 1979 and showing that the Common Property of the Cluster Subdivision is all of the land except the allotments and the land marked "Public Road". Now produced and shown to me marked with the letters "GAT-25" is a copy of Sheet 1 and Sheet 2 referred to in this paragraph.
- d) Copy of Water Supply Agreement made 1/1/1982 between Kyneton Shire Waterworks Trust and Woodleigh Heights Resort Developments Pty. Ltd. Now produced and shown to me marked with the letters "GAT-26" is a copy of the water supply agreement referred to in this paragraph.
- e) Copy "Shire of Kyneton Planning Scheme Interim Development Order" ("the IDO"). Now produced and shown to me marked with the letters GAT-27 is a copy of the IDO referred to in this paragraph.

SWORN at Orange in the State of

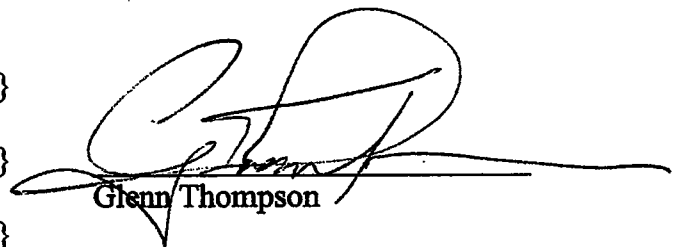
New South Wales this 7th day

of November 2005

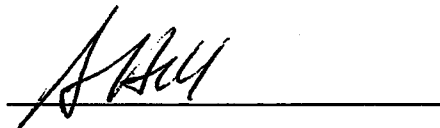
}

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Glenn Thompson

Before me:



SHARON ROBIN HILL
Justice of the Peace
Reg. No 106246