

(13)

MR. BUCHANAN THERE ARE INITIALS APPROVED COUNCIL

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

Office:
1 YEA ROAD, HUMEVALE, 3757 PHONE 776 2578; KYNETON OFFICE (054) 22 1631

es

7th March, 1980.

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

COPY

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

THE APPROVAL WAS MADE AFTER THE NOTICES OF REQUIREMENT WERE SERVED

BUT BEFORE THE PLANS WERE SETTLED

COUNCIL REPLIED.

116

7th May, 1930.

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

COPY

Dear Sir,

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

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,

COPY ONLY.

G. J. WILSON
SHIRE ENGINEER

WICH IS IN BREACH OF

366

1958

Local Government

No. 6299

provisions of section five hundred and seventy of this Act, cause the construction to be carried out in accordance with the plans and specifications submitted to the council by him or on his behalf.

Sec. (3) amended
by No. 8531 s. 3
(b) (i).

(3) Where pursuant to this section the council requires the full construction or part construction of any street road lane or passage or any payment security or undertaking to be made or given in respect thereof or the provision of works of water supply sewerage or drainage the following provisions shall have effect:—

Para. (a)
amended by No.
8531 s. 3 (b) (ii).

(a) The council shall cause an endorsement to be made on the plan before it is sealed to the effect that a requirement has been made under sub-section (1) or sub-section (1A) of this section;

~~THE~~ MR BUCHANAN DID NOT LODGE A
GUARANTEE AT THIS TIME AND THE
PLANS WERE SEALED BY COUNCIL ON 21/5/30
WITH REQUIREMENTS ENDORSED THEREON

(C)

SUBSEQUENTLY UPON RECEIVING MY
GUARANTEED COUNCIL STATE EFFECT TO
THE ORIGINAL INTENT BY LYING TO THE
REGISTRAR OF TITLE

ALTHOUGH THE REQUIREMENTS WERE NOT
COMPLIED WITH.

9. Look at paragraph 18 of the 'Plaintiffs' Statement
of Claim and state:

(a) what the conditions of the requirement therein
referred to were;

(b) whether each of the conditions therein referred
to had been complied with in any and if so
what way in or about -

(i) September 1980;

(ii) October 1980;

(iii) November 1980;

(iv) some other and if so what date in
1980 -

by the sub-divider therein referred to;

(c) whether each of the conditions therein referred
to were not complied with in any and if so
what way.

INTERROGATORY
9 ON COUNCIL

REPLY

4.

(a) The requirements of Section 569E of the Local
Government Act 1958;

(b) No;

(c) At a later stage the conditions were complied
with by the Firstnamed Defendant.

(C)

(C16)

THE COUNCIL ADVISED THE REGISTRAR OF TITLES

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

24th November, 1980.

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. K. 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,

S. G. PORTER
SECR. DEPUTY

(DOC C15)

WHEREUPON THE REGISTRAR OF TITLES APPROVED
THE PLANS AND MR BUCHANAN WAS ABLE TO
COMPLETE HIS ILLEGAL SALES.

THERE WAS NO AGENCY FOR THIS PURPOSE

IN EVIDENCE AT BENDIGO THE ENGINEER STATED THAT
THE REASON FOR ACCEPTING THE GUARANTEE AND
LIFTING THE REQUIREMENTS WAS TO
ASSURE THE CASH FLOW OF THE
DEVELOPER.