

**IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
VALUATION COMPENSATION AND PLANNING LIST**

**No. S CI 2017 00226**

**BETWEEN**

**GLEN ORA ESTATE PTY LTD (ACN 004 118 674)**

**First Plaintiff**

**and**

**EUGENIA APOSTOLOFF**

**Second Plaintiff**

**and**

**BRIMBANK CITY COUNCIL**

**Defendant**



**ORDER**

**JUDGE:** The Honourable Justice Cavanough  
**DATE MADE:** 5 June 2018  
**ORIGINATING PROCESS:** Writ filed 25 January 2017  
**HOW OBTAINED:** On the papers following a mention on 25 May 2018  
**ATTENDANCE:** Not applicable  
**OTHER MATTERS:** On Monday 21 May 2018 the trial of the proceeding was adjourned to a date to be fixed.

**THE COURT ORDERS THAT:**

1. By 8 June 2018 the plaintiffs shall give notice of this proceeding and a copy of this order to each person who is a registered proprietor or registered mortgagee or caveator of the land identified in Schedule A to this order by pre-paid Priority post at the last recorded address of that person appearing on the register held by Land Victoria (the Office of the Registrar of Titles) or rate book (if any), or otherwise to the last known address of that person.
2. By 8 June 2018 the defendant shall give notice of this proceeding and a copy of this order to each person who is the ratepayer of the land identified in Schedule A to this order by pre-paid Priority post at the last recorded address of that person appearing on the defendant's register of ratepayers.
3. The notice shall be in the form of Schedule B to this order.
4. By 8 June 2018 the plaintiffs shall display publicly a copy of the notice which is to be enlarged to size A3 and encased in a waterproof cover and affixed in a conspicuous position on the property at Munro Avenue Sunshine North, in the State of Victoria at its intersection with

Bunnett Street Sunshine North, facing Bunnett Street.

5. The public notice referred to in order 4 shall remain displayed until further order.
6. The proceeding be listed for a directions hearing before the Honourable Justice Cavanough at 10:00am on Friday 20 July 2018 at 210 William Street, Melbourne, at a Court room to be nominated.
7. By 4pm three business days prior to the directions hearing, the parties shall file and serve an affidavit:
  - a) of service, addressing compliance with orders 1, 2 and 4 hereof;
  - b) setting out the names and contact details of any person who has made an enquiry of them as to the proceeding.

**DATE AUTHENTICATED: 5 June 2018**



*Anthony Cavanough*  
**THE HON. JUSTICE CAVANOUGH**

SCHEDULE A

LAND FOR THE BENEFIT OF WHICH  
NOTIFICATION IS TO BE GIVEN

| SCHEDULE A  |                        |          |    |            |            |
|---|------------------------|----------|----|------------|------------|
| LAND FOR THE BENEFIT OF WHICH NOTIFICATION IS TO BE GIVEN |                        |          |    |            |            |
| Lot No.   |                        | Plan No. |    | Street No. | Road       |
| 1   | on plan of subdivision | TP108231 | at | 1          | Auburn Ave |
| 1   | on plan of subdivision | TP190646 | at | 3          | Auburn Ave |
| 1   | on plan of subdivision | TP190647 | at | 3          | Auburn Ave |
| 1   | on plan of subdivision | TP200183 | at | 6          | Auburn Ave |
| 1   | on plan of subdivision | TP200182 | at | 6          | Auburn Ave |
| 1   | on plan of subdivision | TP200181 | at | 6          | Auburn Ave |
| 1   | on plan of subdivision | TP603297 | at | 7          | Auburn Ave |
| 1   | on plan of subdivision | TP200180 | at | 10         | Auburn Ave |
| 1   | on plan of subdivision | TP200179 | at | 10         | Auburn Ave |
| 1   | on plan of subdivision | TP544850 | at | 10         | Auburn Ave |
| 1   | on plan of subdivision | TP215275 | at | 11         | Auburn Ave |
| 1   | on plan of subdivision | TP215276 | at | 11         | Auburn Ave |
| 1   | on plan of subdivision | TP96100  | at | 28         | Auburn Ave |
| 1   | on plan of subdivision | TP215277 | at | 29         | Auburn Ave |
| 1   | on plan of subdivision | TP215278 | at | 29         | Auburn Ave |
| 1   | on plan of subdivision | TP215279 | at | 29         | Auburn Ave |
| 1   | on plan of subdivision | TP215280 | at | 29         | Auburn Ave |
| 1   | on plan of subdivision | TP215281 | at | 29         | Auburn Ave |
| 112   | on plan of subdivision | LP11601  | at | 29         | Auburn Ave |
| 113   | on plan of subdivision | LP11601  | at | 29         | Auburn Ave |
| 114   | on plan of subdivision | LP11601  | at | 29         | Auburn Ave |

|     |                        |          |    |     |                |
|-----|------------------------|----------|----|-----|----------------|
| 115 | on plan of subdivision | LP11601  | at | 29  | Auburn Ave     |
| 116 | on plan of subdivision | LP11601  | at | 29  | Auburn Ave     |
| 117 | on plan of subdivision | LP11601  | at | 29  | Auburn Ave     |
| 1   | on plan of subdivision | TP176966 | at | 29  | Auburn Ave     |
| 1   | on plan of subdivision | TP176965 | at | 29  | Auburn Ave     |
| 1   | on plan of subdivision | TP176964 | at | 29  | Auburn Ave     |
| 1   | on plan of subdivision | TP99955  | at | 30  | Auburn Ave     |
| 1   | on plan of subdivision | TP134319 | at | 32  | Auburn Ave     |
| 1   | on plan of subdivision | TP134318 | at | 32  | Auburn Ave     |
| 2   | on plan of subdivision | TP100046 | at | 36  | Auburn Avenue  |
| 7   | on plan of subdivision | TP258761 | at | 37  | Auburn Avenue  |
| 6   | on plan of subdivision | TP258761 | at | 37  | Auburn Avenue  |
| 5   | on plan of subdivision | TP258761 | at | 37  | Auburn Avenue  |
| 4   | on plan of subdivision | TP258761 | at | 37  | Auburn Avenue  |
| 3   | on plan of subdivision | TP258761 | at | 37  | Auburn Avenue  |
| 2   | on plan of subdivision | TP258761 | at | 37  | Auburn Avenue  |
| 1   | on plan of subdivision | TP258761 | at | 37  | Auburn Avenue  |
| 1   | on plan of subdivision | TP100046 | at | 38  | Auburn Avenue  |
| 172 | on plan of subdivision | LP12375  | at | 40  | Auburn Avenue  |
| 173 | on plan of subdivision | LP12375  | at | 40  | Auburn Avenue  |
| 170 | on plan of subdivision | LP12375  | at | 44  | Auburn Avenue  |
| 171 | on plan of subdivision | LP12375  | at | 44  | Auburn Avenue  |
| 2   | on plan of subdivision | TP102381 | at | 48  | Auburn Avenue  |
| 1   | on plan of subdivision | TP102381 | at | 48  | Auburn Avenue  |
| 130 | on plan of subdivision | LP12375  | at | 35A | Auburn Avenue  |
| 92  | on plan of subdivision | LP12375  | at | 12  | Baldwin Avenue |
| 91  | on plan of subdivision | LP12375  | at | 12  | Baldwin Avenue |
| 63  | on plan of subdivision | LP12375  | at | 18  | Baldwin Avenue |
| 140 | on plan of subdivision | LP12375  | at | 1   | Balfour Avenue |
| 139 | on plan of subdivision | LP12375  | at | 3   | Balfour Avenue |
| 143 | on plan of subdivision | LP12375  | at | 4   | Balfour Avenue |
| 1   | on plan of subdivision | TP209777 | at | 5   | Balfour Avenue |

|     |                        |          |    |     |                |
|-----|------------------------|----------|----|-----|----------------|
| 141 | on plan of subdivision | LP12375  | at | 6   | Balfour Avenue |
| 1   | on plan of subdivision | TP654236 | at | 9   | Balfour Avenue |
| 1   | on plan of subdivision | TP114880 | at | 11  | Balfour Avenue |
| 1   | on plan of subdivision | TP116881 | at | 15  | Balfour Avenue |
| 67  | on plan of subdivision | LP12375  | at | 17  | Balfour Avenue |
| 64  | on plan of subdivision | LP12375  | at | 17  | Balfour Avenue |
| 65  | on plan of subdivision | LP12375  | at | 17  | Balfour Avenue |
| 66  | on plan of subdivision | LP12375  | at | 17  | Balfour Avenue |
| 36  | on plan of subdivision | LP12375  | at | 21  | Balfour Avenue |
| 37  | on plan of subdivision | LP12375  | at | 21  | Balfour Avenue |
| 38  | on plan of subdivision | LP12375  | at | 21  | Balfour Avenue |
| 41  | on plan of subdivision | LP12375  | at | 22  | Balfour Avenue |
| 40  | on plan of subdivision | LP12375  | at | 22  | Balfour Avenue |
| 39  | on plan of subdivision | LP12375  | at | 22  | Balfour Avenue |
| 1   | on plan of subdivision | TP102179 | at | 27  | Balfour Avenue |
| 1   | on plan of subdivision | TP102549 | at | 28  | Balfour Avenue |
| 1   | on plan of subdivision | TP111318 | at | 28  | Balfour Avenue |
| 1   | on plan of subdivision | TP111319 | at | 29  | Balfour Avenue |
| 191 | on plan of subdivision | LP12375  | at | 31  | Balfour Avenue |
| 9   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 8   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 7   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 6   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 5   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 2   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 1   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 4   | on plan of subdivision | TP748526 | at | 32  | Balfour Avenue |
| 1   | on plan of subdivision | TP297230 | at | 32  | Balfour Avenue |
| 1   | on plan of subdivision | TP104246 | at | 33  | Balfour Avenue |
| 1   | on plan of subdivision | TP825152 | at | 35  | Balfour Avenue |
| 167 | on plan of subdivision | LP12375  | at | 35A | Balfour Avenue |
| 138 | on plan of subdivision | LP12375  | at | 3A  | Balfour Avenue |

|     |                        |          |    |    |                |
|-----|------------------------|----------|----|----|----------------|
| 142 | on plan of subdivision | LP12375  | at | 4A | Balfour Avenue |
| 62  | on plan of subdivision | LP11601  | at | 37 | Burwood Ave    |
| 1   | on plan of subdivision | TP142769 | at | 39 | Burwood Ave    |
| 91  | on plan of subdivision | LP11601  | at | 40 | Burwood Ave    |
| 92  | on plan of subdivision | LP11601  | at | 40 | Burwood Ave    |
| 93  | on plan of subdivision | LP11601  | at | 40 | Burwood Ave    |
| 94  | on plan of subdivision | LP11601  | at | 40 | Burwood Ave    |
| 95  | on plan of subdivision | LP11601  | at | 40 | Burwood Ave    |
| 64  | on plan of subdivision | LP11601  | at | 41 | Burwood Ave    |
| 1   | on plan of subdivision | TP125920 | at | 48 | Burwood Ave    |
| 88  | on plan of subdivision | LP11601  | at | 52 | Burwood Ave    |
| 89  | on plan of subdivision | LP11601  | at | 52 | Burwood Ave    |
| 1   | on plan of subdivision | TP97872  | at | 54 | Burwood Ave    |
| 2   | on plan of subdivision | TP97872  | at | 54 | Burwood Ave    |
| 71  | on plan of subdivision | LP11601  | at | 55 | Burwood Ave    |
| 1   | on plan of subdivision | TP202180 | at | 55 | Burwood Ave    |
| 1   | on plan of subdivision | TP203541 | at | 55 | Burwood Ave    |
| 2   | on plan of subdivision | TP203541 | at | 55 | Burwood Ave    |
| 4   | on plan of subdivision | TP203541 | at | 55 | Burwood Ave    |
| 5   | on plan of subdivision | TP203541 | at | 55 | Burwood Ave    |
| 6   | on plan of subdivision | TP203541 | at | 55 | Burwood Ave    |
| 7   | on plan of subdivision | TP203541 | at | 55 | Burwood Ave    |
| 1   | on plan of subdivision | TP850114 | at | 55 | Burwood Ave    |
| 2   | on plan of subdivision | TP850114 | at | 55 | Burwood Ave    |
| 3   | on plan of subdivision | TP850114 | at | 55 | Burwood Ave    |
| 4   | on plan of subdivision | TP850114 | at | 55 | Burwood Ave    |
| 5   | on plan of subdivision | TP850114 | at | 55 | Burwood Ave    |
| 6   | on plan of subdivision | TP850114 | at | 55 | Burwood Ave    |
| 2   | on plan of subdivision | TP849986 | at | 55 | Burwood Ave    |
| 2   | on plan of subdivision | TP849976 | at | 55 | Burwood Ave    |
| 1   | on plan of subdivision | TP849986 | at | 55 | Burwood Ave    |
| 5   | on plan of subdivision | TP203541 | at | 55 | Burwood Ave    |

|    |                        |          |    |     |             |
|----|------------------------|----------|----|-----|-------------|
| 3  | on plan of subdivision | TP203541 | at | 55  | Burwood Ave |
| 6  | on plan of subdivision | TP203542 | at | 55  | Burwood Ave |
| 5  | on plan of subdivision | TP203542 | at | 55  | Burwood Ave |
| 4  | on plan of subdivision | TP203542 | at | 55  | Burwood Ave |
| 1  | on plan of subdivision | TP217243 | at | 66  | Burwood Ave |
| 1  | on plan of subdivision | TP108230 | at | 66  | Burwood Ave |
| 2  | on plan of subdivision | TP202663 | at | 68  | Burwood Ave |
| 1  | on plan of subdivision | TP202663 | at | 68  | Burwood Ave |
| 2  | on plan of subdivision | TP439816 | at | 35A | Burwood Ave |
| 1  | on plan of subdivision | TP201726 | at | 1   | Elwood Ave  |
| 14 | on plan of subdivision | LP11601  | at | 2   | Elwood Ave  |
| 15 | on plan of subdivision | LP11601  | at | 2   | Elwood Ave  |
| 16 | on plan of subdivision | LP11601  | at | 2   | Elwood Ave  |
| 17 | on plan of subdivision | LP11601  | at | 2   | Elwood Ave  |
| 1  | on plan of subdivision | TP97401  | at | 5   | Elwood Ave  |
| 1  | on plan of subdivision | TP97402  | at | 5   | Elwood Ave  |
| 1  | on plan of subdivision | TP103231 | at | 7   | Elwood Ave  |
| 1  | on plan of subdivision | TP96203  | at | 7   | Elwood Ave  |
| 13 | on plan of subdivision | LP11601  | at | 10  | Elwood Ave  |
| 1  | on plan of subdivision | TP97403  | at | 11  | Elwood Ave  |
| 12 | on plan of subdivision | LP11601  | at | 12  | Elwood Ave  |
| 1  | on plan of subdivision | TP97404  | at | 13  | Elwood Ave  |
| 11 | on plan of subdivision | LP11601  | at | 14  | Elwood Ave  |
| 1  | on plan of subdivision | TP151006 | at | 15  | Elwood Ave  |
| 10 | on plan of subdivision | LP11601  | at | 16  | Elwood Ave  |
| 1  | on plan of subdivision | TP151007 | at | 17  | Elwood Ave  |
| 9  | on plan of subdivision | LP11601  | at | 18  | Elwood Ave  |
| 1  | on plan of subdivision | TP98948  | at | 19  | Elwood Ave  |
| 7  | on plan of subdivision | LP11601  | at | 22  | Elwood Ave  |
| 8  | on plan of subdivision | LP11601  | at | 22  | Elwood Ave  |
| 1  | on plan of subdivision | TP200178 | at | 23  | Elwood Ave  |
| 1  | on plan of subdivision | TP200177 | at | 23  | Elwood Ave  |

|     |                        |          |    |    |               |
|-----|------------------------|----------|----|----|---------------|
| 1   | on plan of subdivision | TP200176 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP213479 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP213478 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP213477 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP552029 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP217226 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP134316 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP134317 | at | 23 | Elwood Ave    |
| 1   | on plan of subdivision | TP830259 | at | 24 | Elwood Ave    |
| 5   | on plan of subdivision | LP11601  | at | 26 | Elwood Ave    |
| 1   | on plan of subdivision | TP96099  | at | 27 | Elwood Ave    |
| 4   | on plan of subdivision | LP11601  | at | 28 | Elwood Ave    |
| 1   | on plan of subdivision | TP125884 | at | 29 | Elwood Ave    |
| 3   | on plan of subdivision | LP11601  | at | 30 | Elwood Ave    |
| 1   | on plan of subdivision | TP99953  | at | 31 | Elwood Ave    |
| 1   | on plan of subdivision | TP99954  | at | 31 | Elwood Ave    |
| 2   | on plan of subdivision | LP11601  | at | 32 | Elwood Ave    |
| 1   | on plan of subdivision | LP11601  | at | 34 | Elwood Ave    |
| 180 | on plan of subdivision | LP12375  | at | 35 | Elwood Ave    |
| 181 | on plan of subdivision | LP12375  | at | 35 | Elwood Ave    |
| 4   | on plan of subdivision | TP100047 | at | 36 | Elwood Ave    |
| 5   | on plan of subdivision | TP100047 | at | 36 | Elwood Ave    |
| 6   | on plan of subdivision | TP100047 | at | 36 | Elwood Ave    |
| 7   | on plan of subdivision | TP100047 | at | 36 | Elwood Ave    |
| 1   | on plan of subdivision | TP100047 | at | 36 | Elwood Ave    |
| 2   | on plan of subdivision | TP100047 | at | 36 | Elwood Ave    |
| 3   | on plan of subdivision | TP100047 | at | 36 | Elwood Ave    |
| 181 | on plan of subdivision | LP12375  | at | 35 | Elwood Avenue |
| 180 | on plan of subdivision | LP12375  | at | 35 | Elwood Avenue |
| 7   | on plan of subdivision | TP100047 | at | 36 | Elwood Avenue |
| 6   | on plan of subdivision | TP100047 | at | 36 | Elwood Avenue |
| 5   | on plan of subdivision | TP100047 | at | 36 | Elwood Avenue |



|             |                        |          |    |    |               |
|-------------|------------------------|----------|----|----|---------------|
| 4           | on plan of subdivision | TP100047 | at | 36 | Elwood Avenue |
| 3           | on plan of subdivision | TP100047 | at | 36 | Elwood Avenue |
| 2           | on plan of subdivision | TP100047 | at | 36 | Elwood Avenue |
| 1           | on plan of subdivision | TP100047 | at | 36 | Elwood Avenue |
| 182         | on plan of subdivision | LP12375  | at | 37 | Elwood Avenue |
| 184         | on plan of subdivision | LP12375  | at | 39 | Elwood Avenue |
| 183         | on plan of subdivision | LP12375  | at | 39 | Elwood Avenue |
| 1           | on plan of subdivision | TP111320 | at | 42 | Elwood Avenue |
| 187         | on plan of subdivision | LP12375  | at | 43 | Elwood Avenue |
| 186         | on plan of subdivision | LP12375  | at | 43 | Elwood Avenue |
| 185         | on plan of subdivision | LP12375  | at | 43 | Elwood Avenue |
| 1           | on plan of subdivision | TP102182 | at | 44 | Elwood Avenue |
| 1           | on plan of subdivision | TP102180 | at | 46 | Elwood Avenue |
| 1           | on plan of subdivision | TP136315 | at | 49 | Elwood Avenue |
| 1           | on plan of subdivision | TP107820 | at | 50 | Elwood Avenue |
| 1           | on plan of subdivision | TP107819 | at | 50 | Elwood Avenue |
| 1           | on plan of subdivision | TP102550 | at | 54 | Elwood Avenue |
| 1           | on plan of subdivision | TP102181 | at | 54 | Elwood Avenue |
| 1           | on plan of subdivision | TP102183 | at | 56 | Elwood Avenue |
| 1           | on plan of subdivision | TP111321 | at | 58 | Elwood Avenue |
| 2           | on plan of subdivision | TP113327 | at | 68 | Elwood Avenue |
| 1           | on plan of subdivision | TP113327 | at | 68 | Elwood Avenue |
| 1           | on plan of subdivision | TP100335 | at | 68 | Elwood Avenue |
| 5           | on plan of subdivision | TP113326 | at | 68 | Elwood Avenue |
| 4           | on plan of subdivision | TP113326 | at | 68 | Elwood Avenue |
| 3           | on plan of subdivision | TP113326 | at | 68 | Elwood Avenue |
| 2           | on plan of subdivision | TP113326 | at | 68 | Elwood Avenue |
| 1           | on plan of subdivision | TP113326 | at | 68 | Elwood Avenue |
| 100 Block C | on plan of subdivision | LP11601  | at | 24 | Munro Ave     |
| 99 Block C  | on plan of subdivision | LP11601  | at | 26 | Munro Ave     |
| 97 Block C  | on plan of subdivision | LP11601  | at | 30 | Munro Ave     |
| 61 Block C  | on plan of subdivision | LP11601  | at | 38 | Munro Ave     |

|            |                        |          |    |         |           |
|------------|------------------------|----------|----|---------|-----------|
| 60 Block C | on plan of subdivision | LP11601  | at | 38      | Munro Ave |
| 59 Block C | on plan of subdivision | LP11601  | at | 38      | Munro Ave |
| 58 Block C | on plan of subdivision | LP11601  | at | 38      | Munro Ave |
| 57 Block C | on plan of subdivision | LP11601  | at | 38      | Munro Ave |
| 22 Block C | on plan of subdivision | LP11601  | at | 44      | Munro Ave |
| 1          | on plan of subdivision | TP187324 | at | 46      | Munro Ave |
| 1          | on plan of subdivision | TP150718 | at | 46      | Munro Ave |
| 19 Block C | on plan of subdivision | LP11601  | at | 52      | Munro Ave |
| 18 Block C | on plan of subdivision | LP11601  | at | 52      | Munro Ave |
| 1          | on plan of subdivision | TP198250 | at | 54      | Munro Ave |
| 1          | on plan of subdivision | TP167791 | at | 54      | Munro Ave |
| 1          | on plan of subdivision | TP146522 | at | 58      | Munro Ave |
| 2          | on plan of subdivision | TP203867 | at | 62      | Munro Ave |
| 1          | on plan of subdivision | TP203867 | at | 62      | Munro Ave |
| 1          | on plan of subdivision | TP114272 | at | 64      | Munro Ave |
| 1          | on plan of subdivision | TP102366 | at | 66      | Munro Ave |
| 1          | on plan of subdivision | TP102365 | at | 68      | Munro Ave |
| 1          | on plan of subdivision | TP101563 | at | 70      | Munro Ave |
| 1          | on plan of subdivision | TP114271 | at | 72      | Munro Ave |
| 1          | on plan of subdivision | TP111421 | at | 74      | Munro Ave |
| 1          | on plan of subdivision | TP111420 | at | 74      | Munro Ave |
| 1          | on plan of subdivision | TP99433  | at | 84      | Munro Ave |
| 1          | on plan of subdivision | TP112555 | at | 86      | Munro Ave |
| 2          | on plan of subdivision | TP952624 | at | 88      | Munro Ave |
| 1          | on plan of subdivision | TP952624 | at | 90      | Munro Ave |
| 1          | on plan of subdivision | TP943662 | at | 90A-90B | Munro Ave |
| 23         | on plan of subdivision | LP11601  | at | 1       | Penna Ave |
| 24         | on plan of subdivision | LP11601  | at | 1       | Penna Ave |
| 56         | on plan of subdivision | LP11601  | at | 2       | Penna Ave |
| 25         | on plan of subdivision | LP11601  | at | 5       | Penna Ave |
| 26         | on plan of subdivision | LP11601  | at | 7       | Penna Ave |
| 53         | on plan of subdivision | LP11601  | at | 8       | Penna Ave |

|    |                        |          |    |    |              |
|----|------------------------|----------|----|----|--------------|
| 54 | on plan of subdivision | LP11601  | at | 8  | Penna Ave    |
| 55 | on plan of subdivision | LP11601  | at | 8  | Penna Ave    |
| 27 | on plan of subdivision | LP11601  | at | 9  | Penna Ave    |
| 1  | on plan of subdivision | TP126356 | at | 10 | Penna Ave    |
| 2  | on plan of subdivision | TP126356 | at | 10 | Penna Ave    |
| 28 | on plan of subdivision | LP11601  | at | 11 | Penna Ave    |
| 1  | on plan of subdivision | TP126075 | at | 13 | Penna Ave    |
| 1  | on plan of subdivision | TP126076 | at | 13 | Penna Ave    |
| 2  | on plan of subdivision | TP126076 | at | 13 | Penna Ave    |
| 1  | on plan of subdivision | TP830260 | at | 14 | Penna Ave    |
| 1  | on plan of subdivision | TP222880 | at | 16 | Penna Ave    |
| 1  | on plan of subdivision | TP216741 | at | 18 | Penna Ave    |
| 1  | on plan of subdivision | TP93959  | at | 19 | Penna Ave    |
| 1  | on plan of subdivision | TP216742 | at | 20 | Penna Ave    |
| 1  | on plan of subdivision | TP92034  | at | 21 | Penna Ave    |
| 34 | on plan of subdivision | LP11601  | at | 23 | Penna Ave    |
| 45 | on plan of subdivision | LP11601  | at | 24 | Penna Ave    |
| 1  | on plan of subdivision | TP126389 | at | 25 | Penna Ave    |
| 36 | on plan of subdivision | LP11601  | at | 29 | Penna Ave    |
| 37 | on plan of subdivision | LP11601  | at | 29 | Penna Ave    |
| 38 | on plan of subdivision | LP11601  | at | 31 | Penna Ave    |
| 39 | on plan of subdivision | LP11601  | at | 33 | Penna Ave    |
| 40 | on plan of subdivision | LP11601  | at | 34 | Penna Ave    |
| 41 | on plan of subdivision | LP11601  | at | 34 | Penna Ave    |
| 42 | on plan of subdivision | LP11601  | at | 34 | Penna Ave    |
| 43 | on plan of subdivision | LP11601  | at | 34 | Penna Ave    |
| 1  | on plan of subdivision | TP102548 | at | 63 | Penna Ave    |
| 30 | on plan of subdivision | LP12375  | at | 35 | Penna Avenue |
| 29 | on plan of subdivision | LP12375  | at | 35 | Penna Avenue |
| 28 | on plan of subdivision | LP12375  | at | 35 | Penna Avenue |
| 2  | on plan of subdivision | TP195035 | at | 41 | Penna Avenue |
| 1  | on plan of subdivision | TP195035 | at | 41 | Penna Avenue |

|    |                        |          |    |    |              |
|----|------------------------|----------|----|----|--------------|
| 33 | on plan of subdivision | LP12375  | at | 41 | Penna Avenue |
| 32 | on plan of subdivision | LP12375  | at | 41 | Penna Avenue |
| 31 | on plan of subdivision | LP12375  | at | 41 | Penna Avenue |
| 42 | on plan of subdivision | LP12375  | at | 51 | Penna Avenue |
| 61 | on plan of subdivision | LP12375  | at | 52 | Penna Avenue |
| 60 | on plan of subdivision | LP12375  | at | 52 | Penna Avenue |
| 59 | on plan of subdivision | LP12375  | at | 52 | Penna Avenue |
| 1  | on plan of subdivision | TP120992 | at | 53 | Penna Avenue |
| 1  | on plan of subdivision | TP102546 | at | 57 | Penna Avenue |
| 1  | on plan of subdivision | TP134353 | at | 57 | Penna Avenue |
| 1  | on plan of subdivision | TP100333 | at | 58 | Penna Avenue |
| 1  | on plan of subdivision | TP100332 | at | 60 | Penna Avenue |
| 1  | on plan of subdivision | TP102547 | at | 61 | Penna Avenue |
| 1  | on plan of subdivision | TP102178 | at | 61 | Penna Avenue |
| 56 | on plan of subdivision | LP12375  | at | 62 | Penna Avenue |
| 1  | on plan of subdivision | TP102548 | at | 63 | Penna Avenue |
| 55 | on plan of subdivision | LP12375  | at | 64 | Penna Avenue |
| 54 | on plan of subdivision | LP12375  | at | 66 | Penna Avenue |
| 53 | on plan of subdivision | LP12375  | at | 68 | Penna Avenue |
| 52 | on plan of subdivision | LP12375  | at | 70 | Penna Avenue |
| 62 | on plan of subdivision | LP11601  | at | 1  | Rankin Ave   |
| 94 | on plan of subdivision | LP11601  | at | 2  | Rankin Ave   |
| 95 | on plan of subdivision | LP11601  | at | 2  | Rankin Ave   |
| 63 | on plan of subdivision | LP11601  | at | 3  | Rankin Ave   |
| 64 | on plan of subdivision | LP11601  | at | 5  | Rankin Ave   |
| 93 | on plan of subdivision | LP11601  | at | 6  | Rankin Ave   |
| 1  | on plan of subdivision | TP165532 | at | 7  | Rankin Ave   |
| 92 | on plan of subdivision | LP11601  | at | 8  | Rankin Ave   |
| 91 | on plan of subdivision | LP11601  | at | 10 | Rankin Ave   |
| 67 | on plan of subdivision | LP11601  | at | 11 | Rankin Ave   |
| 90 | on plan of subdivision | LP11601  | at | 12 | Rankin Ave   |
| 1  | on plan of subdivision | TP228264 | at | 16 | Rankin Ave   |

|     |                        |          |    |    |               |
|-----|------------------------|----------|----|----|---------------|
| 1   | on plan of subdivision | TP229376 | at | 21 | Rankin Ave    |
| 72  | on plan of subdivision | LP11601  | at | 21 | Rankin Ave    |
| 73  | on plan of subdivision | LP11601  | at | 23 | Rankin Ave    |
| 81  | on plan of subdivision | LP11601  | at | 30 | Rankin Ave    |
| 1   | on plan of subdivision | TP160365 | at | 31 | Rankin Ave    |
| 1   | on plan of subdivision | TP160366 | at | 31 | Rankin Ave    |
| 1   | on plan of subdivision | TP160367 | at | 31 | Rankin Ave    |
| 1   | on plan of subdivision | TP179187 | at | 31 | Rankin Ave    |
| 1   | on plan of subdivision | TP179188 | at | 31 | Rankin Ave    |
| 1   | on plan of subdivision | TP179189 | at | 31 | Rankin Ave    |
| 1   | on plan of subdivision | TP579912 | at | 36 | Rankin Avenue |
| 1   | on plan of subdivision | TP100832 | at | 37 | Rankin Avenue |
| 123 | on plan of subdivision | LP12375  | at | 38 | Rankin Avenue |
| 1   | on plan of subdivision | TP237085 | at | 39 | Rankin Avenue |
| 122 | on plan of subdivision | LP12375  | at | 40 | Rankin Avenue |
| 85  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 1   | on plan of subdivision | TP103133 | at | 41 | Rankin Avenue |
| 1   | on plan of subdivision | TP100833 | at | 41 | Rankin Avenue |
| 71  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 70  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 69  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 68  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 84  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 73  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 72  | on plan of subdivision | LP12375  | at | 41 | Rankin Avenue |
| 121 | on plan of subdivision | LP12375  | at | 42 | Rankin Avenue |
| 1   | on plan of subdivision | TP201798 | at | 44 | Rankin Avenue |
| 119 | on plan of subdivision | LP12375  | at | 46 | Rankin Avenue |
| 86  | on plan of subdivision | LP12375  | at | 49 | Rankin Avenue |
| 93  | on plan of subdivision | LP12375  | at | 51 | Rankin Avenue |
| 103 | on plan of subdivision | LP12375  | at | 52 | Rankin Avenue |
| 1   | on plan of subdivision | TP166656 | at | 53 | Rankin Avenue |

|     |                        |          |    |    |                |
|-----|------------------------|----------|----|----|----------------|
| 104 | on plan of subdivision | LP12375  | at | 54 | Rankin Avenue  |
| 95  | on plan of subdivision | LP12375  | at | 55 | Rankin Avenue  |
| 105 | on plan of subdivision | LP12375  | at | 56 | Rankin Avenue  |
| 106 | on plan of subdivision | LP12375  | at | 56 | Rankin Avenue  |
| 96  | on plan of subdivision | LP12375  | at | 57 | Rankin Avenue  |
| 98  | on plan of subdivision | LP12375  | at | 59 | Rankin Avenue  |
| 97  | on plan of subdivision | LP12375  | at | 59 | Rankin Avenue  |
| 107 | on plan of subdivision | LP12375  | at | 60 | Rankin Avenue  |
| 108 | on plan of subdivision | LP12375  | at | 64 | Rankin Avenue  |
| 1   | on plan of subdivision | TP124050 | at | 64 | Rankin Avenue  |
| 109 | on plan of subdivision | LP12375  | at | 64 | Rankin Avenue  |
| 110 | on plan of subdivision | LP12375  | at | 64 | Rankin Avenue  |
| 100 | on plan of subdivision | LP12375  | at | 65 | Rankin Avenue  |
| 99  | on plan of subdivision | LP12375  | at | 65 | Rankin Avenue  |
| 1   | on plan of subdivision | TP549312 | at | 67 | Rankin Avenue  |
| 1   | on plan of subdivision | TP124051 | at | 68 | Rankin Avenue  |
| 102 | on plan of subdivision | LP12375  | at | 69 | Rankin Avenue  |
| 133 | on plan of subdivision | LP12375  | at | 41 | Vermont Avenue |
| 134 | on plan of subdivision | LP12375  | at | 43 | Vermont Avenue |
| 135 | on plan of subdivision | LP12375  | at | 45 | Vermont Avenue |
| 136 | on plan of subdivision | LP12375  | at | 47 | Vermont Avenue |
| 137 | on plan of subdivision | LP12375  | at | 49 | Vermont Avenue |
| 144 | on plan of subdivision | LP12375  | at | 51 | Vermont Avenue |
| 145 | on plan of subdivision | LP12375  | at | 53 | Vermont Avenue |
| 1   | on plan of subdivision | TP762611 | at | 55 | Vermont Avenue |
| 147 | on plan of subdivision | LP12375  | at | 57 | Vermont Avenue |
| 148 | on plan of subdivision | LP12375  | at | 59 | Vermont Avenue |
| 149 | on plan of subdivision | LP12375  | at | 61 | Vermont Avenue |
| 150 | on plan of subdivision | LP12375  | at | 63 | Vermont Avenue |
| 151 | on plan of subdivision | LP12375  | at | 65 | Vermont Avenue |
| 152 | on plan of subdivision | LP12375  | at | 67 | Vermont Avenue |
| 103 | on plan of subdivision | LP11601  | at | 5  | Vermont Ave    |

|       |                        |          |    |    |                  |
|-------|------------------------|----------|----|----|------------------|
| 1     | on plan of subdivision | TP591080 | at | 7  | Vermont Ave      |
| 1     | on plan of subdivision | TP202208 | at | 9  | Vermont Ave      |
| 106   | on plan of subdivision | LP11601  | at | 11 | Vermont Ave      |
| 107   | on plan of subdivision | LP11601  | at | 13 | Vermont Ave      |
| 108   | on plan of subdivision | LP11601  | at | 15 | Vermont Ave      |
| 109   | on plan of subdivision | LP11601  | at | 17 | Vermont Ave      |
| 110   | on plan of subdivision | LP11601  | at | 19 | Vermont Ave      |
| 111   | on plan of subdivision | LP11601  | at | 21 | Vermont Ave      |
| 112   | on plan of subdivision | LP11601  | at | 23 | Vermont Ave      |
| 116   | on plan of subdivision | LP11601  | at | 31 | Vermont Ave      |
| 117   | on plan of subdivision | LP11601  | at | 33 | Vermont Ave      |
| 3     | on plan of subdivision | TP203542 | at | 2  | West Ave         |
| 1     | on plan of subdivision | TP203540 | at | 3  | West Ave         |
| 2     | on plan of subdivision | TP203540 | at | 3  | West Ave         |
| 3     | on plan of subdivision | TP203540 | at | 3  | West Ave         |
| 4     | on plan of subdivision | TP203540 | at | 3  | West Ave         |
| 2     | on plan of subdivision | TP203542 | at | 4  | West Ave         |
| 1     | on plan of subdivision | TP203542 | at | 6  | West Ave         |
| 53    | on plan of subdivision | LP11601  | at | 12 | West Ave         |
| 51    | on plan of subdivision | LP11601  | at | 12 | West Ave         |
| 52    | on plan of subdivision | LP11601  | at | 12 | West Ave         |
| 1     | on plan of subdivision | TP439816 | at | 53 | Whitehill Avenue |
| 3     | on plan of subdivision | TP439816 | at | 53 | Whitehill Avenue |
| 129-B | on plan of subdivision | LP12375  | at | 57 | Whitehill Avenue |
| 128-B | on plan of subdivision | LP12375  | at | 57 | Whitehill Avenue |
| 3     | on plan of subdivision | TP100046 | at | 59 | Whitehill Avenue |
| 4     | on plan of subdivision | TP100046 | at | 61 | Whitehill Avenue |
| 5     | on plan of subdivision | TP100046 | at | 63 | Whitehill Avenue |
| 6     | on plan of subdivision | TP100046 | at | 65 | Whitehill Avenue |
| 27    | on plan of subdivision | LP12375  | at | 77 | Whitehill Avenue |
| 1     | on plan of subdivision | TP100045 | at | 79 | Whitehill Avenue |
| 3     | on plan of subdivision | TP134315 | at | 85 | Whitehill Avenue |

|       |                        |          |    |     |                  |
|-------|------------------------|----------|----|-----|------------------|
| 2     | on plan of subdivision | TP134315 | at | 85  | Whitehill Avenue |
| 1     | on plan of subdivision | TP134315 | at | 85  | Whitehill Avenue |
| 2     | on plan of subdivision | TP92913  | at | 87  | Whitehill Avenue |
| 1     | on plan of subdivision | TP92913  | at | 87  | Whitehill Avenue |
| 125   | on plan of subdivision | LP12375  | at | 89  | Whitehill Avenue |
| 127   | on plan of subdivision | LP12375  | at | 93  | Whitehill Avenue |
| 128-C | on plan of subdivision | LP12375  | at | 95  | Whitehill Avenue |
| 2     | on plan of subdivision | TP439816 | at | 35A | Whitehill Avenue |



SCHEDULE B

NOTICE OF PROCEEDING CONCERNING ROADS WITHIN THE SOUTHERN SECTION OF SOLOMON HEIGHTS ESTATE BEING THE LAND DESCRIBED IN CERTIFICATES OF TITLE VOLUME 11598 FOLIO 596, VOLUME 11686 FOLIO 172, VOLUME 11822 FOLIO 532 AND VOLUME 11832 FOLIO 445 AS DELINEATED IN COLOUR ON THE MAP WITH THIS NOTICE (THE DISPUTED ROADS)

THIS NOTICE is given by order of the Supreme Court of Victoria.

Glen Ora Estate Pty Ltd and Eugenia Apostoloff (**the plaintiffs**), being the registered proprietors as tenants in common of the disputed roads, have brought proceedings in the Court against Brimbank City Council (**the defendant**) seeking declarations that the disputed roads:

- (a) are not “public highways” within the meaning of the *Local Government Act 1989* (Vic);
- (b) are not “public roads” within the meaning of the *Road Management Act 2004* (Vic);
- (c) are not public highways with the meaning of the common law; and
- (d) have not vested in the defendant by operation of law.

The plaintiffs further seek a declaration that they own the disputed roads in full, alternatively a declaration that they own the disputed roads except for the surface of the roads and except for such portion below the disputed roads as may be necessarily incidental to the repairing and proper maintenance of the roads.

The defendant denies that the plaintiffs are entitled to the relief they seek and alleges that the disputed roads have become public highways at common law and that consequently the disputed roads vested in the municipal council (the predecessor to the defendant) in fee simple pursuant to section 203(2) of the *Local Government Act 1989* (Vic).

Any person who claims to be entitled to the benefit of the disputed roads and who wishes to oppose or support the relief sought by the plaintiffs or who otherwise wishes to be heard or to make any submissions to the Court at the trial of the proceeding should:

1. by 12 July 2018 give written notice to both:
  - (a) the plaintiffs’ solicitors, R D Silverstein, 4 Coronation Street West Brunswick, Victoria, 3055 or by email [liberia@optusnet.com.au](mailto:liberia@optusnet.com.au); and
  - (b) the defendant’s solicitors, Russell Kennedy, Level 12, 469 Latrobe Street, Melbourne, Victoria 3000 or by email [solomonheights@rk.com.au](mailto:solomonheights@rk.com.au).

2. attend the Supreme Court at a Directions Hearing on 20 July 2018 at 10:00am at 210 William Street, Melbourne at a Court room to be nominated.

An attendance in person, or by a legal practitioner or other person that the Court permits, is required in order to make an application to be heard or make submissions at the trial of the proceeding. Persons concerned may wish to act as a group. Written communications without an attendance may not be considered. The Court will not decide the proceeding at the Directions Hearing, but will set procedures for the progress of the case which may include fixing a date for trial.

Copies of documents relating to this proceeding and any further information may be obtained on request from:

- (a) the plaintiffs' solicitors, R D Silverstein, 4 Coronation Street West Brunswick, Victoria, 3055 or by email [liberia@optusnet.com.au](mailto:liberia@optusnet.com.au) or telephone 0411 471 850; or
- (b) the defendant's solicitors, Russell Kennedy, Level 12, 469 Latrobe Street, Melbourne, Victoria 3000 or by email [solomonheights@rk.com.au](mailto:solomonheights@rk.com.au) or telephone 9609 1555.

DATED:

R D Silverstein  
Solicitor for the Plaintiffs

Russell Kennedy  
Solicitors for the Defendant