

(3) Condition 6 of Planning Permit No 2191 required the Body Corporate of CS1134 to be responsible for all private facilities within CS1134 including water whereas the effect of the Water Agreement as represented by KSWWT and KWB placed that control in respect to Water and the Water Reticulation System with the private company WHRD Pty. Ltd.

b) The representations as set out in subparagraph 33 c), d i), d ii) and e) were false and untrue for the following reasons:

(1) The Plaintiffs refer to paragraphs 7 - 14 above.

c) The third representation of KSC as set out in paragraph 42A was false and untrue for the following reasons:

(1) The letter by KSC states, inter alia, that in accordance with previous planning approvals the issue of building permits is to remain conditional upon the development being serviced by reticulated water and sewerage, whereas;

(a) sewerage was not a condition of any of the planning approvals issued by KSC in respect to the subdivision or re-subdivision of CS1134;

(b) sewerage was not, under the provisions of either PP2191 or PP2784 a condition to the issue of building permits in respect to lots 1,2, 7, 10, 12 or 27 being the Plaintiffs' land;

(c) Under condition 8 of Planning Permit 2191, as set out in the submission, drinking water and bathroom water were to be supplied to the Plaintiffs' land by roof rainwater tanks;