

1 statement of claim of 17 March 1999, Your Honour will see
2 the application referred to. "By application dated
3 22 November 1978 the Buchanan's applied to the Council to
4 develop the Woodleigh Heights estate by subdividing it
5 pursuant to the provisions of the Cluster Titles Act
6 1974, such subdivision consisting of 45 allotments" and
7 so on "with substantial areas of common property and
8 provision for the installation of a privately owned and
9 operated water supply and reticulation system". Have I -
10 this is Your Honour, I'm looking at Tab 16.

11 HIS HONOUR: I've got it in front of me.

12 MR GARDE: I'm sorry Your Honour I - so that was the
13 application and Your Honour will see in the particulars
14 that it contained - the application contained the
15 following relevant documents, the application for the
16 permit of 10 November 1978 and the submission dated
17 3 November 1978 prepared by James A Harris & Associates.
18 And that then takes us to Paragraph 7.

19 HIS HONOUR: Does that submission make clear what the character
20 of this system was in terms of your distinction between
21 non-potable and potable?

22 MR GARDE: It does Your Honour, yes as Paragraph 7 itself
23 illuminates. So that - - -

24 HIS HONOUR: Read on then.

25 MR GARDE: No, no, some guidance to be provided shortly. I
26 just want to go through this, because in fact this
27 pleading is precise in what was there and what was not
28 there.

29 HIS HONOUR: I see.

30 MR GARDE: That's in essence what I'm seeking to do, and so
31 Your Honour will then see that the proposal for the