

1 of Mr Thompson, wrote to the secretary of the shire of
2 Kyneton, and said, "Dear sir, please find enclosed bank
3 guarantee for subdivision of KR and another initial
4 Buchanan at Tylden Road, Kyneton, this subdivision is now
5 a joint venture between ourselves and Buchanan, and
6 Mr Ken Buchanan is still managing the subdivision for the
7 partnership", but what subsequently happened was that
8 there was a dispute that broke out between the Buchanans
9 and the Thompsons as we apprehend the position with the
10 consequent result that the development company that was
11 controlled by the Buchanans denied any access to the
12 water which that company had procured through the supply
13 agreement to the Thompsons, so the consequence of that
14 was that although, as Your Honour has had discussed
15 earlier, an agreement was made on the first day of
16 January 1982 between the Water Works Trust and Woodleigh
17 Heights Resort Development for the supply of water
18 suitable for domestic purposes by the Water Works Trust,
19 which was the first supply of that water to this land,
20 that supply agreement was made with the development
21 company, and it was as a consequence up to the
22 development company as to whether or not other lot owners
23 gained access to the water that that company was now
24 receiving from the Water Works Trust.

25 HIS HONOUR: Yes.

26 MR GARDE: And Your Honour will have observed in looking at the
27 agreement of 1 January 1982, between the trust and
28 Woodley Heights Resort Development Pty Ltd, that it
29 provided in Clause 1, after referring to the Water Act
30 and the regulations under
31 the - - -