the time of these proceedings.

MR THOMPSON: Sir, that's very interesting and I attended to that in great detail. You see there are two different water supplies here, there is the one that's described in Paragraph W2 of the present amended statement of claim and that is the water supply that is referred to in the submission dated 3/11/98. It's a private reticulated water supply. It consists of the lake, the header tanks and the internal reticulation system. The water supply Mr Garde took you to yesterday was a water supply provided by the second defendant in 1982. It is not the water supply we're talking about, they're irrelevant. The two cannot be confused with one another.

HIS HONOUR: No Mr Thompson, that's not right. The 1982 supply is the type of supply contemplated by the planning permit, isn't it?

MR THOMPSON: No sir, it is not.

HIS HONOUR: I see. Why do you say that?

MR THOMPSON: Well, sir, in the planning permit - OK we'll go back a little bit. Up at Kyneton under the then Shire of Kyneton Planning Scheme, subdivision into 6 acres, subdivision into allotments of less than 6 acres was prevented unless the land was provided with a reticulated water supply. Now that area simply was not serviced by a reticulated water supply at all. So in the submission dated 3/11/78, which is referred to in Paragraph W2 of the amended statement of claim, the then subdivider, Ken Buchanan, made a very substantial submission which pointed out the fact that there was no water supply out there.

HIS HONOUR: Yes.