

1 permit because - as I understand it, because there was no
2 articulated water supply.

3 MR THOMPSON: Yes. Yes, that's correct.

4 HIS HONOUR: Yes.

5 MR THOMPSON: It was in breach of the planning permit.

6 HIS HONOUR: That's what you say.

7 MR THOMPSON: Yes.

8 HIS HONOUR: Yes, and it depends on construction of the
9 planning permit as to whether that's right, but that's
10 not the sort of question that would be resolved at this
11 stage.

12 MR THOMPSON: No, that's quite right, and I understand that.
13 See the thing in question here is, at the moment is
14 whether or not my allegations on the face of it, were
15 fraudulently concealed and/or res judicata and Anshun
16 apply is my understanding of the situation. Is
17 that - - -

18 HIS HONOUR: Well I think it's simpler than that.

19 MR THOMPSON: Sorry?

20 HIS HONOUR: In relation to Woodleigh it seems to me on the
21 face of it the release is a complete bar to your claims.

22 MR THOMPSON: On the face of it yes. However, you see what is
23 interesting here is that in respect to the present
24 statement of claim at Paragraph W10 I say that the water
25 supply was not there and - - -

26 HIS HONOUR: It doesn't matter.

27 MR THOMPSON: - - - in respect to Woodleigh Heights this is and
28 all - - -

29 HIS HONOUR: How does that matter?

30 MR THOMPSON: Well all else in the present statement of claim
31 in respect to Woodleigh Heights flows from that. In the