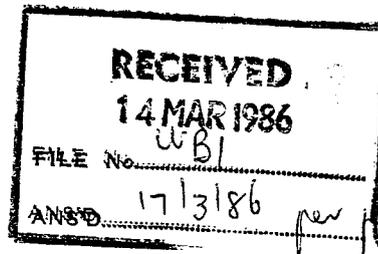


Your Reference:  
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R. PERRY:SC



DEPARTMENT OF  
**WATER**  
RESOURCES  
**VICTORIA**

1 MAR 1986

Contact J. Kearny for  
future reference

The Secretary,  
Kyneton Water Board,  
P.O. Box 151,  
KYNETON, Vic., 3444

Dear Sir,

I refer to a letter to your Board dated 28th January, 1986, from the Minister for Water Resources, the Hon. Andrew McCutcheon, M.P., and your Board's reply to this Office of 10th February, in connection with enquiries by Mr. G. Thompson concerning a water supply to his properties at Kyneton.

I note that your Board has not complied with the Minister's request to make available to him documents in relation to this long-running case.

I would like to point out at this stage that neither the Minister, nor the Department are seeking to direct your Board to make a water supply available to Mr. Thompson's properties as you appear to infer. Rather, the request for information from your Board stems from a desire on the Minister's part to be more adequately informed on the matter in order that he may deal with enquiries directed to him.

At present, the Minister has information on the matter which has been compiled by Mr. Thompson. That information indicates that Mr. Thompson has had discussions with Officers of the Board and the Shire of Kyneton in relation to water supply to his properties. Thus, it would be appreciated if your Board would make its records of its dealings with Mr. Thompson in relation to water supply to his properties available to the Department in order that the Minister may be fully informed on the matter.

Whilst it is noted that Mr. Thompson has yet to make a written application for water supply to his properties, the Department does not consider this an impediment to your Board now making the desired information available. It would appear doubtful from advice given to an Officer of the Department by yourself that the Board would be prepared to make a water supply available to Mr. Thompson's properties anyway.

It would be appreciated if your Board would now indicate to the Department its attitude to the provision of water to Mr. Thompson's properties, should he make a written application for supply.

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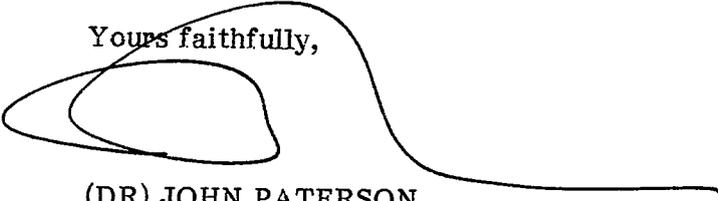
It is noted that Mr. Thompson's properties were originally part of a development known as the Woodleigh Heights Estate, which was redeveloped subsequently by a company called Woodleigh Heights Resort Developments Pty. Ltd. It is also noted that your Board's predecessor, the former Kyneton Shire Waterworks Trust, entered into an agreement on 1st January, 1982, with Woodleigh Heights Resort Developments Pty. Ltd. for construction of works and supply of water to the development and that the water supply works were subsequently installed.

Your attention is drawn to Section 307AA(5) of the Water Act, which requires that local water authorities seek the approval of the Minister to plans and specifications associated with such proposals before works are constructed. From examination of its records, it would appear to the Department that no such approval was ever sought to the works to supply the development.

It is also noted that part of the development (that situated on C.A. 41, Parish of Karlsruhe) was outside the former Trust's Waterworks District at the time when the agreement was completed. Under the provisions of Section 186 of the Water Act 1958, the approval of the Governor in Council is required by a local authority to supply water outside its waterworks district. It would appear from the Department's records that no such approval was ever obtained.

It would be appreciated if your comments on the above matters could be submitted to me as soon as possible.

Yours faithfully,



(DR) JOHN PATERSON,  
Director-General