

Appendix 12

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7th October 1986.

The Honourable A. McCutcheon, M.P.
Minister for Water Resources,
690 Orrong Road,
ARMADALE, 3143

Dear Sir,

re Woodleigh Heights Development

We act for the Kyneton Water Board in this matter and have been referred a copy of your letter of the 12th September, 1986, with a request that we respond to you on the Board's behalf.

Our instructions indicate that the Kyneton Shire Waterworks Trust and its successor, the Kyneton Water Board, have complied with the terms of the agreement of the 1st January 1982 between the Trust and Woodleigh Heights Resort Development Pty. Ltd., and in particular the obligations of the Trust under Clause 1 thereof.

We also note that under Clause 3 (a) of the agreement it is specifically stated that nothing in the agreement is deemed to impose on the Trust any obligation to supply to the Consumer water "at or in any specific quantity or of any specific pressure or at all", and further, under Clause 3 (b) the Trust can supply water "according as conditions and circumstances shall enable it from time to time conveniently so to do".

In regard to the Board's letter of the 12th November, 1985, to Kevin Sheppard Real Estate, we understand the notice board advertising the sale indicated that town water was available to

.../2.

D. L. CHISHOLM,
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Honourable A. McCutcheon, M.P.
Minister for Water Resources

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7th October 1986

Woodleigh Heights and would be available to Mr. Thompson's lots. Having regard to the provisions of the agreement the Board believed the statements were incorrect and Mr. Sheppard was advised accordingly in good faith to prevent legal action being taken by purchasers if water was not available.

It appears to us the question of the connection of water to Mr. Thompson's land is a matter between him and Woodleigh Heights Resort Development Pty. Ltd.

Please let us know if you desire any further information.

Yours faithfully,

MADDOCK LONIE & CHISHOLM,

per: 