

73/

ORIGINAL

FEDERAL COURT OF AUSTRALIA
 N.S.W. DISTRICT REGISTRY
 FILED
 23 JUN 1995
 Fees

IN THE FEDERAL COURT OF AUSTRALIA)
)
 NEW SOUTH WALES REGISTRY)
)
 GENERAL DIVISION)

No G0029 of 1992

ALEC FINLAYSON PTY LIMITED
(ACN 001 144 501)

Applicant

ARMIDALE CITY COUNCIL

First Respondent

BASIA HOLDINGS PTY LIMITED
(ACN 002 375 528)

Second Respondent



ORDER
(Order 36)

JUDGE: Burchett J
 DATE OF ORDER: 2 August 1994
 WHERE MADE: Sydney

THE COURT DECLARES THAT:

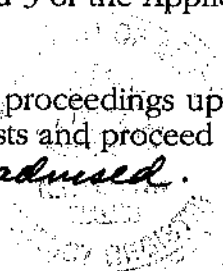

1. The [redacted] Respondent owed to the Applicant a duty of care in considering and approving each of the development applications referred to in paragraphs 11, 12A, 14, 16A, 16B and 16C of the Third Further Amended Statement of Claim.
2. In breach of the duty of care it owed to the Applicant the [redacted] Respondent acted negligently in granting its consent to each of the applications referred to in 1 above.
3. By reason of the conduct of the Applicant referred to in 2 above, the Applicant has suffered loss and damage.

This Order is filed by Messrs Hunt & Hunt, Solicitors, of Gateway, 1 Macquarie Place, Sydney. DX 214, Sydney. Telephone: (02) 391 3000. Ref: JLR:HST:FIN:1021105

THE COURT ORDERS THAT:

4. Leave to the First Respondent to amend its Defence to raise a defence under the Limitations Act be disallowed.
5. The claim made by the Applicants in paragraphs 2 and 3 of the Application dated 28 January 1992 be dismissed.
6. The First Respondent pay the Applicant's costs of the proceedings up to and including the date hereof with leave to file a Bill of Costs and proceed to taxation [REDACTED] *if the Applicant is so advised.*

DATE ENTERED: 6 JUL 1995



K. Wilson
Dep. DISTRICT REGISTRAR