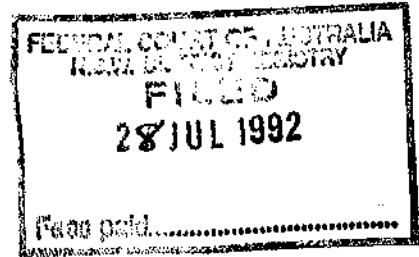


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ORIGINAL

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



No. G0029 OF 1992

ALEC FINLAYSON PTY LIMITED
(A.C.N. 001 144 501)

Applicant

ARMIDALE CITY COUNCIL

First Respondent

BASIA HOLDINGS PTY LIMITED
(A.C.N. 002 375 528)

Second Respondent

BASIA HOLDINGS PTY LIMITED
(A.C.N. 002 375 528)

Cross-Claimant

ARMIDALE CITY COUNCIL

Cross-Respondent

**DEFENCE OF CROSS-RESPONDENT TO CROSS-CLAIM
(Order 11, Rule 20)**

1. The Cross-Respondent ("the Council") admits paragraphs 1, 2 and 10 of the Cross-Claim - save that it says development approval for the subdivision was granted on 9 August 1984.

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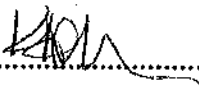
2. The Council does not admit paragraphs 4, 7, 8, 9, 11, 12, 13, 14 and 16 of the Cross-Claim.
3. The Council denies the matters alleged in paragraph 6 of the Cross-Claim.
4. The Council admits in answer to paragraph 3, that the land had been used for the purpose of treatment and impregnation of timber with creosote and CCA.
5. In answer to paragraph 5 of the Cross-Claim, Council admits that creosote and CCA were present on part of the land at all material times.
6. In answer to paragraph 15, the Council repeats the matters pleaded in this Defence, in answer to paragraphs 3-6 (inclusive) of the Cross-Claim.
7. In answer to the whole of the Cross-Claim, Council says:
 - (a) The Cross-Claimant acquired the whole of the land in or about 5 May 1982;
 - (b) The Council granted the development consent for the subdivision of the land on 9 August 1984;
 - (c) By contract dated 23 October 1985, the Cross-Claimant contracted to sell part of the land;

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- (d) In the premises alleged, the limitation period provided for by the Limitation Act (NSW) 1969, in respect of all of the matters pleaded in the Cross-Claim expired no later than 23 October 1991;
- (e) The proceedings were commenced after 23 October 1991;
- (f) The Cross-Claimant's claim is statute barred by virtue of the Limitation Act (NSW) 1969.

Dated: 28 7 -92


.....
Solicitor for the Cross-Respondent
K A GIBBONS

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