

CONSENT ORDERS

COURT DETAILS

Court Supreme Court of New South Wales
Division Common Law Division
Registry Sydney
Case number 2010/426976

TITLE OF PROCEEDINGS

First plaintiff **Ralph Lauren 57 Pty Ltd**
Number of plaintiffs 15
First defendant **Byron Shire Council**
Second defendant **Reserve Number 82000**

PREPARATION DETAILS

Prepared for **Byron Shire Council & Reserve No. 8200, defendants**
Legal representative Samantha Kelly, Norton Rose Fulbright Australia
Legal representative reference SLK 2838634
Contact name and telephone Samantha Kelly 9330 8158
Contact email samantha.kelly@nortonrosefulbright.com

ORDERS MADE BY THE COURT BY CONSENT

By consent and without admission of liability:

- 1 Order that the First Defendant, by itself, servants or agents be restrained from causing, requiring, enabling or facilitating the removal of, or taking any steps to remove:
 - (a) the existing geo-bag and/or rock protection or any part of them (the approximate position and extent of which is shown by the blue line on the aerial photograph attached as Schedule 1) presently protecting each of the properties described in Schedule 2 (**the Current Protection**);
 - (b) any lawfully approved repair of any part of the Current Protection provided that the initial repair of that part is physically commenced within 12 months of obtaining all necessary consents and approvals (following the determination of any appeal or objection) granted in respect of an application made within 12 months of the date of these Orders;



except by consent of the registered proprietor from time to time of any land in Schedule 2 in respect of the protection of that property.

- 2 The Court NOTES that should landowners consent and access be required from the First Defendant for works under Paragraph 1(b), that consent and access will not be unreasonably withheld.
- 3 Judgment for the Plaintiffs against the Defendants in the amount of \$2,750,000 including costs (**Judgment Sum**).
- 4 Interest will not accrue or be payable by or on behalf of the Defendants of the Judgment Sum if that sum is paid to the Plaintiffs or as directed by the Court on or before the later of:
 - a. 28 days from the date Judgment is entered; or
 - b. 28 days after receipt of an Authority to Receive.
- 5 All previous costs orders in the proceedings be discharged.

SIGNATURES

Plaintiffs

The Plaintiffs consent.

Signature of legal representative

Capacity

Date of signature

Solicitor 

12th August, 2016

Defendants

The Defendants consent.

Signature of legal representative

Capacity

Date of signature

Solicitor 



SEAL AND SIGNATURE

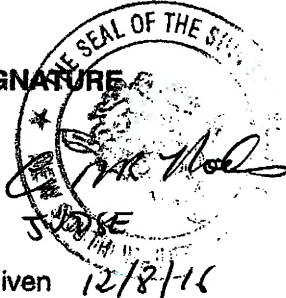
Court seal

Signature

Capacity

Date made or given

Date entered



C R R HOEBEN

12/8/16

NOTICE

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.

PARTY DETAILS**PLAINTIFFS**

Ralf Lauren 57 Pty Ltd
First plaintiff

PJ George Investments Pty Ltd
Second plaintiff

Ralf Lauren Pty Ltd
Third plaintiff

Robert Watson
Fourth plaintiff

Immer (No. 196) Pty Ltd
Fifth plaintiff

John Vaughan
Six plaintiff

Anne Vaughan
Seventh plaintiff

Paecal Pty Ltd
Eighth plaintiff

Stewartville Pty Limited
Ninth plaintiff

John Anthony Callanan
Tenth plaintiff

Simon Clowes
Eleventh plaintiff

Lisa Clowes
Twelfth plaintiff

Jürgen Greiner
Thirteenth plaintiff

Ingrid Greiner
Fourteenth plaintiff

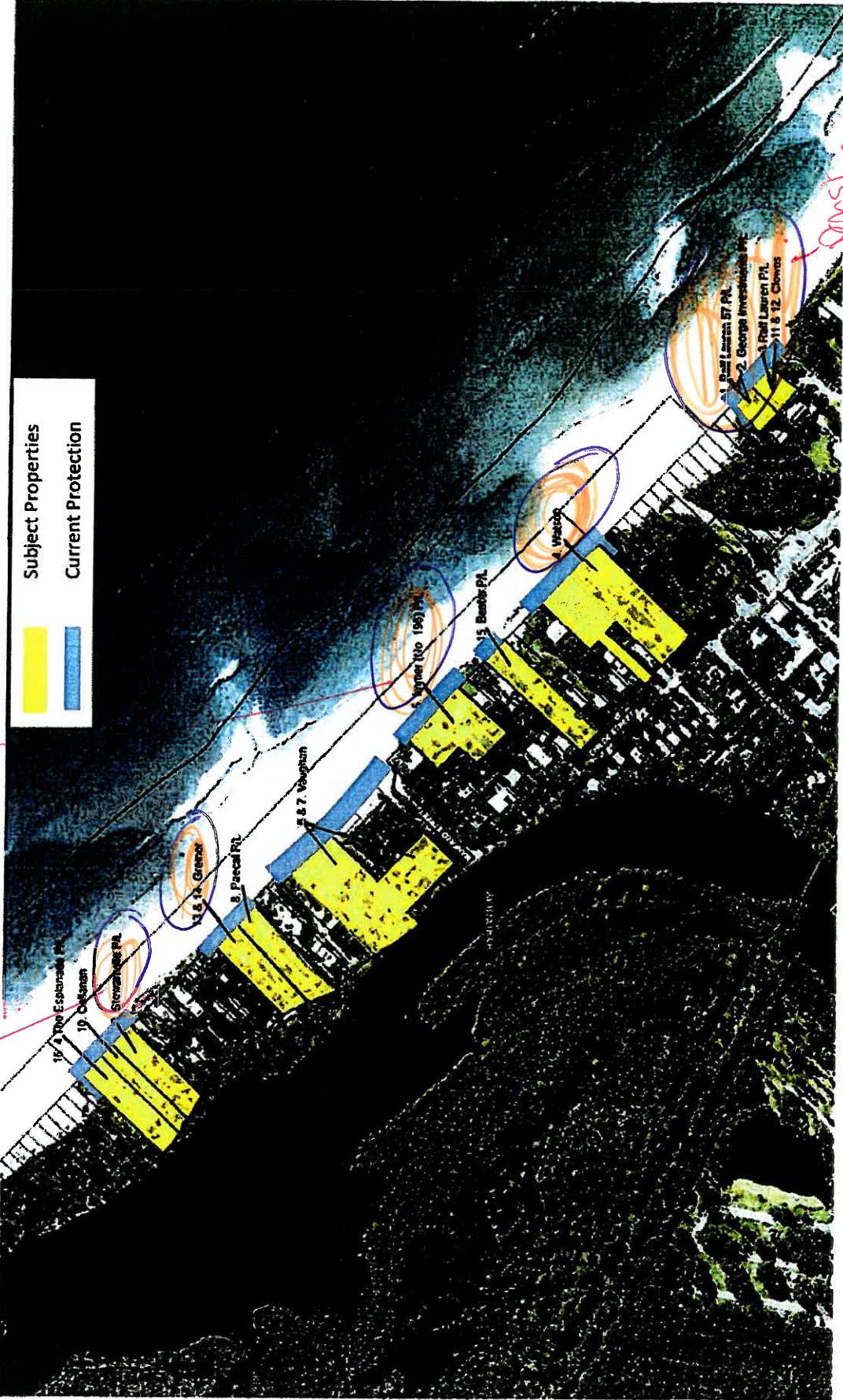
4 The Esplanade Byron Bay Limited
Sixteenth plaintiff

DEFENDANTS

Byron Shire Council
First defendant

Reserve Number 82000
Second defendant

Plaintiff's Properties : BSC at Ralf Lauren 57 P/L & Ors



Notes



Meters

1 : 2,755

1:2755 (A1)

Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is as accurate as possible, the NSW Department of Lands does not warrant or guarantee the accuracy of the information. The user is advised to verify the accuracy of the information prior to using it. Note: The information shown on this map is the copyright of the Byron Shire Council and the NSW Department of Lands.



20-Jun-2016

Schedule 2: Properties of the Plaintiffs

The First Plaintiff (Ralph Lauren 57 Pty Ltd) and the Second Plaintiff (PJ George Investments Pty Ltd) - Lot 1 in Strata Plan 65430, known as Unit 2, 1 Don Street, Byron Bay.

The Third Plaintiff (Ralph Lauren Pty Ltd) – Lot 2 in Section 2 of Deposited Plan 1623 known as 2 Don Street, Byron Bay also known in Council's records as Lot 2 in Section 2 of Deposited Plan 1623, 1A Don Street, Byron Bay.

The Fourth Plaintiff (Robert Watson) - Lots 18, 19, 20, 59, 60 and 61 in Section 2 of Deposited Plan 1623, being the land known as 48 Childe Street, Byron Bay and Lots 21, 22, 23, and 57 in Section 2 of Deposited Plan 1623, being the land known as 44 Childe Street.

The Fifth Plaintiff (Immer (No. 196) Pty Ltd) - Lots 32 to 36 in Section 2 of Deposited Plan 1623, Lots 32 to 33 known as 8 The Esplanade also known in Council's records as 2/28 Childe Street, Byron Bay and Lots 34 to 36 known as 28a Childe Street, Byron Bay also known in Council records as 2/28 Childe Street, Byron Bay.

The Sixth and Seventh plaintiffs (John and Anne Vaughan) - Lots 3, 4, 5 in Section 3 of Deposited Plan 1623, known as 1 Manfred Street, and Lots 11 to 14 of Section 3 of Deposited Plan 1623, known as 22 Childe Street, Byron Bay.

The Eighth Plaintiff (Paecal Pty Ltd) - Lots 19 and 20 in Section 3 of Deposited Plan 1623, known as 16 Childe Street, Byron Bay.

The Ninth Plaintiff (Stewartville Pty Limited) - Lots 32 and 33 in Section 3 of Deposited Plan 1623, known as 6 Childe Street, Byron Bay also known in Council's records as 6B Childe Street, Byron Bay.

The Tenth Plaintiff (John Anthony Callanan) - Lot 34 in Section 3 of Deposited Plan 1623, known as 6a Childe Street, Byron Bay.

The Eleventh and Twelfth Plaintiffs (Simon and Lisa Clowes) - Lot 2 of Strata Plan 65430, known as Unit 1, 1 Don Street, Byron Bay.

The Thirteenth and Fourteenth Plaintiffs (Jürgen and Ingrid Greiner) – Lots 21 and 22 in Section 3 of Deposited Plan 1623, known as 14A Childe Street, Byron Bay also known in Council's records as 14B Childe Street, Byron Bay.

The Fifteenth Plaintiff (Benter Pty Ltd) – Lots 28, 29, 50 and 51 in Section 2 of Deposited Plan 1623, known as 34 Childe Street, Byron Bay.

The Sixteenth Plaintiff (4 The Esplanade Pty Ltd) - Lots 35 to 36 in Section 3 of Deposited Plan 1623, known as 4 The Esplanade, Byron Bay also known in Council's records as 4 Childe Street Byron Bay.