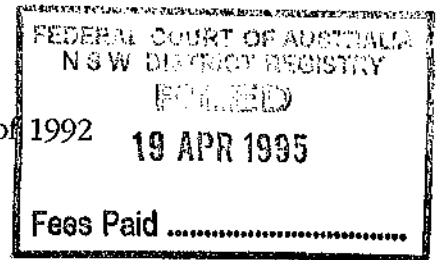


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ORIGINAL

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

**AFFIDAVIT OF ALEC FINLAYSON**

1. This Affidavit is further to my statement of 21 September 1992.

**Background**

2. Alec Finlayson Pty Limited ("the company") was incorporated on 22 June 1973. It is a building company involved in commercial, industrial and domestic building in northern New South Wales.
3. The company has been involved in residential developments since its inception and has constructed approximately 400 to 500 houses and units in northern New South Wales, including the Armidale area. In 1976 the company constructed a 893m<sup>2</sup> factory to manufacture Lysaght galvanised steel framed housing. The company specialises in constructing buildings from galvanised steel. The company has also been involved in major commercial and industrial

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This Affidavit 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

developments such as contracts for the University of New England, Armidale Hospital, the College of Advanced Education and the Armidale City Council.

4. The company first became involved in marketing house and land packages in 1978 when it purchased vacant land in Wigan Avenue and Dumaresq Street, Armidale. The company subdivided the land into 16 residential lots and sold house and land packages off the plan. Exhibited to me at the time of making this statement and marked "AF1" are true copies of advertisements taken out by the company in July 1978 and February 1979 in relation to the said development. All 16 lots were sold and the development, which was completed by about 1984, was successful and profitable.
5. When the company undertook the Wigan subdivision its main competitor was Owen & Fiveash, which was the largest developer of house and land packages at that time. The Wigan subdivision convinced me that residential development, coupled with land and house packages, was a viable area of future growth for the company, especially given that larger commercial contracts were not available on a regular basis.
6. After the Wigan Avenue subdivision had been completed, I started looking for new sites to develop for residential subdivision. I was aware of a number of other sites zoned for residential development around the Armidale area which I considered would have been suitable for a residential subdivision but also approached John Hawkins, surveyor, John Mills, engineer, Terence Stewart, surveyor, and Ron Wright, engineer, to ask them whether they knew of any suitable sites. These gentleman had all done work for the company over a number of years. I also approached some real estate agents in the area. The real estate agents suggested two possible sites north and north-west of Armidale.



**Martin Street Development**

7. In about mid-1985 I had a discussion with Terence Stewart and he told me that he had just completed a nine lot subdivision of land on the west side of Martin Street for a company called Basia Holdings Pty Limited ("Basia"). He told me that Basia might be interested in selling some of the land. In about August 1985 he showed me a plan of a proposed 40 lot subdivision. A true copy of the said plan is exhibit "AF1" to my previous statement. I was aware that the nine lot subdivision fronting Martin Street had been approved by the Armidale City Council for residential development and that the Council had designed, supervised and constructed the services to the nine lots. I was also aware that the Council had constructed a sealed road, with kerb and guttering, on Martin Street fronting the nine lots.
8. I asked Terence Stewart to enquire of Basia as to whether it wished to sell the back portion of the proposed 40 lot subdivision. Terence Stewart told me that Basia was prepared to sell the back portion for \$90,000.00. I did not negotiate directly with Basia but agreed to the price and asked Stewart to convey my agreement to Basia, subject to the condition that a plan of subdivision should be registered prior to settlement.
9. In September 1985 I instructed my then solicitor, David Tilbury of Messrs Tilbury & Co, Armidale, to prepare the necessary documentation and undertake searches with regard to the proposed purchase.
10. On 23 October 1985 contracts were exchanged for the purchase of the back portion of the west Martin Street land from Basia. The purchase price was \$90,000.00. I refer to my earlier affidavit and oral evidence as to the circumstances in which the company entered into the contract. A true copy of the contract is exhibit "AF4" to my previous statement. The contract was conditional upon a plan of subdivision being registered within six months from the date of the contract.



11. On about 31 October 1985 a development application was lodged with the Armidale City Council on behalf of the company for the subdivision of part of lot B, DP 161700 (which was the back portion of the west Martin Street land) into 27 residential allotments. On my instructions Terence Stewart prepared a statement of environmental effects dated 30 October 1985 which was lodged with the application. True copies of the application, including the environmental statement, are exhibits "AF5" and "AF6" to my previous statement. 27.
12. Armidale City Council consented to the development application on 29 November 1985. A true copy of the development consent is exhibit "AF7" to my previous statement.
13. The subdivision of part of Lot B, DP 161700 was registered on 9 December 1985 as Lot 11 DP 718207.
14. The company completed the purchase of Lot 11 DP718207 on 3 February 1986.
15. After settlement took place I retained Ron Wright to prepare plans for the civil development works for the said lot.
16. The works were completed on 15 April 1987 at a cost of \$222,053.00. 29
17. In about early October 1987 real estate agents Hutchinson & Harlow Pty Limited approached me about whether the company was interested in purchasing a block of land opposite the west Martin Street development. This land was on the corner of Martin and Beady Streets and would have been suitable for a subdivision of similar size to 26 lots.
18. At that time, it was my opinion that there would be increasing demand for residential housing in the Armidale area, especially in the mid-price range. It was my plan that the company would extend the west Martin Street development into the east Martin Street property so that the whole of the area would comprise residential development. As indicated in my oral evidence



(T552-553) I would not have caused the company to purchase this land if I had thought either that the land or any part of the west Martin Street subdivision was contaminated. As indicated in my oral evidence, as a result of the various subdivision approvals on the west Martin Street site I did not believe that any of that land was contaminated. Consequently I decided that the company should purchase the east Martin Street land. On 22 October 1987 the company exchanged contracts for the purchase of the east Martin Street land for \$48,000.00. Exhibited to me at the time of swearing this affidavit and marked "AF2" is a true copy of the said contract.

19. *15 Dec 1981* The first stage of the west Martin Street subdivision was completed on 10 February 1988 with the registration of deposited plan 773491. This plan comprised lots 10 to 28 and incorporated the first stage of the development which was the subject of development application 553. True copies of the applications and development approvals by the Armidale City Council relating to the first stages of the subdivision are exhibits "AF17" and "AF18" to my previous statement.
20. Once the first stage of the subdivision had been completed, the company commenced marketing house and land on the developed lots.
21. On about 30 June 1988 the company retained R F Wright to complete and supervise the civil development works for the second stage of the subdivision.
22. By the end of September 1988, the company had sold 13 of the 17 available blocks on the first stage of the subdivision. In about July - August 1988 a number of clients approached me asking whether any properties suitable for investment would become available in the subdivision. The potential purchasers were particularly interested in duplexes. Duplexes could not be built on the remaining lots in the first stage of the subdivision because of the Council's policy on the density of such developments. However, the Council changed its policy on duplex densities after the company had completed the first stage of the subdivision so I approached Basia to purchase 5 developed



lots from the 9 nine lot subdivision. The company purchased lots 1, 2, 5, 6 and 7 on the dates and for the purchase prices set out below -

6.9.88	Lot 1 Martin Street (1/718207)	\$12,500
19.9.88	Lot 6 Martin Street (6/718207)	\$15,000
29.9.88	Lot 5 Martin Street (5/718207)	\$15,000
24.10.88	Lot 7 Martin Street (7/718207)	\$15,000
20.2.89	Lot 2 Martin Street (2/718207)	\$15,000

True copies of the contracts for the purchase of these lots are exhibit "AF27" to my previous statement.

23. The blocks referred to in paragraph 22 were purchased as part of the overall Martin Street development and in the light of earlier development consents as referred to in my oral evidence (T551-552).
24. The company sold all five Basia lots in conjunction with building contracts to build duplexes on lots 2, 5, 6 and 7 and a residence on lot 1. The contract for lot 7 was cancelled by the purchaser and the circumstances of the cancellation are set out in paragraphs 35 and 36 of this affidavit.
25. The civil development works for the second stage of the west Martin Street development had been completed by the end of December 1988 at a cost of \$205,542.00.
26. The second stage of the subdivision was completed on 17 March 1989 with the registration of DP 787459. This plan comprised twelve residential lots and the thirteenth lot, being lot 39, was dedicated to the Armidale City Council for a reserve.



27. Once the second stage was completed the company commenced marketing house and land packages on the lots and by February 1990 the company had sold seven of the twelve residential blocks.
28. In May 1989 the company lodged a development application for eight residential lots in respect of the east Martin Street land. Exhibited to me at the time of swearing this Affidavit and marked "AF3" is a true copy of the plan of the proposed subdivision. The development was approved by the Armidale City Council on 18 August 1989. Exhibited to me at the time of swearing this Affidavit and marked "AF4" is a true copy of the approval.
29. By the end of February 1990, all but six lots in the west Martin Street subdivision had been sold, with 81 percent as house/unit and land packages.

Exhibited to me at the time of swearing this affidavit and marked "AF5" is a copy of a schedule prepared by my accountant, Mike Muldoon, summarising gross receipts and the costs of construction in respect of the lots.

### **Discovery of Land Contamination**

30. On or about 27 February 1990 the Mayor of Armidale, Rosemary Leitch, made a statement on the local television station to the effect that the west Martin Street subdivision was contaminated. The Mayor also issued a press statement, a true copy of which is exhibited to me at the time of swearing this affidavit and marked "AF6".
31. Between February 1990 and late 1994 there were regular media reports on the Martin Street contamination. I collected a number of newspaper articles from the local Armidale newspaper, The Armidale Express, and have discovered those articles in the proceedings herein.
32. Sinclair Knight and Partners were retained by the Armidale City Council in March 1990 to undertake soil tests on the west Martin Street subdivision. There was testing on the site between March and June 1990. There was also

testing on the land east of the subdivision including land owned by the company. On 30 August 1990 the State Pollution Control Commission issued a notice to the company pursuant to section 35 of the Environmentally Hazardous Chemicals Act 1985 in relation to the east Martin Street land. A true copy of the notice is exhibit "AF32" to my previous said statement. Consulting firm AGC Woodward Clyde were retained by the Environmental Protection Authority in late 1990 and a report was made available to the company in January 1991. The report recommended that fences be erected around certain "hot spots" on the west Martin Street land. Fences were erected on the site by the end of 1991. Exhibited to me at the time of swearing this Affidavit and marked "AF7" is a true copy of a Media Release dated 13 September 1991 detailing the fencing on the site.

33. At the time of the discovery of contamination in the west Martin Street subdivision, the company was the largest domestic builder in the Armidale area. According to information published by the Armidale City Council for the year ending 31 December 1989, the company was responsible for 62 percent of the residential building approvals of the two major developers in Armidale for that year, with residential approvals of \$2,067,353.00. The other major developer was Owen and Fiveash which generated \$1,274,650.00, about half the value of the building approvals generated by the company in the 1989 year (refer to paragraph 58 and exhibit "AF17" of this Affidavit)
34. As at February 1990 the company had sold over 80 percent of the west Martin Street subdivision and had obtained approval for a nine lot subdivision on the east side of Martin Street. The company also owned land at 68 Dangar Street and at the corner of Erskine and Kennedy Streets and owned the factory referred to in paragraph 3. The company had a staff of approximately 22 to 28 during 1989.
35. If I had known about the contamination on the west Martin Street subdivision as disclosed in the reports of Sinclair Knight, Arnheim Environmental Impact Assessors and AGC Woodward Clyde the company would not have purchased the back portion of the Basia subdivision, the five developed lots in the Basia





subdivision or the east Martin Street land. If I had known or suspected that there was any contamination on or adjacent to the west Martin Street subdivision, I would have avoided the area and would have caused the company to purchase land suitable for residential development elsewhere in Armidale. The company would have developed and marketed the alternate site on the same basis as the west Martin Street subdivision.

**Lot 7 Martin Street**

36. A contract for the sale of lot 7 Martin Street to Mary Carlon was prepared in February 1990. Exhibited to me at the time of swearing this affidavit is a true copy of a contract signed by Mary Carlon's daughter, who was her attorney. The contract was not exchanged. In conjunction with the sale of the land the company entered into a contract to build a duplex. The building contract was dated 8 February 1990. Exhibited to me at the time of swearing this Affidavit and marked "AF8" is a true copy of the building contract and specification.
37. The company commenced preparing lot 7 to lay a concrete slab soon after the building contract was signed. After the announcement of the Mayor in late February 1990, Mrs Carlon's daughter contacted me and indicated that she did not wish to proceed with the purchase of lot 7 but would continue with the building contract provided it could be transferred to an alternative site. The company agreed to transfer the building contract to an alternative site. Mrs Carlon's daughter found a site in Crest Street, Armidale. I was able to transfer the steel reinforcement from lot 7 but much of the work completed on the site could not be used on the new site and the company was required to complete the preparatory work on the Crest Street site.
38. Set out below are details of the loss incurred on lot 7 -

Gross costs incurred on lot 7	\$8,841
Less Cost of reinforcement transferred from Lot 7 to Crest Street	<u>(\$2,107)</u>
Net cost	\$6,734



### Lost Profits and Cash Flow Difficulties

39. After contamination was found on the west and east Martin Street sites, the extent of the company's residential building work declined. The company could not market the remaining seven blocks in the west Martin Street subdivision and could not proceed with its plans to develop the east Martin Street land. As at the date of swearing this affidavit the company has been unable to sell the lots detailed below -

- Lots 31, 32 and 33 Conningdale Crescent
- Lots 28 and 30 Kilcoy Close
- Lot 13 Pointsfield Avenue
- Lot 7 Martin Street

The company has paid or is liable to pay the following amounts for rates in respect of the said properties:

• Lot 7 - 68 Martin Street	2,469
• Lot 13 - 7 Pointsfield Place	2,506
• Lot 28 - 2 Kilcoy Close	2,469
• Lot 30 - 4 Kilcoy Close	2,469
• Lot 31 - 12 Conningdale Crescent	2,515
• Lot 32 - 14 Conningdale Crescent	2,515
• Lot 33 - 16 Conningdale Crescent	2,515
• Water Rates	600
• <b>TOTAL</b>	<b><u>\$18,058</u></b>

40. The company has also been notified by the Council that it has registered the remaining lots as "potentially contaminated". Exhibited to me at the time of swearing this affidavit and marked "AF9" are true copies of correspondence from the Armidale City Council dated 2 February 1994.



41. If the company had proceeded with sales of house and land packages in the west Martin Street subdivision absent contamination, I estimate that the remaining seven lots would have been sold by August 1990, with the last building contract being completed by 31 December 1990. I estimate that the sales would have been made as follows:

• Lot 7 - 68 Martin Street	Feb 90
• Lot 13 - 7 Pointfield Place	May 90
• Lot 28 - 2 Kilcoy Close	Mar 90
• Lot 30 - 4 Kilcoy Close	Jul 90
• Lot 31 - 12 Conningdale Crescent	Aug 90
• Lot 32 - 14 Conningdale Crescent	Jun 90
• Lot 33 - 16 Conningdale Crescent	Apr 90

I also estimate that approximately 81.48% of the remaining sales would have been house and land packages. These estimates are based on previous sales in the west Martin Street subdivision.

42. If the remaining seven lots were sold in accordance with the estimates in paragraph 40, the company would have recouped the costs of developing those lots and would have made a net profit of \$139,485.00. I estimate the cost of developing the seven lots at \$102,251.00. This estimate has been calculated by allocating a percentage of the total cost of the subdivision against each of the remaining lots, save for lot 7 Martin Street based on the area of the lot. The costs of lot 7 is calculated by reference to the purchase price together with costs incurred in the purchase.

Net profit is calculated by determining the net profit on house and land packages and land only packages. The net profit for house and land packages is calculated by reference to the average gross profit achieved on sales of the previous 20 blocks sold.

Average gross profit per block sold as a house and land package was \$10,824.00. As 81.48 percent of the previous sales were house and land

packages, I have assumed that the sales of the remaining blocks would have been sold on a similar percentage and have reduced the average gross profit by 19 percent to \$8,819.00. Net profit on land only packages is calculated by deducting estimated costs of development from the estimated net realisable value of each lot.

I have based the above calculations on the information contained in Annexure "AF5"

43. The loss of income from the sales of the remaining west Martin Street lots and the cost of transferring the lot 7 contract to an alternative site caused cash flow problems for the company during 1990 and early 1991. If the west Martin Street subdivision had proceeded as anticipated the company would have had receipts of \$241,736.00 in the period February 1990 to December 1990. (This comprises the lost profits on building of \$61,736.00 and land sales of \$180,000.00.) These moneys would have been applied in the business of the company.
44. The company banked with the Commonwealth Bank of Australia ("the Bank") from the 1970s to July 1991. At the time of the discovery of the land contamination the company had an overdraft (cheque account) of \$113,465.00 and a commercial bill of \$100,000.00. By 31 July 1991 indebtedness of the company to the Bank had increased to \$396,587.00. The company's trading account was frozen by the Bank in July 1991 after the Bank had advised, by letter dated 7 February 1991, that "no further excesses" on the company's working account would be permitted by the Bank. As a result of these problems with the Bank, the company incurred additional accounting fees and charges from the Bank in the sum of \$1,645.07.

Annexed and marked "AF10" are true copies of correspondence between the company and the Bank and the company's accountant, Roberts & Morrow, and the Bank during the period February 1991 to July 1994. Annexed and marked "AF11" are true copies of the invoices from Roberts & Morrow.



45. Most importantly the Bank would not provide funds to allow the company to proceed with two planned developments at 68 Dangar Street and at the corner of Kennedy and Erskine Streets. This had a devastating effect on the company as it could not sell the Martin Street properties and did not have sufficient funds to develop any other sites.

### Forced Sales

46. Due to increasing pressure from the Bank, high interest rates and charges and the lack of income from building contracts, the company was forced to sell the two sites referred to in paragraph 44. These sites, particularly the Erskine and Kennedy Street site, were intended to provide the future growth of the company.
47. The company purchased 68 Dangar Street on 23 December 1988 for \$74,000.00. The company applied for development approval to build 5 units on the site in May 1989 and the development consent was granted by the Armidale City Council on 12 September 1989. Exhibited to me at the time of swearing this affidavit and marked "AF12" is a true copy of the development consent. *Consent July 89 Com. Pleasman*
48. It was my intention to commence the Dangar Street development while completing the west Martin Street subdivision. I estimate that the company would have started the Dangar project by about March 1990 and would have completed construction by about September 1990. I believe there was a ready market for these units and had numerous enquiries in late 1989/early 1990 as to when the company proposed to commence construction on Dangar Street development. I estimate that the 5 units would have been sold between October 1990 and February 1991 and the sales would have been as follows:

- |          |        |
|----------|--------|
| • Unit 1 | Jan 91 |
| • Unit 2 | Oct 90 |
| • Unit 3 | Dec 90 |



- Unit 4 Nov 90
- Unit 5 Feb 91

49. The company sold 68 Dangar Street on 11 March 1991 for \$103,100.00 due to pressure from the Bank to reduce the company's indebtedness. After deducting the costs incurred in the original purchase of \$2,695.00 and the costs of the sale of \$3,926.50, the company made a profit on resale of \$22,478.50. However, if the company had developed and sold the units as anticipated, I estimate that the company would have made a profit of \$133,058 between October 1990 and February 1991.

The profit is calculated by deducting the estimated costs of development and construction of each unit from the estimated market value, less selling costs, of each unit.

I estimate total development and construction costs as \$683,551, comprised as follows-

• Land (purchase price \$74,000 less house, net of removal)	\$ 60,000
• Landscaping	\$ 15,000
• Fencing	\$ 6,500
• Driveways/drainage	\$ 16,800
• Paving & Porches	\$ 10,115
• Building	<u>\$575,136</u>
	<u>\$683,551</u>

I estimate the development and construction costs of Unit 1, which would have been a 3 bedroom unit, as \$153,071 and the balance of the Units, which would have been 2 bedroom units, as \$530,480 (ie averaging \$132,620 per unit). the basis of these estimates is as follows -

## Unit 1 (3 bedroom)

Garages	\$33,407
Entry	\$12,036
Unit	\$75,192
Verandah	\$ 8,151
Land	<u>\$24,285</u>
	<u>\$153,071</u>

## Units 2-5 (2 bedroom)

Garages	\$ 62,179
Entry	\$ 23,776
Units	\$271,046
Verandahs	\$ 89,349
Land	<u>\$ 84,130</u>
	<u>\$530,480</u>

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50. The company purchased ~~80~~ acres at the corner of Erskine and Kennedy Streets on 1 June 1989 for \$180,000.00. In late 1989 the company applied for development approval for 12 residential lots, including one large lot which could be later subdivided, in respect of a portion of the land known as portions 139-142 Erskine Street and Lot 25 DP 112885. Development approval was granted by the Armidale City Council on 3 May 1990. This approval represented Stage I of a three stage subdivision comprising 55 lots which the company proposed the site.

Exhibited to me at the time of swearing this affidavit and marked "AF13" is a true copy of the development approval. Exhibited to me at the time of swearing this affidavit and marked "AF14" is a true copy of the company's plans for the first stage of the subdivision. Exhibited to me at the time of swearing this affidavit and marked "AF15" is a true copy of the company's plans for the second and third stages of the subdivision prepared by R Wright on or about 20 May 1991.



51. I estimate that the first stage of the Erskine and Kennedy Streets development would have been sold, as house/duplex and land packages, by 30 June 1991. If the company had had sufficient funds to develop the site, it would have commenced civil development works by about May 1990. The civil works would have been completed by August 1990 and the company would have commenced selling house and land packages from this date. The company obtained development consent for a duplex on lot 2 of the proposed subdivision on 28 September 1990 and had received enquiries from at least three potential purchasers interested in the duplex in early 1990. I estimate that the second and third stages for 45 residential lots would have been developed by February 1992 with sales completed by June 1995. These estimates are based on the average sales on the West Martin Street subdivision where the company made 26 sales in 24 months. This equates to 1.08 sales per month.

I estimate that the sales would have been as follows:

• Stage 1 - 2 lots (vacant)	Aug 90
• Stage 1 - 3 lots	Nov 90
• Stage 1 - 3 lots	Jun 91
• Stage 1 - 3 lots	Jul 91
• Stage 2 - 3 lots (vacant)	Feb 92
• Stage 2 - 7 lots	May 92
• Stage 2 - 4 lots	Jul 92
• Stage 2 - 3 lots (vacant)	Nov 92
• Stage 3 - 4 lots	Feb 93
• Stage 3 - 3 lots	Jun 93
• Stage 3 - 3 lots (vacant)	Jul 93
• Stage 3 - 5 lots	Jan 94
• Stage 3 - 5 lots	May 94
• Stage 3 - 2 lots	Aug 94
• Stage 3 - 3 lots	Feb 95
• Stage 3 - 2 lots	Jun 95



52. By letter dated 13 February 1991, the company applied to the Bank for further accommodation to develop the Kennedy & Erskine Street site. By letter dated 14 March 1991 the Bank refused the company's request. After raising the matter with Ray Chappell, MP, the Minister for Small Business, the company again applied for accommodation by letter dated 22 May 1991. The Bank refused application.
53. The company sold portion 142, Kennedy Street on 8 August 1991 for \$64,000.00. After deducting rates, agent's commission, legal fees and advertising expenses totalling \$6,992.00, the company received \$57,008.00. The company sold portions 139 to 141, part 365 and two closed roads on 13 January 1993 to Vodaska Pty Limited, Kiltarnu Pty Limited and Nyobu Pty Limited for \$215,000.00. After deducting legal fees and other costs associated with the sale, the company received \$210,431.86. However, the company spent in excess of \$50,000.00 on developing the proposed subdivision during 1989 and 1990.
54. If the company had developed the Erskine and Kennedy Streets subdivision as originally planned, the company would have made a profit of \$928,631.00 over a period of 5 years.

This profit is calculated by deducting estimated land costs and estimated development costs from the estimated market value, less selling costs, of each lot in the development. I estimate development costs at \$21,150.00 per lot based on the costs calculated by R F Wright Engineers in respect of stage I of the subdivision with an additional \$500.00 per lot for surveyors costs.

Estimated land costs of \$91,573.04 are based on the following:-

• Land costs	139 <i>lt.</i>	
	(allocated to lots 130-142 based on area)	\$57,372.04
• Costs		\$10,201.00
• Flood study		\$4,000.00
• Subdivision expenses		\$18,000.00
• Rezoning survey		<u>\$2,000.00</u>
		<u>\$91,573.04</u>



55. It is my understanding that the companies referred to in paragraph 53 plan to develop the site into 48 residential lots through 4 stages. As at January 1995, the companies had sold 8 of the 25 blocks in the first stage of the subdivision for \$42,000.00 each.

Exhibited to me at the time of swearing this affidavit and marked "AF16" is a true copy of a plan of subdivision and true copy of an advertisement in the Rural Post in January 1995.

56. The majority of the proceeds of the sale of Dangar Street and the Kennedy and Erskine Street lots were paid to the Bank to reduce the company's overdraft.

#### **East Martin Street Development**

57. If the company had had sufficient funds and the East Martin Street land had not been contaminated, the company would have developed the subdivision in two stages. The first stage would have comprised eight residential lots and the second stage 18 residential lots. Civil works on the site would have been commenced by about March 1991. It is probable that the company would have sold these lots as vacant land to finance the development of the Eskine and Kennedy Street development. I estimate that all lots would have been sold as vacant land over a 3 year period as follows:

• Stage 1 - 2 lots	Jun 91
• Stage 1 - 3 lots	Sep 91
• Stage 1 - 3 lots	Jan 92
• Stage 2 - 2 lots	Jul 92
• Stage 2 - 4 lots	Dec 92
• Stage 2 - 3 lots	Mar 93
• Stage 2 - 2 lots	Jun 93
• Stage 2 - 2 lots	Sep 93
• Stage 2 - 3 lots	Jan 94
• Stage 2 - 2 lots	Jun 94

58. On the basis set out in paragraph 57, the company would have made a profit of \$338,173.00 and would have recouped land and holding costs of \$53,647.00 and \$2,671.00 respectively by about March 1994. The profit is calculated by deducting estimated land costs and estimated development costs from the estimated market value, less selling costs, of each lot in the development. Estimated land costs are based on the purchase price of the East Martin Street land together with acquisition costs totalling \$53,648. I estimate total development costs at \$377,390, based on \$14,515 per lot. This figure is calculated by reference to the average cost per lot on the West Martin Street development (ie \$8,429) with the following additional charges imposed by the Armidale City Council in respect of DA 117/89 (as referred to in AF 28 of my previous statement) -

• Water	\$3,255
• Sewerage	\$1,365
• Gardens	\$ 966
• Stormwater drain	\$ 500

59. If I had been aware of contamination on the West or East Martin Street sites, the company would not have purchased East Martin Street but would have purchased and developed an alternative site. I believe it would have been likely that the company would have purchased an alternative site for a similar sum and generated a comparable profit in developing that site as that set out in paragraph 58.

### **Loss of Earning Capacity**

60. The ability of the company to develop its residential business over the past five years has been limited by adverse publicity, lack of funds and perceptions as to the company's financial position.

61. As referred to in paragraph 33 of this affidavit, the value of residential dwellings and unit developments approved for the company for the year ended 31



December 1989 was \$2,067,353. The value of such developments for the following year declined by 35 percent to \$1,346,000 and by the years ended 31 December 1991 and 31 December 1992 the value of residential developments had fallen to \$254,000 and \$210,000 respectively. This represents a decline of approximately 90 percent from the year ended 31 December 1989. On the other hand, in the year ended 31 December 1992 Owen and Fiveash generated residential developments of \$2,113,887, which represents an increase of 66 percent from the year ended 31 December 1989.

Exhibited to me at the time of swearing this affidavit and marked "AF17" are schedules prepared by me by reference to the monthly building approvals published by the Armidale City Council comparing residential building approvals for the company and for Owen and Fiveash for the years 1988, 1989, 1990, 1991, 1992, 1993 and 1994.

These schedules show that the company's market share reduced from 15.39% in 1988 to 1.76% by 1994. Over the 30 months to June 1990, the company averaged a market share of 14.63% of all building applications for house and home units lodged with the Armidale City Council in the period.

62. It is my belief that the company will not be able to restore its position in the market and that the company has lost the capacity to earn future income in respect of residential developments. As at 30 June 1990 the company employed 22 staff. By 30 June 1991 the company had retrenched more than half of this staff. This not only caused me personal anguish, as some of the staff retrenched had been with the company for nearly 20 years, but presents problems in re-establishing the pre February 1990 trading position of the company in that it will be difficult to replace the experienced workforce that the company once had.

### **Factory**

63. Between 1988 and 1990 the company extended the factory at the Acacia Park Industrial Estate to accommodate the increased demand for land and house

packages generated by the west Martin Street development and anticipated by the developments referred to in paragraphs 48 to 52 and 57 to 59 of this affidavit. The company expended \$64,733.00 on the extensions as follows:

<b>Date Cost Incurred</b>	<b>Amount</b>
	\$
Period to 31 March 1990	52,538
Period to 30 June 1990	3,659
Period to 28 February 1991	7,065
Period to 30 June 1992	1,471
<b>TOTAL</b>	<u><b>64,733</b></u>

Because of the decline in the company's business referred to in this affidavit, the company has been unable to utilise these extensions. The company is currently considering selling the factory to relieve the financial pressure being exerted by the Commonwealth Bank.

#### **Cost of Rectifying the Land**

64. The Environmental Protection Authority has not yet issued any notices to the company to clean up the remaining seven west Martin Street lots but if it were to do so I assess the costs to clean up an average size block of 700m<sup>2</sup> at \$82,000.00. This is based on excavating and replacing soil to a depth of 1.5 metres.

The cost has been calculated as follows:

• Bulk excavation 700 x 1.5	1050 x \$4.00	\$4,200.00
• Transport to EPA site	1050 x \$6.00	\$6,300.00
• Special charge to transport contaminated soil	1050 x \$3.00	\$3,150.00
• Special provision to contain soil on dump site	1050 x \$2.00	\$2,100.00
• Further testing on site after excavation (\$2,000 per block)		\$2,000.00

• Replacement of compacted suitable soil	1050 x \$25.00	\$26,250.00
• Assuming land would be used for residential purposes, costs of subdivision		\$23,500.00
• Costs applicable to original development		<u>\$14,500.00</u>
		<u>\$82,000.00</u>

65. I cannot assess the cost of cleaning up the east Martin Street land as there has been insufficient testing on this site.

SWORN at  
Armidale  
Before Me:

) Annidale  
)  
) *[Signature]*

*[Signature]*

J.P. 920 6736.

Justice of the Peace/Solicitor

6<sup>th</sup> April 195.

**THIS AND THE FOLLOWING PAGES IS THE  
ANNEXURE MARKED "AF6" TO THE AFFIDAVIT  
OF ALEC FINLAYSON**

# MEDIA RELEASE

2

## Armidale City Council

Civic Administration Building  
Rusden Street  
Armidale, N.S.W. 2350

STD Area Code: 067  
Telephone: 72 8666

P.O. Box 75a  
Fax No. 72 9275

Date of Issue: 27 February 1990

### SOIL CONTAMINATION - MARTIN STREET, ARMIDALE

DURING THE COURSE OF PREPARING VACANT LAND FOR THE ERECTION OF A DWELLING ON 15 JANUARY 1990, A SUBSTANCE WAS OBSERVED IN SEVERAL EXCAVATIONS.

COUNCIL COLLECTED SAMPLES OF THE OFFENDING SUBSTANCE, AND BUILDING WORK WAS SUSPENDED OFFICIALLY ON 24 JANUARY 1990. AT THE SAME TIME, THE OWNER WAS DIRECTED TO COVER ALL PIER HOLES AND ANY EXPOSED SOIL THOUGHT TO BE CONTAMINATED.

RESULTS OF THE SAMPLED SUBSTANCE WERE RECEIVED FROM THE STATE POLLUTION CONTROL COMMISSION LABORATORY ON 23 FEBRUARY 1990, WITH RESULTS SHOWING THE SAMPLE TO BE A MIXTURE OF SOIL WATER AND CREOSOTE WITH TRACES OF CCA (PRESERVATIVE).

IMMEDIATE CONTACT WAS MADE WITH THE STATE POLLUTION CONTROL COMMISSION (ARMIDALE) TO CONFIRM THAT CORRECT PROCEDURES WERE BEING FOLLOWED. COUNCIL IS AWAITING DIRECTION FROM THE STATE POLLUTION CONTROL COMMISSION AS TO THE BEST METHOD OF DEALING WITH THE PROBLEM.

A REPORT WAS PRESENTED TO COUNCIL ON 26 FEBRUARY 1990 AND COUNCIL AUTHORISED THAT AN APPROPRIATE ACTION PLAN BE IMPLEMENTED.

THE PLAN PROVIDES FOR COUNCIL TO INITIATE IMMEDIATE POSITIVE ACTION ON-SITE AND ALSO PROVIDES FOR A PLAN TO RECOVER ANY COSTS FROM THOSE PERSONS RESPONSIBLE FOR THE CONTAMINATION.

THE EXTENT OF THE CONTAMINATION IS NOT YET KNOWN, HOWEVER, SITE SAMPLING WILL DETERMINE THE EXTENT OF THE CONTAMINATION, AND RESIDENTS AFFECTED, IF ANY, WILL BE KEPT FULLY INFORMED.

COUNCIL'S CONTACT NUMBER FOR ADVICE IN THIS MATTER IS 73 8578.

Alderman R E Leitch  
Mayor

FURTHER CONTACT:

  
**ARMIDALE**  
city for all seasons



**THIS AND THE FOLLOWING PAGES IS THE  
ANNEXURE MARKED "AF7" TO THE AFFIDAVIT  
OF ALEC FINLAYSON**

# Media Release

152

## Armidale City Council

Civic Administration Building  
Rusden Street  
Armidale, N.S.W. 2350

P.O. Box 75A  
Fax: 72 9275

ST Area Code: 067  
Telephone: 72 8666

BM/MLR:cf..114  
Date of Issue: 13 SEPTEMBER 1991

### MARTIN STREET SUBDIVISION

COUNCIL HAS RESOLVED TO PROCEED WITH TEMPORARY COVERING AND FENCING AND ERECTION OF WARNING SIGNS AT HOT SPOTS AT THE MARTIN STREET SUBDIVISION FOLLOWING ADVICE FROM THE STATE POLLUTION CONTROL COMMISSION PROVIDING CLARIFICATION OF THE AREAS TO BE COVERED AND ADVICE FROM COUNCIL'S SOLICITORS.

WHILE COUNCIL HAS PREVIOUSLY STRONGLY URGED THE STATE GOVERNMENT TO TAKE ACTION TO HAVE THE SITUATION RESOLVED AT MARTIN STREET, COUNCIL IS UNDERTAKING THIS WORK AS A PUBLIC AUTHORITY CONCERNED AT THE POSSIBLE RAMIFICATIONS OF ALLOWING THE HOT SPOTS TO REMAIN. HOWEVER, COUNCIL DOES NOT CONSIDER ITSELF LEGALLY LIABLE AT LAW FOR THE CONTAMINATION.

THE HOT SPOTS WHICH COUNCIL WILL CLEAN UP ARE THOSE ON SRA LAND (AT THE SRA'S EXPENSE), CERTAIN PUBLIC RESERVE LAND OWNED BY COUNCIL AND CERTAIN ALLOTMENTS OWNED BY PRIVATE INDIVIDUALS. SOME OWNERS OF LAND ON WHICH THE HOT SPOTS ARE SITUATED HAVE NOT GIVEN THEIR CONSENT TO COUNCIL TO ENTER THEIR LAND AND FURTHER LETTERS WILL BE SENT TO THOSE OWNERS. COUNCIL HOPES THE STATE POLLUTION CONTROL COMMISSION WILL TAKE A CLOSER LOOK AT REQUESTING THOSE OWNERS TO GIVE PERMISSION TO CLEAN UP THEIR LAND.

THERE IS SUPREME COURT LITIGATION CONCERNING THE CONTAMINATION OF THE SUBDIVISION AND THE COUNCIL HAS BEEN NAMED AS A PARTY. THE COUNCIL LIABILITY IN THE MATTER AND THE CASE IS LIKELY TO PROCEED TO A HEARING UNLESS THERE CAN BE SOME NEGOTIATED SETTLEMENT BETWEEN ALL PARTIES INVOLVED INCLUDING THE COUNCIL, THE STATE GOVERNMENT, THE RESIDENTS, THE SUBDIVIDER OF THE LAND, THE SUCCESSOR IN TITLE TO THE OPERATOR OF THE POLE TREATMENT PLANT AND ALL OTHER PARTIES.

Brian Martin  
Town Clerk

63

**THIS AND THE FOLLOWING PAGES IS THE  
ANNEXURE MARKED "AF13" TO THE AFFIDAVIT  
OF ALEC FINLAYSON**

# THE COUNCIL OF THE CITY OF ARMIDALE

Winner of the A. R. BLUETT AWARD 1970 & 1988

CIVIC ADMINISTRATION BUILDING  
135 RUSDEN ST., ARMIDALE 2350

YOUR REFERENCE ..... 849.....  
OUR REFERENCE ..... SG:MS:TS:P17;  
31-45/001/218  
Mr Gow



ALL COMMUNICATIONS  
SHOULD BE ADDRESSED  
TO

TOWN CLERK  
P.O. BOX 75A,  
ARMIDALE, N.S.W. 2350

AREA CODE 087  
TELEPHONE 72 8666  
FAX No. 72 9275

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979  
LOCAL GOVERNMENT ACT, 1919  
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT/SUBDIVISION  
APPLICATION

R F Wright & Associates  
PO Box 614  
ARMIDALE NSW 2350

Pursuant to Section 92 of the Environmental Planning and Assessment Act Part XII of the Local Government Act notice is hereby given of the determination by the consent authority of the Development/Subdivision Application No. 80/90 relating to the land as follows:-

Ports 139-142 Erskine Street and )  
Lot 25 DP 112885  
ARMIDALE NSW 2350

The Application has been determined by:

Granting consent for the subdivision of the land to create 11 new residential allotments, and one large "residual" allotment, in accordance with the submitted plans No's. 849 A-E inclusive, subject to the conditions listed overleaf.

3 MAY 1990

Endorsement date of consent .....

PLEASE NOTE:

THE FOLLOWING CONDITIONS SET OUT OVERLEAF ARE TO BE ADDRESSED/SATISFIED PRIOR TO THE RELEASE OF THE APPROVED TITLE PLANS:- 1(c), 1(d), 2(b), 2(c), 2(d), 3(c), 3(e), 3(f), 3(g), 3(h), 3(i), 3(j), 5(a), 5(b).

The Developer must also lodge an appropriate security amount if title plan release is required before completion of construction, works (including required landscaping). Security amount to be determined once all engineering and other relevant requirements of this consent have been addressed to Council's satisfaction.

Yours faithfully

  
B Martin  
Town Clerk



ARMIDALE  
A city for all seasons

D. L. 22/11 7/8/90

Development Application 80/90

The following conditions have been imposed pursuant to Section 91 of the Environmental Planning and Assessment Act, 1979 and S.333 of the Local Government Act.

Generally

- a) Development to take place in accordance with the plans submitted with the application except as modified by conditions below.
- b) Development complying with Council's Residential Subdivision Code except where modified by approved plans or the conditions attached to this consent.
- c) Contribution towards the provision and improvement of Public Garden and Recreation Space, Contribution will be that fixed by Council and applying at the date of release of the Title plan. THE CONTRIBUTION REQUIRED FOR THIS DEVELOPMENT APPLICATION IF THE TITLE PLAN IS RELEASED ON OR BEFORE 31 DECEMBER 1990 IS \$7,350, FOR RELEASE AFTER THIS DATE PLEASE CHECK WITH TOWN PLANNING STAFF BEFORE MAKING PAYMENT.
- d) The residential portions/allotments marked in dotted outline on Plan No. 849C, being consolidated into one title AND SHOWN ACCORDINGLY ON THE SUBMITTED TITLE PLAN.

NOTE: This requirement does not at this stage extend to the proposed closed portion of Chapel Street, as this is not yet in the ownership of the of the developer. If the development eventually acquires this section of Chapel Street it should then be consolidated into the "residential" allotment to the west.

- e) A separate development application being submitted at the appropriate time for the future development/subdivision of the "residual" lot to the east of the 11 proposed lots fronting Kennedy Street,

Such application is to provide, inter alia:

- i) ~~Provision for limited vehicle access to Erskine Street (maximum one intersecting subdivision road/access point).~~
- ii) Full engineering details (including calculations) of the potential impact of flooding of the adjacent watercourse to the north and east and future development of the land. Submission to demonstrate that all proposed lots for future building construction will be sited above the 1 in 100 year flood level, and to provide a full hazard assessment with appropriate recommendations in respect of the Probable Maximum Flood, all in accordance with the editions of Australian Rainfall & Runoff and the NSW Floodplain Development Manual which are current at the date of the relevant future application.
- iii) Provision for modification of the deep, steep sided and eroded water course to a form more compatible to relative proximity to residential development. Such modification to also reflect the advice of the Soil Conservation Service.

1050  
+ 7  
7350

Development Application 80/90

- iv) Compliance with Council's Subdivision Code as applicable at the date of the relevant future application.

In this regard, it is to be noted that the provisional layout for the "residual" lot shown on Plan 849B is not approved pursuant to this consent.

**ADVISING:**

Council will give consideration to adjustment of the boundaries of proposed lots 1-11 to facilitate future medium density development on certain lots and to provide a mixture of lot sizes in accordance with the objectives of Armidale Local Environmental Plan 1988. Given compliance with Council's Subdivision Code and provided no additional lots are created, such adjustments may be made before the release of the title plans without the necessity for further development consent.

**2. ROADS**

- a) Construction of road shoulder, kerb and gutter and drainage of external road frontage to Kennedy Street to 8m carriageway width.
- b) Dedication to Council of a splay corner 5m x 5m at the junction of Kennedy Street and Erskine Street.
- c) Effective restriction as to user being created in the submitted S.88b Instrument to limit future vehicle access to proposed Lot 1 to the northern 6m of that Lot's frontage to Kennedy Street - to maximise future traffic safety at this intersection.
- d) Dedication to Council of a 2m wide "access denying strip" on the site frontage to Erskine Street. An appropriate restriction as to user being placed on the title of the two lots fronting Erskine Street to be created to prevent vehicle access along that frontage, with the exception of a single point of public road access for future subdivision/development of the "residual" lot. Position of this access point to be determined having regard to a flood hazard assessment of the Probable Maximum Flood as it affects the residual lot (see also condition 1(e)). Details to be approved by the City Engineer's nominee **BEFORE THE RELEASE OF THE TITLE PLAN FOR THIS STAGE OF THE SUBDIVISION.**
- e) Action being taken by the developer to ensure that public safety is maintained on roadways under construction at all times by the provision of effective barriers, hazard warning lights and other appropriate traffic control measures in accordance with Australian Standard 1742.3 - 1985 "Traffic Control Devices for Works on Roads".

3. UTILITY SERVICES

- a) Extension of sewer reticulation mains from existing manhole No. 2759 to serve the proposed subdivision.
- b) The extension of water reticulation mains, from existing watermain on western side of Kennedy Street to serve the proposed subdivision, of 100 mm minimum diameter.
- c) Contribution towards provision of headworks for water supply and sewerage. The contribution will be that fixed by Council and applying at the date of release of the title plan. **THE CONTRIBUTION REQUIRED FOR THIS DEVELOPMENT APPLICATION IF THE TITLE PLAN IS RELEASED ON OR BEFORE 31ST DECEMBER 1990 IS \$32,340, FOR RELEASE AFTER THIS DATE PLEASE CHECK WITH TOWN PLANNING STAFF BEFORE MAKING PAYMENT.**
- d) The provision of underground drainage pipelines to cater for a flooding frequency of 1 in 5 years and fail safe aboveground floodways to cater as a minimum for a flooding frequency of 1 in 100 years, to connect to an approved drainage system to the satisfaction of the City Engineer's nominee.
- e) Lots 2 to 10 and the "residual" lot do not drain directly to a made drain; therefore an easement 2m wide over lots 2 to 10 and benefitting lots 2 to 11 shall be provided for interallotment stormwater drainage.
- f) The dedication of 3m wide drainage easements, FOR FUTURE ROAD DRAINAGE and interallotment drainage over the proposed "residual" lot to the natural watercourse to the east of the proposed subdivision.
- g) Submission of detailed engineering drainage calculations and drawings for the approval of the City Engineer's nominee BEFORE THE RELEASE OF THE TITLE PLAN.
- h) Trimming, filling or reshaping of the site so that no ponding or other stormwater nuisance occurs, or concentration of flow is produced onto other lands, in accordance with a plan to be approved by the City Engineer's nominee BEFORE THE RELEASE OF THE TITLE PLAN.
- i) Written advice of Telecom to be submitted to Council BEFORE OR WITH THE TITLE PLAN, confirming that satisfactory arrangements have been made for the provision of a telephone service. Underground crossings of public roads are to be under-road bored.
- j) Written advice from New England(Electricity) County Council to be submitted to Council BEFORE OR WITH THE TITLE PLAN, confirming that satisfactory arrangements have been made for the provision of an adequate electricity supply.

Any provision of new utility easements and/or substations to be approved by the City Engineer's nominee BEFORE THE RELEASE OF THE TITLE PLAN, OR BEFORE WORK COMMENCES.

Underground crossings of public roads are to be under-road bored.

4620  
1 x 744115  
32340.

4. CONSTRUCTION

- a) Action is to be taken by the developer to prevent any loss, escape and/or transfer of soil, building refuse or contamination originating from the site onto surrounding roads, footpaths and other areas.
- b) No construction material or equipment associated with the development to be placed or operated outside the site on a public road or footpath, or parking area without the written consent of the City Engineer's nominee and concurrence of the Armidale Police Traffic Sergeant.

No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway past the site.

No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of public areas.

- c) No vehicle movements, or storage, or placing of any materials to occur on Council's adjacent access denying reserve, in association with the construction, maintenance, or use of the development or site.
- d) Effective dust control measures to be maintained during construction.
- e) Worked areas not covered by structures to be left with not less than 100 mm of topsoil and with grass or other stabilising landscaping established.
- f) Provision of one set of transparency print film copies of "work as executed" plans, UPON COMPLETION OF THE DEVELOPMENT. Each plan is to have a bar scale adjacent to the title block showing the scale used on that plan.

5. PUBLIC INTEREST

- a) Incorporation of screen plantings along the proposed "access denial" strip to Erskine Street, for the planted areas and a 1.8m high fence on the northern side of this strip as indicated in the applicant's submission.

Council's preference is for native trees (eg. eucalypts) and shrubs. A detailed plan of proposed landscaping of this area to be submitted for the approval of the City Engineer's nominee BEFORE RELEASE OF THE TITLE PLAN.

- b) Planting referred to in Condition 5(a) above is to be the subject of a security bond to the estimated value of the proposed fencing/trees and associated labour costs, to ensure that the work is carried out. Amount of the bond to be determined by Council on receipt of the required landscaping plan, and lodged with Council BEFORE THE RELEASE OF THE TITLE PLAN.



**ADVISING**

The fencing for this first stage of the subdivision may be restricted to the section of the "access denial" strip immediately adjacent to proposed Lot 1. All planting should be carried out as part of the first stage to enable trees to be come established before subsequent development occurs.

Reason for the Imposition of the Above Conditions


That having regard to Council's duties of consideration under S.90 (1) of the Environmental Planning and Assessment Act 1979 (as amended) the granting of unrestricted consent would not be in the public interest.

1. To ascertain the date upon which the consent becomes effective refer to Section 93 of the Environmental Planning and Assessment Act. (Date of consent above, or date of the decision that an appeal is successful).
2. To ascertain the extent to which the consent is liable to lapse refer to Section 99 of the Act. (Generally if not commenced within 2 years).
3. Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
4. Section 104A of the Environmental Planning and Assessment Act, 1979, as amended, precludes a challenge to the validity of a development consent more than three (3) months after the date of public notification of the consent.
5. This consent in no way exempts the developer from the need to obtain other consents/licences from other statutory authorities, as may be necessary.

These may include:

1. National Parks and Wildlife Service: Immediate notification of any discovery of Aboriginal sites, artifacts or skeletal remains during development.
2. Department of Industrial Relations: Approval for operation of business premises.
3. State Pollution Control Commission: Approvals under the Clear Air and Waters Acts, Noise Control Act and Environmentally Hazardous Chemicals Act.

Yours faithfully

  
B Martin  
Town Clerk

33 MAY 1990

YOUR REFERENCE .....  
OUR REFERENCE .....



TOWN CLERK  
P.O. BOX 75A,  
ARMIDALE, N.S.W. 2350  
AREA CODE 067  
TELEPHONE 72 8866  
FAX No. 72 9275

DEVELOPMENT CONSENT NO, 80/90  
ADDRESS: Portions 139 - 142 Erskine Street and  
Lot 25 DP 112885  
ARMIDALE

FILE REF: TS: P17:31-45/001/218

**PLEASE HAND THIS FORM TO THE CASHIER WHEN PAYING THE CONTRIBUTIONS AND CHARGES REFERRED TO IN YOUR CONSENT NOTICE.**

CONTRIBUTIONS/BONDS ARE REGULARLY REVIEWED,  
AMOUNTS FOR PERIODS OUTSIDE THOSE NOMINATED SHOULD BE CONFIRMED WITH  
COUNCIL'S TOWN PLANNING SECTION.

A. CONTRIBUTION/CHARGE	AMOUNT(\$)	
Water Headworks BL No, 30324001 (if title plans released on or before 31 December 1990)	\$22,785,00*	17, 3255
Sewerage Headworks BL No, 40329001	\$9,555,00*	1365
Public Gardens & Recreation BL No, 80042001 (if title plans released on or before 31 December 1990)	\$7,350,00*	1050
External Development Works BL No.		

\* NOTE: THESE CONTRIBUTIONS HAVE BEEN  
ASSESSED ON THE BASIS THAT THIS DEVELOPMENT  
IS CREATING SEVEN ADDITIONAL ALLOTMENTS  
WITHIN THE SUBJECT SITE.

TOTAL CASH CONTRIBUTIONS \$39,690,00 = 11 3670 50

B. SECURITIES/BONDS	AMOUNT(\$)
(if paying in cash; alternatively a Bank Guarantee may be lodged)	
Landscape Bond BL No, 80014001	) ) ) \$ To be determined*
Civil Works BL No, 80014001	) )
Other(s) _____ BL No.(s) _____	)

TOTAL CASH SECURITIES \$ To be determined

Office Use Only

Cashier: \_\_\_\_\_

Receipt Nos: \_\_\_\_\_

Date: \_\_\_\_\_

# ERSKINE PARK ESTATE ARMIDALE

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