

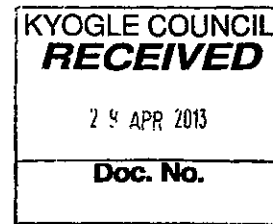
# Newton Denny Chapelle

SURVEYORS PLANNERS ENGINEERS

Date: 23 April 2013  
Our Ref: 10/121  
Your Ref: 2011/46

General Manager  
Kyogle Council  
PO Box 11  
KYOGLE NSW 2474

Attention: Mr Ross Brown/Mr Arthur Piggot



Dear Sir,

**Re: Oxbow Road Subdivision Granted Consent Under  
Development Consent Notice 11/46.**

We have been instructed by our client, [REDACTED], to submit this correspondence to Kyogle Council with respect to developer contributions imposed on Development Consent Notice 2011/46 for the Oxbow Road subdivision.

Mr [REDACTED] is the landowner of Lot 121 DP 794265 and proponent of the approved subdivision under DA 2011/46.

The amount of development contributions required to be paid under Condition 23 is based on a rate of \$6,450 per lot with the subdivision creating ten (10) additional lots. To date all required contributions totalling \$38,700 have been paid to Council with the exception of the balance for four (4) lots resulting in \$25,800 outstanding (ie. 4 x \$6,450 = \$25,800).

Of the overall contribution amount, \$5,800 per lot is required to be paid for rural roads equating to an amount of \$58,000.

In addition to the contribution payments the landowner, [REDACTED], is required to upgrade Oxbow Road for the full frontage of the subject land being Lot 121 DP 794265 which totalled an approximate length of 660 metres. The upgrading required a 6 metre seal with 1 metre shoulders.

Pursuant to Section 2.11 of the Kyogle Council Section 94 Developer Contributions Plan 2008 the landowner, [REDACTED], seeks from Council a reduction in his required Section 94 payments to waive the remaining amount of \$25,800.

Section 2.11 "Contribution 'In-Kind' or through a 'Material Public Benefit'" provides that Council may accept an offer by the applicant to provide an 'in-kind' contribution or through provision of another material public benefit in lieu of the applicant satisfying its obligations under the Section 94 Development Contributions Plan 2008.

JOHN NEWTON B. Surv. M.L.S. Aust. TONY DENNY B. Surv. (Hons) M.L.S. Aust. DAMIAN CHAPELLE BTP CPP  
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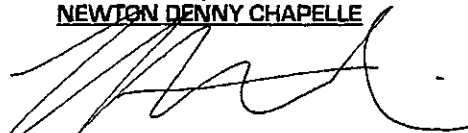
To justify waiving the remaining \$25,800 Section 94 contribution fees, we respectfully request Council to take into account the following points.

- a) The proponent and landowner has undertaken road works relating to approximately 660 metres of Oxbow Road as required by Condition No. 28. Prior to the upgrading, Oxbow Road was of a low standard and these works now alleviate a Council maintenance upgrade.
- b) Through the completion of the works, we submit there is a material public benefit resulting from the upgrade of Oxbow Road as the upgraded road now benefits a number of properties located north and north-east of the subject land (Lot 121 DP 794265) who utilise Oxbow Road as their primary means of access.
- c) The works have been completed to Council standard which now adequately services existing residents within the Oxbow Road precinct, future residents of the approved subdivision, with capacity still then remaining to service additional development in the future.

Upon consideration of the above, the proponent ~~██████████~~ submits that the required upgrading of 660 metres of Oxbow Road provides works in kind and a material public benefit to result in a credit against the outstanding Section 94 contribution amount of \$25,800.

Yours sincerely,

**NEWTON DENNY CHAPELLE**



**LUKE FITTOCK**  
Town Planner, BRTP.