

city council

Thornton North Section 94 Contributions Plan 2008

VERSION 3
ADOPTED 12 April 2016

Thornton North Section 94 Contributions Plan 2008

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Document Details:

Revision	Amendment	Public exhibition dates	Adoption date	Effective Date
Original		20/08/07 to 12/10/07	26/02/08	03/03/08
March 2011	Cap Contributions to \$30k	02/03/11 to 01/04/11	27/04/11	05/05/11
November 2015	Include new CW rates, consolidate multipurpose facilities, relocate TN17	03/12/15 to 28/01/16	12/04/16	21/04/16

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1. EXECUTIVE SUMMARY

1.1 BACKGROUND

Section 94 of the Environmental Planning and Assessment Act 1979 is the principle legislation enabling Council to require, through a condition or conditions of development consent (including Complying Development) development contributions towards the provision of public services and facilities, required as a consequence of that development. In levying these Contributions there must be a clear nexus between the proposed development and the demand for such public services and facilities. Contributions may be in the form of cash payments, transfer or dedication of land to Council, or the provision of a Material Public Benefit or Works in Kind.

1.2 FUTURE DEVELOPMENT

Thornton North is located in the east of the Maitland Local Government Area and has been identified as a key 'greenfield' growth area in the Maitland Urban Settlement Strategy. Its location near the New England Highway and the M1 presents a valuable opportunity for the expansion of the area.

The Thornton North Structure Plan was approved by Council in 2003. This Structure Plan provides for a future growth in the development catchment of approximately 5,000 lots or up to 12,500 people over a 16 to 20 year timeframe.

Detailed technical / background studies have been undertaken to accurately determine the range of road and traffic infrastructure that will be needed to meet the demands of the new Thornton North population over the life of this Plan. Demand for services such as community facilities and recreation and open space have been determined having regard to existing Council standards and accepted practices. This demand forms the basis of levying contributions on new development as specifically set out in the Plan.

1.3 SERVICES AND AMENITIES

The future population stemming from new development in the Thornton North release area will result in the need for new and/or augmented infrastructure and services. In accordance with this Plan, the facilities for which Council will require specific Thornton North development contributions include the following:

- Road and Traffic Facilities;
- Community Facilities;
- Recreation and Open Space Facilities;
- Cycleways;

New development will also generate the need for planning, administration and management activities associated with this Contributions Plan, in order to regularly review and update the identified works and manage the future provision of infrastructure.



1.4 STRUCTURE OF THE PLAN

This Plan is arranged into 6 parts:

1. Executive Summary: a summary of the essential components of the Plan, including summaries of the actual contribution rates
2. Introduction: outlines the purpose and area to which the Plan applies
3. Operation of the Plan: describes the way in which the Plan applies and the timing of payments
4. Administration of the Plan: describes the management and administration of the Plan
5. Strategy Plans: provides the details of each category of public services and amenities in the Plan, including details of the nexus, catchments, standards of provision required, what will be provided and when, apportionment and calculation of contributions
6. Supporting Documentation: Information which supports the contents of the Plan, including key demographic data and works schedules.

1.5 MAITLAND SECTION 94 CONTRIBUTIONS PLAN CITYWIDE 2016

In addition to infrastructure, services and facilities specific to the Thornton North release area, development within the Thornton North release area is subject to Council's City Wide Section 94 Plan (originally adopted 11 April 2006 - revised and adopted 12 April 2016) which applies for citywide infrastructure to all future development in the LGA.

Accordingly, this Plan operates in conjunction with the Maitland Section 94 Contributions Plan Citywide 2016 and development within the Thornton North release area will be subject to the provisions of both Plans. Specifically contributions will be sought towards the City Wide Aquatics Facility, City Wide Library Facilities, City Wide Road & Traffic Facilities and City Wide Cycleways.

1.6 SUMMARY OF CONTRIBUTIONS RATES

The following is a summary of Development Contribution rates for the Thornton North release area:

Facility	Per Person	1 bedroom dwelling/unit	2 bedroom dwelling/unit	3(+) b/room dwelling/Lot
Thornton North Recreation and Open Space	\$2,175	\$3,261	\$4,350	\$5,437
<i>Dedication of Land (m2)</i>	<i>31.8</i>	<i>47.8</i>	<i>63.7</i>	<i>79.6</i>
Thornton North Community Facilities	\$690	\$1,035	\$1,380	\$1,724
<i>Dedication of Land (m2)</i>	<i>1.4</i>	<i>2.2</i>	<i>2.9</i>	<i>3.6</i>
Thornton North Road and Traffic Facilities	\$8,369	\$12,555	\$16,738	\$17,068
Thornton North Cycleways / Shared Paths	\$75	\$113	\$150	\$188
City Wide Aquatics	\$344	\$516	\$688	\$928
Library Floor Space	\$218	\$327	\$436	\$588
Citywide Road and Traffic Facilities	\$1,139	\$1,709	\$2,278	\$3,074
City Wide Cycleways / Shared Paths	\$203	\$305	\$406	\$548
Plan Management & Administration	\$177	\$266	\$354	\$443
TOTAL	\$13,390	\$20,087	\$26,780	\$29,998

Table 1: Summary of Contribution Rates

Note: In accordance with the Ministerial Direction issued 4 March 2011, the above per lot contribution has been capped to \$30,000. This measure prevents Council from indexing the contribution rates as well as the value of the works in the Contributions Plan.

2. INTRODUCTION

2.1 WHAT IS THE NAME OF THIS PLAN?

This Plan is referred to as the Thornton North Section 94 Contributions Plan 2008.

This Contributions Plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as amended.

2.2 WHEN DOES THIS PLAN TAKE EFFECT?

This Contributions Plan takes effect on 21 April 2016. Development Applications and applications for complying development certificates determined on or after this date will be subject to the provisions of this Plan as will rezoning applications for the purposes of Planning Agreements.

2.3 WHAT IS THE PURPOSE OF THIS PLAN?

The primary purpose of this Plan is to authorise the levying of contributions that will assist Council to provide quality public services and amenities to meet the needs of incoming residents in the Thornton North release area. The Plan enables Council to require a contribution from development towards the provision, extension or augmentation of public services and public amenities that will, or are likely to be required as a consequence of development in the Thornton North release area.

The contribution may involve the dedication of land free of cost, or the payment of a monetary contribution, or both.



Other purposes of this Plan are to:

- provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of developer contributions towards the provision of public services and amenities.
- enable the Council to recoup funds which it has spent in the provision of amenities and services in anticipation of development;
- identify the additional services and amenities required to meet the demands of the incoming population at Thornton North
- provide an adequate level of public facilities and services in the Thornton North release area, as development occurs and at a reasonable cost;
- ensure that the existing community is not burdened by the provision of public services and amenities which are needed (either partly or fully) as a result of ongoing development and re-development in Thornton North; and
- ensure that contributions are fair and reasonable, and that amenities and services nominated under the Plan are provided in a timely and cost effective manner.

2.4 LAND TO WHICH THE PLAN APPLIES

This Contributions Plan applies to all land within the Thornton North release area as illustrated in Map 1.



 <p>maitland city council</p>	<p>© Maitland City Council 2015 © LP103/03/1997</p>	 <p>NORTH</p>	<p>Thornton North Urban Release Area</p> <p><small>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</small></p>
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Map 1: Thornton North Contributions Catchment

2.5 TO WHAT TYPES OF DEVELOPMENT DOES THIS PLAN APPLY?

The expected types of development to which the Plan applies and for which contributions will be levied include the following:

- subdivision of land;
- medium density housing
- expansion or redevelopment of existing residential development; (infill development) that includes either subdivision or additional housing stock (eg dual occupancies)

2.5.1 SEPP - HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY

All new development intensifies the use of the existing resources and adds incrementally to the demand for public amenities and services.

In this regard, development for the purposes of housing for seniors or people with a disability approved under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004, with the exception of development by Department of Housing, Local Government and community housing providers, will be levied development contributions under this Plan.

It is acknowledged, however, that the occupancy rates within seniors living developments are significantly less than other residential dwelling developments. Subsequently, Section 94 contributions for developments approved under the SEPP (Housing for Seniors or People with a disability) 2004 will be calculated based on the following occupancy rates available from ABS 2006 Census of Population and Housing:

1 bedroom dwelling	1.1 persons
2 bedroom dwelling	1.4 persons
3 bedroom dwelling	1.7 persons

The above rates will also apply to "Granny Flats" where it can be demonstrated that the total floor area of the structure is 60sqm or less and it contains no more than 2 bedrooms. Where these requirements cannot be met contributions will be calculated based on the rates as detailed in Table 1: Summary of Contribution Rates on Page 3 of this plan.

Development of high level residential care facilities, eg nursing homes will not be levied development contributions under this plan, but will be levied contributions under the Maitland City Council S94A Levy Contributions Plan.

2.5.2 OTHER DEVELOPMENT NOT SPECIFIED IN THE PLAN

There may be other types of development not specified in this Plan that generate a need for new or augmented public services and amenities. In such instances, the applicant may be requested to prepare a needs based analysis for the development to determine the development contribution to be levied.

Alternatively Council may seek to negotiate with the developer to enter into a planning agreement or to provide a mutually agreeable facility(s) in lieu of a contribution to meet the additional needs as a result of the development.



2.5.3 DEVELOPMENT BY THE CROWN

Crown developments, where they provide an essential community service, in accordance with the current Practice Note issued by NSW Planning & Environment, will not be charged a section 94 contribution.

Any other activities by the Crown that will contribute to the demands upon public services or facilities will be levied a contribution under this Plan subject to standard Crown Consent provisions.

2.6 WHAT IS THE RELATIONSHIP TO OTHER PLANS AND POLICIES?

This Contributions Plan identifies specific requirements for the Thornton North release area.

Council's Maitland Section 94 Contributions Plan City Wide 2016 applies to all development in the Maitland Local Government Area and accordingly this Plan operates in conjunction with the City Wide Plan. Development within the Thornton North Release Area will be subject to the provisions of both Plans.

Specific details of the City Wide provisions that apply to the Thornton North release area are detailed in the contributions summaries and work schedules of the City Wide Plan.

This Plan is consistent with Council's Delivery Plan, Maitland LEP 2011 and Maitland Urban Settlement Strategy 2012. Other planning controls apply to the land to which this Plan relates and should be referred to by prospective developers. These include:

- Thornton North Structure Plan;
- The Maitland Development Control Plan 2011 – all chapters;
- All supplementary Section 94 Development Contributions Plans made to amend/support this Plan.

3. OPERATION OF THE PLAN

3.1 HOW DOES THIS PLAN OPERATE?

In determining a development application to which this Plan applies, Council may impose a condition of consent requiring the payment of a monetary contribution and/or the dedication of land free of charge in accordance with the provisions of this Plan, or in lieu thereof accept the provision of a material public benefit or works in kind.

Similarly, when in receipt of a notice of complying development certificate that relates to land to which this Contributions Plan applies, Council or an Accredited Certifier shall apply the provisions of the Contributions Plan when considering the application.

This plan authorises the Council to grant development consent to development subject to a condition requiring the dedication of land free of cost to the Council. Such a condition may be imposed towards the specific public amenities and services to meet the development itemised in the works schedule accompanying this Plan. The proposed location of these public amenities and services are shown on the maps to which the work schedules relate.

3.2 TYPES OF CONTRIBUTIONS

There are a number of alternate methods of payment of section 94 developer contributions as follows:

- Monetary contribution
- Dedication of land
- Material Public Benefit
- Works in Kind

Where a developer negotiates a material public benefit, works in kind or the dedication of land in lieu of paying any part of the monetary contribution required under this Plan, the applicant must still pay Council's reasonable costs for the management of the Plan (plan management and administration contributions).

The Act also provides for the Council to consider entering into a voluntary planning agreement at either the rezoning or development application stage, which may be in lieu of, in addition to or instead of the payment of a monetary contribution under Section 94.

3.2.1 MONETARY CONTRIBUTION

This Plan identifies the cash contribution required for the provision of public services and amenities, usually calculated on a per bedroom, per lot, or area basis. The contribution amount payable will be included as a condition of consent on any development approval issued. Details of how and when the amount will be adjusted will be included in the consent as detailed in this Plan.

3.2.2 DEDICATION OF LAND

This Plan authorises the Council to consent to the carrying out of development subject to a condition imposed under s94 of the Act, requiring the dedication of land *free of cost* to the Council.



Such a condition may be imposed where the land is reasonably required towards the provision, extension or augmentation of a public amenity or public service as itemised in the works schedule accompanying this plan, in order to meet the demands generated by development. The proposed location of those public amenities and services are shown on the maps that relate to the works schedule to the extent to which their precise location can be identified at the time of the preparation of this Plan.

The amount of land that the Council may require to be dedicated free of cost under s94 of the Act is based on an equivalence between the market value of the land determined in accordance with the Land Acquisition (Just Terms Compensation) Act, 1991 and the monetary s94 contribution that could have been sought in relation to the same development in relation to the acquisition of the land. In other words, the Council will require the dedication free of cost of an area of land the value of which equals the monetary s94 contribution that could have been sought in relation to the same development.

More detailed planning provisions relating to the development of land giving rise to the need for the relevant public amenities or public services and hence the land required to be dedicated, are generally contained in the Thornton North Area Plan. In some cases, the area of land required to be dedicated may exceed the reasonable dedication that could be required from an Applicant under s94 for example, where a development is staged. In such cases consent will usually not be granted to the development, giving rise to the need for the relevant public amenity or service unless prior arrangements, to the satisfaction of the Council, exist for the dedication of the land to the Council. The prior satisfactory arrangements may include an offer by the landowner to transfer the whole of the land to the Council on terms satisfactory to the Council or other satisfactory arrangements for the acquisition of the land by the Council. The satisfactory arrangements may be set out in a Planning Agreement under Section 93F of the Act or otherwise and may entail the use of any monetary s94 contributions collected elsewhere towards the acquisition of the land.

The amount of land that the Council may require to be dedicated free of cost under this Plan is determined by the following formulas:

a) Recreation & Open Space - Dedication of Land

$$\text{Dedication (m}^2 \text{ / person)} = \frac{L}{P}$$

Where:

- L = Total Open Space and Recreation land requirements
- P = The total projected resident population

b) Community Facilities Land - Dedication of Land

$$\text{Dedication (m}^2 \text{ / person)} = \frac{L}{P}$$

Where:

- L = Total Community Facilities land requirements
- P = The total projected resident population

Council may accept the dedication of land in lieu of, or as an offset against, making a cash contribution towards the acquisition of land, provided such a proposal forms part of a development application to Council.

Where land identified for acquisition in the Plan falls within land the subject of a development application, the land will be required to be dedicated free of cost in accordance with Section 94(1)(a) of the Act, and detailed above. A monetary contribution will only be required where additional land above and beyond that available within the land the subject of the development application is required or if no land identified for acquisition falls within the land the subject of the development application.

All costs of dedication are to be borne by the applicant. The land must be dedicated in a condition approved by Council, held in separate title, cleared of all rubbish and debris, and suited for its intended public purpose.

In considering whether to accept the provision of land as a partial offset of contributions under this Plan, Council shall have regard to the following:

1. Purpose of the land - whether it forms an identified high quality bushland linkage, drainage line, active or passive recreation, multiple use potential;
2. Needs of the community for the land, and whether or not the land is identified for open space or recreation purposes in an adopted Development Control Plan or Recreation Strategy;
3. Whether the land is to be provided in a location and in a manner which will serve the needs of the community who contribute towards it;
4. Cost to convert land to proposed use;
5. Future maintenance and management costs.

The estimated cost of the land to be acquired under this plan is the estimated average land value of the land identified for acquisition/dedication, assuming that the land concerned is available for development and services are available. Land values in the Plan have been determined in accordance with Council's Land Valuation Index, as described in Section 3.7 of this Plan, and will be subject to regular review and adjustment as necessary.

Council's objective is to ensure that the funds Council receives for land acquisition from Section 94 contributions are equivalent to the amount required to fund the purchase of all the land Council is seeking to acquire in the Thornton North release area, including the costs incurred in acquiring the land.

3.2.3 WORKS IN KIND / MATERIAL PUBLIC BENEFITS

A works in kind (WIK) is the undertaking of a work or provision of a facility that is scheduled within a contributions plan, in lieu of the part or full payment of either a monetary contribution or the dedication of land that would normally apply. WIK are generally offered and assessed as part of the development application process. Applicants seeking Council's acceptance of a WIK arrangement should initially discuss such a proposal with Council officers to determine Council's requirements.

A material public benefit (MPB) may be offered by the developer in part or full satisfaction of a condition requiring the payment of a monetary contribution or the dedication of land. A MPB may include the provision of work that is not scheduled within a contributions plan. Council may accept the provision of a material public benefit that is not nominated in the works schedule, if it can be justified why it is of equivalent or greater benefit to the community compared to what has been identified under the Plan.

Such alternative development contributions arrangements may be negotiated with the Council in connection with the carrying out of development in the following circumstances:



a) Offer made to the Council as part of a development application:

If an applicant does not wish to pay a monetary s94 contribution in connection with the carrying out of development, the applicant may include in a development application for the development a proposal to carry out the works towards which the contribution or levy would have been applied.

The Council will consider the alternative arrangement as part of its assessment of the development application. If the Council agrees to the arrangement and grants consent to the application, it will impose a condition of consent requiring the works to be carried out. If the Council does not agree to the alternative arrangement, it may grant consent subject to a condition imposed under s94 requiring payment of the monetary contribution.

b) Offer made to Council following the grant of development consent:

If development consent has been granted to the carrying out of development subject to a condition under s94 requiring payment of a monetary contribution towards the cost of public amenities and public services, the applicant may request in writing to the Council to provide a material public benefit in part or full satisfaction of the requirements of the relevant condition. The material public benefit may be the carrying out of work or another public benefit but not the payment of money or the dedication of land free of cost.

If the Council agrees to the applicant's request, the applicant is required to comply with the alternative arrangement and is relieved of the obligation, in part or whole, as the case requires, to comply with the conditions imposed under s94. If the Council declines the applicant's request, the applicant will be required to comply with the requirements of the conditions imposed under s94.

In either case, in deciding whether to agree to the applicant's request, the Council will have regard to the requirements of the current Practice Notes issued by the Planning and Infrastructure and may consider matters such as, but not limited to, the following:

1. the need for the facility and how it achieves the outcome of what the contribution was being sought for;
2. the purpose and objectives of this Plan and any relevant plans or strategies;
3. whether the alternative will prejudice the timing or the manner of the provision of public facility for which the contribution was required; and
4. full details of the quantities, finishes and costings of the proposed works.

The acceptance of a WIK agreement or a MPB will be at Council's absolute discretion.

Unless approved by Council, no credits will be recognised for in-kind works carried out by the developer that are in excess of the approved contribution. Where the value of the WIK, MPB or dedication of land is less than the value of the required contribution, the applicant will be required to settle the balance of the contribution by way of a monetary contribution and/or land dedication.

Applicants should refer to the Council's *Works in Kind / Material Public Benefits Policy* which has been prepared having regard to the current Practice Notes issued by NSW Planning and Environment.

3.2.4 PLANNING AGREEMENTS

An applicant may offer to enter into a voluntary planning agreement with the Council in connection with a development application or a rezoning application that is made for the purposes of being able to subsequently make a development application.

Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a planning agreement may be additional to or instead of making contributions under s94 of the Act.

The offer to enter into a planning agreement together with the draft agreement will generally need to accompany the relevant development or rezoning application. The Council will publicly notify the draft agreement and explanatory note relating to the draft agreement along with the relevant application and will consider the agreement as part of its assessment of the relevant application. If the Council agrees to enter into the agreement, it may impose a condition of development consent requiring the agreement to be entered into and performed.

Applicants should refer to the Council's *Policy on Planning Agreements*, which has been prepared having regard to the current Practice Note on Planning Agreements issued by NSW Planning and Environment.

3.3 WHEN ARE CONTRIBUTIONS PAYABLE?

3.3.1 TIMING OF PAYMENTS

The time of payment of contributions shall be as follows:

- Development applications involving subdivision only – prior to the release of the subdivision certificate.
- Development applications involving building work only – prior to the release of the construction certificate.
- Development involving both subdivision and building work (eg. Integrated housing developments) – prior to the release of the construction certificate, or the release of the subdivision certificate, whichever occurs first.
- Complying Development Certificates – prior to the commencement of construction work.
- Development applications where no construction certificate is required – prior to release of the occupation certificate.

Where an application is dealt with by an Accredited Certifier other than Council, the development consent shall not operate unless and until the amount required by the consent under this Contributions Plan is paid to Council.

The amount of any monetary contribution to be paid will be the contribution payable at the time of consent, and depending upon the time of payment will be subject to reasonable adjustment due to movements in the Consumer Price Index and/or changes to the rates indicated within this Plan (refer to Section 3.7).

3.3.2 DEFERRED OR PERIODIC PAYMENTS

Council may consider the deferred payment of contributions or payments made by periodic instalments. A request for deferral or periodic payment shall be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:



- there are valid reasons for the deferral or periodic payment;
- the deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- the granting of the request for deferred payment will not prejudice the community needs or jeopardise the timely provision of works or land identified within the Plan;
- a suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;
- the periodic or deferred contributions are paid, including interest, at no cost to Council.

The conditions under which Council may accept **deferred payment** by way of a bank guarantee is that:

- the bank guarantee is by an Australian Bank.
- the bank guarantee is for a maximum period of twelve months.
- the amount of the bank guarantee is the sum of the total contribution or the amount of the outstanding contribution at the time of deferring payment, plus an amount equal to thirteen months interest.
- the bank unconditionally pays the guaranteed sum to Council if Council so demands in writing, no earlier than 6 months from the provision of the guarantee or completion of the work, whichever occurs first.
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development in accordance with the development consent.
- the bank's obligations are discharged when payment to the Council is made in accordance with the approved bank guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- Council's registration and release of bank guarantee fee is paid.

Any outstanding component of the contribution shall be indexed quarterly in accordance with the Consumer Price Index movements. Indexing will be calculated from the date the contribution was due until the date of payment.

The conditions under which Council may accept **periodic payment** for a staged development are that:

- the instalments are paid before the work commences on each relevant stage of the development.
- the amount to be paid at each stage is to be calculated on a pro-rata basis in proportion to the demand for the relevant facility being levied by the overall development, including CPI if required.

3.4 COMPLYING DEVELOPMENT

In accordance with Section 94EC(1) of the EP&A Act, accredited certifiers must impose a condition requiring monetary contributions in accordance with this development contributions plan for any type of development listed within Section 1.5. The amount of the contribution is to be determined in accordance with the formulas contained in the Plan and the current contribution rates.

The conditions imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 contribution correctly.

3.5 CONSTRUCTION CERTIFICATES

In accordance with Section 94EC of the EP&A Act 1979, and Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision works under development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with Clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exception to this requirement is where works in kind, material public benefit, dedication of land or deferred arrangement has been agreed by the Council. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

3.6 GOODS AND SERVICES TAX

Monetary Section 94 development contributions are exempt from the Federal Government Goods and Services Tax (GST).

3.7 REVIEW OF CONTRIBUTION RATES

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index, land value increases, the capital costs of construction of facilities and administration of the plan or through changes in the costs of studies to support the Plan, the Council will index the contribution rates, at least annually, with reviewed rates to apply from the 1st February each year. Rates will be indexed quarterly if there are significant increases in construction costs or land values over any one quarter.

The contribution rates will be reviewed and subsequently indexed by reference to the following specific indices:

- Construction costs by the Consumer Price Index (All Groups – Sydney) as published quarterly by the Australian Bureau of Statistics.
- Land acquisition costs by reference to average land valuation figures or specific valuations for parcels of land that are identified in the Section 94 Plan, as published by the Council.
- Changes in the capital costs of various studies, activities and the provision of services to administer and support the plan, by reference to actual costs incurred by Council.

In accordance with Clause 32(3)(b) of the EP&A Regulations, the following sets out the means by which Council will index contribution rates that are set out in this Plan:

For changes to the *Consumer Price Index (Sydney All Groups)*, the contributions will be reviewed either annually or quarterly in accordance with the following formula:

$$\text{\$C}^{\text{A}} + \frac{\text{\$C}^{\text{A}} \times (\text{CPI 2} - \text{CPI 1})}{\text{CPI 1}}$$

Where:

$\text{\$C}^{\text{A}}$ is the contribution rate at the time of adoption of the Plan, expressed in dollars

CPI 2 is the Consumer Price Index Number (Sydney All Groups) available at the time of the review

CPI 1 is the Consumer Price Index Number (Sydney All Groups) at the date of adoption of the Plan, or its subsequent amendment (which was 108.9 at 31 December 2015).

If in the event that the CPI at the time of the review is less than the previous CPI, the contribution rates will remain the same.

For changes to land values, Council will publish at least on an annual basis the revised land index values that are to be used to change the base land values contained in the Plan, which will be determined in accordance with the following formula:

$$\frac{\$C^{LV} + \$C^{LV} \times (\text{Current LV} - \text{Base LV Index})}{\text{Base LV Index}}$$

Where:

$\$C^{LV}$ is the land values within the plan at the time of its adoption

Current LV is the land value index as published by the Council, available at the time of the review

Base LV is the land value index as published by the Council at the date of adoption of this plan (which is at the time of adoption of the Plan)

3.8 ADJUSTMENT OF CONTRIBUTIONS AT THE TIME OF PAYMENT

Contribution rates will initially be calculated at the time development consent is granted. If the contributions are not paid within the calendar year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of the payment and not at the date of the approval of the development.

Adjustments to the contributions payable will be made in the following manner:

$$\$C^P = \$C^{DC} + \left[\frac{\$C^{DC}}{\$C^C} \times (\$C^Q - \$C^C) \right]$$

Where:

$\$C^P$ is the amount of the contribution calculated at the time of payment

$\$C^{DC}$ is the amount of the original contribution as set out in the development consent

$\$C^Q$ is the contribution rate applicable at the time of payment

$\$C^C$ is the contribution rate applicable at the time of the original consent

The current contributions are published by Council and are available from Council Offices.

Ministerial Direction

A Ministerial Direction was issued on 3 March 2011 requiring Council to cap the Thornton North Section 94 Contributions to \$30,000 per new residential lot. This prevents Council from indexing the work schedules and contributions rates under this Plan where such action will result in contributions exceeding the \$30,000 cap.

3.9 REASSESSMENT OF CONTRIBUTIONS

Council may consider an application for the reassessment of the development contribution payable. This may result in the contribution being reduced or waived or modified.

Where a condition of development consent has already been imposed requiring the payment of a contribution, the applicant will need to lodge an application to review the consent (Section 82(a)) in accordance with the EP&A Act 1979, as amended.

The request shall be in writing and provide sufficient information to satisfy Council of the inappropriate nature of the contribution and the implications to Council of reducing or waiving the contribution in the particular circumstances.

The instances in which Council may consider a reassessment may include the following:

- The applicant is a registered charity, church, hospital or community organisation;
- The development satisfies a broader planning objective the achievement of which is considered by Council to be of greater importance or priority than making a contribution;
- Where it is considered that the contribution is unreasonable;
- The application involves the development of a heritage item; and
- Applications for Tourist Accommodation (eg bed and breakfast establishments) where the demand generated from the development can be justified to be less than a single dwelling house.

3.10 REVIEW OF THE PLAN

This Plan may be reviewed in full, or in respect of particular parts when considered appropriate having regard to the rate and type of development, cost of facility provision, and community response to service and facility provision.

At a minimum, annual reviews of the Plan will occur to review contribution rates, development rates and the costs of land and facilities. In the event that inflation rises sharply, the contribution rates may be reviewed quarterly by the CPI (Consumer Price Index) to reflect these market impacts.

3.11 FUNDING AND TIMING OF WORKS

The contributions made to Council under the Plan may fully or partially fund the public amenities and services identified in this Plan. The contribution rates have been determined on the basis of apportionment between the expected development and other sources of demand. In circumstances where public amenities and services are not fully funded by contributions, the remaining funds will be supplied from other Council sources.

Public amenities and services are required at the time demand is created, which may be before completion of development and before sufficient contributions are received. Council's ability to forward fund these services and amenities is very limited, and consequently their provision is largely contingent upon the availability of contributions. Pooling of funds to assist with the provision of infrastructure, as detailed in Section 2.12 will be considered and used when necessary.

To provide a strategy for the implementation of the services and amenities levied for in this Plan, and to use contributions in the most effective manner, the individual work schedules may be re – prioritised. This will take into account development trends, population characteristics, existing funds, funds from other sources (where required) and anticipated revenue flows.



It is expected that the development of the Thornton North Release Area will be achieved over the next 16 to 20 years. The scope and duration of this Plan is for the same duration. However, as the projections and timeframes for development are uncertain, the Work Schedules in the Plan include the staging of infrastructure provision and are expressed in terms of thresholds of development. Furthermore management of the Plan incorporates ongoing monitoring of development trends, actual population growth rates and regular review processes.

3.12 POOLING OF CONTRIBUTIONS

This Plan expressly authorises monetary S.94 Contributions paid for differing purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the contributions are shown in the Works Schedules.

Note: Unless otherwise determined by Council, the pooling provisions apply only to Section 94 funds being held by Council. This clause does not authorise the offsetting of contributions levied and outstanding on a consent for differing purposes. Credits may only be applied in the category for which a "Works in Kind" is being undertaken.

3.13 SAVINGS & TRANSITIONAL ARRANGEMENTS

A development application which has been submitted prior to the adoption of this Plan, but not determined, shall be determined in accordance with the provisions of the Plan which applies at the date of determination of the development application.

4. ADMINISTRATION OF THE PLAN

4.1 MANAGEMENT COSTS OF THE PLAN

The administration and management of S94 is an expensive and time-consuming task for Council staff.

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities generated by the development in the LGA. Accordingly costs associated with the ongoing administration and management of this contributions plan will be levied on all applications occasioning a development contribution. These costs will appear as a separate element in the works schedule with the method of calculation described in Section 5.5 of this plan. Fees collected will cover the implementation, review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Where a MPB or WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the MPB and supervision work undertaken.

4.2 EXPLANATION OF CONTRIBUTION FORMULAE

Council applies a contribution formula to each public amenity and service for the purpose of calculating the contribution rate applicable for that service or amenity. The formulae take into consideration the cost of the works to be undertaken, the cost to Council of acquiring land on which to undertake these works (if applicable) and the total projected population relevant to the facility:

$$\text{Contribution} = \frac{C \times AF}{P}$$

Where:

- | | | |
|----|---|---|
| C | = | total cost of providing the facility including land and capital costs, including costs to be recouped (if applicable) |
| AF | = | apportionment factor |
| P | = | projected population increase or the anticipated increase in the number of lots over the life of the Plan |

4.3 ALLOWANCES FOR EXISTING DEVELOPMENT

As Section 94 contributions can only be levied where development will result in an increased demand for public amenities and services, contributions will not be sought in relation to demand generated for existing (or approved) development. Thus "credits" will be granted in relation to demand generated by existing development at the following rates:

- Dwelling houses and single vacant allotments = 2.5 persons or 1 lot credit
- Other dwellings (eg medium density) = 2 persons per dwelling

4.4 WHAT ARE THE OCCUPANCY RATES

The contribution which may be levied for any development proposal will be calculated on the basis of the number of dwellings or lots or in the case of medium density development the dwelling density.

The dwelling density or number of residents will be calculated on the basis of the occupancy rates contained in Part E of this Plan and summarized below:

- 1 bedroom - 1.5 persons/dwelling
- 2 bedroom - 2.0 persons/dwelling
- 3 bedroom / lot - 2.5 persons/dwelling
- Specific Rate for Seniors Living – see Section 2.5.1
- Granny Flats - same rate for Seniors Living, provided that the structure is no greater than 60sqm in floor area and retains no more than 2 bedrooms. Where these requirements cannot be met the rates shown in Table 1 – Summary of Contributions will apply.

Further explanation regarding how these rates have been determined is provided in Section 6.2 of this Plan.

For the purposes of this Plan, applications for dwellings which refer to a 'study', 'office' or 'sewing room' will be considered as a bedroom for the basis of calculating the contributions required.

4.5 ESTIMATED LAND VALUES

Land values adopted in the contributions plan are based on ***englobo land values***.

In considering a land value for a particular facility identified in the works schedules, the whole of the land has been considered and the Land Value Base Index as shown in the plan is reflective of value when considering influencing factors including location, topography, aspect, servicing and access.

Where a facility is to be located entirely on flood liable land, or land that could not otherwise be developed for residential purposes, a flood liable land rate has been applied.

5. STRATEGY PLANS

This section of the Plan establishes the relationship (nexus) between the expected types of development in the Thornton North release area and the demand for additional public services and facilities to meet the needs of that development.

Nexus is the relationship between the expected types of development in the area and the demonstrated need for additional public facilities created by those developments. The concept of nexus is often referred to in the following terms:

Causal Nexus – ‘what’. This is a demonstration that the anticipated development actually creates a need or increases the demand for a particular public facility.

Spatial or physical nexus – ‘where’. Spatial nexus requires that the proposed public facility be located so as to serve the needs of those who created the demand for it.

Temporal nexus – ‘when’. Temporal nexus seeks to ensure that the public facility will be provided in a timely manner to benefit those who contributed towards it.

The proposed public facilities identified in this plan are considered reasonable and are required to satisfy the expected demands of the anticipated types of development in Thornton North. In general, the needs and increased usage of public facilities likely as a consequence of new development will exceed the capacity of existing public facilities in the area. It will therefore be necessary for new and augmented public facilities to be provided to cater for the anticipated demand of likely development.

The details establishing the nexus between the expected types of development in Thornton North and the demand for additional public facilities to meet that development are set out in this part of the Plan under the headings of Recreation and Open Space, Community Facilities, Road and Traffic Facilities, Cycleways/Shared Paths and Plan Administration. The following types of facilities have been identified as being necessary to meet the needs of the new population:

Category	Types of Services / Facilities
Recreation and Open Space	Local Playgrounds and Neighbourhood Parks, Neighbourhood and District Sportsgrounds, Netball and Tennis Courts and Cricket Nets Passive Open Space and Linear Linkages
Community Services	Multipurpose Community Facilities / Buildings
Road & Traffic Facilities	Arterial and Distributor – traffic facilities, intersection works and road upgrading
Cycleways/Shared Paths	Cycleways/shared paths
Plan Management & Administration	Management of Development Contributions

Details regarding the approximate location, timing and estimated costs for each of the facilities are set out in the Work Schedules and accompanying maps attached to this Plan, to the extent to which they can be determined at this point in time. Many of these works will be subject to more detailed planning in conjunction with detailed subdivision planning and assessment

In addition to the above facilities, the Maitland Section 94 Contributions Plan (Citywide) 2016 levies contributions towards city wide aquatics, libraries, road & traffic facilities and cycleways. These contributions towards citywide facilities also apply to the Thornton North Release Area as outlined in the Citywide Section 94 Plan and the summary of contribution rates on page 3 of this Plan.



5.1 RECREATION AND OPEN SPACE

5.1.1 INTRODUCTION

Maitland City Council supports the provision of recreational activities to local communities recognising that they play an integral role in encouraging community interaction and development and the enhancement of community wellbeing. In support of these benefits, Maitland Council will continue to maintain the role of facilitating the provision of recreation facilities and open space for local residents in Thornton North.

Council has undertaken significant strategic planning work in order to determine the future recreation and open space requirements to cater for the incoming population. The findings of these investigations have been detailed in the document "City Wide Section 94 Contributions Plan (2006/2016) Review of Open Space and Recreation" and translated into the open space and recreation works schedules.

Local contributions are not permitted to fund acquisition of land for riparian corridors. If land is intended to be dedicated to Council, it shall be dedicated free of cost by the developer at the time of subdivision and only following agreement by Council.

5.1.2 NEXUS

New residential development in the Thornton North will result in a clear demand for the provision of a range of Council-provided open space and recreation facilities to meet the needs of the new population.

Council has approximately 850 hectares of community land and land under its care and control (eg. Crown Land). This equates to a level of provision of 130.8m² per person or 13.8 hectares per 1000 people. Included in this total are parks, sportsgrounds, wetlands, natural areas and bushland. It is however, recognised that this current provision is generous and it would be an unreasonable or unacceptable impost upon new development to maintain this level of supply.

Sportsgrounds and parks currently constitute approximately 340 hectares of the land that Council currently owns and /or manages for open space purposes. This equates to a level of provision of 55 m² per person or 5.5 hectares per 1000 people. The actual amount of open space land identified for acquisition under the provisions of this Plan is 31.8 m² per person. It should be noted that this is significantly less than the overall standard of provision enjoyed by the existing population and is therefore considered very reasonable.

The balanced approach advocated in this Plan is consistent with the outcomes of the *Review of Open Space and Recreation* which sets in place principles for ensuring sufficient open space in the future as well as retaining the existing identity of Maitland with a relative abundance of recreation / natural areas.

Facilities included in the Plan have been determined based on the benchmarks for sporting grounds and recreational areas established in the *Review of Open Space and Recreation*. An assessment of the demand generated by future development in the Thornton North Catchment has been applied to the benchmarks, so that the distribution of facilities is related to the population growth and the function of the facilities.

5.1.3 CONTRIBUTION CATCHMENT

For section 94 planning purposes the Thornton North open space requirements are based on a single release area catchment. The contributions for open space and recreation facilities in the Plan have been determined on the same basis.

5.1.4 FACILITIES STRATEGY

In accordance with framework explored in the *Review of Open Space and Recreation*, this Plan has adopted the following standards (qualitative and quantitative) for the provision for open space facilities:

- Local Park - A local park will be a minimum of 0.5 hectares in size, containing playground equipment, picnic facilities, seating and landscaping. One is to be provided for approximately every 1,000 people and to be located within 400 - 500 metres of the majority of residences.
- Neighbourhood Park - A neighbourhood park will generally service people within one planning precinct due to its features and location. A neighbourhood park should be greater than 0.5 hectares and less than 1.5 hectares in size. It contains more features and facilities than a local park and generally caters for a more diverse age group. It can be linked to the neighbourhood sportsground. One is to be provided for every 4,000 people.
- Neighbourhood Sportsground - A neighbourhood sportsground will primarily provide sport and recreation opportunities for residents within a planning precinct and cater for senior and junior competition. It should be a minimum 4.2 hectares and provided for approximately 3,000 – 5,000 people. It contains a double playing field and associated facilities such as lighting, carparking and landscaping.
- District Sportsground - A district sportsground primarily supports district level sport, where people travel across one or more planning precincts to use the sportsground or facility. Typically a minimum of 6.2 hectares in size with provision of multipurpose playing fields, floodlighting, irrigation, amenities and services, cycleways or associated linkages, picnic and seating facilities and associated car parking. Ideally one to be provided for approximately every 15,000 people.
- Sporting Facilities - In addition to sporting fields, there are a number of other sporting facilities to be provided, including netball and tennis courts and cricket practice nets. These facilities should be located with Neighbourhood or District Sportsgrounds and provided for every 3,000 people.
- Open Space - 10ha of passive open space has been identified across three locations to satisfy demand for passive recreation in the Thornton North Release Area.

In addition, 8.8 Ha of quality land adjoining riparian corridors or environmental conservation areas will be required (based on 0.7Ha per 1000 people) and embellished to provide pedestrian and cycleway paths, or linear linkages. The location of this land will be determined by Council in conjunction with detailed precinct planning and development application assessment processes.

Prior to Council accepting the dedication of any land categorized as bushland, wetland and /or water Course Council will require a contamination report. In addition, bushland and wetland areas should be free of weeds and restored to an agreed state. Alternatively, payment to Council based on the Landscape Rate -3 Natural Areas to regenerate the land can be negotiated.

5.1.5 APPORTIONMENT

There is a direct relationship between the development of Thornton North and the provision of the proposed recreation and open space facilities. These facilities will service the Thornton North area and are not provided to benefit existing communities in Maitland. The Open Space and Recreation Services to be provided under this Plan will therefore be fully funded from Section 94 (ie 100% apportionment to development).

5.1.6 CALCULATION OF CONTRIBUTION

a) Background

The costs attributable for the provision of new recreation and open space provision are comprised of capital costs for the construction and / or embellishment of the various types of recreation facilities as outlined above, plus the costs to acquire land. Further details on the capital costs and land values adopted for this Plan are provided in Schedule II and the Works Schedule of this Plan.

b) Calculations for Recreation and Open Space Facilities

For the expected population increase of 12,500 people the following facilities will be provided:

13 Local Playgrounds	(total cost = \$4,879,486)
3 Neighbourhood Parks	(total cost = \$2,977,398)
3 Neighbourhood Sportsgrounds	(total cost = \$9,321,673)
1 District Sportsground	(total cost = \$4,408,791)
Netball courts, tennis courts and cricket nets	(total cost = \$1,902,103)
Passive Open space	(total cost = \$3,693,407)

Overall Cost **\$27,182,858**

The contribution formula for Local Facilities is therefore:

$$\frac{C + L}{P}$$

Where:

C = Capital and Half Width Road Costs of Facility

L = Land Acquisition Costs

P = Benefiting No of People

$$\frac{\$27,182,858}{12,500}$$

= \$2,174 per person

= \$5,436 per lot (based on the assumed occupancy of 2.5 persons per lot)

The formula for the Dedication of Land for Local Open Space is:

$$\text{Dedication (m}^2 \text{ / person)} = \frac{L}{P}$$

Where:

L = Total Open Space and Recreation land requirements

P = The total projected resident population

$$\frac{398,000}{12,500}$$

= 31.8m² per person

= **79.6m² per lot** (based on the assumed occupancy rate of 2.5 persons per lot)

5.2 COMMUNITY FACILITIES

5.2.1 INTRODUCTION

All forms of residential development, which result in additional population, require a range of community facilities and services to support the needs of that population. As the population increases therefore, additional demand is placed on existing facilities and services as well as creating demand for new amenities.

Maitland is a well-established City and has a range of reasonably well developed civic and cultural facilities and community services to which all residents have access. The range and type of new community facilities required for the future Thornton North population will be influenced by the spatial and demographic composition of the new population.

Under this Plan, Council, where possible, will seek to provide multipurpose facilities that have flexibility to cater for diverse community use and contributions under the Plan are levied accordingly.

5.2.2 NEXUS

Council has provided a network of community facilities in areas throughout the city, which generally meet the needs of the current population. The Community Facilities review indicated that existing community facilities are well utilised and are operating at capacity (ie no practical spare capacity). Council will therefore need to provide additional community facilities space, commensurate with the projected growth within the Thornton North release area. Council will respond to priorities by providing multi-purpose space; a flexible approach already commenced in Maitland at Ashtonfield, Thornton and Woodberry.

5.2.3 CONTRIBUTIONS CATCHMENT

For section 94 planning purposes the Thornton North community services requirements are based on a single citywide catchment. The contributions for community facilities in the Plan have therefore been determined on the same basis.

5.2.4 FACILITIES STRATEGY

As part of this Plan, Council proposes the provision of multi-purpose community facilities. A multi-purpose approach will achieve the following objectives:

- Provide increased flexibility to address changing community needs over time;
- Achieve more appropriate coverage and servicing;
- Address shifts in Government policy and funding programs;
- Provide for better cost effectiveness of investments;
- Provide for the co-location of existing services leading to a more coordinated approach to service delivery;
- Provide more innovative, economical and effective models of provision and,
- More flexible management of changing demand.

As detailed in Council's Citywide Section 94 Plan, the multipurpose model described above proposes the provision of 1 facility for every 4,000 people, of 950 square metres per facility. This size is based on the Shamrock Hill multipurpose model and provides increased flexibility to allow for co-location of services that have traditionally been provided in separate buildings. This approach will meet a range of community needs in one centre and provide for a more innovative, economical and effective model for service delivery.



Based on the above standard, the original Thornton North Section 94 Plan provided for a total of 3 multipurpose centres (or 2,850 square metres of floor space) required to meet the demands of the new population (12,500 people).

In November 2012, Council adopted the Community Facilities and Services Strategy - an updated policy document which responds to the growing and changing community needs in an efficient and sustainable manner. The Strategy reinforces the potential benefits of planning community facilities based on a community hub model where a range of services and spaces are co-located in high activity areas, clustered with compatible facilities and linked to transport, shops and other amenities.

The Strategy identified as one of its key features, the consolidation of the three community facilities proposed in the Thornton North area in to two key centres as follows:

- A community hub located in the Thornton Town Centre to reinforce the importance of that centre and to capitalise on co-location opportunities with shops, the school and access to transport;
- A multi-purpose community and recreation centre located centrally to the URA so as to provide safe and convenient access to residents. The proposed location of this centre is north of Raymond Terrace Road in close proximity to St Aloysius Catholic School and the proposed new shopping centre.

This version of the Thornton North Section 94 Plan has been amended to reflect the outcomes of the adopted Community Facilities and Services Strategy. The 3rd multi-purpose facility has been removed from the works schedule with funds re-distributed equally to the remaining two multi-purpose centres resulting in the capacity to provide more enhanced facilities in these locations.

5.2.5 APPORTIONMENT

This Plan adopts the approach of levying contributions based on demand for multipurpose community facility floor space generated by the development of the Thornton North Release Area. These facilities will not benefit or service other existing communities in Maitland. Accordingly apportionment for these facilities is 100% from Section 94.

5.2.6 CALCULATION OF CONTRIBUTION

The cost of constructing Community Services floor space at the time the s94 Plan was adopted, including provisions for buildings, equipment, car parking and landscaping was \$2,500 per m². Based on this cost estimate and the additional floor space required to provide community buildings for the new population (2,850m²) half width road construction and CPI, the capital component of the facilities equates to **\$7,865,000**.

In addition 9000 square metres of land will need to be acquired for each new multipurpose facility in Thornton North (total cost estimated as **\$755,247**).

The contribution formula for community buildings component is therefore:

$$\frac{C + L}{P}$$

Where:

C = Capital Costs of Facility

L = Land Acquisition Costs

P = Benefiting Number of People

$$\frac{\$7,865,000 + \$755,247}{12,500}$$

= \$690 per person

= \$1,724 per lot (based on the assumed occupancy of 2.5 persons per lot)

The formula for the Dedication of Land for Community Facilities is:

$$\text{Dedication (m}^2 \text{ / person)} = \frac{L}{P}$$

Where:

L = Total Community Facilities land requirements

P = The total projected resident population

$$\frac{18,000}{12,500}$$

= 1.4m² per person

= 3.6m² per lot (based on the assumed occupancy rate of 2.5 persons per lot)



5.3 CYCLEWAYS / SHARED PATHS

5.3.1 INTRODUCTION

The original Thornton North Section 94 Contributions Plan was informed by The Maitland Bike Plan 2005, which detailed a series of *Bicycle Trunk Routes* across the Maitland LGA. The 2005 Plan has been replaced by the Maitland Bicycle Plan and Study which was adopted by Council in 2014. The strategic goals of the 2014 Plan remain the same looking to provide a bicycle network that is appropriate for all types of users and one which connects the community with the wider transport system, local businesses, workplaces, schools, amenities and tourism and heritage locations.

New development in the Thornton North release area will increase the demand for cycleways, to be constructed both within the new development area as well as providing linkages to the bicycle trunk routes and hub locations. A future linkage from Thornton North to the trunk routes forms an integral component of the cycleway network.

5.3.2 NEXUS

The Bike Plan is seen as an integral part of the city's transportation system and recognises the bicycle as an alternative to motor vehicles and buses and for some sections of the community is the only transport option. A well developed and comprehensive cycleway network can supplement the public transport system, particularly in local areas for short journeys, thus providing a cheap and efficient means of transport for the community in general.

It is recognised that the Bike Plan covers a network of routes that are available to all cyclists irrespective of where they reside. Whilst usage for certain segments will be generally limited to that of local residents, other segments passing through established areas will be significantly utilised by new development or by general city-wide users. For this reason the Bike Plan proposes that:

- a) cycleways within future development areas are to be well designed, included in DCP's where appropriate and be constructed at no cost to Council;
- b) cycleways that link future development areas to the Bicycle Trunk Route Network or hub locations, and that are required solely as a result of that development, are to be well designed shared paths, included in DCP's where appropriate, and constructed at no cost to Council

In all other cases the trunk route network will function as a citywide system with costs for the network apportioned over the entire population as detailed in Council's Citywide Contributions Plan.

5.3.3 CONTRIBUTION CATCHMENT

For section 94 planning purposes the Thornton North cycleways are based on a single release area catchment. The contributions for cycleways in the Plan have therefore been determined on this basis.

5.3.4 FACILITIES STRATEGY

This Contributions Plan covers three links (identified in the 2005 Bike Plan) from Thornton North into Council's Trunk Route Network:

Thornton Bicycle Route R2:
Somerset Drive to Raymond Terrace Road (off-road path)

Thornton Bicycle Route R2:
Thornton Rail Bridge/Haussman Drive to Raymond Terrace Road (off road path)

Thornton North Scenic S5:
Metford Station to Raymond Terrace Road (off road path)

5.3.5 APPORTIONMENT

Demand for the three cycleway routes covered by this Plan arises as a direct result of the development of the Thornton North release area, providing access from Thornton North into Council's Trunk Route Network. Costs for the facilities are therefore apportioned 100% to the new development.

5.3.6 CALCULATION OF CONTRIBUTION

Total costs for the proposed works are **\$937,039**.

The contribution formula for cycleways is therefore:

$$\frac{C + L}{P}$$

Where:

C = Capital Costs of Facility
L = Land Acquisition Costs
P = Benefiting No of People

$$\frac{\$915,313 + \$21,726}{12,500}$$

= \$75 per person

= **\$188 per lot** (based on the assumed occupancy of 2.5 persons per lot)



5.4 ROAD & TRAFFIC MANAGEMENT

5.4.1 INTRODUCTION

The roadworks and traffic management facilities in this Plan are required to cater for the increase in traffic expected as a result of the Thornton North development. The need for the facilities has been determined based upon the following background documents:

- Thornton North Master Plan Volume 1 and Thornton North Master Plan Traffic Impact Assessment Volume 3;
- Thornton North S94 Contributions Plan Supporting Technical Studies-Traffic Model;
- Maitland City Council S.94 Review, Raymond Terrace Road, McFarlanes Road & Haussman Drive Preliminary Road Designs.

5.4.2 NEXUS

The traffic generation from the Thornton North development will result in a significant increase in traffic on the existing local and state road network generating a need for new and/or upgraded traffic facilities, roads, bridges and intersections to:

- ensure safe and efficient traffic movement, and access
- address the potential for functional conflict
- maintain environmental amenity and level of service
- ensure continued road network connectivity and capacity.

The roads and traffic management works will be undertaken at the interface of the new development, within the existing road network as well as outside the boundaries of the area.

Modelling of the traffic generated demand from Thornton North has been undertaken and a specific schedule of works for Road and Traffic Management infrastructure has been identified together with development thresholds. The timing of the provision of the works has been based on the projected demand for lots within the area and is therefore indicative only. Works programmes will be regularly reviewed and revised depending upon development trends, State Government planning policy and available funding.

5.4.3 CONTRIBUTIONS CATCHMENT

For section 94 planning purposes the Thornton North road and traffic works are based on a single release area catchment. The contributions for the works in the Plan have therefore been determined on this basis.

5.4.4 FACILITIES STRATEGY

Road works and traffic management facilities are identified in the Thornton North Structure Plan and supporting technical studies, and as amended by reviews undertaken by Council.

A summary of proposed Road and Traffic Management infrastructure works and costs within the Thornton North release area is provided in the works schedule attached.

5.4.5 APPORTIONMENT

The Road and Traffic Management infrastructure works detailed in this Plan have been designed to meet the demands of the future development of the Thornton North release area.

The existing roads in the Thornton area have adequate capacity to service existing demand for both the local traffic and for road users outside the area. Consideration of future traffic growth has been given and there is no major new or upgrade capital work required as a result of regional/background traffic growth.

Accordingly all works required under this plan are considered to be a direct result of the Thornton North development and are apportioned 100% to the new development.

5.4.6 CALCULATION OF CONTRIBUTION

Total capital costs for the proposed works were prepared by Mark Raven Consulting and are detailed in 'Thornton North Section 94 Road Cost Estimates' available for viewing at Council's Administration Building. These estimates do not include any allowance for staging of the intersection works. Staging will only be considered where it presents no additional costs and impact on the Section 94 Plan and the development of Thornton North.

The contribution formula for Road and Traffic Management Facilities is therefore:

$$\frac{C+L}{P}$$

Where:

C= Capital costs of facility

L = Land acquisition (total cost)

P = Benefiting No of People

$$\frac{\$85,573,074 + \$10,743,953}{12,500}$$

= \$7,705 per person

= **\$19,263 per lot** (based on assumed occupancy of 2.5 persons per lot)

Ministerial Direction

A Ministerial Direction was issued on 3 March 2011 requiring Council to cap the Thornton North Section 94 Contributions to \$30,000 per new residential lot. Council subsequently resolved to put in place interim arrangements to reduce the Thornton North Road and Traffic Facilities Contributions to \$16,640. To ensure the intent of the Thornton North Section 94 Plan in providing necessary road and traffic facilities is maintained, all works in the S94 Plan will be retained. This amendment was to be an interim arrangement to be reviewed following the adoption of the Special Infrastructure Contributions plan by the State Government. At the time of adoption of this s94 Plan there has been no resolution to the matter therefore the reduced road & traffic contribution arrangement remains in place although a reduction in 2016 City Wide rates has resulted in the contribution being amended to \$17,069 per new lot.

Note: The Road & Traffic work schedule reflects the original costings due to the circumstances described above. All other work schedules in the Thornton North Plan have been indexed to the date the cap was imposed (2011).



5.5 PLAN MANAGEMENT & ADMINISTRATION

5.5.1 NEXUS

The Administration of Section 94 is an expensive task. Council employs staff to coordinate the implementation of the Plan and works, as well as the financial accounting of contributions received. In addition consultant studies are often commissioned in order to determine design and costings of works and to review the development and demand assumptions of the contributions plan.

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities demanded by development throughout the Thornton North release area. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

At the time of the preparation of this Plan, it was determined that 1.5% of all development contributions payable over the life of the Plan was a reasonable contribution towards Plan Management and Administration functions.

5.5.2 CONTRIBUTION CATCHMENT

Plan administration and management is based upon a single release area catchment and contributions have therefore been applied on this basis.

5.5.3 FACILITIES STRATEGY

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (eg planning and valuation specialists) to carry out studies.

6. SUPPORTING DOCUMENTATION

6.1 REFERENCES

The References which have been used in the drafting of this Plan include:

- Census 2001, Australian Bureau of Statistics
- Childcare Study for Maitland City Council (2005), Families at Work
- Citywide Section 94 Contributions Plan (2006-2016) Review of Open Space and Recreation (2007), Maitland City Council
- Development Contributions Practice Note (2005), Department of Planning
- Library Space Study (2001), David Jones
- Library Services Strategic Plan, 2002-2006, Maitland City Council
- Maitland Bike Plan (2005 and 2014), Maitland City Council
- Maitland City Wide Road and Traffic Study, (1998), PPK
- Maitland Community Profile (2003), Maitland City Council
- Maitland Recreation & Open Space Strategy, (2004), Manidis Roberts
- Community Facilities and Services Strategy 2013, Elton Consulting
- Maitland Section 94 Contributions Plan (Citywide) 2006, Maitland City Council
- Public Library Building Guidelines, State Libraries of NSW
- Revised Maitland Urban Settlement Strategy (2006), Maitland City Council
- Stormwater Strategy for Thornton North (2005) Parsons Brinkerhoff
- Thornton North Masterplan, Volumes 1, 2 and 3 (2003) Parsons Brinkerhoff
- Thornton North Sec 94 Review Raymond Terrace Road, McFarlanes Road & Hausman Drive Thornton (2007), Maitland City Council
- Thornton North Section 94 Road Cost Estimates 2007, M Raven Consulting

6.2 DEMOGRAPHICS & EXPECTED TYPES OF DEVELOPMENT

6.2.1 EXISTING POPULATION CHARACTERISTICS

In 2005, the Thornton North area was home to a small rural population of approximately 23 rural dwellings, or less than 60 residents. This population remained stable for several years, as the land was zoned for rural purposes, limiting the construction of new dwellings. However, this population can be expected to rapidly change as a result of new urban development.

In order to determine the demographics of a new population at Thornton North, it is possible to review similar urban areas in the Maitland LGA to understand the type and amount of demand for new infrastructure and services.

The Maitland LGA continues to experience one of the largest inland growth rates in NSW. According to the ABS, the official Estimated Resident Population @ 30 June 2014 was 75,170. This represents an increase in population of 10,378 since 2006 at an average rate of 1,458 people per year or around 2%.

The median age in Maitland according to the Census data was 36. An analysis of age groups indicates that Maitland has a relatively young age structure when compared with the NSW State and Regional average although recent changes in demographic structure show an increase in the elderly age groups. The major differences between the age structure of Maitland City and Regional NSW respectively as follows:

- A larger percentage of 'Young workforce' (12.8% compared to 10.4%)
- A larger percentage of 'Parents and homebuilders' (21.0% compared to 19.5%)
- A larger percentage of 'Babies and pre-schoolers' (7.5% compared to 6.3%)
- A larger percentage of 'Primary schoolers' (10.1% compared to 9.0%)

Dwelling Type is an important determinant of Maitland's residential role and function. A greater concentration of higher density dwellings is likely to attract more young adults and smaller households with occupiers often renting. Larger, detached or separate dwellings are more likely to attract families and prospective families. The residential built form often reflects market opportunities or planning policy, such as building denser forms of housing around public transport nodes or employment centres.

The table below highlights the change in household size that has occurred in Maitland. While earlier years saw a decrease in household size the average occupancy rate remains stable at 2.7. However, at the time the original Thornton North Plan was prepared a rate of 2.5 persons per household was adopted and to ensure fairness and equity across the URA this rate continues to apply in this Section 94 Plan.

Year	Population	Dwellings	Household size
1986	44,273	14,071	3.1
1991	46,844	15,288	3.0
1996	49,847	17,475	2.8
2001	53,803	19,475	2.7
2004	58,000	22,300	2.6
2006	64,792	23,906	2.7
2011	69,646	24,834	2.8
2012	71,866	26,971	2.7
2013	73,443	27,480	2.7
2014	75,170	28,187	2.7

Table 1: Maitland LGA Population and Household size

The following occupancy rates on a per bedroom basis have been used for the purposes of this Plan:

1 bedroom	1.5 persons/ dwelling
2 bedrooms	2.0 persons/ dwelling
3 or more bedrooms (or lot)	2.5 persons/ dwelling

6.2.2 POPULATION PROJECTIONS

Forecasting the size and characteristics of the future population is a complex matter, and predictions are more generally suitable for use in short-term planning compared with long-range predictions.

Population change is determined by two key factors (i.e. births/death and migration) and is more accurately calculated at a large spatial scale. At the micro scale, population is more greatly influenced by local development and factors such as migration, which are difficult to control and record.

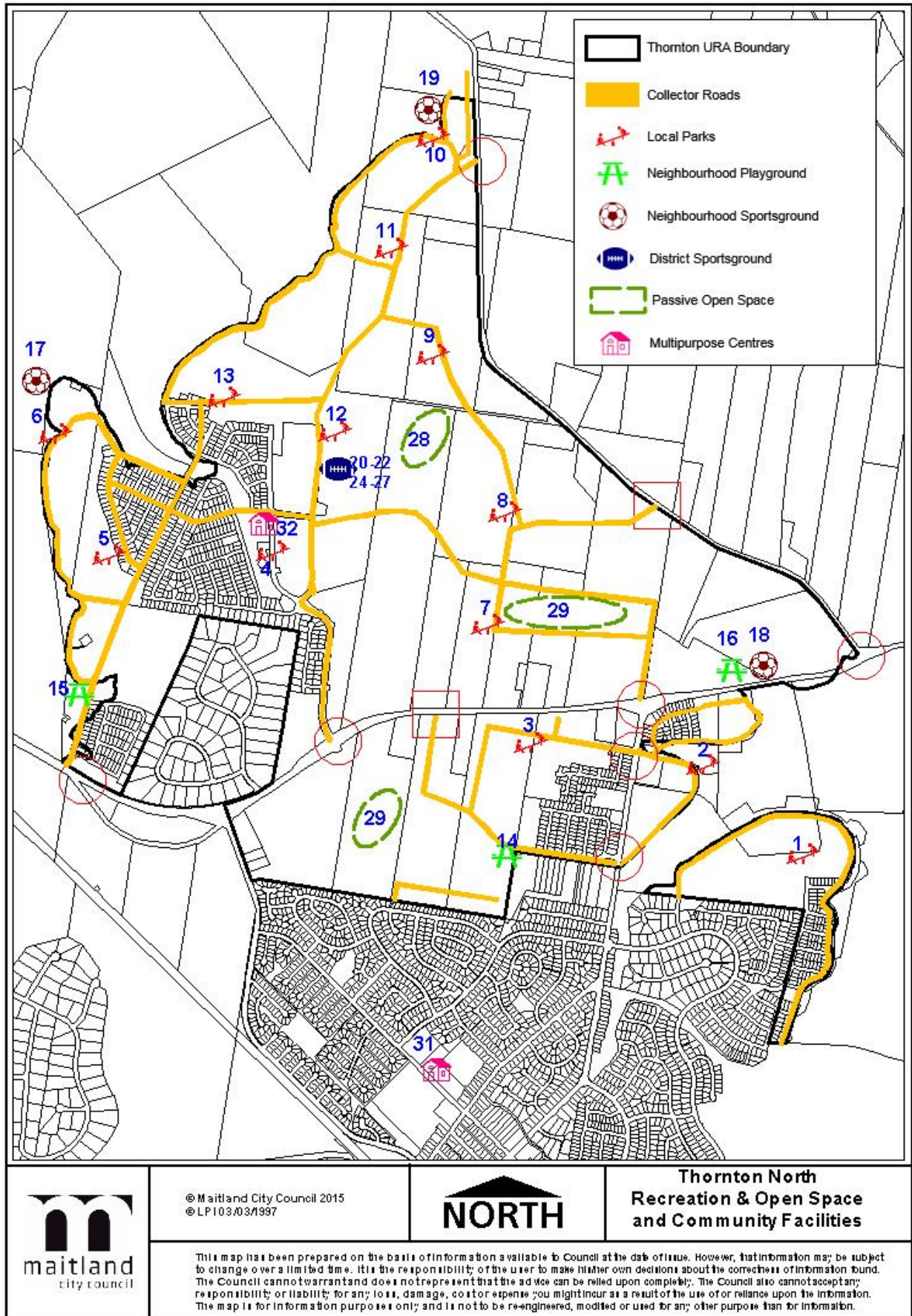
The Maitland LGA continues to experience one of the largest inland growth rates in NSW. Population growth in recent years has fluctuated between 2 and 2.5% and this rate is expected to continue with the release of land in the Lochinvar and Farley urban release areas as well as the ongoing development of Thornton North.

A population increase of between 500 and 750 new residents per annum was originally predicted for Thornton North, however land release was limited in the early years of the s94 Plan due to infrastructure constraints such as the regional transport network and wastewater treatment facilities. The rate of land release did increase significantly from 2010-2015 resulting in an average of approximately 400 new residents per year over that period.

On the basis that the Thornton North release area contains approximately 5,000 residential lots, it is estimated that the remainder of development will occur over the next 8-12 years with an ultimate population of around **12,500 residents** expected to call Thornton North home into the future.

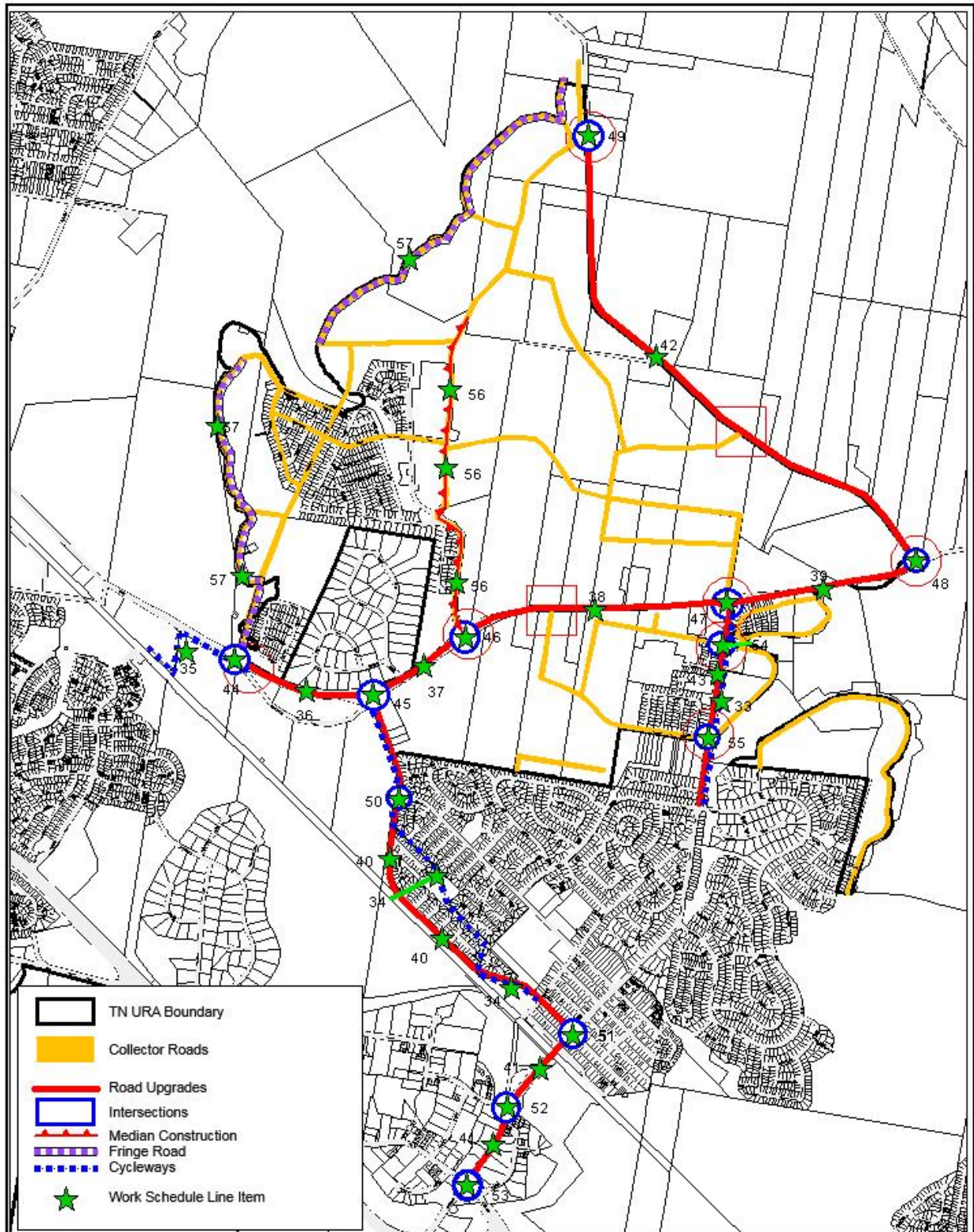
Residential development will contain a mix of separate dwellings, duplexes, townhouses and smaller lot residential housing. A target density of 10-15 dwellings per hectare is proposed for the Thornton North release area.

6.3 MAPS



Map 2 - Recreation & Open Space and Community Facilities





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**Thornton North
 Road & Traffic Facilities**

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make their own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.

Map 3 - Road & Traffic and Cycleways Facilities



6.4 WORK SCHEDULES

Land Acquisition Details – Recreation & Open Space Facilities

Facilities	Approximate Location	Land Required (Ha)	Valuation Basis	Land Value Base Index (\$ / Ha)	Total Value	
Local Playgrounds	TN1	Stage 1 southern catchment eastern precinct	0.5	Englobo	\$521,422	\$260,711
	TN2	Stage 1 southern catchment eastern flood plain	0.5	Flood Liable	\$76,041	\$38,020
	TN3	Stage 1 southern catchment southern precinct	0.5	Englobo	\$483,402	\$241,701
	TN4	Co-located with Community Facility TN32	0.1	Englobo	\$309,594	\$30,959
	TN5	Stage 1 northern catchment central western precinct	0.5	Englobo	\$374,772	\$187,386
	TN6	Co-located with Neighbourhood Sportsground TN17	0.5	Flood Liable	\$76,041	\$38,020
	TN7	Stage 2 northern catchment southern precinct	0.5	Englobo	\$597,463	\$298,731
	TN8	Stage 2 northern catchment central precinct	0.5	Englobo	\$510,559	\$255,280
	TN9	Stage 2 north eastern flood plain	0.5	Englobo	\$570,305	\$285,153
	TN10	Stage 2 northern flood plain	0.5	Englobo	\$543,148	\$271,574
	TN11	Stage 2 northern precinct	0.5	Englobo	\$445,381	\$222,691
	TN13	Stage 2 north western precinct	0.5	Englobo	\$515,991	\$257,995
Neighbourhood Park/ Playgrounds	TN14	Stage 1 southern catchment central precinct	1.8	Englobo	\$483,402	\$870,123
	TN15	Stage 1 northern catchment western flood plain	1.8	Flood Liable	\$76,041	\$136,873
	TN16	Stage 2 northern catchment eastern precinct	1.8	Englobo	\$581,168	\$1,046,103
Neighbourhood Sportsgrounds	TN17	Stage 1 northern catchment north western flood plain	4.2	Flood Liable	\$76,041	\$319,371
	TN18	Stage 2 northern catchment eastern precinct	4.2	Englobo	\$543,148	\$2,281,222
	TN19	Stage 2 northern flood plain	4.2	Flood Liable	\$76,041	\$319,371
District Sportsground	TN20	Stage 1 northern catchment central precinct	6.2	Englobo	\$309,594	\$1,919,485
Passive Open Space	TN28	Stage 1 northern catchment	4.2	Constrained	\$76,041	\$319,371
	TN29	Stage 2 central precinct / Stage 3 southern precinct	5.8	Constrained	\$76,041	\$441,036
TOTAL			39.8			\$10,041,176



Land Acquisition Details – Community Facilities

Facilities		Approximate Location	Land Required (Ha)	Valuation Basis	Land Value Base Index (\$ / Ha)	Total Value
Multipurpose Centres	TN31	Stage 1 Southern catchment Thornton Town Centre	0.675	Englobo	\$488,833	\$329,962
	TN32	Stage 1 Northern catchment central precinct	1.125	Englobo	\$304,163	\$404,509
TOTAL			1.8			\$755,247



Recreation and Open Space Facilities

Facilities		Approximate Location	Est. Capital Cost	Half width road	Est. Land Cost	Total Cost
Local Park	TN1	Stage 1 southern catchment eastern precinct	\$167,303	\$24,333	\$260,711	\$452,347
	TN2	Stage 1 southern catchment eastern flood plain	\$167,303	\$24,333	\$38,020	\$229,656
	TN3	Stage 1 southern catchment southern precinct	\$167,303	\$24,333	\$241,701	\$433,337
	TN4	Co-located with Community Facility TN32 (Complete)	\$167,303	\$24,333	\$30,959	\$222,595
	TN5	Stage 1 northern catchment central western precinct	\$167,303	\$24,333	\$187,386	\$379,022
	TN6	Co-located with Neighbourhood Sportsground TN17	\$167,303	\$24,333	\$38,020	\$229,656
	TN7	Stage 2 northern catchment southern precinct	\$167,303	\$24,333	\$298,731	\$490,367
	TN8	Stage 2 northern catchment central precinct	\$167,303	\$24,333	\$255,279	\$446,915
	TN9	Stage 2 north eastern flood plain	\$167,303	\$24,333	\$285,152	\$476,788
	TN10	Stage 2 northern flood plain	\$167,303	\$24,333	\$271,574	\$463,210
	TN11	Stage 2 northern precinct	\$167,303	\$24,333	\$222,690	\$414,326
	TN12	Co-located with District Sportsground TN20	\$167,303	\$24,333	\$0	\$191,636
	TN13	Stage 2 north western precinct	\$167,303	\$24,333	\$257,995	\$449,631
Neighbourhood Park	TN14	Stage 1 southern catchment central precinct	\$294,195	\$41,714	\$870,123	\$1,206,032
	TN15	Stage 1 northern catchment western flood plain	\$294,195	\$0	\$136,873	\$431,068
	TN16	Stage 2 northern catchment eastern precinct	\$294,195	\$0	\$1,046,103	\$1,340,298
Neighbourhood Sportsgrounds	TN17	Stage 1 northern catchment north western flood plain	\$2,019,190	\$114,713	\$319,371	\$2,453,274
	TN18	Stage 2 northern catchment eastern precinct	\$2,019,190	\$114,713	\$2,281,222	\$4,415,125
	TN19	Stage 2 northern flood plain	\$2,019,190	\$114,713	\$319,371	\$2,453,274
District Sportsground	TN20	Stage 1 northern catchment central precinct	\$2,374,593	\$114,713	\$1,919,485	\$4,408,791
Netball Courts	TN21	Co-located with District Sportsground TN20	\$169,462	\$0	\$0	\$169,462
	TN22	Co-located with District Sportsground TN20	\$169,462	\$0	\$0	\$169,462
	TN23	Contributions towards Competition Courts Maitland Park	\$593,118	\$0	\$0	\$593,118
Tennis Courts	TN24	Co-located with District Sportsground TN20	\$305,249	\$0	\$0	\$305,249
	TN25	Co-located with District Sportsground TN20	\$610,498	\$0	\$0	\$610,498
Cricket Nets	TN26	Co-located with District Sportsground TN20	\$27,157	\$0	\$0	\$27,157
	TN27	Co-located with District Sportsground TN20	\$27,157	\$0	\$0	\$27,157
Open Space	TN28	4.2 Ha Passive Open Space Stage 1 northern catchment	\$629,617	\$114,713	\$319,371	\$1,063,701
	TN29	5.8 Ha Passive Open Space Stage 2 central precinct & Stage 3 Southern Precinct	\$869,471	\$0	\$441,037	\$1,310,508
	TN30	8.8Ha Various Linear Linkages – Not mapped	\$1,319,198	\$0	\$0	\$1,319,198
TOTAL			\$16,210,076	\$931,608	\$10,041,174	\$27,182,858



Community Facilities

Facilities		Approximate Location	Est. Capital Cost	Est. Land Cost	Total Cost
Multipurpose Centre	TN31	Stage 1 southern catchment Thornton Town Centre	\$3,932,500	\$350,738	\$4,283,238
Multipurpose Centre	TN32	Stage 1 northern catchment central precinct	\$3,932,500	\$404,509	\$4,337,009
TOTAL			\$7,865,000	\$755,247	\$8,620,247

Cycleways

Facilities		Location	Est. Capital Cost	Est. Land Cost	Total Cost
Thornton R2	TN33	Somerset Drive to Raymond Terrace Road	\$195,859	\$0	\$195,859
Thornton R2 - Supp	TN34	Thornton Station to Raymond Terrace Road	\$447,880	\$0	\$447,880
Scenic S5	TN35	Metford Station to Raymond Terrace Road	\$271,574	\$21,726	\$293,300
TOTAL			\$915,313	\$21,726	\$937,039

Part Constructed



Thornton North Road & Traffic Facilities

Facilities		Location	Description	Est. Capital Cost	Est. Land Cost	Total Cost
Road Upgrades	TN36	Raymond Terrace Road	Harvest Boulevard to Haussman Drive	\$5,992,357	\$767,604	\$6,759,961
	TN37		Haussman Drive to Settlers Boulevard	\$10,896,727	\$303,002	\$11,199,729
	TN38		Settlers Boulevard to Government Road	\$6,969,829	\$1,212,007	\$8,181,836
	TN39		Government Road to McFarlanes Road	\$6,984,612	\$686,804	\$7,671,416
	TN40	Haussman Drive	Raymond Terrace Road to Railway Avenue	\$14,503,670	\$3,313,871	\$17,817,541
	TN41	Thornton Road	Railway Avenue to Glenwood Drive	\$7,151,104	\$59,828	\$7,210,932
	TN42	McFarlanes Road	Raymond Terrace Road to TN49	\$6,349,640	\$579,568	\$6,929,208
	TN43	Government Road	Raymond Terrace Road to Somerset Drive	\$1,674,814	\$246,651	\$1,921,465
Intersections	TN44	Raymond Terrace Road / Harvest Boulevard		\$1,216,758	\$0	\$1,216,758
	TN45	Raymond Terrace Road / Haussman Drive		\$2,020,919	\$0	\$2,020,919
	TN46	Raymond Terrace Road / Settlers Boulevard		\$1,246,019	\$0	\$1,246,019
	TN47	Raymond Terrace Road / Government Road		\$2,140,733	\$0	\$2,140,733
	TN48	Raymond Terrace Road / McFarlanes Road		\$1,432,678	\$0	\$1,432,678
	TN49	McFarlanes Road / Settlers Boulevard		\$1,179,791	\$0	\$1,179,791
	TN50	Haussman Drive / Taylor Avenue		\$1,981,514	\$4,944	\$1,986,458
	TN51	Railway Avenue / Glenroy Street		\$3,794,138	\$2,197,475	\$5,991,613
	TN52	Huntingdale Drive / Thornton Drive		\$1,137,841	\$0	\$1,137,841
	TN53	Thornton Road / Glenwood Drive		\$3,678,586	\$498,199	\$4,176,785
	TN54	Government Road / Thorncliffe Avenue / Darlaston Avenue		\$641,324	\$0	\$641,324
TN55	Government Road / Hillgate Drive		\$641,324	\$0	\$641,324	
New Roads	TN56	Settlers Boulevard (additional 4.0m wide median)		\$1,354,847	\$754,000	\$2,108,847
	TN57	Fringe Road (additional 6.0m reserve, 1.5m for shared way and 2.5m parking lane)		\$2,583,849	\$120,000	\$2,703,849
TOTAL				\$85,573,074	\$10,743,953	\$96,317,027

Part Constructed

Complete

