



PENRITH CITY COUNCIL

SECTION 94 PLAN

Footpath Construction

in the Established Residential Areas of the City

Development Contributions Plan
(under Section 94 of the Environmental Planning and Assessment Act, 1979 as amended)

Adopted by Council on 7 May, 2001

Plan takes effect on 22 May, 2001

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1.0 INTRODUCTION

1.1 What is Section 94?

Section 94 of the Environmental Planning and Assessment Act 1979, as amended, empowers Councils to require developer contributions towards the cost of providing required public amenities and services. The Act states that where a development will, or is likely to require the provision of, or increase the demand for public amenities and public services within an area, Councils may levy contributions from the developers for the provision of those amenities and/or services.

Section 94 is the sole mechanism that a Council can use to levy contributions from a developer.

The application of Section 94 follows three general principles:

1. The contribution must be for, or relate to, a planning purpose.
2. The contribution must fairly and reasonably relate to the subject development.
3. A reasonable planning authority, duly appreciating its statutory duties, could properly impose the contribution.

Under section 94(1) a Council is able to impose a condition on any development consent, requiring a contribution;

1. to provide works or facilities to be carried out in the future from which the development or its occupants will benefit; or
2. to fund works or facilities which have already been constructed from which the development or its occupants will benefit.

Backlogs in services and facilities which are required to meet the needs of existing development cannot be funded through section 94.

In major growth areas such as Penrith, it is important that baseline facilities and works are provided to sustain an acceptable form of urban development. By using contributions from developers for the provision of essential amenities and services, Council can significantly reduce the burden of cost of additional urban development on existing residents.

1.2 Types of Contributions

Section 94 makes provision for three methods of satisfying a contribution requirement:

1. Dedication of land to Council free of cost.
2. Monetary contribution.
3. Works in kind (Material Public Benefit – physical components not being land, which are of benefit to the general community).

1.3 Purposes of this Plan

The purposes of this Plan are to:

- a) enable the levying of developer contributions for the provision of footpaths in the areas affected by this plan as a consequence of increased demand by an additional population generated by new development for residential purposes including, but not limited to **housing for older people, multi-unit housing** (including integrated housing), **shop top housing, dual occupancy** and **subdivision**;
- b) set down council's aims and objectives of this Plan and a policy for raising, holding and expending section 94 contributions.

1.4 Interpretation

Terms used in this plan which are defined in Penrith Local Environmental Plan 1998 Urban Land (as amended) have the meanings set out in that Plan.

1.5 Financial Information

Council maintains a contributions register in accordance with clause 33 of the Environmental Planning and Assessment Regulation.

A separate accounting record is also maintained for this plan. It contains details of contributions received and expended, including interest earned, for each contribution category.

These records are available for inspection free of charge.

1.6 Plan Review

The Plan will be reviewed and updated from time to time on a needs basis. Any infrastructure works that have been constructed by Council at the date of review will be carried forward in the adjusted works schedule at their actual cost plus any accrued interest payments on borrowed funds used to construct the works. The revised plan will be advertised and considered in accordance with the legislation and Regulations.

2.0 AIMS AND OBJECTIVES

The aims and objectives of the Plan are to:

- a) Provide a basis for levying developer contributions over development which increases population within areas affected by this Plan for the provision of footpaths;
- b) Identify the footpaths to be provided within the area affected by this Plan;
- c) Ensure that the provision of footpaths is adequate to satisfy the demand generated by additional development and population growth; and
- d) Employ a user pays policy regarding the funding of services and amenities to ensure that existing residents of the City do not have to subsidise new urban development.

The schedule of Footpath Works is at **Schedule 1**.

3.0 LAND AFFECTED BY THE PLAN

This Plan applies anywhere residential development is permitted within the established areas of the city. These areas are identified on the map on **Schedule 4**.

Where there is a legally enforceable obligation to pay contributions under other section 94 plans for purposes covered by this Plan, the other Plan operates instead of and not in addition to the requirements of this Plan.

4.0 RELATIONSHIP TO ENVIRONMENTAL PLANNING INSTRUMENTS

This Plan enables the levying of developer contributions specified for residential development (including subdivision) permissible in the established residential areas of the City of Penrith.

The principal planning instrument for the targeted areas is Penrith Local Environmental Plan 1998 Urban Land. This plan will ultimately replace existing residential planning controls for the urban areas of the city with a single residential plan. Other minor planning instruments are currently applicable to certain residential areas of the city affected by this plan.

5.0 NEXUS

This Plan adopts as its basic rationale the following principles in establishing nexus:

- a) The provision of a service and/or works via a section 94 contribution is a measurable consequence of the proposed development.
- b) The services and/or works can be physically provided within a reasonable timeframe.
- c) Contributions raised under this plan are expended for the purposes stated in this plan.

5.1 Nexus for Footpath Provision

The nexus between new development and the provision of footpaths is related to:

- a) An increase and densification of population within the area subject to this plan which will increase the demand for footpaths within and serving the area, and will require Council to expend funds before it otherwise would.

5.2 Established Residential Areas

For the purposes of this plan, the established residential areas of the city are outlined in heavy black on the map at **Schedule 4**.

Anticipated residential growth will give rise to an increase in demand for footpaths within, and serving, these areas. The quantum of residential growth anticipated in the established residential areas is set out in **Schedule 3**.

Council has undertaken to provide a network of footpath projects to ensure an adequate level of provision of safe and efficient pedestrian footpaths serving the established residential areas of the city.

6.0 JUSTIFICATION FOR CONTRIBUTION

6.1 Basis for Contribution

This Plan sets a contribution towards the provision of footpaths in the established residential areas for the current phase of the City's growth.

The provision of the proposed footpath projects will also satisfy a demand arising from existing residents within the established areas of the city. The costs of providing footpaths will be shared between existing and future residents in the manner set out in paragraph 6.2, below.

The contribution applies in addition to, and not instead of, any requirement to provide footpath construction works along a development frontage as part of a development consent. This principle recognizes the benefits accruing to new development of a network of footpaths in the established areas as a whole.

6.2 Apportionment

Apportionment is a process which ensures that the contributing population only pays for its share of the proposed facility. Only the proportion of the cost of providing the facility attributed to the demand arising from new development within the catchment area is funded through the plan.

The number of new dwellings anticipated in the ERA's over the ten years of this plan is 2000, by which time they will represent **4.4%** of total dwellings in the established residential areas. The plan will attribute 4.4% of the cost of the proposed neighbourhood center to incoming residents. (refer to **Schedule 3** for an explanation of the apportionment calculations used in the Plan).

The remainder of the cost will be met through other sources, including existing residents. The cost of the footpath projects reproduced in this plan does not include the cost of the land. This cost is considered to have been met by existing residents.

6.3 Explanation of Contribution Rate Per Person

In order to determine the contribution rate per person, the cost of the proposed footpaths projects has been evenly distributed over the additional population estimate. Additional levies for cost of supervision and design, and administration [9%] have been included in the formula. The administrative component of the formula is required for the monitoring, review

and implementation of the Plan, for which Council must dedicate staff and administrative resources to the task. The following Formula is used to calculate the contribution rate:

$$\text{Contribution Rate [$/person]} = (\mathbf{C} \cdot \mathbf{A}) / \mathbf{P}$$

- Where:
- C** = The cost of the proposed footpaths projects, plus the cost of design and supervision (being 8% of the cost of works), plus the cost of administration (being 1% of the cost of works).
 - A** = The cost-apportionment factor, described at para 6.2
 - P** = The estimated additional population for the area affected by this Plan to the end of 2011.

The cost of the footpaths projects, design/supervision and administration charges is reproduced in **Schedule 1**.

A full explanation of the basis of this formula is set out in **Schedule 2**.

It is anticipated that it may be appropriate to borrow money to fund the Works in advance of contributions being received. If money is borrowed, the contributions will need to fund the interest costs.

7.0 CONTRIBUTION RATES FOR NEW DEVELOPMENT

7.1 What types of development will be levied?

This Plan requires that a contribution be applied to new development for residential purposes, including, but not limited to **housing for older people, multi-unit housing** (including integrated housing), **shop top housing, dual occupancy** and **subdivision**.

The contribution applies in addition to, and not instead of, any requirement to provide footpath construction works as part of a development consent.

This Plan does not apply to subdivision of existing dwellings where a contribution under this plan has already been paid in respect of those dwellings and where no additional lots are created. See also para **7.3.1 Credits for Contributions**.

7.2 Occupancy Rates

For the purposes of calculating the total contribution, the following **occupancy rates** for different types of new development have been determined:

Multi-unit and Shop-Top Housing	2.4 persons for each new dwelling
Dwelling Houses, Dual Occupancy and Subdivision	3 persons for each new dwelling or new lot
Housing for older people	1.5 persons for each new dwelling¹

The above occupancy rates are based on ABS 1996 Census figures for Penrith.

7.3 How to Calculate the Total Contribution

The **contribution rate** under this plan is **\$53.00 per person**, as described in **Schedule 2**.

The **total contribution** for new development is calculated as follows:

$\text{Total Contribution} = \text{Contribution Rate at } \underline{\text{Schedule 2}} \times \text{Occupancy Rate} \times \text{Number of new dwellings or new lots}$

7.3.1 Credits for Contributions

Credits for existing occupancy and vacant allotments apply and will be calculated as follows:

The total occupancy rate of the proposed development minus the occupancy rate of the existing development [being either the existing allotment(s) or the existing dwelling(s), whichever is greater].

The occupancy rate of a vacant allotment, or an allotment where no residential uses exist will be calculated as the equivalent of one existing dwelling.

¹ In 1996, just over one-quarter (28%) of all older people lived alone. The majority of older people (63% were living in family households, most of these with their partners. (Source "4109.0 Older People, Australia: A Social Report, 1999", Australian Bureau of Statistics). In the case of housing for older persons, an average occupancy rate of between 1 and 2 persons per new dwelling (1.5 persons) will be adopted in this Plan.

7.4 Review and Indexation of contributions

The section 94 contribution rate will be indexed from time to time. This indexing is based on:

- a) the Consumer Price Index (All Groups Sydney) or equivalent index system or a projection thereof, and
- b) the appropriate interest rate for that portion of the plan which is loan funded.

The indexing will be published in Council's Annual Management Plan in July each year and will list the rates for the next 12 month period.

In addition Council may review the entire Contributions Plan, and subject to the regulations could adopt new contribution rates.

There will also be periodic reviews of the plan and the costs of all items. At the time of these reviews the revised contribution rate will not apply to developments that have already been approved or completed.

This formula automatically adjusts in the first quarter of each management plan for prior estimation errors.

The method of establishing the contribution rate shall be to estimate the result that would be achieved by applying the following formula on a quarterly basis:

For that portion of the contribution rate which is for items that are not loan funded:

$$NR = OR \times CI/EI$$

Where **NR** is the new contribution rate,
OR is the contribution rate at adoption of the plan,
CI is the latest Consumer Price Index (All Groups Sydney), and
EI is the Consumer Price Index (All Groups Sydney) which applied at the date of adoption of the plan.

For that portion of the contribution rate which is for loan funded works:

$$NR = PR \times (1+r)$$

NR is the new contribution rate
PR is the contribution rate at the previous quarter
r is the interest rate applicable to the loans

8.0 METHOD AND TIMING OF PAYMENT

8.1 Issue of Consent

When a development consent is issued for a development any contributions required under this plan will be listed in the conditions attached to the consent. The conditions will indicate the contributions required and the time allowed for the payment of the contribution at that stated rate.

Where a development proposal involves work in kind or the transfer of land to Council for public purposes identified in the section 94 budget, the item and the corresponding estimate in the budget will be described in the conditions of consent.

8.2 Indexation of Contributions After Issue of Consent

The contributions payable are stated in a consent at the value payable during the current quarter. Amounts for future quarters are published in the Management Plan current at the time and in subsequent management plans. Should the applicable contribution rates not be validly published in the Management Plan, the rate applicable will be calculated in accordance with the review and indexation method of this Plan.

In the event that contributions are not received when due, interest will accrue on the debt at a rate equal to that which is due on unpaid Council rates and indexation will cease.

In the event that a contribution is assessed on this plan, and a subsequent or amended plan comes into force before payment is due, the developer may elect that the payment is due under this plan as at the day before a new plan comes into effect. As at that time, indexation ceases and interest applies in accordance with this part. This election may be made while the development consent remains valid.

8.3 Method of Payment

Payment may be made by any means acceptable to Council provided that if the payment is not by cash or by bank cheque then:

- any costs or commission payable by Council on the transaction or its collection must also be paid, and
- the payment shall not be deemed to be received until Council's bankers acknowledge the funds are cleared.

8.4 Works in kind

Where appropriate, Council may accept the construction of amenities or services to offset the monetary contribution payable. The works provided must be in accordance with the Schedules of Works embodied in this plan. The applicant will be required to provide full details of the work proposed to be undertaken for Council's consideration.

8.5 Conditions of Agreement

Documentation necessary for the verification of proposed credits will also be outlined in the consent and a reasonable time frame will be established in order to prevent any delay.

In addition, conditions of transfer, including restoration and maintenance arrangements, will be set out in the consent.

If a detailed design for works in kind has not been completed at the time of consent, which does not require amendment, the value and conditions will be outlined in the consent notice. The arrangements for this are discussed below.

8.6 Valuation of Works in Kind

At the time of detailed design and documentation a cost estimate will be established. If this varies from the adopted Section 94 budget, steps will be taken to rectify the variation. Land which has not been redeveloped which benefits from the works in kind will be affected by any increase and will similarly be affected by any decrease.

Once an agreement has been reached between Council and the developer about the revised cost, the developer may undertake the works. The developer will remain liable for any cost overruns. Similarly, any economies in construction costs will flow to the developer, provided that the quality of the work is not diminished. No further verification of the cost of work will be necessary following the detailed design and estimation. However, a valuation will be required as the work will form part of Council's asset register.

8.7 Transfer of Land

Similar to Works-In-Kind where the land to be transferred is an integral part of a development proposal, an allotment within the subdivision proposal, or the land transfer is required because of Works-In-Kind construction, Council will require the land to be transferred as part of the development.

The land to be transferred to Council for public purposes will be subject to a formal valuation at the developer's expense. This valuation is to be agreed by Council with sufficient time prior to the release of the linen plan to allow the credit to be allowed in the payment of contributions. Additionally, where the value of the land dedications exceeds the contributions to be paid the developer shall approach the Council to arrange for payment beyond the contribution.

8.8 Credits

Prior to work being commenced which would result in a developer entering into a position of credit Council approval will be required. This may occur in conjunction with development consent after assessment of likely Section 94 works.

Following satisfactory completion of any works and their valuation, the item will be acknowledged as a credit against Section 94 liabilities for the relevant section of the budget.

8.9 Timing of payment

8.9.1 Subdivision Applications

Payment of the contributions will be required prior to Council signing and releasing the linen plan of subdivision.

8.9.2 Development Applications Involving Building Work

Payment of the contributions will be required at the time of lodgement of a construction certificate.

8.9.3 Development Applications where no Building Approval is required

Payment to be made prior to occupation of the premises.

8.10 Deferred Payment of Contributions

Council will give consideration to any request for deferment of contributions on its merits. However, the developer must make written application.

If Council grants such a request it is conditional upon the applicant providing a suitable Bank Guarantee and Deed of Agreement.

A period for deferral of a contribution will be agreed between the applicant and Council prior to preparation of the Bank Guarantee. The Bank Guarantee will be required to be valid for at least twelve months after the end of the agreed period. The period may be extended in circumstances acceptable to Council.

Interest and an administrative fee will be charged on deferred contributions equal to the rate applicable to overdue Council rates.

The amount of the Bank Guarantee will be calculated in the following manner:

$$G = C(I+1)^P, \text{ where:}$$

- G** is the amount of the Bank Guarantee;
- C** is the contribution owing at the time the contribution is due;
- I** is the estimated compound interest rate set by Council; and
- P** is the period covered by the guarantee.

The guarantee will be terminated when the liability is met by the payment of cash or transfer of land or works.

The Deed of Agreement is to be prepared by Council's solicitors at full cost to the applicant.

If contributions are not paid by the due date the Bank Guarantee will be called up by Council.

8.11 Timing of Works

The rate of receipt of income from Section 94 Contributions is dependent on the rate of development which is difficult to precisely predict. This plan aims to provide works within a reasonable period, however nothing in this plan binds the Council to have to provide any works or material public benefit the subject of this plan in advance of receipt of sufficient funds through the contributions that have been made under this plan.

SCHEDULE 1 – WORKS SCHEDULE

<i>Footpath Works</i>

This Schedule indicates the works to be undertaken in the ten year period following the date of adoption of this Plan. The actual works to be undertaken each year will be the subject of Council's annual Management Plan.

SUMMARY

East Ward

STREET	LOCATION	SUBURB	LENGTH m	EST. COST
Adelaide St	Australia St to Glossop St, south side	Oxley Park	139	\$6,672
Aquarius Cr (north)	Swallow Dr to bend, north side	Erskine Park	100	\$4,800
Ash St	Willow Rd to Wattle Ave, east side	North St. Marys	170	\$8,160
Autumnleaf Pde	Timesweep Dr to Bennett Rd, north side	St Clair	250	\$12,000
Banks Drive	Existing to Bennett Rd, south side	St Clair	1465	\$70,320
Banks Drive	Melville St to Bennett Rd, north side	St Clair	1755	\$84,240
Bega St	Maranie Av to Desborough Rd, west side	St Marys	110	\$5,280
Bennett Rd	Coonawarra Dr to existing, east side	St Clair	580	\$27,840
Bennett Rd	Desborough Rd to Carpenter St, west Side	Colyton	440	\$21,120
Bennett Rd	Existing to Erskine Pk Rd, west side	St Clair	640	\$30,720
Bennett Rd	M4 to Desborough Rd, west side	Colyton	830	\$39,840
Birch St	Debrincat Ave to Kurrajong Ave, west Side	Nth St Marys	475	\$22,800
Blair Av	Phillip St to bend, east side	St Marys	220	\$10,560
Braddon St	Sydney St to Constance Ave, north side	St Marys	350	\$16,800
Brisbane Street	Existing to Sydney St, north side	Oxley Park	300	\$14,400
Carrington Street	Existing to Murray St, north side	Colyton	260	\$12,480
Catalina St	Forrester Rd to Anzac St, south side	Nth St Marys	340	\$16,320
Cedar Cr	Full length, east side	Nth St Marys	300	\$14,400
Chameleon Dr	Swallow Dr to Irrabella Pl, north side	Erskine Park	870	\$41,760
Charles Hackett Drive	West Lane to Carinya Ave, south side	St Marys	40	\$1,920
Clarence Rd	School Frontage, west side	St Clair	130	\$6,240
Colorado Drive	Denver Rd to Explorers Way, north side	Erskine Park	380	\$18,240
Colorado Drive	Full Length, south side	Erskine Park	820	\$39,360
Cook Parade	Banks Dr to McIntyre Ave, west side	St Clair	940	\$45,120
Coonawarra Dr	Bennett Rd to existing (near Colorado), South side	St Clair	667	\$32,016
Coowarra Drive	Berrigan Cl to Fontana Ct, south side	St Clair	435	\$20,880
Day St	Ball St to GWH, west side	St Marys	83	\$3,984
Day St	Ball St to Muscio St, east side	St Marys	215	\$10,320
Denver Road	Colorado to Explorers Way, west side	St Clair	550	\$26,400

 FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

PENRITH CITY COUNCIL DEVELOPMENT CONTRIBUTIONS PLAN

Endeavour Ave	Existing to Bennett Rd, north side	St Clair	240	\$11,520
Endeavour Rd	Banks Dr to Moore St, west side	St Clair	490	\$23,520
Explorers Way	Bennett Rd to Denver Rd, south side	St Clair	956	\$45,888
Explorers Way	Denver Rd to Erskine Park Rd, south side	St Clair	757	\$36,336
Feather St	Whole length, west side	St Clair	631	\$30,288
Forrester Rd	Maple Rd to Boronia Road, east side	Nth St Marys	280	\$13,440
Forrester Rd	Glossop St to Wordoo St, west side	Nth St Marys	380	\$18,240
Freeman St	Leonard St to Carpenter St, west side	St Marys	300	\$14,400
Gipps Road	GWH to Sunflower Drive (south), west Side	Claremont Meadows	900	\$43,200
Glossop St North	Telford Place to Forrester Rd, south side	Nth St Marys	390	\$18,720
Great Western H'way	Pages Rd to Princess Mary St, south side	St Marys	180	\$8,640
GWH	Pages Rd to South Creek, south side	St Marys	560	\$26,880
GWH	UWS entrance to existing (nr Gipps St) South side	Claremont Meadows	1000	\$48,000
GWH	Werrington Rd to South Creek, south side	Claremont Meadows	400	\$19,200
Harvey Cct	Banks Dr to Timesweep Dr, south side	St Clair	413	\$19,824
Hewitt Street	Shepard St to Albany Ln, east side	Colyton	200	\$9,600
Hobart Street	Australia St to Melbourne, south side	Oxley Park	1210	\$58,080
Kungala St	Kalang Ave to Charles Hackett Drive,	St Marys	220	\$10,560
Lonsdale Street	Full length, north side	Colyton	320	\$15,360
Lukes Lane	Amazon PI to Lukes Lane, reserve	St Clair	100	\$4,800
Lukes Lane	Windrush Cct to Lukes Lane, reserve	St Clair	100	\$4,800
Mamre Rd	Existing path south of Wilson St to Hall St West side	St Marys	300	\$14,400
Maple Road	Debrincat Ave to Kurrajong Ave, west Side	Nth St Marys	710	\$34,080
Marsden Road	Desborough Rd to Shepherd St, east Side	Colyton	420	\$20,160
McIntyre Ave	Full length, south side	St Clair	520	\$24,960
Melville Road	Existing to St Clair Ave, east side	St Clair	360	\$17,280
Milham St	Glenview St to Monfarville St, north side	St Marys	250	\$12,000
Mitchell Street	Full length, north side	Colyton	340	\$16,320
Monfarville Street	Milham Street to Desborough Street, East side	St Marys	100	\$4,800
Naoli Place	Solander Dr to Feather St, south side	St Clair	121	\$5,808
O'Connell Street	From existing threshold to Sunflower Dr, South side	Claremont Meadows	100	\$4,800
O'Connell Street	GWH to UWS Kingswood entrance, East side	Claremont Meadows	960	\$46,080
Oxford St	Shepherd St to Carrington St, east side	St Marys	146	\$7,008
Parkin Rd	Desborough Rd to Carpenter St, west Side	St Marys	400	\$19,200
Peppertree Drive	Erskine Park Drive to existing, north side	Erskine Park	600	\$28,800
Perth Street	Whole length, east side	Oxley Park	306	\$14,688
Phoenix Crescent	Peppertree Dr to existing laneway, east Side	Erskine Park	170	\$8,160
Primrose Circuit	Full length, south side	Claremont Meadows	530	\$25,440
Reserve	Existing to Tonga close, reserve side	St Clair	300	\$14,400

FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

PENRITH CITY COUNCIL DEVELOPMENT CONTRIBUTIONS PLAN

Reserve	Reserve Moonah Gr to Heron Cr, Reserve side	St Clair	100	\$4,800
Reserve	Reserve Walkers Lne to Strauss Rd, Reserve side	St Clair	240	\$11,520
Reserve	Reserve Wolf Cl to Cook Pde, reserve Side	St Clair	220	\$10,560
Rochford Street	St Clair Avenue to Melville Rd, south Side	St Clair	700	\$33,600
Saddington Street	Pages Rd to Garner St, south side	St Marys	300	\$14,400
Sandpiper Cr	Harrier Place to Sunflower Dr, west side	Claremont	340	\$16,320
Schultz St	Carpenter St to Maranie Av, west side	St Marys	300	\$14,400
Shepherd St	Bennett Rd to Hewitt St, north side	Colyton	864	\$41,472
Shepherd St	Hewitt St to Kipling Dr, north side	Colyton	619	\$29,712
Shepherd St	Marsden Rd to Bennett Rd, north side	Colyton	711	\$34,128
Shepherd St	Oxford St to Marsden Rd, north side	St Marys	500	\$24,000
Solander Dve	Madison Cct (east) to Mamre Rd, north Side	St Clair	396	\$19,008
St Clair Ave	Melville Rd to Ballarat Av, south side	St Clair	675	\$32,400
St Clair Ave	Rochford St to Melville Rd, south side	St Clair	805	\$38,640
St Marys PS – Carinya	St Marys PS Gate to Carinya Avenue, N/a side	St Marys	150	\$7,200
Sunflower Dr	O’Connell St to Vivaldi Cr, west side	Claremont Meadows	355	\$17,040
Sunflower Dr (sth)	Gipps St to Myrtle Rd, north side	Claremont Meadows	180	\$8,640
Swallow Dr	Hydra Pl to Peppertree Dr	Erskine Park	444	\$21,312
Swallow Dr	Erskine Park Drive to Warbler St, east Side	Erskine Park	190	\$9,120
Swallow Dr	Taurus St, east to existing, west side	Erskine Park	780	\$37,440
Timesweep Dr	Existing to Banks Dr, south side	St Clair	720	\$34,560
Timesweep Dr	Existing to Harvey Cct, south side	St Clair	90	\$4,320
Todd Row	Existing to Flintlock Drive, west side	St Clair	130	\$6,240
Vivaldi Cr	Clayton Way to Sunflower Dr, west side	Claremont Meadows	430	\$20,640
Wilson Street	Pages Rd to Mamre Rd, south side	St Marys	610	\$29,280
Woodland Av	Whole length, east side	Oxley Park	338	\$16,224

East Ward Total

\$2,001,648

North Ward

STREET	LOCATION	SUBURB	LENGTH m	EST. COST
Andromeda Drive	Barrett Pl to The Northern Rd, north side	Cranebrook	675	\$32,400
Andromeda Drive	Vincent Rd to existing, west side	Cranebrook	380	\$18,240
Balaclava Road	Wedmore Road to Trafalgar Rd, south Side	Emu Heights	240	\$11,520
Barlow Street	College St to Haining St, south side	Cambridge Park	520	\$24,960
Barlow Street	Haining St to Wrench St, south side	Cambridge Park	257	\$12,336
Barry Coe Place	Goldmark Cr to laneway, west side	Cranebrook	327	\$15,696
Bel-Air Rd	Coreen Ave to Hilltop Rd, east side	Penrith	580	\$27,840

FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

PENRITH CITY COUNCIL DEVELOPMENT CONTRIBUTIONS PLAN

Bluebird Rd	Laycock St to Camelot Dr, south side	Cranebrook	442	\$21,216
Borrowdale Road	Woodgate Cr to Northern Rd, south side	Cranebrook	675	\$32,400
Boundary Road	Moxham St to Goldmark Cr, north side	Cranebrook	686	\$32,928
Boundary Road	Moxham St to Tallowood Pl, north side	Cranebrook	530	\$25,440
Brookefield Ave	Greenbank Av to Bungalow Pd, west Side	Werrington Downs	415	\$19,920
Burton Street	Full length, east side	Werrington	1020	\$48,960
Cam Street	Cambridge St to Richmond Rd, east side	Cambridge Pk	150	\$7,200
Cambridge Street	Wrench St to Cam St, north side	Cambridge Pk	1040	\$49,920
Camelot Drive	Whole length, east side	Cranebrook	484	\$23,232
Charles Sturt Dr	Whole length, north side	Werrington County	416	\$19,968
Cooper Street	Full length, south side	Penrith	780	\$37,440
Copeland Street	Parker St to King St, north side	Kingswood	435	\$20,880
Coreen Avenue	Existing to existing, near King St, south Side	Penrith	200	\$9,600
Coreen Avenue	Existing to Bel Air Road, north side	Penrith	400	\$19,200
Dunheved Road	Henry Lawson Ave to John Batman Ave, north side	Werrington County	340	\$16,320
Francis Street	Rugby Street to Dunheved Road, East side	Cambridge Park	250	\$12,000
Gardenia Avenue	Whole length, south side	Emu Plains	1060	\$51,312
Gibson Ave	Albert St to Reid St, west side	Werrington	722	\$34,656
Gibson Ave	Victoria St to Albert St, west side	Werrington	235	\$11,280
Goldmark Cres	Andromeda Dr to Andromeda Dr, south Side	Cranebrook	1044	\$50,112
Great Western Highway	Grey St to Russell St, north side	Emu Plains	760	\$36,480
Greenbank Dr	Oakland Pd to Dunheved Rd, south side	Werrington Downs	1315	\$63,120
Greenbank Dr	Pasturegate Ave to Dunheved Rd, east Side	Werrington Downs	401	\$19,248
Greenhaven Dr	Parkwood Gr (east) to Killuran Av, east Side	Emu Heights	529	\$25,392
Grey Street	GWH to Kathleen St, east side	Emu Plains	204	\$9,792
Greygums Rd	Entire east side	Cranebrook	1580	\$75,840
Harvest Dr	Whole length, south side	Werrington Downs	348	\$16,704
Heavey St	Isabella St to Lethbridge Av, north side	Werrington	190	\$9,120
Hemmings St	Thurston St to The Crescent, west side	Lemongrove	300	\$14,400
Henry Lawson Ave	Ovens Dr to Dunheved Rd, west side	Werrington County	241	\$11,568
Henry Lawson Ave	Madigan Dr to Hentic Pl, east side	Werrington County	710	\$34,080
Henry Lawson Ave	Hentic Cr to Ovens Dr, south side	Werrington County	490	\$23,520
Herbert Street	Harrow Road to Wrench St, north side	Cambridge Park	730	\$35,040
Hillcrest Av	Hilltop Rd to Illawong Av, east side	Kingswood Park	223	\$10,704
Hilltop Rd	Whole length, north side	Penrith	344	\$16,512
Hindmarsh St	Whole length, north side	Cranebrook	986	\$47,328

FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

PENRITH CITY COUNCIL DEVELOPMENT CONTRIBUTIONS PLAN

Holmegate Cr	West end, Whitbeck Pl to Borrowdale Way, west side	Cranebrook	170	\$8,160
Hosking Street	Full length, north side	Cranebrook	455	\$21,840
Illawong Av	Moonbi Rd to reserve, east side	Kingswood Pk	40	\$1,920
Illawong Avenue	Hillcrest Ave to Existing Path in R, east Side	Kingswood Park	300	\$14,400
John Batman Avenue	Ovens Drive to Dunheved Rd, east side	Werrington County	100	\$4,800
John Oxley Avenue	Whole length, north side	Werrington County	981	\$47,088
Killuran Av	Old Bathurst Rd to Greenhaven Dr, East side	Emu Heights	111	\$5,328
King Street	Coreen Av to Glebe Pl, east side	Penrith	372	\$17,856
King Street	Glebe Pl to Cox Ave, east side	Penrith	500	\$24,000
King Street	Thurston St south to existing, west side	Penrith	200	\$9,600
Koloona Dr	Bunyarra Dr to Koloona Dr, east side	Emu Plains	381	\$18,288
Koloona Dr loop	Inside of loop	Emu Plains	1109	\$53,232
Lawson St	Pyramid St to Short St, west side	Emu Plains	190	\$9,120
Laycock St	Greygums Road to Camelot Drive	Cranebrook	250	\$12,000
Lemongrove Road	Coreen Av to Thurston St, west side	Penrith	200	\$9,600
Lethbridge Av	Victoria St to Princess St, east side	Werrington	329	\$15,792
Litton St	Greenhaven Dr to Wedmore Rd, north Side	Emu Heights	249	\$11,952
McHenry Road	Existing to Greenhalg Rd, north side	Cranebrook	380	\$18,240
Middleton Ave	Hindmarsh Rd to Boundary Rd	Cranebrook	130	\$6,240
Moonbi Rd	Whole length, east side	Kingswood Park	141	\$6,768
Northern Rd	Andrews Rd to Trinity Dr, east side	Cambridge Gardens	190	\$9,120
Palomino Road	Russell St to Wedmore Rd, north side	Emu Heights	980	\$47,040
Parker St	Great Western Highway to existing, East side	Penrith	200	\$9,600
Parker St	Glebe Pl to Oxford St, east side	Penrith	450	\$21,600
Parkes Avenue	Victoria St to Princess St, east side	Werrington	380	\$18,240
Parkwood Gr	Greenhaven Dr to Greenhaven Dr, east	Emu Heights	293	\$14,064
Parkwood Gr	School to Trafalgar Road, east side	Emu Plains	280	\$13,440
Pendock Rd	Borrowdale Way to existing, west side	Cranebrook	200	\$9,600
Pyramid St	Kathleen St to Lawson St, north side	Emu Plains	1100	\$52,800
Richmond Rd	Dunheved Rd to Trinity Dr, east side	Cambridge Gardens	660	\$31,680
Richmond Rd	Cam St to Cox Ave, west side	Cambridge Park	700	\$33,600
Richmond Road	Dunheved Rd to Oxford St, east side	Penrith	540	\$25,920
Rugby St	Francis St to Wrench St, north side	Cambridge Park	631	\$30,288
Rugby St	John Oxley Av to Francis St, north side	Werrington County	664	\$31,872
Russell St	Water St to Pyramid St, east side	Emu Plains	210	\$10,080
Russell St	Old Bathurst Rd to Palomino Rd, west Side	Emu Heights	260	\$12,480
Sherringham Road	Borrowdale Way to existing, east side	Cranebrook	400	\$19,200
Sherringham Road	Near Pendock Rd to Northern Rd,	Cranebrook	973	\$46,704

FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

PENRITH CITY COUNCIL DEVELOPMENT CONTRIBUTIONS PLAN

	South side			
Short Street	Lawson St to Gardenia Ave, east side	Emu Plains	120	\$5,760
Singleton Av	Henry Lawson Av to Harvest Dr, west Side	Werrington County	317	\$15,216
Trinity Dr	Richmond Rd to existing path, south side	Cambridge Gardens	600	\$28,800
Victoria Street	Armstein Cres/Danny St to Burton St North side	Werrington	460	\$22,080
Wedmore Rd	Bromley Rd to existing, east side	Emu Heights	420	\$20,160
Whitbeck Rd	Holmegate Cr to laneway, west side	Cranebrook	102	\$4,896
Wrench St	William St to Little St, east side	Cambridge Park	302	\$14,496

North Ward Total

\$2,000,784

South Ward

STREET	LOCATION	SUBURB	LENGTH m	EST. COST
Batt St	Racecourse Rd to York Rd, north side	South Penrith	550	\$26,400
Beach St	Nepean St to laneway, south side	Emu Plains	250	\$12,000
Birmingham Rd	Maxwell St to York Rd East, north side	Penrith	330	\$15,840
Birmingham Rd	Maxell St to York Rd East, south side	Penrith	330	\$15,840
Bringelly Rd	Baden Powell Av to West St, east side	Kingswood	220	\$10,560
Bringelly Rd	Parker St to Oag Cr, west side	Kingswood	200	\$9,600
Buring Avenue	East from existing path, south side	Leonay	150	\$7,200
Castlereagh Rd	Great Western Highway to Railway Line, west side	Penrith	150	\$7,200
Cliffbrook Cr	Whole length, north side	Leonay	520	\$24,960
Colless Street	Stafford St to Jamison Rd, east side	Penrith	190	\$9,120
Deloraine Drive	Whole length, east side	Leonay	750	\$36,000
Derby Street	Parker St to Somerset St, south side	Kingswood	400	\$19,200
Derby Street	Doonmore Rd to Station St, south side	Penrith	1080	\$51,840
Derby Street	Parker St to Doonmore St, south side	Penrith	650	\$31,200
Emerald Street	Great Western Highway to Stansbury St, east side	Emu Plains	140	\$6,720
Evan Street	High St to Jamison Rd, east side	Penrith	920	\$44,160
Evan Street	Smith St to Chesterfield St, east side	Penrith	700	\$33,600
Fairways Avenue	Leonay Pde to Linksvie Ave, south side	Emu Plains	220	\$10,560
Forbes Street	End of seal to Russell St, north side	Emu Plains	577	\$27,696
Forbes Street	Russell St east to existing, north side	Emu Plains	160	\$7,680
Francis Avenue	Whole length, north side	Emu Plains	280	\$13,440
Glenbrook Street	Mulgoa Rd to Ikin St, south side	Jamisontown	730	\$35,040
Great Western Highway	Billington Pl to River Rd, south side	Emu Plains	280	\$13,440
Great Western Highway	Napier Ave to Old Bathurst Rd, east side	Emu Plains	200	\$9,600
Great Western Highway	Cosgrove Cr to O'Connell St, south side	Kingswood	600	\$28,800
Great Western Highway	Mulgoa Rd extending west, north side	Penrith	140	\$6,720

FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

PENRITH CITY COUNCIL DEVELOPMENT CONTRIBUTIONS PLAN

Great Western Highway	Russell St to Troy St, south side	Emu Plains	300	\$14,400
Greenway Dr	Whole length, north side	South Penrith	740	\$35,520
Henry St	Evan St to Doonmore St (existing to), North side	Penrith	135	\$6,480
Ikin St	Whole length, north side	Jamisontown	550	\$26,400
Imperial Avenue	Napier Av to Nepean St, west side	Emu Plains	650	\$31,200
Jamison Rd	Evan St to York Rd, north side	Penrith	990	\$47,520
Jamison Rd	Harris St to Tench Ave, south side	Penrith	1110	\$53,280
Jamison Rd	McNaughton St to Regentville Rd, south Side	Penrith	200	\$9,600
Jamison Rd	Parker St to Doonmore St, north side	Penrith	670	\$32,160
Jamison Rd	Racecourse Rd to York Rd, south side	South Penrith	422	\$20,256
Jamison Rd	Regentville Rd to York Rd, south side	Jamisontown	320	\$15,360
Jamison Rd	York Rd to Mulgoa Rd, north side	Penrith	470	\$22,560
Joanna St	Whole length, west side	South Penrith	550	\$26,400
Kendall St	Full length, east side	Penrith	110	\$5,280
Leonay Pde	Existing to River Road, east side	Leonay	596	\$28,608
Manning St	Second Ave to Peppermint Cres, east Side	Kingswood	830	\$39,840
Maxwell St	Existing to Evan St, north side	Penrith	380	\$18,240
Maxwell St	Existing to Parker St, south side	Penrith	970	\$46,560
Maxwell St	Evan St to existing (west of Racecourse Rd), south side	Penrith	520	\$24,960
McNaughton Street	Jamison Rd to Stuart St, west side	Penrith	430	\$20,640
Mulgoa Road	Glenmore Pkwy to Schoolhouse Rd, East side	Regentville	300	\$14,400
Mulgoa Road	Ransley St to Panther Pl, west side	Penrith	250	\$12,000
Mulgoa Road	Spencer St to Factory Rd, west side	Regentville	280	\$13,440
Mulgoa Road	Batt St to existing, east side	Penrith	1150	\$55,200
Mulgoa Road	Great Western Highway to Jamison	Penrith	1110	\$53,280
Mulgoa Road	Jamison Rd to Batt St, east side	Penrith	750	\$36,000
Mulgoa Road	Jeanette St to Schoolhouse Rd, east side	Penrith	280	\$13,440
Mulgoa Road	Panther Place to Western Motorway, West side	Penrith	2090	\$100,320
Nepean Street	Yodalla Av (north) to Tattersall Pl, East side	Emu Plains	940	\$45,120
Parker Street	Derby St to Jamison Rd, west side	Kingswood	360	\$17,280
Parker Street	Jamison Rd to Smith St, east side	Kingswood	450	\$21,600
Parker Street	Lethbridge St to Derby St, west side	Kingswood	240	\$11,520
Penrose Crescent	Jamison Rd to Senior Citizens, West side	Penrith	125	\$6,000
Peppermint Reserve	Manning St to Smith St	Kingswood	310	\$14,880
Racecourse Road	Full length, west side	Penrith	1260	\$60,480
Railway Row	Full length, north side	Emu Plains	160	\$7,680
Ransley Street	Existing to Mulgoa Rd, north side	Penrith	200	\$9,600
Ransley Street	Station St to existing, south side	Penrith	130	\$6,240
Reserve Street	Station St to Woodriff St, north side	Penrith	185	\$8,880
River Road	M4 to Leonay Pde, east side	Leonay	1107	\$53,136
Rodgers Street	Full length, north side	Kingswood	410	\$19,680
Russell Street	Forbes St to existing, west side	Leonay	610	\$29,280
Samuel Foster Dve	Maxwell St to Fragar Rd, west side	South Penrith	700	\$33,600

FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

Santley Crescent	GWH to Bringelly Road, north side	Kingswood	450	\$21,600
Second Avenue	Anthony Cr, west to carpark, north side	Kingswood	100	\$4,800
Smith Street	Stapley St to Parker St, north side	Kingswood	180	\$8,640
Smith Street	Evan St to shops, south side	Penrith	260	\$12,480
Somerset Street	Derby St to Jamison Rd, west side	Penrith	330	\$15,840
The Sanctuary Dve	Cliffbrook Cr to Leonay Pd, east side	Leonay	674	\$32,352
Tukara Road	The Northern Rd to Moolana Pde, South side	Penrith	1160	\$55,680
Woodriff Street	Jamison Rd to Stafford St, east side	Penrith	470	\$22,560
York Road	Batt St to Ikin St, west side	Jamisontown	770	\$36,960
York Road	Preston St to Abel St, east side	South Penrith	275	\$13,200
York Road	Ikin St to Tukara Rd, west side	Penrith	1190	\$57,120
York Road	Jamison Rd to Batt St, west side	Penrith	775	\$37,200

South Ward Total

\$2,001,168

FOOTPATH CONSTRUCTION TOTALS

EAST WARD	<u>\$2,001,648</u>
NORTH WARD	<u>\$2,000,784</u>
SOUTH WARD	<u>\$2,001,168</u>
TOTAL	<u>\$6,003,600</u>

a) Total Cost of Council's Footpath Works is calculated as follows:

- (i) Total Expenditure on Footpaths Works = **\$6,003,600**
- (ii) Cost of Design and Supervision = 8% of above Subtotal (i)
= \$480,288
- (iii) Cost of Administration = 1% of above Subtotal (i)
= \$60,036
- (iv) **Total Cost:** = \$6,003,600 + \$480,288
+ \$60,036
= **\$6,543,924**

b) *Cost attributable to new residents under this plan* (refer clause 6.2 Apportionment)

Apportionment of 4.4% of project cost = 4.4% of Total Cost (iv)
= **\$287,932**

SCHEDULE 2 – SCHEDULE OF VALUES IN THE
CONTRIBUTION RATE FORMULA

Contribution Rate per Person

[Clause 6.3]

Contribution Rate [\$/person] = (C*A)/P

$\frac{(\$6,543,924 * 4.4\%)}{5400}$ + any current indexed increases [Clause 7.4]

=

\$53 per person *[rounded down to the nearest dollar as at date of adoption of this plan]*

Where: **C** = **\$6,543,924**, being the projected expenditure by Council for the provision of Footpaths in the established residential areas during the plan period [which includes the cost of design and supervision being 8% of the cost of works, and an additional administration cost of 1%].
*[refer to **Schedule 1**]*

A = **4.4%**
which is the cost of the facility apportioned to new residents under this plan, based on their proportion of the total population of the catchment area when current residential capacity is developed.

P = **5400**
which is the estimated additional population at the end of the plan period.
*[refer to **Schedule 3**]*

SCHEDULE 3 – DEVELOPMENT ASSUMPTIONS ABOUT THE ESTABLISHED RESIDENTIAL AREAS

For the purposes of this plan, the established residential areas are outlined in heavy black in the map at *Schedule 4*.

1. Population Growth in the established residential areas

Penrith Local Environmental Plan 1998 Urban Land sets out the land use controls applicable to the established residential areas. The number of lots in the established areas zoned for multi unit housing and dual occupancy development, which meet the minimum site area requirements, and which are not already developed for the purpose is summarized in the table below.

Table 1 : Residential capacity of Established Residential Areas

Development Type	Existing Dwellings	Total Lots	Additional Dwellings
Dual Occupancy Zones (Lots $\geq 650m^2$)	39430	5060	973
Multi Unit Housing Zones (Lots $\geq 800m^2$)	3991	1585 plus town centres	2617 plus 1950 town centre units
Totals	43421	6645 (plus town centres)	3590 (5540 including town centre units)

¹ Consistent with Penrith Residential Strategy, 1997 which assumed 2.4 persons per dwelling unit in multi unit development, 3.0 persons per dwelling in dual occupancy development based on ABS Census Data (1996).

Based on this information, the established areas have the potential for approximately **3590** new dwellings (or 5540 new dwelling units if shop top housing is included).

Census data for the period 1991 – 1996 shows the population in the established areas is relatively static in absolute terms, with an overall change of –0.3%. However, the number of households in the same area increased by 5.4% in the same period.

Council maintains a record of development applications for dwellings approved in the ERA's. In the period Jan 1993 – Jun 1996, applications for Multi Unit Housing and Dual Occupancy were approved at the rate of 308 dwellings per annum. Based on average occupancy rates (2.4 persons per dwelling unit in multi unit development, 3.0 persons per dwelling in dual occupancy development) this amounts to a growth of 773 persons per annum.

Council adopted a Section 94 Plan for the embellishment of open space in the established residential areas in December 1997. In 1998/1999, this plan collected contributions within the targeted areas equivalent to an increase of 402 persons.

For the purposes of this plan, Council has assumed a development activity rate between that indicated by the development applications and Section 94 contributions figures presented above.

This scenario assumes an increase of **200** dwellings per annum. Based on an average occupancy ratio of 2.7 persons per dwelling, this amounts to an addition of 540 persons per annum, or 5400 persons in 10 years.

$$P \text{ [estimated additional population]} = [2000 * 2.7] = 5400 \text{ persons}$$

which is the estimated additional population at the end of ten years from 2001, as follows:

Where:

Projected new dwelling completions 2001 to 2011 is **2000**

[Derived from Council's Development Application records for the established residential areas of the city]

Average Occupancy rate for Multi Unit Housing and Dual Occupancy is **2.7** persons for each dwelling.

[ABS Census figures 1996 for Penrith demonstrate Occupancy Rate for Dual Occupancy is 3.0 persons for each dwelling.]

2. Apportionment

This plan uses the projected increase in the number of dwellings in the established residential areas in its apportionment calculations.

The number of dwellings in ERA's is estimated at 43,421 (from Penrith Residential Strategy, 1997).

The number of new dwellings anticipated in the ERA's over the ten years of this plan is 2000.

The following table illustrates that new dwellings in the catchment area will represent **4.4%** of total dwellings in the established residential areas in 10 years time.

Table 2 : Apportionment

Existing Dwellings	Additional Dwellings	Totals
43421	2000	45421
95.6%	4.4%	100%

Council will adopt the following formula when calculating apportionment :

$$\text{Apportionment} = (I/T)*100$$

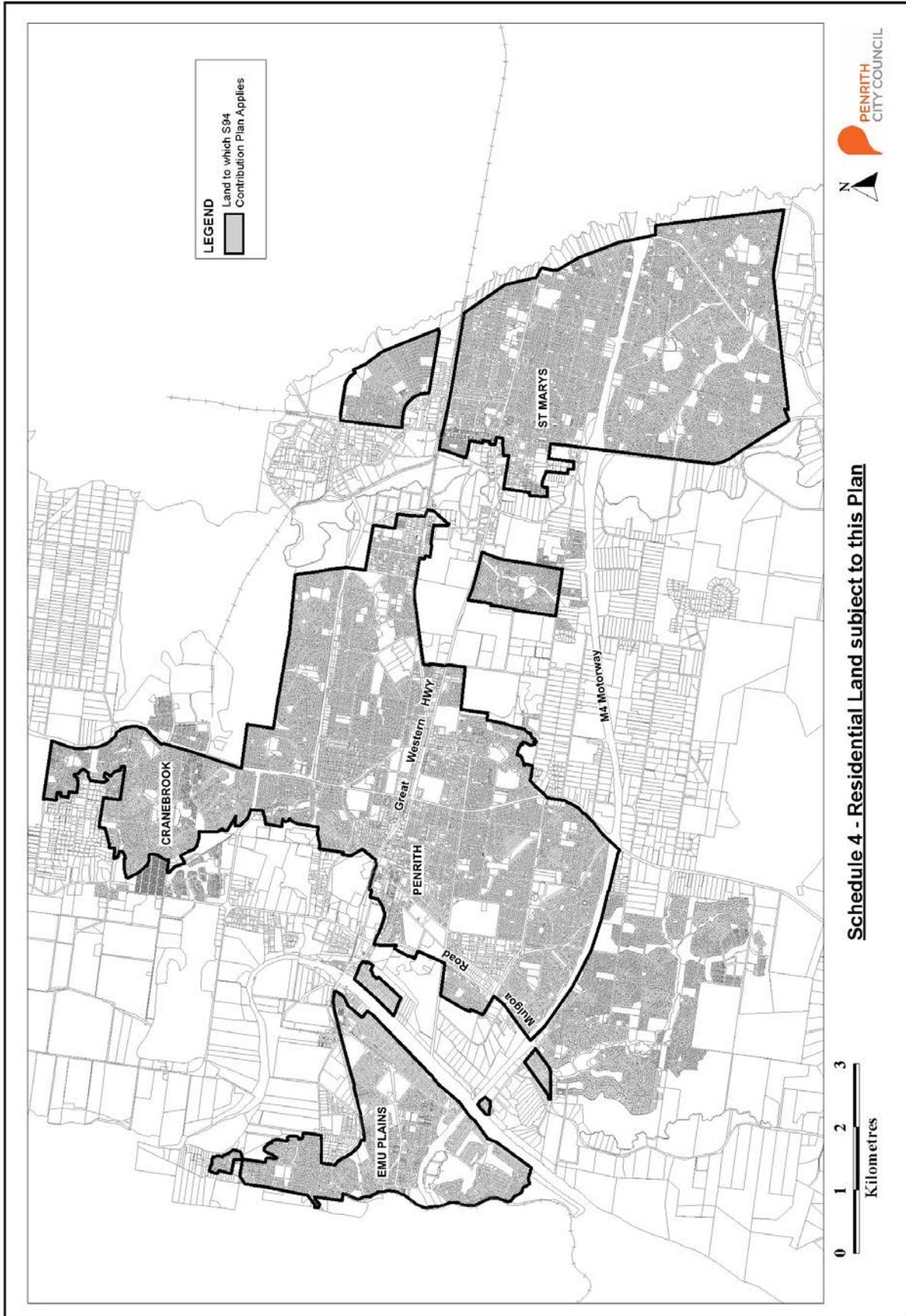
$$\frac{\text{.....}2000\text{.....}}{43421+2000} *100$$

$= 4.4\% \text{ [rounded up to the nearest decimal]}$

Where: $I = \underline{2000}$, being the projected increase in dwellings within the catchment area.

$T = 45421$
which is the total forecast dwellings in the established residential areas by 2011.

*[refer to **Section 1**, above for population estimates]*



FOOTPATH CONSTRUCTION – ESTABLISHED RESIDENTIAL AREAS

