

Section 94 Settlement City Precinct Roads Contributions Plan

Port Macquarie - Hastings Council
April 2014



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Revision History

Version	Adopted	Commenced	Notes
<i>Draft</i> Version 1.1			Exhibition Version
Final Version 1.2	19 March 2014	11 April 2014	Final

Executive Summary

In January 2009 Council adopted the Settlement City Precinct Structure Plan to provide a guideline and planning framework for future development within the precinct. The precinct is forecast to experience substantial growth in retail, commercial and entertainment uses along with residential and tourist development.

A nexus between the growth in development and demand for intersection and road facilities to serve the development was established via a road network assessment prepared by TTM Consulting. A works program was prepared in response to those demands.

The purpose of the Settlement City Precinct Roads Contributions Plan is to clearly indicate to prospective developers the rationale and process for Council applying the provisions of Section 94 to levy a development contribution for intersection and roadwork upgrading. The plan describes:

- The types of development excluded from the application of the plan.
- The manner of calculation of the monetary value of the contribution.
- The schedule of works and the estimated cost of these works.
- The method and timing of contributions payments and the dedication of land free of cost and dedication of land subject to contribution offsets.
- The manner in which Council will accept contributions and the way in which council will review the charges.
- The method of accounting for contributions.

This Section 94 contribution plan applies to the Settlement City Precinct shown in Figure 1.

A summary of contribution rates for commercial, retail, entertainment and residential development is provided in Table 1.1.

Table 1.1: s.94 Contributions Summary

Development	Cost	Unit
Retail	\$223	\$/m ²
Commercial	\$89	\$/m ²
Cinema	\$894	\$/seat
Bowling/Entertainment	\$134	\$/m ²
Dwellings	\$2,681	\$/dwelling ^{Note 1}
Hotel/Motel	\$1,117	\$/unit ^{Note 2}
Marina Wet Berth	\$894	\$/berth
School	\$603	\$/pupil
<p>Notes:</p> <p>1. Cost per dwelling based on a three (3) bedroom dwelling - 6 vehicle trips. A four (4) or more bedrooms dwelling - 6.6 vehicle trips, two (2) bedroom dwelling - 4.5 trips and a one (1) bedroom dwelling - 3.3 trips.</p> <p>2. Cost per unit based on partially self contained (shared facilities for cooking & laundry but own en suite). A self contained motel unit equates to a one bedroom unit - 3.3 vehicle trips. For motel suites in excess of one (1) bedroom, apply vehicle trip rates for dwellings referred to in Note 1 above.</p> <p>3. Contributions for other development types to be based on vehicle trip rates to be determined by Council.</p>		

PART 1. INTRODUCTION

1.1 Background

Background Studies

TTM Consulting were engaged to undertake preliminary road network planning assessment for the Settlement City Precinct in 2008. The outcome of this work identified a desirable road network strategy to accommodate future development and road access requirements for the study area.

A further assessment was commissioned in 2009 to identify intersection and road improvements required for the year 2020 development scenario and ultimate year 2030 development scenario. This supplementary report estimates the proportion of traffic volumes using each of the new intersections and road improvements attributable to future development.

Scale of Development

Estimated future trip generation has been based on development projections to the year 2030 and include additional:

- 45,768 m² retail floor space
- 5,523 m² commercial floor space
- 1,050 cinema seats
- 1,280m² bowling alley/entertainment uses
- 275 dwellings
- 192 hotel/motel rooms
- 69 marina wet berths

This additional development projection was based on potential development provided in the Settlement City Structure Plan and Part 3A Major Project 2005/0134 Settlement City Shopping Centre Redevelopment.

Estimated Future Traffic

Existing development within the study area generates approximately 17,300 vehicle trips per day (inbound plus outbound) of which 1,350 daily vehicle trips are associated with the existing school site and will be relocated as part of the ultimate development scenario.

Future development projections (TTM, Nov. 2009) will result in an estimated increase in daily traffic as follows:

- By 2020 additional development will represent approximately 13,500 out of a total of approximately 31,000 vehicle trips per day.
- By 2030 the total additional development will represent approximately 27,400 out of a total of approximately 44,800 vehicle trips per day.

Summary of Facilities

Future road network upgrades required to support future development to 2030 within the Settlement City Precinct are identified in Appendix 2 – Detailed Work Schedule.

1.2 Citation – Name of this Plan

This Plan is called the *Port Macquarie-Hastings Council Section 94 Settlement City Precinct Roads Contributions Plan*.

1.3 Plan commencement date

This plan commences on 11 April 2014.

1.4 Aims and Objectives - Purposes of this plan

The purposes of this plan are:

- to authorise the Council, or the consent authority, to impose, as a condition of development consent, a requirement that the applicant make a contribution to the Council determined in accordance with this plan;
- to require a certifying authority (the Council or an accredited certifier) to impose, as a condition of issuing a complying development certificate, a requirement that the applicant make a contribution to the Council determined in accordance with this plan, if development consent was granted subject to a condition authorised by this plan; and
- to govern the application of money paid to the Council under condition authorised by this plan.

1.5 Provisions of s94 of the Act

Section 94 of the Act provides as follows:

s94 Development contributions

- (1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a contribution, authorised by a contributions plan, for the provision, extension or augmentation of the public amenities and public services concerned.
- (2) A consent authority may impose, as a condition of consent, a requirement that the applicant pay a contribution towards recoupment of the cost of providing public amenities or services where the public amenities or public services already provided were provided within the area in preparation for or to facilitate the carrying out of development in the area.
- (3) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under section 94A.

- (4) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

1.6 Land to which this plan applies

This plan applies to land within the Settlement City Precinct shown by Figure 1.

1.7 Relationship to other plans and reports

This plan does not repeal any s94 or s94A plans applying in the Port Macquarie-Hastings local government area, and those s94 and s94A plans continue to apply to all development to which they are stated to apply apart from the amendment to Port Macquarie Hastings Council Section 94 Major Roads Contributions Plan.

This plan amends Port Macquarie Hastings Council Section 94 Major Roads Contributions Plan Version 2.2 April 2006 by excluding residential development within the Settlement City Precinct to which this plan applies from payment of contributions for local catchment facilities referred to in Clause 3.7 of the Major Roads Contribution Plan. Local Road contributions for residential development within the Settlement City Precinct are calculated under this plan.

This plan relates to the following relevant Council Plans and Policies:

- *Port Macquarie-Hastings LEP (2011) and Port Macquarie-Hastings (Warlters Street Commercial Lands) LEP (2011) Amendment No 4.*
- Port Macquarie Hastings Council Settlement City Structure Plan, January 2009
- Port Macquarie Hastings Development Control Plan 2011
- Port Macquarie-Hastings Council Development Contribution Assessment Policy
- Port Macquarie-Hastings Council Works in Kind Policy
- Port Macquarie-Hastings Planning Agreements Policy

1.8 Savings and Transitional Arrangements

This plan applies to all applications for development consent and complying development certificates including those that have been submitted prior to adoption of this plan but not yet determined at the date of adoption of this plan.

1.9 Assumptions on which the plan is based

The plan has been informed by the findings of a road network assessment carried out by consultants TTM Group for the Settlement City Precinct in Port Macquarie known as *Settlement City Precinct Road Network Study Port Macquarie – Traffic Report November 2009*.

PART 2. ADMINISTRATION AND OPERATION OF THE PLAN

2.1 Development forms to which the plan applies

This Plan applies to all applications for development consent and complying development certificates required to be made by or under Part 4 of the Act in respect of development on land to which this plan applies.

2.2 Types of community infrastructure addressed by the plan

This Plan applies to community infrastructure for local roads in the Settlement City Precinct.

2.3 Calculation of contributions

Calculation of cash contributions are based on provision of road infrastructure generally in accordance with works identified in the *Settlement City Precinct Road Network Study* (TTM Consulting 2009) and listed in Appendix 2 - Works Schedule. Cost estimates were prepared by Port Macquarie-Hastings Council.

Apportionment

The relative contribution to road network upgrades was established based on the proportion of additional traffic attributable to new development (s.94 component) and the proportion of additional traffic attributable to growth in background traffic (Council component). Table 1.2 shows apportionment of growth in traffic demand 2009 to 2030.

Table 1.2 : Apportionment of Growth in Traffic Demand 2009 to 2030

Upgrade No.	Location/Upgrade	New Development Growth (%)	Background Growth (%)
1	Park Street/ Warlters St Intersection works including traffic signals & pedestrian crossings	96.35%	3.65%
2	Bay Street/ Warlters Street Intersection works & road works incl. traffic signals, pedestrian crossings, footpaths & street furniture	96.00%	4.00%
3	Bay Street/ Belbowrie Street Intersection channelisation works	88.92%	11.08%
4	Newport Island Road/ Bay Street Intersection channelisation works	96.73%	3.27%
5	Newport Island Road/ Denham Street Intersection channelisation works	96.73%	3.27%
6	Hastings River Drive/ Newport Island Road Intersection works incl. traffic signals	Included in Major Roads Plan	
7	Hastings River Drive/ Aston Street Intersection works incl. traffic signals & pedestrian crossings	Included in Major Roads Plan	
8	Aston Street Link - Hastings River Drive to Warlters Street Four lane median separated carriageway, parking, cycleways and footpaths	96.71%	3.29%
9	Warlters Street Link - Park Street to Aston Street Two lane median separated carriageway, parking, cycleways and footpaths	98.55%	1.45%
10	Aston Street Road Widening - Land for road widening	96.71%	3.29%
11	Warlters Street Road Widening - Land for Road Widening	98.55%	1.45%
12	Park Street Pedestrian Crossing	100%	0%
Estimated Cost of Upgrades	\$12,603,018	\$12,240,648	\$362,370

Trip Generation

Contribution amounts are based on the number of trips generated by the proposed development as a proportion of total trips generated by new development to 2030. Table 1.3 provides a summary of future trip generation to 2030 derived from Table 1 of the TTM Report 2009.

Table 1.3: Future Trip Generation

Development	Scale	Daily Trip Rate (Table 1 TTM Report)	Additional Daily Trips	Cost	Unit
Retail	45,768 m ²	0.5	22,884	\$223	\$/m ²
Commercial	5,523 m ²	0.2	1,105	\$89	\$/m ²
Cinema	1,050 seats	2	2,100	\$894	\$/seat
Bowling/ Entertainment	1,280 m ²	0.3	384	\$134	\$/m ²
Dwellings	275 dwellings	6	1,650	\$2,681	\$/dw ^{Note 1}
Hotel/Motel	192 units	2.5	480	\$1,117	\$/unit ^{Note 2}
Marina Wet Berth	69 wet berths	2	138	\$894	\$/berth

Notes:

1. Cost per dwelling based on a three (3) bedroom dwelling - 6 vehicle trips. A four (4) or more bedrooms dwelling - 6.6 vehicle trips, two (2) bedroom dwelling - 4.5 trips and a one (1) bedroom dwelling - 3.3 trips.
2. Cost per unit based on partially self contained (shared facilities for cooking & laundry but own en suite).
A self contained motel unit equates to a one (1) bedroom unit - 3.3 vehicle trips. For motel suites in excess of 1 bedroom, apply vehicle trip rates for dwellings referred to in Note 1 above.
3. Contributions for other development types to be based on vehicle trip rates to be determined by Council.
4. Total additional daily trips 27,391 being 28,741 trips less 1350 vehicle trips generated by 1000 students relocated/proposed to be relocated from the Warlters Street school site.

Contribution Formula

Contributions are calculated using the following formula:

$$\text{Contribution (\$)} = \left(\left(\frac{TC - B}{TDT} \right) \times R \right) \times U$$

Where:

TC = Total Cost of facilities, sum of capital costs of the infrastructure which are to be provided

B = Cost of facilities attributable to Background Growth

TDT = Total Daily Trips New Development

R = Daily Trip Rate per unit

U = Number of Units (eg. floor space m², seat)

Example: Proposed development for 1,200m² of new retail floor space

$$\begin{aligned} \text{Contribution (\$)} &= \left(\left(\frac{\$12,603,018 - \$362,370}{27,391} \right) \times 0.5 \right) \times 1,200\text{m}^2 \\ &= (\$446 \times 0.5) \times 1,200\text{m}^2 \\ &= \$223 \times 1,200\text{m}^2 \\ \text{Contribution} &= \$267,600 \end{aligned}$$

Example: 12 x 3 Bedroom Dwellings Residential Development

$$\begin{aligned} \text{Contribution (\$)} &= \left(\left(\frac{\$12,603,018 - \$362,370}{27,391} \right) \times 6 \right) \times 12 \\ &= \$446 \times 6 \times 12 \\ &= \$2,676 \times 12 \\ \text{Contribution} &= \$32,112 \\ &\quad \text{(plus Regional Road contribution under the Port Macquarie Hastings Major Roads Contribution Plan)} \end{aligned}$$

2.5 How will contributions be imposed?

Monetary Contributions

This plan authorises the Council, or the consent authority, to grant consent to development to which this plan applies subject to a condition requiring the applicant to pay to the Council a contribution

based on the formula for calculation of cash contributions provided in this plan ***provided that*** the consent authority does not also impose on the consent a condition pursuant to section 94A of the Act.

Pursuant to clause 146 of the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it is satisfied of compliance with any condition requiring the payment of a contribution before work is carried out in accordance with the consent.

Dedication of Land

The widening of Aston Street and Warlters Street will be required as a consequence of the development to which this plan applies, in order to accommodate road infrastructure identified by the TTM Report 2009 and Council's adopted Structure Plan. Accordingly, this plan authorises Council, or the consent authority, to require land identified on Figure 2 as road widening to be dedicated to Council when the adjacent land is developed.

Along the northern side of Warlters Street, land 2.68m wide for the full length of each property is to be dedicated to Council at no cost to Council for the purpose of road widening. A further section of land is also to be dedicated to Council for road widening to achieve a 27.0m road reserve in Warlters Street. The additional dedication will be subject to a contribution offset. Land on both sides along the full length of Aston Street is to be dedicated to Council for the purpose of road widening to achieve a 27.5m road reserve.

2.6 Certifying authority must require payment of the contribution as a condition of issuing a complying development certificate

This plan requires a certifying authority (the Council or an accredited certifier) to issue a complying development certificate in respect of development to which this plan applies subject to a condition requiring the applicant to pay to the Council a contribution calculated in accordance with this plan.

The certifying authority must provide the applicant's receipt for payment of the contribution to the Council at the same time as the other documents required to be provided under clause 142(2) of the EP&A Regulation.

2.7 Indexation

Council will adjust the contributions levied in this plan on a quarterly basis. To ensure that the value of the contribution is not eroded by inflation, Council will increase the levy in accordance with quarterly variations in the *Consumer Price Index All Group Index Number for Sydney* as published by the ABS.

Where the contributions have been levied under an existing consent, granted in accordance with this plan, but not yet paid, the contribution will continue to be indexed on a quarterly basis in accordance with the above until such time as they are paid.

Contribution rates will be adjusted in accordance with the following formula.

$$CRA = \left(1 + \frac{CPIC - CPIO}{CPIO} \right) \times CRO$$

Where:

CRA = the adjusted contribution rate at the time of adjustment in the Contribution Plan, or at the time of payment of the contributions, as applicable.

CRO = the original contribution rate in the contribution plan, or at the time of development consent, as applicable.

CPIO = the *Consumer Price Index All Group Index Number for Sydney* at the time a levy is paid

CPI = the original CPI rate at the time of adoption of the contributions plan, or at the time of the development consent, as applicable.

CPIC = the current CPI rate at the time of adjustment of the contributions rate in the Contributions Plan, or payment of contributions as applicable.

The cost of proposed works in the contribution plan will be reviewed annually if warranted, to ensure the CPI adjustments reflect the real cost of acquisitions and construction.

Council will also review this plan if it becomes necessary to borrow additional funds to meet Section 94 funding component of the works program due to a shortfall in the receipt of development contributions.

2.8 Method of Payment

Section 94 of the EP&A Act, 1979 (as amended) enables Council to receive contributions in the following manner:

- a) As a direct cash contribution according to the formula relating to that form of public infrastructure.
- b) Dedication of land free of cost.
- c) Provision of material benefit to the estimated value (or part thereof) of a cash contribution.

The provision of public benefit will need to comply with Council's Works in Kind Policy.

Material Public benefits/ works-in-kind

The council may accept an offer by the applicant to provide an "in-kind" contribution (i.e. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan. Council may accept such alternatives in the following circumstances:

- a) The value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- b) The standard of the works is to council's full satisfaction; and
- c) The provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program; and
- d) Other as appropriate in the circumstances.

The matters to be addressed and the procedures to be followed in making an application to Council for “works-in-kind” or “material public benefit” are set out in Council’s “Works-In-Kind Policy”. Council will require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the Council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the council in determining the value of the works or land will be paid for by the applicant.

2.9 When is the contribution to be made?

A contribution required to be paid by a condition authorised by this plan must be paid to the Council at the time specified in the condition.

Land to be dedicated free of cost to Council by a condition authorised by this plan must be dedicated to Council at the time specified in the condition.

If no time is specified, the contribution must be paid prior to the first certificate issued in respect of the development under Part 4A of the Act.

2.10 Deferment

Council will allow the deferral of the payment of Development Contributions involving the construction of a building subject to:

- I. Lodgment of an irrevocable guarantee for the amount of the contributions plus an additional 12 month interest amount calculated at the average rate of Council’s investments performance over the past 12 months plus 1%.
- II. The maximum period for which the guarantee will be accepted is the sooner of 12 months or issue of an occupation certificate for the development.
- III. Guarantees will only be accepted from an institution approved by the Manager Financial Services.
- IV. If at the end of the period for the lodgment of the guarantee, the outstanding contributions plus the additional amount referred to in ‘I.’ have not been paid, Council will call in the guarantee without further reference to the applicant.
- V. A pro-rata reduction in the amount referred to in ‘I.’ will be allowed for payment of the outstanding contributions within 12 months or the calling in of the guarantee within 12 months.
- VI. The guarantee is to provide for Council to unconditionally call in the guarantee for the full amount any time.

2.11 Exemptions

The types of development exempted from the application of this plan include:

- Development exempted by Council’s Development Contribution Assessment Policy
- Development exempted by direction of the Minister pursuant to Section 94E of the EP&A Act 1979 (as amended).

2.12 The review process

The cost of proposed works in the contribution plan will be reviewed annually if warranted, but at least every three years to ensure the CPI adjustments reflect 'real' cost of acquisitions and construction.

Council will also review this plan if it becomes necessary to borrow additional funds to meet the Section 94 funding component of the works program due to a shortfall in the receipt of development contributions.

2.13 Accounting and management of funds

Money paid to the Council under a condition authorised by this plan is to be applied by the Council towards meeting the cost of the public facilities that will be or have been provided within the area as listed in Appendix 2 - Detailed Work Schedule.

Council is required under the EP & A Act 1979 to maintain a Contributions Ledger, and to produce annual statements of performance of each plan. These documents may be publicly inspected at Council's administration offices in Burrawan Street, Port Macquarie.

2.14 Pooling of levies

For the purposes of s93E(2) of the Act, this plan authorises money obtained from levies paid in respect of different developments to be pooled and applied by the Council progressively towards the public facilities listed in the Works Schedule (Appendix 2) dependent on the timing of provision of the intersection and road work.

2.15 Are there any priorities for the expenditure of money obtained from levies authorised by this plan?

Council's priority for provision of the works identified in this plan for the Settlement City Precinct are provided in the Works Schedule. Intersection and road works are ranked 1 to 7 with rank 1 having the highest priority.

The timing of provision of the works identified in the Works Schedule will also be subject to the location, type, scale and timing of development that occurs within the Settlement City Precinct.

Figure 1 – Settlement City Precinct (Refer to Clause 1.6)



Source: Settlement City Precinct Road Network Study – Traffic Report, TTM Consulting 2009

Figure 2 – Land to be Dedicated – Road Widening Aston and Warlters Streets (Refer to Clause 2.5)



Source: Draft DCP 2011 - Proposed Road widening shown by orange stripe along Aston Street and Warlters Street.

Appendix 1 - Glossary of Terms

In this plan, unless the context or subject matter otherwise indicated or requires:

Act:	<i>Environmental Planning and Assessment Act 1979</i> (as amended)
Council:	Port Macquarie Hastings Council
Development Contribution:	A development contribution required to be made by a condition of development consent imposed pursuant to section 94 of the Act
EP & A Act 1979:	<i>Environmental Planning and Assessment Act 1979</i> (as amended)
Public facility:	A public amenity or public service
Regulation:	The <i>Environmental Planning and Assessment Regulation 2000</i>
Residential Development:	Includes any dwelling or dwelling house as defined in the Local Environmental Plan applying to the subject land.
Structure Plan:	Port Macquarie Hastings Council Settlement City Structure Plan, January 2009
TTM Report 2009:	The Settlement City Precinct Road Network Study Port Macquarie Traffic Report 2009
S94 Plan:	A contributions plan made pursuant to section 94EA of the Act

Appendix 2 - Detailed Work Schedule

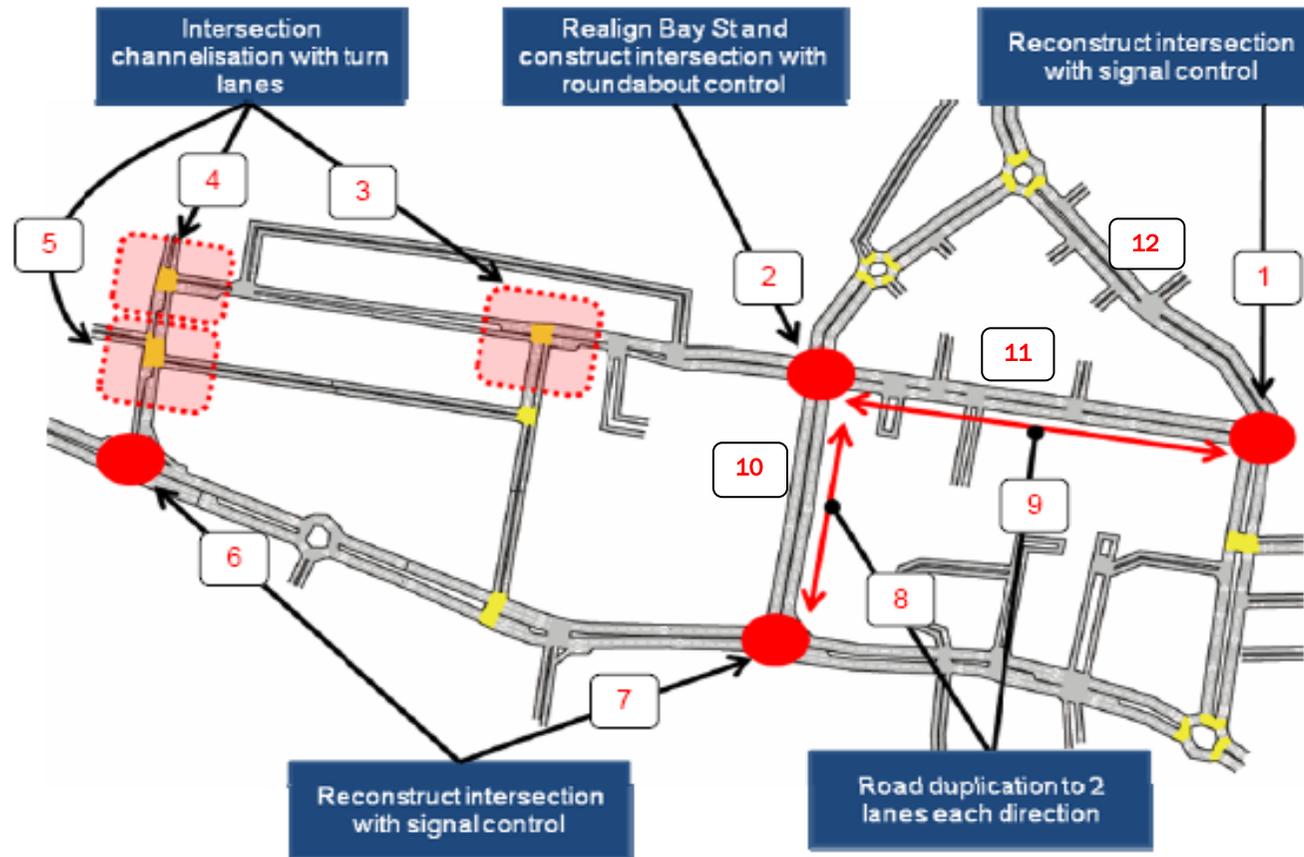
Works Schedule - Public facilities for which contributions will be sought

Note: Where any of the following facilities are also listed in another Development Contributions plan. The cost listed in this plan is in addition to the costs listed in any other plan.

	Location	Works Program (Description)	Estimated Cost (\$)	S94 Component (\$)	Council Component (\$)	Council's Priority
1	Park Street/ Warlters St	Intersection works including traffic signals & pedestrian crossings	\$1,422,500	\$1,370,579	\$51,921	1
2	Bay Street/ Warlters Street	Intersection works & road works including traffic signals, pedestrian crossings, footpaths & street furniture	\$2,276,000	\$2,184,960	\$91,040	2
3	Bay Street/ Belbowrie Street Intersection	Intersection channelisation works	\$256,050	\$227,680	\$28,370	4
4	Newport Island Road/ Bay Street	Intersection channelisation works	\$256,050	\$247,677	\$8,373	3
5	Newport Island Road/ Denham Street	Intersection channelisation works	\$256,050	\$247,677	\$8,373	5
6	Hastings River Drive/ Newport Is Road	Intersection	Included in Major Roads Plan			
7	Hastings River Drive/ Aston Street.	Intersection	Included in Major Roads Plan			
8	Aston Street Link - Hastings River Drive to Warlters street	Four lane median separated carriageway, parking, cycleways and footpaths.	\$3,081,135	\$2,979,766	\$101,369	6
9	Warlters Street Link - Park Street to Aston St	Two lane median separated carriageway, parking, cycleways and footpaths.	\$4,063,233	\$4,004,316	\$58,917	7
10	Aston Street Road Widening	Aston Street Road Widening - Land for Road Widening	\$145,000	\$140,230	\$4,771	6

Works Schedule - Continued							
11	Walters Street Road Widening	Walters Street - Land for Road Widening	\$637,000	\$627,764	\$9,237	2	
12	Park Street Pedestrian Crossing	Pedestrian Crossing - raised Pelican	\$210,000	\$210,00	\$0.00	2	
	Total		\$12,603,018	\$12,240,648	\$362,370		

Figure 3 - Works Map



Source: Future Road Upgrade Requirements, Settlement City Precinct Road Network Study – Traffic Report, TTM Consulting 2009. Items 10-12 added.



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