contributions plan

No. 2

Local Roadworks
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In force as at 4 February 2015
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1 Introduction and Administration of the Plan

1.1 Name of the Plan
This Contributions Plan is called ‘Section 94 Contributions Plan No. 2 – Local Roadworks’.

1.2 Purpose of Plan
This Contributions Plan outlines Council’s policy regarding the application of Section 94 (S.94) of the Environmental Planning and Assessment Act, 1979 to the provision of local roadworks in specific areas of Blacktown City.

This Plan has been prepared in accordance with the Environmental Planning and Assessment Act, 1979 (the Act) and the Environmental Planning and Assessment Regulation, (the Regulation) 2000.

The initial Contributions Plan was originally approved by Council on 1 September 1993 and came into force on 9 September 1993.

This Plan was reviewed in June 1998, March 2000, December 2003, March 2006 and June 2007, with a further review in October 2014, coming into force from 4 February 2015.

This current document contains the most recent data available and is exhibited for public comment prior to being considered for adoption by Council.

The residential areas of the City where this Plan applies are characterised by existing small lots, which were created many years ago. Public amenities and services such as local roads and drainage were not provided at the time of subdivision. Specific industrial roads, which have likewise experienced fragmented development, have also been included.

It is much more efficient for Council to collect contributions for the construction of local roads than to require developers to construct half width roads adjoining the frontage of individual developments. A piecemeal approach is very costly in terms of both initial construction and maintenance. A contribution system allows Council to stage the building of longer sections of local road as contributions become available.

The contribution levied for local roadworks is determined by the length of frontage a lot has to the adjoining road and the ultimate standard of construction proposed for the road. The contribution provides for the half-width construction of the road to which a development has frontage. Where a single residential dwelling development fronts more than one road (and subdivision is not proposed) the contribution shall only be levied for one frontage, generally the rateable frontage.

For single dwelling houses however, where vehicular access is gained to the property from other than the rateable frontage, contributions shall be levied for the frontage that allows vehicular access. Payment will be required for the construction of at least one of a corner block residential property’s road frontages. All developments other than single dwellings are required to pay contributions for each of the local roads to which they have a frontage.

Developments are levied contributions according to the extent of frontage their site has to the S.94 road. All developments are required to pay an equitable share of the total cost of each road’s construction. Therefore, instead of developers paying for the actual road in front of their property/s, the plan uses the individual frontage as a means of calculating each development’s share of contribution towards the total cost of the local roads forming this Plan.

1.3 Commencement of this Plan
This Plan takes effect from the date on which public notice was published, pursuant to 31 (4) of the EPA Regulation.
1.4 **Principles of Section 94**

Section 94 permits Council to require persons or entities developing land to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated through their developments.

The three general principles in applying Section 94 contributions are:

1. A contribution must be for, or relate to, a planning purpose;
2. A contribution must fairly and reasonably relate to the subject development; and
3. The contribution must be such that a reasonable planning authority, duly applying its statutory duties, could have properly imposed.

Council may either:

- Require a contribution (or dedication of land) to fund amenities and services to be carried out in the future; or
- Require a contribution to fund amenities and services, which have already been constructed.

The latter category is referred to as retrospective funding. Retrospective levying commenced when Council provided the first amenity.

One of the fundamental responsibilities of any council in imposing S.94 contributions is to ensure that the contributions levied are reasonable. That is, the works and facilities to be provided must be as a direct consequence of the development on which the contributions are levied. In keeping with this responsibility, S.94 contributions levied on development as a result of this Plan are limited to providing local roadworks to the minimum level necessary to sustain an acceptable form of urban development.

1.5 **Aims & Objectives**

The aims and objectives of this Plan are to:

- Ensure that an appropriate level of local roadwork is constructed.
- To enable the provision of local roadwork to be constructed in a cost-effective manner, i.e. reduce the cost to the developer of constructing the road fronting each property. Council constructing such roads can achieve economies of scale.
- Ensure that the section 94 contributions levied on developments fronting identified Local Roads are reasonable.
- Ensure that the method of levying section 94 contributions is practical.
- Employ a user pays policy regarding the funding of local roadworks so that the existing residents of the City do not subsidise new urban development.
- Make clear Council's intentions regarding the type, location and timing of provision of local roadworks.
1.6 Land to Which the Plan Applies

The land to which this C.P. applies is shown below. Maps showing the location of specific roads relevant to this C.P. are shown in Appendix "A". The land to which this Plan applies is not subject to the Minister for Planning and Infrastructure’s Section 94E Direction (Schedule 2) which took effect on 15 September 2010.

1. Hobart Street - RIVERSTONE (Deleted)
2. Hawker street Area - KINGS PARK (Deleted-Complete)
3. Florence - Myra Street Area - PLUMPTON
4. Bottles & Cannery Road - PLUMPTON
5. Power Street – PLUMPTON (Deleted)
6. Glendenning Road - PLUMPTON
7. Bungalow Road – PLUMPTON
8. Druitt - Cheviot Street Area - MT DRUITT
9. Abraham - Spencer Street Area -MT DRUITT (Miller & Paull Streets - Deleted)
10. Fuller Street -MT DRUITT
11. Sargents Road - MINCHINBURY
12. Eskdale Street - MINCHINBURY
13. Holbeche Road - ARNDELL PARK
14. Patricia - Flushcombe Rd Area - SOUTH BLACKTOWN
15. Meurants Lane - GLENWOOD

In force as at 4 February 2015
1.7 Development to which the Plan Applies
This Plan applies to all developments occurring within catchment areas that require the submission of a development application or an application for a complying development certificate, including the intensification of use of a site involving expansion of area occupied by a development and/or the addition of population.

1.8 Construction Certificates and the Obligation of Accredited Certifiers
In accordance with section 94EC of the EP&A Act and Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision under a 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 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 exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method.

1.9 Complying Development and the Obligation of Accredited Certifiers
In accordance with S94EC(1) of the EP&A Act, accredited certifiers must impose a condition requiring monetary contributions in accordance with this Contributions Plan, which satisfies the following criteria.

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

1.10 Relationship to Other Plans and Voluntary Planning Agreements
Other planning controls apply to the areas subject to this plan. These include:

- Blacktown Local Environmental Plan 1988; and

Please note that the references above relate to other Council Plans. Other infrastructure providers (eg. Integral, Sydney Water, RMS) may require monetary payment for the infrastructure they provide. This list may not include all such providers and in this regard you are advised to make your own detailed enquiries.

Section 94 Contribution Plans
In addition to this Contributions Plan, Section 94 Contributions Plans No.1 – 1980’s Release Areas, Contributions Plan No. 3 - Open Space in Established Residential Areas and Contributions Plan No. 5 – Parklea Release Area may also affect the land subject to this Plan.

1.11 Monitoring and Review of this Plan
This Plan will be subject to regular review by Council. The purpose of any review is to ensure that:

- Contribution levels reflect current construction costs;
- The level of provision reflects current planning and engineering practice and likely population trends; and
• Work schedules are amended if development levels and income received differ from current expectations.

Any changes to the Plan must be prepared in accordance with the Act and Regulation and placed on public exhibition for a period of 28 days. The nature of any changes proposed and the reasons for these will be clearly outlined as part of the public participation process.

Council welcomes the comments of interested persons on this Plan at any time.

1.12 Timing of Provision of Items
The provision of the individual items levied for in this plan have been prioritised.

The priority of the provision of any item has been determined having regard for:

• The amount of existing and imminently proposed development in an area.

• The existing funds available to each of the local road areas is a product of the number of lots/amount of development for which payments of S.94 contributions have been received

• Anticipated revenue. Council's ability to forward fund Section 94 works is limited. As such the timing of works is very much dependant on receipt of adequate S94 funds.

As noted in Section 1.11 above regular reviews of this plan are undertaken. Development trends are monitored and revenue estimates are revised as part of the review process. Thus the priority of works may change as a result of a review.

1.13 Pooling of funds
This Plan authorises monetary Section 94 contributions paid for different purposes to be pooled and applied progressively for those purposes. The priorities for the expenditure of pooled monetary Section 94 contributions under this Plan are the priorities for works as set out in the works schedules to this Plan.

1.14 Financial Information
Included as part of Council's Annual Financial Reports is a specific note relating to S94 Contributions. This accounting record contains details of total contributions received, total contributions expended and total interest earned for each plan, and is available for inspection free of charge from Council's Corporate Finance Section.

1.15 Enquiries regarding this Plan
Enquiries in relation to this or any other Contributions Plan can be made either by phoning Council's Information Centre on 9839 6000 between 8.30 am and 4.30 pm Monday to Friday or by visiting the Information Centre on the Ground Floor of the Civic Centre in Flushcombe Road, Blacktown between 8.30 am to 4.30 pm Monday to Friday.

1.16 Contributions Register
A copy of the Contributions Register is also available for inspection free of charge at this counter. As this register is on Council's mainframe computer and spans many years, persons wishing to view the whole register (rather than details in relation to a particular property) will need to contact Council's Section 94 Officer or Co-ordinator Contributions & Economic Development in advance to ensure suitable arrangements can be made to view this information.
2 PROVISION OF LOCAL ROADWORKS

2.1 Nexus
A nexus can be drawn between the increased development anticipated in the areas subject of this C.P. and the need to upgrade the existing local road system.

Prior to development being undertaken in these areas the existing road system consisted of either unformed roads or roads developed to a rural standard with narrow pavement widths and no kerb and guttering.

In order to safely accommodate traffic flows arising from development of the type proposed in these areas it will be necessary to upgrade the existing roads to acceptable standards. This will require the construction of kerb and guttering, full sealing of the roads and road drainage. The extent of works required on any particular road will vary according to the current standard of the road.

2.2 Schedule of Works
A schedule of local roadworks is outlined in Appendix "B".

The schedule of works outlines:

- The nature of works to be provided;

- The cost of the works; and

- The estimated time within which the works will be provided (roads which have been constructed are noted as “completed”.)

The purpose of the schedule is to indicate Council’s likely construction programme in relation to the Local Roads to be funded from S.94 Contributions.

The estimated cost of works incorporates the cost of upgrading, sealing, kerb and guttering and drainage works.

3 Determination of Contribution Rates

3.1 Contribution Formula
The following formula is used to calculate the contribution rate for Local Roads. The contribution relates to the works required for half width construction of the Local Road.

CONTRIBUTION RATE $/Metre of lot frontage = \((C1 + C2) + \frac{B}{L}\)

WHERE:

- \(C1\) = The actual cost to Council to date of undertaking works in a particular road indexed to current day values using the Implicit Price Deflator (IPD) to June 1998 and thereafter the Consumer Price Index – Sydney Housing (CPI).

- \(C2\) = The estimated cost of works yet to be undertaken on a particular road.

- \(L\) = The total length of the S.94 component of the road

- \(B\) = Administrative component. This is 2% of the total cost of providing the works.

In force as at 4 February 2015
3.2 **Explanation of the Administrative Component**
The administration of S.94 is an expensive task. Council employs a number of staff that work on planning, designing and constructing works to be funded from S.94 contributions. In addition, consultant studies are often commissioned in order to determine design and costings of S.94 funded works. These may require revision on a regular basis. Also reviews of the demand for services and amenities, particularly the population based items, are conducted approximately every five years.

Council considers that the costs involved with administering S.94 are an integral and essential component of the efficient provision of amenities and services in the estate. Therefore, some of the costs of full-time staff and studies should be recouped from S.94 contributions.

"B" in the contribution formulae is the administrative component. It represents 2% of the cost of acquiring land and constructing works. Council considers that this small on-cost to recover part of the costs involved in administering S.94 is not unreasonable.

3.3 **Indexation**
In the formulae, previous capital expenditures (C1) is indexed to current day values using the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings (IPD). This index was published by the Australian Bureau of Statistics in its publication "Australian National Accounts - National Income and Expenditure" on a quarterly basis. Publication of this index ceased in June 1998. As a result, from June 1998 indexation of contributions is undertaken using the Consumer Price Index - Sydney - Housing (CPI).

The reason for indexing past expenditure is that every developer pays for a small proportion of the cost of providing each individual item identified in the Plan. This means that if / when items are constructed prior to all contributions within a catchment being collected, then "borrowing" (between items) occurs. If retrospective contributions are not indexed this "borrowing" will have occurred without any interest having been paid. This will result in a shortfall of funds when future items are constructed using the "paid back" contributions. What indexing effectively does is to make up the lost interest on the funds that have been borrowed between individual items.

The CPI is one of the indices recommended for use by the Department of Planning and Environment.

3.4 **Schedule of Contribution Rates**
Contribution rates have been calculated using the formula in Section 3.1 above and components are shown in Appendix "B".

These rates are subject to review and indexation. This procedure is outlined in Section 3.3 above.
4 Payment of Contributions

4.1 Methods of payment

There are 3 possible methods of payment of S.94 Contributions - monetary contribution, dedication of land and works-in-kind agreements.

Monetary Contribution
This is the usual method of payment. When a development consent is issued that involves the payment of a S.94 contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation by the CPI. See section 3.3 for more details on indexation.

Works-in-kind Agreements
Council may accept the construction of works listed in the schedules to this plan to offset the monetary contribution payable. The applicant will need to initiate this option by providing Council with full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

The applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for 1.25 times the amount of the works in addition to a maintenance allowance and any GST amounts applicable. Upon completion of the works to Council's satisfaction the guarantee will be discharged by Council.

Approval of any Works-In-Kind is conditional upon the developer paying all Council’s legal costs incurred in the preparation of the Works-In-Kind (Deed of) Agreement. Cost estimates for works include a component for supervision (equivalent to 3% of the cost of the works being undertaken).

Where Works In Kind are undertaken Council requires that the supervision fee be in the form of a cash payment. Thus this particular part of the cost of the works is included as an offset against contributions.

4.2 Timing of Payment
Council's policy regarding the timing of payment of S.94 contributions is as follows:

Approved under the EP & A Act as it existed pre July 1998 -

- Development Applications involving subdivisions
  Prior to the release of the "linen plan" of subdivision.

- Development Applications involving building work
  Prior to release of the Building Permit.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

- Development Applications where no building approval is required
  Prior to occupation.

Approved under the EP & A Act as amended on and from July 1 1998 -

- Development Applications involving subdivisions
  Prior to release of the Subdivision Certificate

- Development Applications involving building work
  Prior to release of Building Construction Certificate.

- Development Applications where no building approval is required

In force as at 4 February 2015
Prior to occupation or use of the development.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

4.3 Credits for Existing Development
As S.94 contributions can only be levied where development will result in increased demand, contributions are not sought in relation to demand for urban facilities generated by existing authorised development. Thus ‘credits’ are granted in relation to urban demand generated by existing authorised development.

In instances where an existing authorised dwelling is to be demolished and replaced by a new dwelling, and the replacement dwelling proposes vehicular access to the same street as the existing dwelling, credits for this street frontage and 450m2 (less if lot size is smaller than 450 m2) and 3.5 persons for the per hectare and per person contributions applicable under other C.P’s, are applied.

In other instances (industrial/commercial development) a credit is calculated having regard to the actual area occupied and retained for use by the existing authorised development and/or an estimate of the increase in intensity of use of the site. The appropriate credit method is determined by Council having regard for the individual circumstances of each case.

The area occupied is determined having regard to both current and previous applications, aerial photos, the area occupied by existing authorised buildings and authorised activities on site.

Residue lots are generally not levied until they are further developed. In residential zones Council places a restriction (under Section 88b of the Conveyancing Act) on residue lots to deny any further development of the lot until it is further subdivided, consolidated or has a separate development application approval. Contributions are then levied upon further subdivision, consolidation or separate development approval.

4.4 Indexation of Contributions
Contribution rates are indexed quarterly in accordance with the Consumer Price Index - Sydney - Housing (CPI). See also Section 3.3.

The method of indexing the contribution rates is to multiply the base contribution rate by the most recently published CPI at the time of payment and in the case of this version of the Plan, divide it by the June 2014 CPI (110.8). At all times the contributions payable will not fall below the base rates listed at Appendix C.

4.5 Discounting of Contributions
Council does not discount contributions both for equity and financial reasons, as it would be inequitable to recoup a discount from remaining development. Discounting would also compromise Council’s ability to provide the facilities and would place an additional burden on existing residents to subsidise new development.

4.6 Deferred Payment of Contributions
Council has a policy for the deferred payment of S.94 contributions as follows:

- An applicant requesting deferred payment needs to apply in writing to Council. All requests are considered on their merits having regard to (but not exclusively) the type of work for which the contribution is sought, the rate of development occurring within the area and the impending need to construct the works for which S.94 Contributions are being levied.

- Where deferred payment is approved by Council the period of time for deferring payment will generally be limited to 12 months.

In force as at 4 February 2015
• If Council approves of the request for deferred payment it is conditional upon the applicant providing a suitable Bank Guarantee and Deed of Agreement.

• Interest is charged on deferred contributions. Council also charges an administrative fee for deferred payment. The interest rate and administrative fee levied for the deferred payment of contributions are reviewed annually and appear in Council’s Schedule of Fees. A copy of this Schedule is available from Council’s Development Services Unit.

• The amount of the bank guarantee shall be the sum of the amount of contributions outstanding at the time of deferring payment plus the expected “interest” accrued over the deferral period. This amount will also represent the amount payable at the end of the deferral period.

• The Deed of Agreement is to be prepared by one of Council’s Solicitors at full cost to the applicant. In this regard the applicant is to pay Council’s Solicitor’s costs direct to the Solicitor and not through Council.

• Should contributions not be paid by the due date, the bank guarantee will be called up by Council.

• Council has a separate deferral policy specifically for dual occupancies, which are to be occupied by elderly and/or disabled persons (i.e. traditional granny flats).

• Enquiries regarding deferred payment can be made through contacting the relevant Council officer dealing with the application.
Appendices
### CATCHMENT AREA

| 3.1 | Florence Street & Shaughnessy Street, Plumpton |
| 3.2 | Adna Street - Myra Street Area, Plumpton       |
| 4.0 | Bottles Road & Cannery Road, Plumpton         |
| 6.1 | Glendenning Road, Plumpton                    |
| 6.2 | Glendenning Road, Plumpton                    |
| 7.0 | Bungalow Road, Plumpton                       |
| 8.1 | Druitt Street - Derwent Street Area, Mount Druitt |
| 8.2 | Calala Street & Cheviot Street, Mount Druitt  |
| 9.1 | Morehead Avenue - Meacher Street Area, Mount Druitt |
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| 10.0| Fuller Street, Mount Druitt                   |
| 11.0| Sargents Road, Minchinbury                    |
| 12.0| Eskdale Street, Minchinbury                   |
| 13.1| Holbeche Road, Arndell Park                   |
| 13.2| Holbeche Road, Arndell Park                   |
| 13.3| Holbeche Road, Arndell Park                   |
| 14.0| Patricia Street - Flushcombe Road, South Blacktown |
| 15.0| Meurants Lane - Glenwood                      |
Catchment Area indicative only
Map information is not necessarily up-to-date or correct and Blacktown City Council accepts no responsibility in that regard. As such no reliance on these maps should be made without reference to Council’s GIS mapping of catchment zones.

CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
3.1 – Florence St & Shaughnessy St
Plumpton

In force as at 4 February 2015
Catchment Area indicative only
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CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
3.2 – Adna – Myra Street Area
Plumpton

In force as at 4 February 2015
Catchment Area indicative only
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CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
6.1 – Glendenning Rd
Plumpton

In force as at 4 February 2015
Catchment Area indicative only
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CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
7 – Bungalow Rd
Plumpton

In force as at 4 February 2015
Catchment Area indicative only
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CONTRIBUTION ITEM
Local Roadworks
9.1 – Morehead Ave – O’Brien St Area Mount Druitt

In force as at 4 February 2015
Catchment Area indicative only
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CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
9.2 – Abraham – Leopold St Area Mount Druitt

In force as at 4 February 2015
Catchment Area indicative only
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CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
11 – Sargents Rd
Minchinbury

In force as at 4 February 2015
Catchment Area indicative only
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CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
12 – Eskdale St Minchinbury

In force as at 4 February 2015
Catchment Area indicative only
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In force as at 4 February 2015
Section 94 Contributions Plan No.2 – Local Roadworks

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CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
13.2 – Holbeche Rd Arndell Park

In force as at 4 February 2015
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Map information is not necessarily up-to-date or correct and Blacktown City Council accepts no responsibility in that regard. As such no reliance on these maps should be made without reference to Council’s GIS mapping of catchment zones.

CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
14 – Patricia – Flushcombe Rd Area
Sth Blacktown

In force as at 4 February 2015
32
CONTRIBUTION ITEM
Local Roadworks

CATCHMENT AREA
15 - Meurants Lane
Glenwood

Catchment Area indicative only
Map information is not necessarily up-to-date or correct and Blacktown City Council accepts no responsibility in that regard. As such no reliance on these maps should be made without reference to Council’s GIS mapping of catchment zones.

In force as at 4 February 2015
## APPENDIX B

### SCHEDULE OF LOCAL ROADWORKS

<table>
<thead>
<tr>
<th>AREA ID</th>
<th>LOCAL ROAD NAME</th>
<th>SECTION</th>
<th>WIDTH OF ROAD</th>
<th>ROAD CLASSIFICATION</th>
<th>ESTIMATED TIMING OF CONSTRUCTION</th>
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<tbody>
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<td>Minor Collector</td>
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<tr>
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<td>Local Access</td>
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<td>Clarendale Road to Heavy Street, Western End</td>
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## BASE CONTRIBUTION RATES

**Base CPI Date - June 2014 - 110.8**

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