

Creswell Street East Crib Point

Development Contribution Plans

Mornington Peninsula Shire Council

December 2023



mesh

Acknowledgement

Mesh acknowledges the Traditional Owners of the lands on which we work, and we pay our respects to Elders past, present and emerging.

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1. PART ONE – SUMMARY OF CHARGES

Figure 1 illustrates the DCP project to be constructed and Table 1 provides an overview of the charges for the transport and drainage infrastructure project included in this Development Contributions Plan (DCP).

The DCP applies a development infrastructure levy to residential development located in the Creswell Street East, Crib Point. The DCP applies to all properties between 1 and 77 Creswell Street, and those fronting Cooma Street and Glossop Street between Creswell Street and Disney Street, Crib Point.

The DCP has been prepared to fund the construction of Creswell Street from the existing pavement to the eastern edge of the DCP area; and Cooma Street and Glossop Street between Creswell Street to Disney Street which is required to support the development of the area.

A more detailed explanation of the strategic basis, apportionment, method of calculation and the infrastructure projects is provided within the body of the DCP.

Figure 1: Overall DCP Project Plan

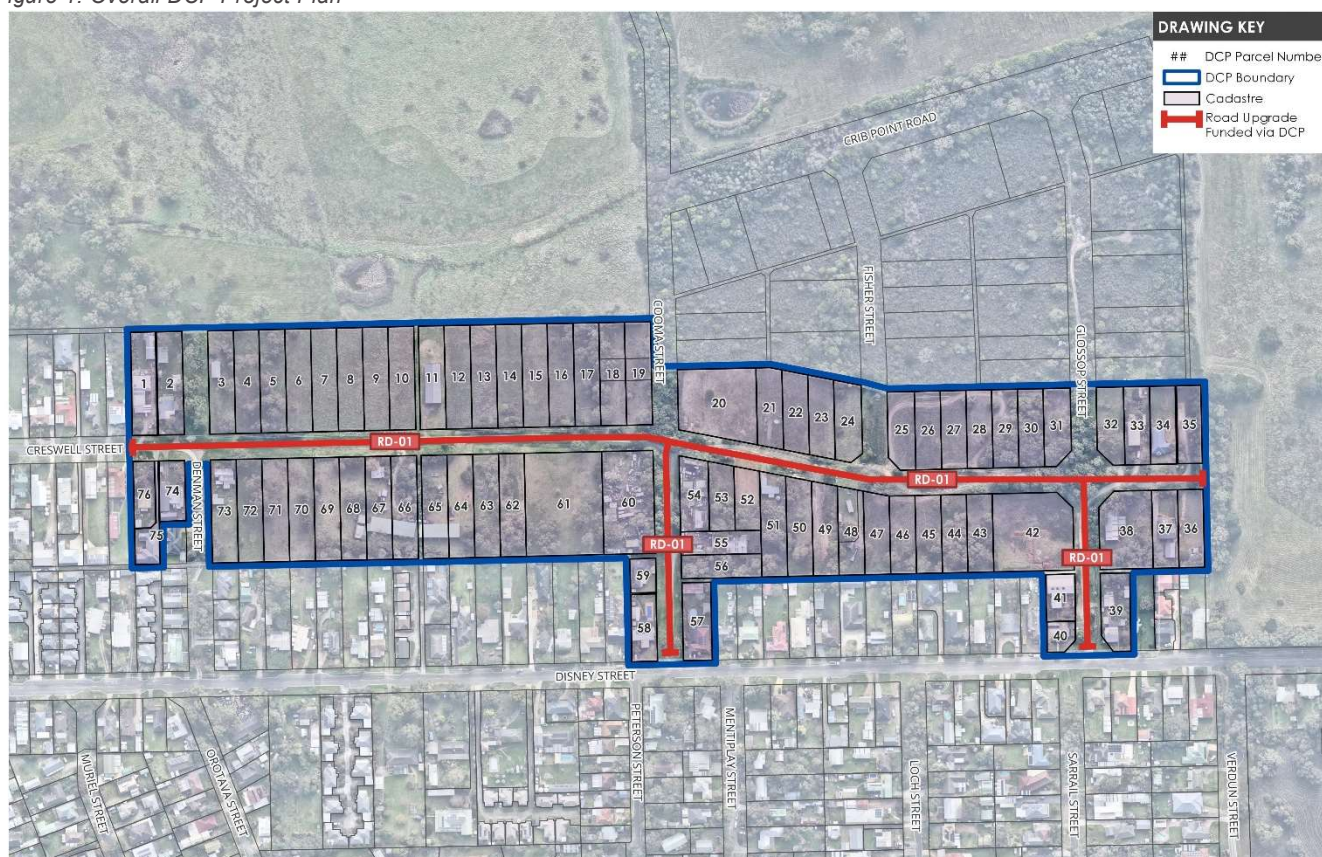


Table 1: Summary of Charges

Project Type	Total Project Cost	Total Cost to Charge Area	Per m2 Rate
ROADS & DRAINAGE	\$4,720,000	\$3,304,000	\$28.85
FINANCE	\$520,428	\$364,300	\$3.18
PLANNING	\$319,240	\$223,468	\$1.95
TOTAL	\$5,559,668	\$3,891,768	\$33.98

2. PART TWO – INTRODUCTION

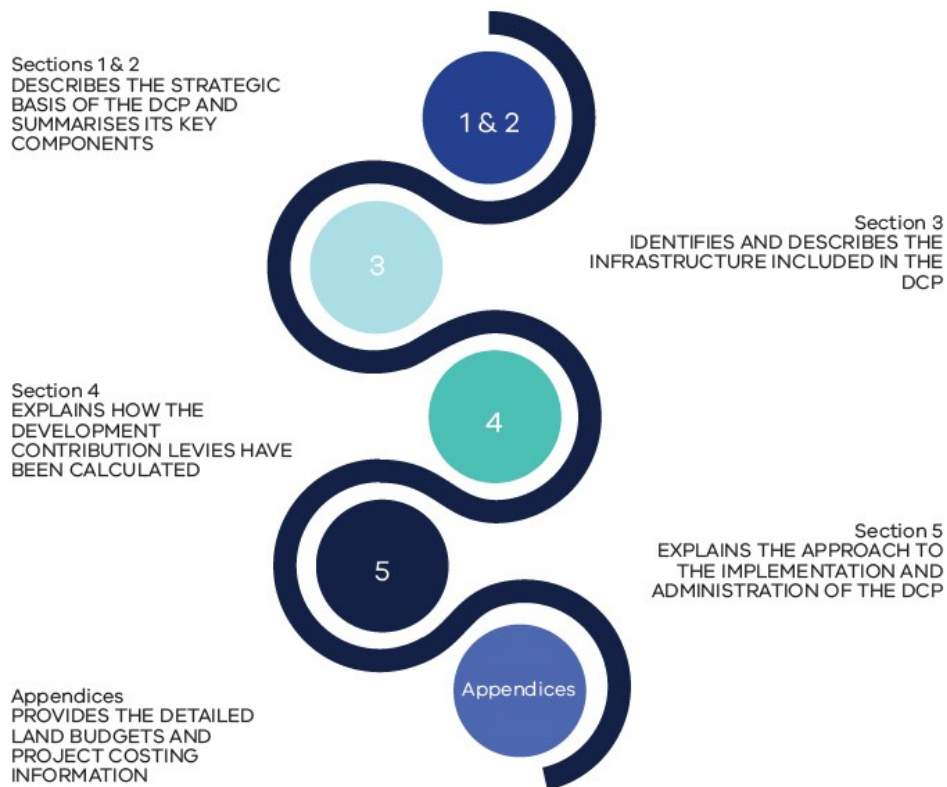
The DCP delivers the upgrade of Creswell Street from the existing pavement to the eastern edge of the DCP area; and Cooma Street and Glossop Street between Creswell Street to Disney Street which is required to provide the necessary access and drainage infrastructure to support the urban development of the 76 parcels within the DCP area.

2.1 The DCP

The DCP funds the upgrade of three sections of existing unmade local roads. The need for the upgrade to Creswell Street from the existing pavement to the eastern edge of the DCP area; and Cooma Street and Glossop Street between Creswell Street to Disney Street is strategically justified as it is required to facilitate the development of the adjoining properties. In summary, the DCP: -

- > Includes road and drainage infrastructure upgrades that are local in nature and will be to the direct benefit of the adjoining properties;
- > Requires development to make a financial contribution toward the cost of the identified infrastructure project that has a direct nexus to development;
- > Ensures the cost of providing new infrastructure and services is shared equitably between various development proponents over the life of the DCP;
- > Provides the details of the calculation of the financial contributions that must be made by future development towards the nominated project; and
- > Provides developers, investors, and the local community with certainty about the implementation and administration of development contributions in Creswell Street East, Crib Point, towards the included project.

This document comprises the following sections: -



2.2 Strategic Basis

2.2.1 The Original DCP (2018)

Amendment C210 to the Mornington Shire Planning Scheme rezoned the land located within Creswell Street, Crib Point (between 1 and 73 Creswell Street, Crib Point, except 2 Creswell Street) from Industrial 3 Zone to Neighbourhood Residential Zone Schedule 1 and applied the Development Contributions Plan Overlay Schedule 1 to the above-mentioned properties. This overlay gives effect to the Creswell Street East, Crib Point Development Contributions Plan (April 2018) Incorporated Document. Amendment C210 was gazetted in June 2019 and is referred to as the 'Original DCP' in this document.

The Original DCP was prepared in accordance with, and to implement, the residential development of Creswell Street East (known as the Amendment C210 area). The Original DCP funded the upgrade of the existing unmade roads including Creswell Street and part of Cooma Street to access roads including a 5.5m pavement, with drainage, and public lighting. This document states (2018:2) that this upgrade is the minimum standard required to support residential living within the C210 area. The Original DCP apportions 70% of the project costs to the DCP and Council is to fund the remaining 30% of project costs.

The Original DCP included a provision that the "DCP be revised and updated every 5 years (or more frequently if required)" (2018:8).

Mornington Peninsula Shire Council has collected development contributions under the Original DCP prior to it being updated. The contributions collected and held by Mornington Peninsula Shire Council at the date this DCP came into effect are to be used for the project contained in this DCP. No further contributions are required from the properties that have already paid the full Development Infrastructure Levy under the Original DCP.

2.2.2 The Amended DCP (2023)

Amendment C295 morn to the Mornington Peninsula Shire Planning Scheme was approved to create this document, Creswell Street East, Crib Point, Development Contributions Plan (December, 2023).

Amendment C295morn: -

- > Updates the project extent to include the upgrade of Cooma Street and Glossop Street between Creswell Street to Disney Street and extends the eastern edge of Creswell Street so it meets the existing road pavement.
- > The project type and scope i.e. road cross-section remains the same as the Original DCP and includes the construction of a 5.5 metre wide asphalt pavement and stormwater drainage but does not include construction of a footpath;
- > Retains the Original DCP apportionment whereby 70% of the total project costs are apportioned to the DCP and Council funds the remaining 30% of total project costs;
- > Given the fragmentation within the DCP area, Council, as the Development Agency commits to deliver the project within the revised timeframe, set at 30 June 2028.
- > Revises the demand units from lot frontage to lot area; and
- > Increases the area subject to the DCP to include all abutting lots adjacent to the DCP project.

2.3 The Area to which the DCP applies

In accordance with section 46K(1)(a) of the *Planning and Environment Act 1987* (the Act), the DCP applies to land illustrated Figure 2 and covers approximately 11.5 hectares.

2.4 Method of Preparing the DCP and Compliance with Statutory Requirements

The DCP has been prepared in accordance with Part 3B of the *Planning & Environment Act 1987* and it addresses the requirements of the Act by: -

- > specifying the area to which the DCP applies;
- > setting out the works, services, and facilities to be funded through the plan, including the staging of the provision of those works, services or facilities;
- > relating the need for the works, services, and facilities to the proposed development of the land within the DCP area;
- > specifying the estimated costs of each of the works, services, facilities, and land;
- > specifying the proportion of the total estimated cost of the works, services and facilities which are to be funded by a development infrastructure levy;
- > specifying the land in the area and the types of development in respect of which a levy is payable and the method for determining the amount of levy payable in respect of any development land; and
- > providing for the procedures for collection of a development infrastructure levy in respect of any development for which a permit under the *Planning & Environment Act 1987* is not required.

2.5 Guiding Principles

2.5.1 Infrastructure Items included in the DCP

The need for infrastructure included in the DCP has been determined based on Amendment C210morn to the Mornington Peninsula Planning Scheme that rezoned land from Industrial 3 Zone to Neighbourhood Residential Zone and has had regard to all relevant Ministerial Directions and guidance material. The infrastructure project has been assessed to ensure it is consistent with the principles of the DCP system (need, nexus, apportionment, accountability, and transparency).

The transport and drainage infrastructure item included in this DCP relates to the upgrade of Creswell Street from the existing pavement to the eastern edge of the DCP area; and Cooma Street and Glossop Street between Creswell Street to Disney Street. The upgrade of these unmade local roads is required to provide safe access and the necessary drainage required to facilitate the residential development of the adjoining lots.

The infrastructure project that has been included in the DCP has the following characteristics:

- > It is essential to the health, safety, and wellbeing of the community.
- > It is required by the adjoining development area.
- > It is not a recurrent item.

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3. PART THREE – INFRASTRUCTURE PROJECT JUSTIFICATION

3.1 Project Identification

This section provides a general description of the infrastructure project that has been included in the DCP. The DCP area currently contains several unmade local roads and the residential development of the area requires the upgrade of the local unmade roads to a 5.5 metre (from the invert of each kerb) sealed road that includes local drainage works. The upgrade of these roads will require removal of native vegetation. Appendix 1 includes a copy of the road cross-section, costing detail and vegetation removal plan.

The upgrade of Creswell Street from the existing pavement to the eastern edge of the DCP area; and Cooma Street and Glossop Street between Creswell Street to Disney Street is required to provide safe access and appropriate drainage to each of the existing 76 lots. The DCP project is local in nature and will be to the direct benefit of the adjoining properties.

The transport and drainage related infrastructure included in this DCP is illustrated in Figure 3 and described in **Error! Reference source not found..**

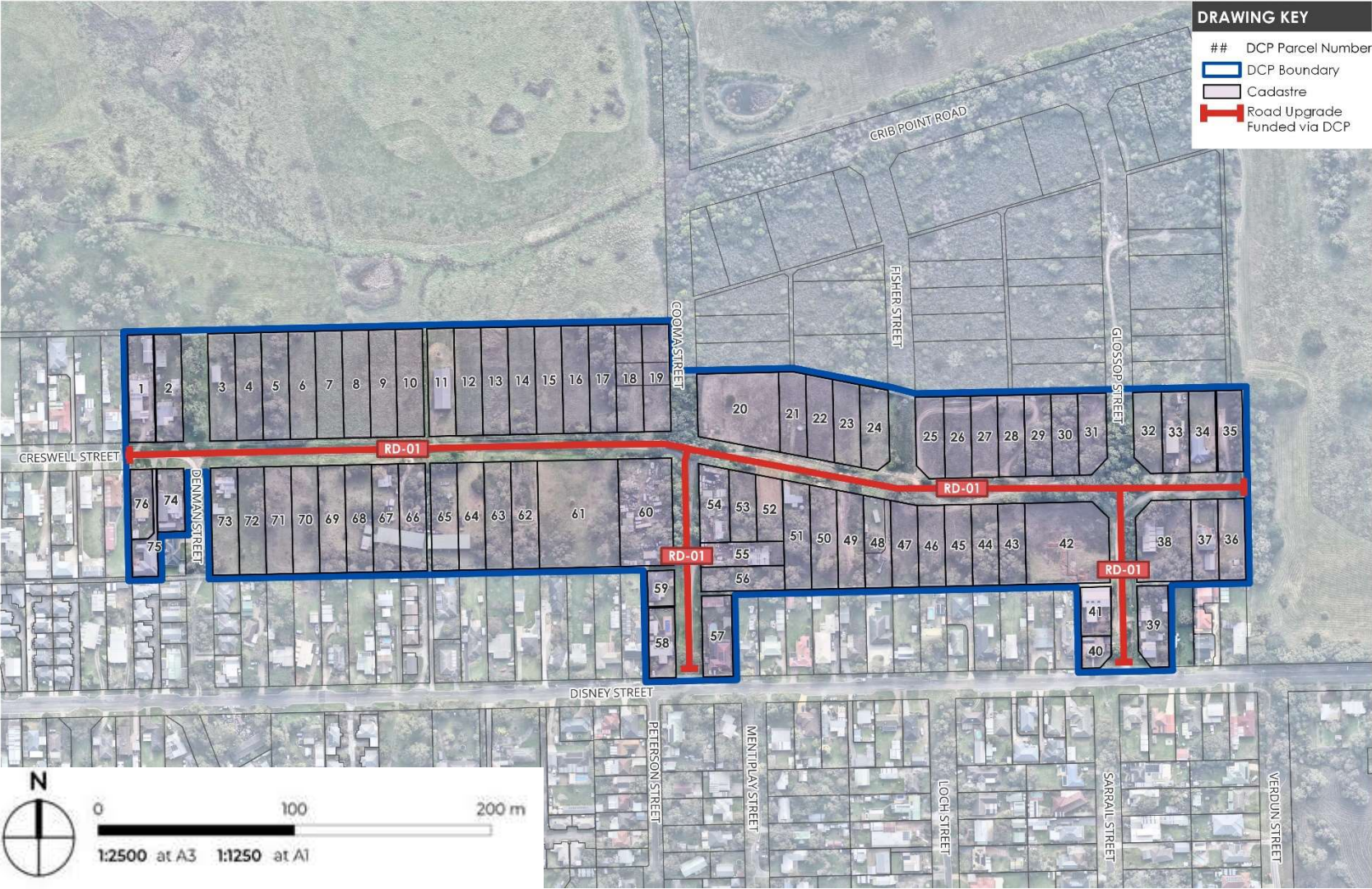
Figure 3 spatially depicts the location and extent of the infrastructure project included in the DCP.

3.2 Distinction between Community and Development Infrastructure

In accordance with the *Planning & Environment Act 1987* and the Ministerial Direction on Development Contributions, the DCP makes a distinction between “development” and “community” infrastructure. Furthermore, the timing of payment of contributions is linked to the type of infrastructure in question. Contributions relating to development infrastructure are to be made by developers at the time of subdivision. For community infrastructure, contributions are to be made by the home-buyer at the time of building approval.

This DCP does not contain any community infrastructure.

Figure 3: Overall DCP Projects Plan



4. PART FOUR – CALCULATION OF CONTRIBUTIONS

This section explains how the DCP charges are calculated.

4.1 Development Projections and Demand Units

The DCP area is zoned for residential development and currently includes 11.45 hectares comprising 76 lots.

It is acknowledged that the current planning controls allow for subdivision with a minimum lot size of 650m², therefore many of the parcels within the DCP can be further subdivided. However, the ultimate yield of future potential subdivision is unknown and therefore the DCP demand units are based on total site area.

Table 2 sets out the type of development and site area. The demand units for this DCP are based on m² per total site area, therefore there are 114,503.8 demand units.

Table 2: Development Type and Yield

Development Type	Existing Parcels	Site Area (m2)
Residential	76	114,503.8

4.1.1 Land Budget

A property parcel land budget has been prepared which identifies the individual site areas for each parcel within the DCP area. Table 3 sets out the summary land use budget and the DCP parcel numbers listed in Table 3 correspond with those provided in Figure 3.

Table 3: Summary Land Budget

DCP PARCEL NUMBER	TOTAL AREA (m2)
1	1,569.14
2	1,625.42
3	1,622.50
4	1,595.80
5	1,631.45
6	1,617.89
7	1,622.18
8	1,623.45
9	1,611.99
10	1,627.49
11	1,624.90
12	1,630.94

DCP PARCEL NUMBER	TOTAL AREA (m2)
13	1,618.88
14	1,614.27
15	1,623.05
16	1,626.17
17	1,611.37
18	1,611.08
19	1,626.53
20	3,278.12
21	1,248.75
22	1,249.39
23	1,246.33
24	1,288.29
25	1,257.40
26	1,235.05
27	1,226.31
28	1,224.63
29	1,230.71
30	1,220.87
31	1,221.91
32	1,229.25
33	1,234.18
34	1,225.90
35	1,164.74
36	1,211.43
37	1,233.26

DCP PARCEL NUMBER	TOTAL AREA (m2)
38	2,451.21
39	2,486.73
40	485.91
41	836.02
42	3,747.40
43	1,229.74
44	1,210.69
45	1,231.13
46	1,224.43
47	1,269.37
48	1,361.14
49	1,441.20
50	1,526.81
51	1,623.31
52	962.47
53	1,053.45
54	1,284.55
55	1,144.03
56	1,148.26
57	1,365.18
58	1,042.93
59	538.92
60	3,220.79
61	4,861.83
62	1,615.59

DCP PARCEL NUMBER	TOTAL AREA (m2)
63	1,616.28
64	1,623.53
65	1,626.26
66	1,617.00
67	1,623.00
68	1,617.16
69	1,620.89
70	1,621.16
71	1,612.94
72	1,611.51
73	1,622.56
74	955.27
75	693.74
76	861.14
TOTAL	114,503.80

4.2 Cost Apportionment

The DCP apportions a charge to new development according to its projected share of use of the identified infrastructure item. Since development contributions are levied 'up-front', a measure of actual use by individual development sites is not possible. Therefore, costs must be shared in accordance with the estimated share of use.

Cost apportionment is expressed as a percentage. Projects that are 100% apportioned to the DCP area are considered to be wholly required for the future development of the DCP area.

The infrastructure funded by this DCP is localised in nature as it is upgrading the existing unmade local roads within the DCP area to a 5.5m (from the invert of each kerb) sealed road that includes local drainage works. The DCP apportions 70% of the total project costs to the DCP to be paid for by landowners and Mornington Peninsula Shire Council will fund 30% of the total project cost. This apportionment approach is consistent with that adopted in the preceding Original DCP (2018).

4.3 Calculation of Contribution Charges

4.3.1 Charge Areas

The DCP contains a single charge area as shown in Figure 2.

4.3.2 Calculation of Costs

The infrastructure project has been assigned a construction cost, as the road and drainage works are to be constructed within existing road reserves no additional land is required. The construction costs are expressed in May 2023 dollars.

Harlock Consulting (2023) prepared the detailed cost estimate for the DCP project which includes a 10% design and construction contingency allowance. A copy of the costing is provided in Appendix 1.

Finance costs have been included. The finance costs comprise the total construction cost of \$4,720,000 over a 5 year term at 4.07% interest (assuming quarterly principle and interest payments).

Plan preparation costs are also included.

Table 4: Calculation of Charges

Project Number	Project Description	Estimated land cost	Estimated Construction Cost	Total Project Cost	Estimated External Usage	Total Cost Attributable to Main Catchment Area	Development Types making Contribution	Site Area in m ²	Contribution per m ² of site area
RD01	Construction of a 5.5m pavement (from the invert of each kerb) and stormwater drainage for Creswell Street (from the existing pavement to the eastern edge of the DCP area), Cooma Street (from Creswell Street to Disney Street) and Glossop Street (from Creswell Street to Disney Street). Total road length is 1,138 linear metres.	\$0	\$4,720,000	\$4,720,000	30%	\$3,304,000	Residential	114,503.80	\$28.85
FI01	Finance for the total construction cost of \$4,720,000 for a 5 year term at 4.07% interest (paid quarterly principle & interest)	\$0	\$520,428	\$520,428	30%	\$364,300	Residential	114,503.80	\$3.18
PL01	Plan Preparation Costs	\$0	\$319,240	\$319,240	30%	\$223,468	Residential	114,503.80	\$1.95
TOTAL		\$0	\$5,559,668	\$5,559,668		\$3,891,768			\$33.98

4.3.3 Summary of Charges

Table 5 sets out the summary of charges by infrastructure category.

Table 5: Summary of Charges

Project Type	Total Project Cost	Total Cost to Charge Area	Per m2 Rate
ROADS & DRAINAGE	\$4,720,000	\$3,304,000	\$28.85
FINANCE	\$520,428	\$364,300	\$3.18
PLANNING	\$319,240	\$223,468	\$1.95
TOTAL	\$5,559,668	\$3,891,768	\$33.98

Appendix 2 sets out a table showing the total site area for each parcel within the DCP area and the total Development Infrastructure Levy payable per parcel based on the Charge set out in Table 5.

5. PART FIVE - DCP ADMINISTRATION

This section sets out how the DCP will be administered and covers the timing of payment, provision of works and land in kind, and how funds generated by the DCP will be managed in terms of reporting, indexation, and review periods.

The development infrastructure levy applies to subdivision and/or development of land.

5.1 Collecting Agency

The Mornington Peninsula Shire Council is the Collecting Agency pursuant to section 46K(1) (fa) of the *Planning & Environment Act 1987*. As the Collecting Agency, the Mornington Peninsula Shire Council is responsible for the administration of the DCP and its enforcement pursuant to section 46QC of the *Planning & Environment Act 1987*.

5.2 Development Agency

The Mornington Peninsula Shire Council is the Development Agency pursuant to Section 46K(1) (fb) of the *Planning & Environment Act 1987* and is responsible for the provision of all infrastructure projects funded the DCP and the timing of all works.

5.3 Timing of Payment of Development Contribution Levies

5.3.1 Liability for development contributions

Each demand unit shall be liable to pay the DCP levy (unless exemptions apply). Therefore, contributions are payable on the total site area (m²) and payment of development contributions is to be made in cash.

5.3.2 Development Infrastructure Levy

For subdivision of land

If the development of the land involves a plan under the *Subdivision Act 1988*, a Development Infrastructure Levy in accordance with this DCP, must be paid to the Collecting Agency for each demand unit (m²) in the subdivision. The Development Infrastructure Levy must be paid after certification of the plan of subdivision but not more than 21 days prior to the issue of a Statement of Compliance in respect to that plan under the *Subdivision Act 1988*.

For development of land where no subdivision is proposed

Provided a Development Infrastructure Levy has not already been paid for the land, a Development Infrastructure Levy in accordance with this DCP must be paid to the Collecting Agency for each demand unit (m²) within the total site area prior to the commencement of any development.

For development of land where no planning permit is required

Provided a Development Infrastructure Levy has not already been paid for the land, a Development Infrastructure Levy in accordance with this DCP must be paid to the Collecting Agency for each demand unit (m²) within the total site area prior to the issue of a building permit under the *Building Act 1993*.

Deferral of Payment

The Collecting Agency may, at its discretion, agree for payment of a levy to be deferred to a later date, subject to the applicant entering into an agreement under Section 173 of the *Planning & Environment Act 1987*.

5.4 Works or Land in Lieu of cash Contributions (works in Kind)

As the Development Agency Mornington Peninsula Shire Council will deliver the DCP project by 30 June 2028 and recoup funds via this DCP. Therefore, no works in kind in lieu of the amount of levy payable pursuant to this DCP will be accepted.

5.5 Development Exempt from Contributions

Some types of development are exempt from paying infrastructure development levies. Where land is subdivided or developed for an exempt purpose, as listed below, and the land is subsequently used for a purpose other than as one of those exempt uses, the owner of that land must pay to the Collecting Agency infrastructure contributions in accordance with the provisions of this DCP. The levy must be paid within 28 days of the date of the commencement of the construction of any buildings or works for that alternative use.

The following use and development are exempt from development contribution:

- > A non-government school; or
- > Housing provided by or on behalf of the Department of Health and Human Services.
- > Small second dwelling.
- > In addition to the Ministerial Directions, pursuant to Section 16 of the *Planning and Environment Act 1987*, the Governor in Council directs that planning schemes shall not be binding on the use and development of land carried out by or on behalf of the following Ministers:
 - Minister for Education
 - Minister for Health
 - Minister for Skills and Workforce Participation
- > Land which has an existing Section 173 Agreement under the Act and/or a Deed of Agreement which requires the payment of a contributions levy and/or construction infrastructure/provision of land.
- > Land owned and operated by South East Water.

5.6 Contributions made under the Original DCP

Mornington Peninsula Shire Council has collected development contributions under the Original DCP prior to it being updated. The contributions collected and held by Mornington Peninsula Shire Council at the date this DCP came into effect are to be used for the project contained in this DCP. No further contributions are required from the properties that have already paid the full Development Infrastructure Levy under the Original DCP.

5.7 Funds Administration

The administration of the contributions made under this DCP will be transparent and details of funds received, and expenditures will be held by the collecting agency in accordance with the provisions of the *Local Government Act 1989* and the *Planning and Environment Act 1987*.

The collecting agency will provide for regular monitoring, reporting and review of the monies received and expended in accordance with the DCP.

The collecting agency will establish a separate account and all monies held in this account will be used solely for the provision of infrastructure as itemised in this DCP, as required under section 46QA of the Act.

5.8 Construction and land value Costs Indexation

Construction costs are expressed in May 2023 dollars. Costs are to be indexed quarterly, with the first indexation to account for the time between the estimate date and the first indexation following gazettal of the DCP.

Table 6 sets out the indexation method to be applied to the respective infrastructure categories.

Table 6: Indexation and Timing

Infrastructure Type	Method of Indexation	Timing of Indexation
Roads and Drainage, Construction	Australian Bureau of Statistics Producer Price Indexes Road & Bridge Construction Index, Victoria (Catalogue 6427.0, Table 17 Output of the Construction Industries). Once project RD01 has been delivered the project cost will be indexed by applying CPI (All Groups Melbourne) to ensure the charges keep pace with inflation.	Quarterly

5.9 Timeframe and Review Period

This DCP commences on the date it is gazetted into the Mornington Peninsula Planning Scheme and it adopts a long-term outlook for development and is intended to operate for 20 years. This timeframe considers planned future development of the area and this DCP will end when it is removed from the Mornington Peninsula Planning Scheme.

This DCP is expected to be reviewed and updated every five years. The review may result in no changes at all. Alternatively, it may require an amendment to the Mornington Peninsula Planning Scheme to replace this DCP with an alternative, revised DCP.

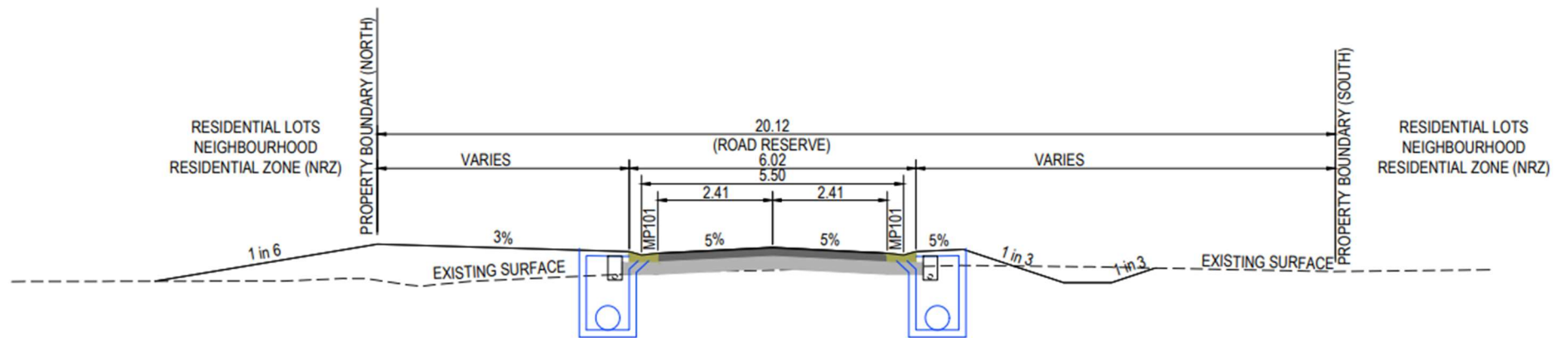
5.10 Adjustment to the Infrastructure Scope

The infrastructure project in this DCP has been costed to a sufficient level of detail; however, the Council may amend or modify some aspects of the project, so long as they are still generally in accordance with any direction regarding the scope outlined in this DCP.

Where the Council or another agency seeks to change the scope of a DCP infrastructure item to meet changing standards imposed by adopted policy or a public regulatory agency, such changes of standards and the resulting cost changes should normally be made through a change to the DCP at the time of a regular review of the DCP.

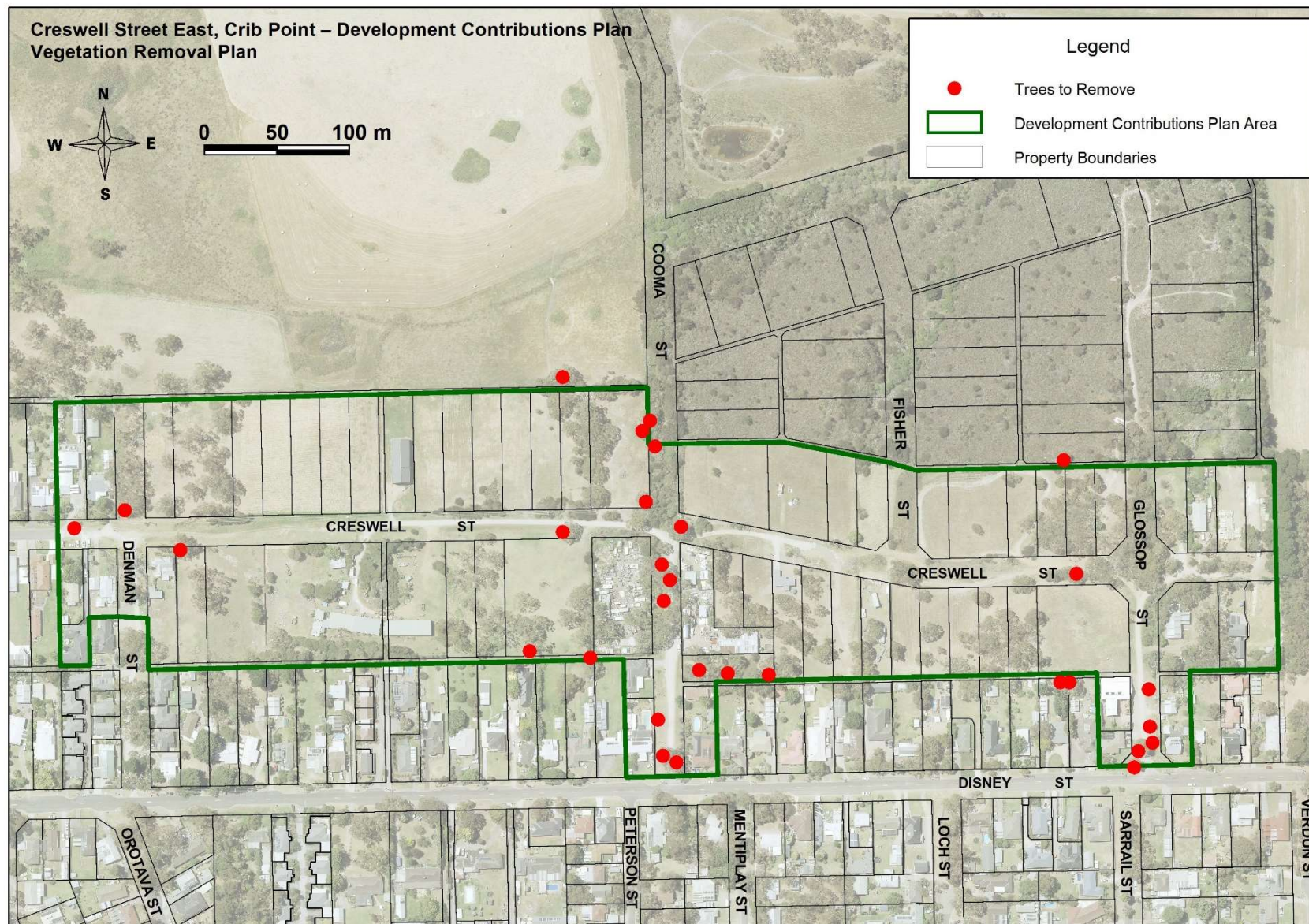
Where, after the DCP has been approved, a Council or other agency proposes changes to the scope of a DCP infrastructure item for reasons other than changes in standards imposed by policy or regulation the net cost increases resulting from the change should normally be met by the agency requesting the change.

6. APPENDIX 1: COSTING SHEETS, DRAWING AND VEGETATION REMOVAL PLAN



TYPICAL SECTION (20.12m ROAD RESERVE)

CRESWELL STREET
ALL DIMENSIONS ARE IN METRES



7. APPENDIX 2: ESTIMATED DEVELOPMENT INFRASTRUCTURE LEVY CALCULATION

DCP Parcel Number ID	Total Parcel Area (m2)	Estimated DIL Total Charge per Parcel
1	1,569.14	\$53,332
2	1,625.42	\$55,245
3	1,622.50	\$55,146
4	1,595.80	\$54,238
5	1,631.45	\$55,450
6	1,617.89	\$54,989
7	1,622.18	\$55,135
8	1,623.45	\$55,178
9	1,611.99	\$54,788
10	1,627.49	\$55,315
11	1,624.90	\$55,227
12	1,630.94	\$55,433
13	1,618.88	\$55,023
14	1,614.27	\$54,866
15	1,623.05	\$55,164
16	1,626.17	\$55,270
17	1,611.37	\$54,767
18	1,611.08	\$54,758
19	1,626.53	\$55,283
20	3,278.12	\$111,417
21	1,248.75	\$42,443
22	1,249.39	\$42,464
23	1,246.33	\$42,360
24	1,288.29	\$43,787
25	1,257.40	\$42,737
26	1,235.05	\$41,977
27	1,226.31	\$41,680
28	1,224.63	\$41,623
29	1,230.71	\$41,830
30	1,220.87	\$41,495
31	1,221.91	\$41,530
32	1,229.25	\$41,780

DCP Parcel Number ID	Total Parcel Area (m2)	Estimated DIL Total Charge per Parcel
33	1,234.18	\$41,947
34	1,225.90	\$41,666
35	1,164.74	\$39,587
36	1,211.43	\$41,174
37	1,233.26	\$41,916
38	2,451.21	\$83,312
39	1,343.98	\$45,679
40	485.91	\$16,515
41	836.02	\$28,415
42	3,747.40	\$127,367
43	1,229.74	\$41,797
44	1,210.69	\$41,149
45	1,231.13	\$41,844
46	1,224.43	\$41,616
47	1,269.37	\$43,143
48	1,361.14	\$46,263
49	1,441.20	\$48,984
50	1,526.81	\$51,893
51	1,623.31	\$55,173
52	962.47	\$32,713
53	1,053.45	\$35,805
54	1,284.55	\$43,659
55	1,144.03	\$38,883
56	1,148.26	\$39,027
57	1,365.18	\$46,400
58	1,042.93	\$35,447
59	538.92	\$18,317
60	3,220.79	\$109,469
61	4,861.83	\$165,244
62	1,615.59	\$54,911
63	1,616.28	\$54,934
64	1,623.53	\$55,181
65	1,626.26	\$55,274
66	1,617.00	\$54,959

DCP Parcel Number ID	Total Parcel Area (m2)	Estimated DIL Total Charge per Parcel
67	1,623.00	\$55,163
68	1,617.16	\$54,964
69	1,620.89	\$55,091
70	1,621.16	\$55,100
71	1,612.94	\$54,821
72	1,611.51	\$54,772
73	1,622.56	\$55,148
74	955.27	\$32,468
75	693.74	\$23,579
76	861.14	\$29,269
TOTAL	114,503.80	\$3,891,768