



Assessment of Contributions Plan No.
15 – Box Hill Precinct (2023)

The Hills Shire Council

Draft Report

October 2023

Local Government >>

Acknowledgment of Country

IPART acknowledges the Traditional Custodians of the lands where we work and live. We pay respect to Elders both past and present.

We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples.

Tribunal Members

The Tribunal members for this review are:

Carmel Donnelly PSM, Chair
Deborah Cope
Sandra Gamble

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Invitation for submissions

IPART invites comment on this document and encourages all interested parties to provide submissions addressing the matters discussed.

Submissions are due by Friday, 17 November 2023

We prefer to receive them electronically via our [online submission form](#).

You can also send comments by mail to:

Assessment of Contributions Plan No. 15 – Box Hill Precinct (2023)
Independent Pricing and Regulatory Tribunal
PO Box K35
Haymarket Post Shop, Sydney NSW 1240

If you require assistance to make a submission (for example, if you would like to make a verbal submission) please contact one of the staff members listed above.

Late submissions may not be accepted at the discretion of the Tribunal. Our normal practice is to make submissions publicly available on our [website](#) as soon as possible after the closing date for submissions. If you wish to view copies of submissions but do not have access to the website, you can make alternative arrangements by telephoning one of the staff members listed above.

We may decide not to publish a submission, for example, if we consider it contains offensive or potentially defamatory information. We generally do not publish sensitive information. If your submission contains information that you do not wish to be publicly disclosed, please let us know when you make the submission. However, it could be disclosed under the *Government Information (Public Access) Act 2009* (NSW) or the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW), or where otherwise required by law.

If you would like further information on making a submission, IPART's [submission policy](#) is available on our website.

The Independent Pricing and Regulatory Tribunal

IPART's independence is underpinned by an Act of Parliament. Further information on IPART can be obtained from [IPART's website](#).

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1 Executive Summary

The Hills Shire Council (council) submitted *Contributions Plan No. 15 – Box Hill Precinct (2023)* (CP15 (2023)) to IPART for assessment in April 2023. The council is seeking to levy development contributions above the \$30,000 cap per lot/dwelling. This is the fifth time that IPART is reviewing CP15. Our assessment of CP15 (2023) focuses on updates to the plan since our last review of CP15 (2023).

We assessed CP15 (2023) against the Department of Planning and Environment’s (DPE) Practice Note criteria.¹ We found that the plan meets some of the Practice Note criteria (see **Figure 1**).

Figure 1 Summary of our assessment of CP15 (2023)

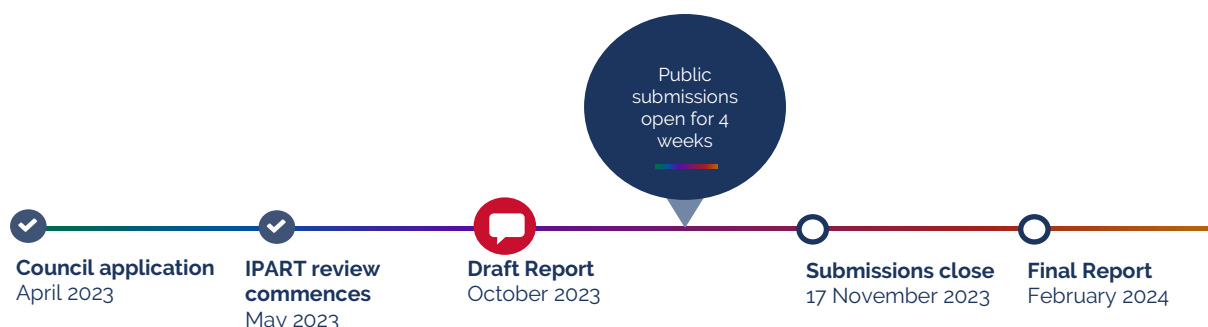
Essential Works List	Nexus	Reasonable Cost	Reasonable apportionment	Reasonable timeframe	Community liaison and publicity	Other matters
						
Demonstrated subject to recommendation	Demonstrated	Demonstrated	Demonstrated subject to recommendation	Seeking comments	Demonstrated	NA

We have made draft recommendations where CP15 (2023) has not completely met the criteria. This includes apportioning only 50% of total shortfall of the increase in reasonable costs of delivering the infrastructure to the contributions rate paid by future development. In addition, we have also recommended removing the costs for skate bowl/plaza and pump/BMX track from open space embellishment costs.

After implementing our draft recommendations, we consider that the total reasonable cost of works and land in CP15 (2023) will be about \$1.02 billion. Our recommendations will also mean that contribution rates will range from \$27,914 to \$72,062 for residential development. The corresponding estimated development contribution rate for a 2-bedroom dwelling would be \$38,150 in Killarney Chain of Ponds and \$33,496 in Second Ponds Creek.

We are seeking feedback on our draft recommendations until 17 November 2023. **Figure 2** shows the review timeline for CP15 (2023).

Figure 2 Review timeline for CP15 (2023)



2 Introduction

The Hills Shire Council (the council) submitted *Contributions Plan No. 15 – Box Hill Precinct (2023)* (CP15 (2023)) to IPART for assessment in April 2023. The council is seeking to levy development contributions above the \$30,000 cap per lot/dwelling.

IPART must first review CP15 (2023) and provide its assessment to the Minister for Planning and Public Spaces (Minister). The Minister (or the Minister's nominee) may request the council to make changes to the plan. After the council makes any changes and adopts the plan, the council can levy the uncapped contributions amount.

This is the fifth time that IPART is reviewing CP15 (2023). We previously reviewed and made recommendations for CP15 (2023), which has since been updated by the council. Our assessment of CP15 (2023) will focus on these updates.

We assessed CP15 (2023) against the Department of Planning and Environment's (DPE) [Practice Note](#) criteria:

1. Public amenities and services in the plan are on the **essential works list** as identified within the Practice Note.
2. Public amenities and services are reasonable in terms of **nexus** (i.e. there is a connection between the development and demand created).
3. Development contribution is based on a **reasonable estimate of the cost** of the public amenities and services.
4. Public amenities and services can be provided within a **reasonable timeframe**.
5. Development contribution is based on a **reasonable apportionment** between:
 - a. existing and new demand for the public amenities and services, and
 - b. different types of development that generate new demand for the public amenities and services (e.g. different types of residential development such as detached dwellings and multi-unit dwellings, and different land uses such as residential, commercial, and industrial).
6. Council has conducted appropriate **community liaison** and publicity in preparing the contributions plan.
7. **Other matters** IPART considers relevant.²

Our assessment involved reviewing the contributions plan and supporting documentation, including the works schedule, strategic studies, consultant reports, and correspondence with the council. For more details on our assessment approach, please see our [Information Paper](#).

The remaining sections of this Draft Report provide a background on CP15 (2023), our assessment of the plan, draft recommendations, and draft recommended contributions rates.

We welcome feedback on our draft recommendations until 17 November 2023 (see below).

Draft recommendations

- | | | |
|----|---|----|
| 1. | Remove the costs for the skate bowl/plaza and pump track/BMX track from open space embellishment costs as these are not on the Essential Works List. This will reduce costs by \$1.225 million. | 10 |
| 2. | The council update the plan for the income of \$8.23 million to reflect the agreed Australian Infrastructure funding for the transport item BRBRU. | 15 |
| 3. | Update the cost of plan administration to be 1.5% of the revised total works costs. | 16 |
| 4. | The council update the apportionment of BOUNDARYRD, BOUNDARYRD2, BRBRU, BHT23, BHR06, and BHR07 to 70% to the plan. | 18 |
| 5. | The council remove \$73.0 million of the estimated shortfall in NPV terms in setting residential contribution rate for the plan. | 20 |
| 6. | The council remove \$5.6 million of the estimated shortfall in NPV terms in setting non-residential contribution rate for the plan. | 20 |
| 7. | The council should review the method or index used to value land next time the plan is reviewed. | 22 |

Seek Comment

- | | | |
|----|---|----|
| 1. | We are seeking comment from the council on how the public amenities and public services will be provided within a reasonable timeframe. | 21 |
|----|---|----|

3 The Contributions Plan No. 15 – Box Hill Precinct

3.1 The Box Hill Precinct development

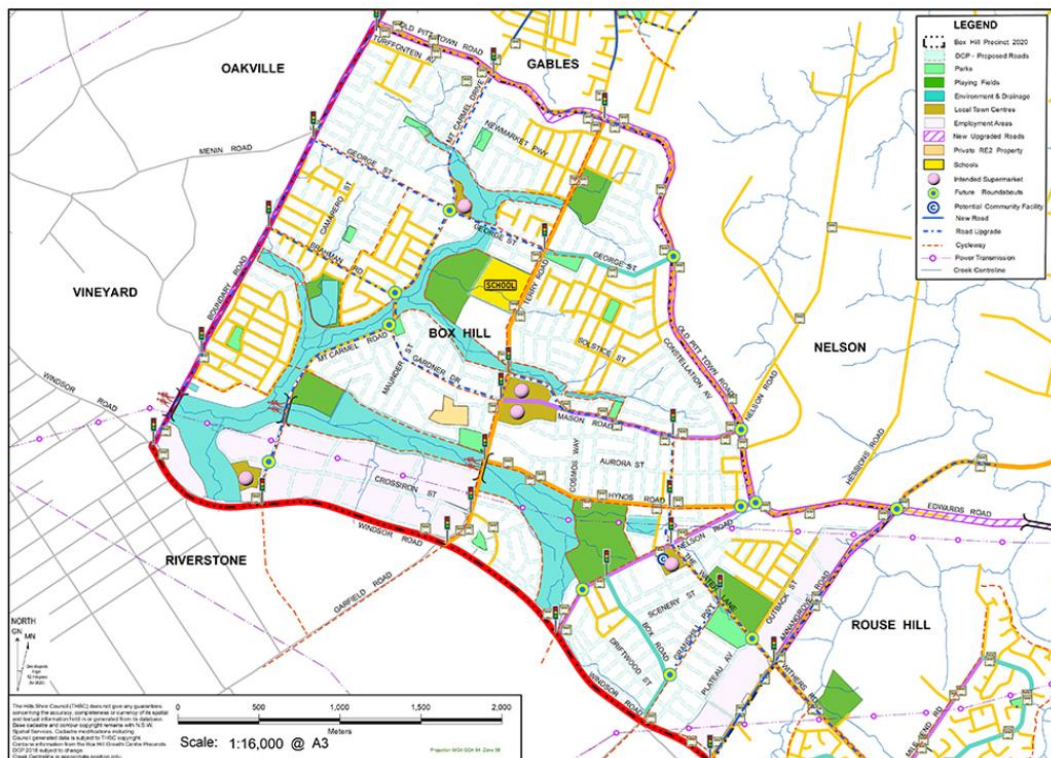
The Box Hill precinct (the precinct) comprises of the residential suburb of Box Hill and the Box Hill Industrial precinct, located approximately 40 kms north-west of Sydney’s CBD in part of the North West Growth Area (NWGA) of Sydney. The precinct is bounded by Boundary Road to the west, Annangrove Road to the east, Old Pitt Town Road to the north and Windsor Road to the south (see **Figure 3**).

The precinct’s land has been zoned for various uses to support its incoming population, including different forms of residential development, local centres, enterprise corridor, business park, light industrial, infrastructure, recreation and environmental conservation.³

Initially, the precinct was projected to develop around 9,431 dwellings to accommodate 28,932 residents (27,998 additional residents).⁴ Since our last review of CP15 (2023), the projected development has increased to around 16,699 dwellings (16,030 additional dwellings) for almost 51,231 residents (48,956 additional residents).⁵

The precinct was rezoned for urban development in April 2013,⁶ and the council expects it to conclude in 2037. Approximately 63% of the residential development is already developed or has had development approved.⁷

Figure 3 Map of CP15 (2023) Precinct



Source :Council website on the Box Hill Release Area.

3.2 Contributions Plan No.15 – Box Hill Precinct

To support development in the precinct, CP15 (2023) levies contributions for stormwater (referred to as water cycle management), traffic and transport facilities, open space and recreation facilities.

IPART completed its first review of the council's initial CP15 plan in 2014.⁸ The plan was further revised following IPART reviews in 2016, 2018 and 2020.

The council has again updated and exhibited CP15. Key updates in CP15 (2023) since our last review are:

- population update and review development status and projections
- reflect actual land acquisition and capital costs, where completed by the council
- review and update outstanding capital costs
- review and update outstanding land acquisition costs
- review of apportionment for certain infrastructure items on the edge of the precinct
- inclusion of new items to reflect increased development yield and community needs
- update to reflect the impact of state government funding decisions
- administrative and housekeeping amendments.⁹

The post exhibition plan was submitted to IPART for review in April 2023. The council has indicated its intention to adopt the plan following receipt of the Minister's advice following IPART's assessment.¹⁰

3.3 Contributions Plan No.15 – Box Hill Precinct

CP15 (2023) includes total development contributions of about \$1.006 billion, which covers the land, works and plan administration items associated with the development in the precinct.

Stormwater works

The plan proposes to deliver about \$89.6 million for the Killarney Chain of Ponds catchment area and about \$1.15 million for the Second Ponds Creek catchment area worth of stormwater works items within the precinct.

In summary this includes combined basin and raingarden facilities, single raingarden facilities and bridges, culvert crossings, and a detention basin.¹¹ The full list of stormwater infrastructure items and associated costs are listed in **Table 4.2**.

Transport works

CP15 (2023) proposes to deliver \$343.1 million worth of transport works items within the precinct.

In summary this includes sub-arterial roads, bridge crossings, traffic signals, pedestrian /cycle links, cycleways and bus shelters.¹² The full list of transport infrastructure items and associated costs are listed in **Table 4.3**.

Open space embellishment

CP15 (2023) proposes \$126.5 million to embellish playing fields and local parks.

The open space embellishment items in CP15 (2023) include car parking, pathways, planting, playgrounds, sporting fields, amenities for playing fields and playground equipment, seating, pathways, lighting and landscaping for local parks.¹³ The full list of items and associated costs are listed in **Table 4.4**.

Land

CP15 (2023) includes about \$437.8 million¹⁴ of land costs. The council has already acquired \$181.1million¹⁵ of land and is yet to acquire the remaining \$256.8 million¹⁶ of land. Land acquisitions are planned to allow for stormwater infrastructure, traffic and transport management, and open space.¹⁷

Plan administration

CP15 (2023) includes a plan preparation and administration cost of \$8.4 million. This is based on 1.5% of the total works costs, consistent with the approach adopted the last time we assessed CP15 (2020).

Indexation

In the financial assumptions underpinning the Net Present Value (NPV) model used by the council to determine contribution rates, CP15 (2023) adopts 3 indexes to be applied to the base contribution rates. These are:

- the ABS Established House Price Index – Sydney, which is applied to the base contributions rate for land
- the ABS Producer Price Index (Non-Residential Building Construction), which is applied to the base rate for open space works
- the ABS Producer Price Index (Road and Bridge Construction), which is applied to the base rate for stormwater management and transport and traffic expenditure.¹⁸

Last time we assessed the plan in 2020, we recommended all indexes for land and works use a geometric average rather than a simple average to better account for compound annual average growth.¹⁹ The model incorporates our recommendation last time we assessed the plan to use geometric averages.

3.4 Contribution rates in CP15 (2023)

Table 1 Comparison of CP15 (2020) and CP15 (2023) contributions rates for Killarney Chain of Ponds

Type of development	Occupancy (persons/dwelling)	2020 IPART-approved contribution rate (\$)	2023 proposed contribution rate (\$)	Difference (\$)	Difference (%)
Subdivision, dwelling house, dual occupancy	3.4	48,082	95,140	47,058	98
Integrated housing	2.7	38,183	75,552	37,369	98
Senior housing	1.5	21,213	41,973	20,760	98
Multi-unit housing rates:					
1 bedroom	1.7	24,041	47,570	23,529	98
2 bedroom	1.8	25,455	50,368	24,913	98
3 bedroom	2.5	35,354	69,955	34,601	98
4 bedroom	3.1	43,839	86,744	42,905	98

Source: IPART CP15 Final Report, 2020, p 5; The Hills Shire Council Contributions Plan No.15 – Box Hill Precinct, p. 9.

Table 2 Comparison of CP15 (2020) and CP15 (2023) contributions rates for Second Ponds Creek

Type of development	Occupancy (persons/dwelling)	2020 IPART-approved contribution rate (\$)	2023 proposed contribution rate (\$)	Difference (\$)	Difference (%)
Subdivision, dwelling house, dual occupancy	3.4	39,587	85,829	46,242	117
Integrated housing	2.7	31,487	68,158	36,671	116
Senior housing	1.5	17,465	37,866	20,401	117
Multi-unit housing rates:					
1 bedroom	1.7	19,793	42,914	23,121	117
2 bedroom	1.8	20,958	45,439	24,481	117
3 bedroom	2.5	29,108	63,109	34,001	117
4 bedroom	3.1	36,094	78,256	42,162	117

Source: IPART CP15 Final Report, 2020, p 6; The Hills Shire Council, Contributions Plan No.15 – Box Hill Precinct, p. 9.

Table 3 Comparison of CP15 (2020) and CP15 (2023) contributions rates for non-residential rates – per square metre of floor area

	2020 IPART- approved contribution rate (\$)	2023 proposed contribution rate (\$)	Difference (\$)	Difference (%)
Killarney Chain of Ponds	108.2	166.27	58.07	54
Second Ponds Creek	89.3	150.94	61.64	69

Source: IPART CP15 Final Report, 2020, p 6; The Hills Shire Council, Contributions Plan No.15 – Box Hill Precinct, p, 10.

4 Assessment of CP15 (2023)

This section provides our assessment of CP15 (2023) from the council. It includes our assessment of each criterion, by works category, issues relating across all categories, and our draft recommendations.

4.1 Overview

We assessed CP15 (2023) against criteria in the Department of Planning and Environment's (DPE) [Practice Note](#) (2019 Practice Note). For more details on our assessment approach, please see our [Information Paper](#).

We found that CP15 (2023) meets some of the Practice Note criteria. In **Table 4.2** we present a summary of our assessment of each infrastructure category and issues relating across all categories.

Table 4.2 Summary of our assessment of CP15 (2023)

Criteria	Stormwater	Transport	Open space	Land	Plan administration
Essential works list	Demonstrated	Demonstrated	Demonstrated subject to recommendations	Demonstrated	Demonstrated
Nexus	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Reasonable cost	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated subject to recommendation
Apportionment	Demonstrated subject to recommendations	Demonstrated subject to recommendations	Demonstrated subject to recommendations	Demonstrated subject to recommendations	Demonstrated
Timing	Seeking comment	Seeking comment	Seeking comment	Seeking comment	Demonstrated
Consultation	Demonstrated	Demonstrated	Demonstrated	Demonstrated	Demonstrated
Other matters	N/A	N/A	N/A	N/A	N/A

4.2 Essential Works List

4.2.1 Stormwater

The council proposes to deliver about \$89.6 million for the Killarney Chain of Ponds catchment area and about \$1.15 million for the Second Ponds Creek catchment area worth of stormwater works items within the precinct. In addition, the council proposes to acquire \$100.4 million of land for the Killarney Chain of Ponds catchment area and \$1.3 million of land for the Second Ponds Creek catchment area.²⁰

It includes combined basin and raingarden facilities, single raingarden facilities, culvert crossing and detention basins. The purpose of each item has been identified for stormwater management. Our review of the proposed stormwater infrastructure works items within CP15 (2023) has not identified any items that are inconsistent with the essential works list set out in the 2019 Practice Note.

4.2.2 Transport

The council proposes \$343.1 million of transport works in CP15 (2023), and an associated \$119 million in land acquisitions.²¹ This includes 14 signalised intersections, 13 roundabouts, 4 vehicular bridge crossings, 2 pedestrian/cycleway bridge crossings, main roads, local roads, pedestrian paths and cycleways, and bus shelters.²²

We consider that the transport infrastructure items proposed within CP15 (2023) meets the description in the 2019 Practice Note for land and facilities for transport.

4.2.3 Open space

CP15 (2023) proposes \$126.5 million in open space works to embellish local parks, sports fields, district facilities, tennis centres, athletics track, hockey field, netball/multipurpose costs.²³ To enable the provision of open space within the precinct, \$217.1 million in land will need be acquired.²⁴ For a full set of open space items see **Table 4.4**.

The open space embellishment items in CP15 (2023) include car parking, pathways, planting, playgrounds, sporting fields, amenities for playing fields and playground equipment, seating, pathways, lighting and landscaping for local parks.

However, some subitems do not appear to meet open space embellishment. This includes costs for the construction of a skate bowl/plaza (\$825,000), construction of a pump track/BMX track (\$400,000) in Rainforest Street Reserve.

The 2019 [Practice Note](#) specifically excludes skate parks, BMX tracks and the like from being included as a base open space embellishment.

We recommend that the council remove the costs for the skate bowl/plaza and the pump track/BMX track from the plan. This would reduce open space costs by \$1.225 million.

Draft Recommendations



1. Remove the costs for the skate bowl/plaza and pump track/BMX track from open space embellishment costs as these are not on the Essential Works List. This will reduce costs by \$1.225 million.

4.3 Nexus

4.3.1 Stormwater

We consider the findings of our previous assessment of CP15 (2020) are still relevant and that nexus is established for the stormwater management works in the plan.

We consider that the projected population of 51,231 people in precinct is unlikely to require additional stormwater infrastructure. The additional projected population largely reflects increased density and there has been no significant change to the area within the plan.

In addition, most stormwater items are also unchanged, where technical studies relied upon by council to establish nexus, from when we last assessed the plan in 2020.

4.3.2 Transport

Since our last assessment of the plan in 2020, council made changes to the scope of existing items and included new transport items due to an increase in the forecast population. The major changes to transport items include 2 new pedestrian bridges to enhance accessibility and connect key locations within the precinct,²⁵ the treatment of some of the 14 signalised intersections,²⁶ and an increase from 8 to 13 roundabouts.²⁷ The plan now also includes the portion of the cost of upgrading Boundary Road for the section between Menin Road to Old Pitt Town Road. This section had previously not been included in the plan as the council was required by the Minister to use the Hawkesbury Council's cost estimate which did not include this section.²⁸

In addition, the council undertook updated traffic modelling and/or provided further details to support changes or new transport items. We consider that the approach by council is reasonable, and that nexus is established.

4.3.3 Open space

We consider nexus is established for open space land and embellishment in the plan noting that there are no new open space items since we last assessed the plan in 2020.

The nexus for open space infrastructure is established by the *Demographic and Social Infrastructure Assessment: Box Hill and the Box Hill Industrial Precinct* report by Urbis (February 2011) and its October 2019 Recreation Strategy.²⁹

The overall provision of open space is low at 1.2 hectares per 1,000 people for a forecast population of 51,231 residents. This is lower than we last assessed the plan in 2020, which provided for 1.47 hectares per 1,000 people of open space for a then forecast population of 42,483 residents. If 44.27 hectares of water management areas are included as part of open space for passive recreation, it would increase the overall provision of open space to 2.1 hectares per 1000 people.³⁰

A 2022 review by the council of the provision of open space was conducted due to the expected increase in population expected within the precinct. The review found that generally the precinct was well serviced and accessible with most of residential development within 400 metres of either open space or water management areas. The council also explored opportunities to increase the amount of open space in the plan.

The council determined it would be unfeasible and unreasonably impact the contribution rates to provide additional open space, due to the high cost of land, the status of development and limited remaining population from which to recoup these additional infrastructure costs.³¹ We also note that 63% of the residential yield within the precinct has already been approved, with it estimated that this will be 71% by December 2023, and there are minimal land areas remaining that could be identified for new open space.

4.3.4 Plan administration

CP15 (2023) includes plan administration costs to cover the costs of council in forward planning, service delivery and community development staff together with professional fees to prepare and review the plan. The costs will also cover the management of the contributions system which includes the calculation and recording of contribution payments as well as monitoring of development, population, works schedule expenditure and indexation assumptions.³² We consider that this establishes nexus for plan administration costs.

4.4 Reasonable Cost

4.4.1 Stormwater

We have determined that the costs for stormwater management works in CP15 (2023) are reasonable. The costs for stormwater management works in CP15 (2023) are shown in **Table 4.2**.

Table 4.2 Costs for stormwater management works in CP15 (2023) (millions, \$Jun22)

Item no.	Description of works	Cost
KC01	Combined basin, raingardens and drainage structures	17.1
KC02	Combined basin, raingardens and drainage structures	16.3
BH01A	Combined basin, raingardens and drainage structures	5.9
BH01B	Combined basin, raingardens and drainage structures	5.4
BH01C	Combined basin, raingardens and drainage structures	6.7
BH02A	Combined basin, raingardens and drainage structures	3.2
BH02B	Combined basin, raingardens and drainage structures	2.1
BH03A	Combined basin, raingardens and drainage structures	1.0
BH03B	Combined basin, raingardens and drainage structures	5.8
RGBH10	Raingarden (in BHF01)	2.0
RGBH11	Raingarden (in BHLPO9)	1.4
RGBH04	Raingarden (in BHPFO3)	1.9

Item no.	Description of works	Cost
RGKCP01	Raingarden	0.5
RGKCP02A	Raingarden	0.4
RGKCP02B	Raingarden	0.4
RGSPC01	Raingarden (SPC)	0.3
RGSPC02	Raingarden (SPC)	0.4
RGSPC03	Raingarden (SPC)	0.5
CRA	Culvert Crossing A	2.0
CRB	Culvert Crossing B	5.1
CRC	Culvert Crossing C	1.2
CRD	Culvert Crossing D	3.1
CRE	Culvert Crossing E	2.0
CRF	Culvert Crossing F	2.0
CRG	Culvert Crossing G	2.0
BPC1	GPT – Bypass catchment	0.1
BPC2	GPT – Bypass catchment	0.0
BPC3	GPT – Bypass catchment	0.1
BPC4	Culvert C4	0.1
RGBH03B	New raingarden associated with Hereford St Reserve	1.8
Total		90.8

Source: [The Hills Shire Council, CP15 \(2023\), p 5-6 and Table 10, works schedule.](#)
Note: Figures in the table have been rounded down.

Most of the stormwater costs in the plan are unchanged since we last assessed them in 2020, except for being indexed. Some stormwater items have had updated costings which are supported by cost estimates from a suitability qualified quantity surveyor. We consider this approach reasonable.

4.4.2 Transport

We have determined that most of the costs for stormwater management works in CP15 (2023) are reasonable. The costs for stormwater management works in CP15 (2023) are shown in **Table 4.3**.

Table 4.3 Costs for transport works in CP15 (2023) (millions, \$Jun22)

Item no.	Description of works	Cost
BHNR01A	New Main Road - Mt Carmel Road - Windsor Road to Killarney Chain of Ponds	9.5
BHNR01B	New Main Road - Mt Carmel Road - Killarney Chain of Ponds to Gardiner Drive	5.9
BHNR02A	New Main Road - Mt Carmel Road - Gardiner Drive to Brahman Road	9.3
BHNR06A	New Main Road - The Water Lane - Hynds Road to Mason Road	8.1
BHNR09	New Main Road - Mason Road (north) between Terry Road and Mason Road	3.6
BHRU02B	Road Upgrade - Terry Road - Town Centre Road to Mason Road Bypass (design only)	0.2
BHRU06B	Road Upgrade - Mason Road - Mason Road (north) to The Water Lane	8.3
BHRU08A	Road Upgrade - The Water Lane - Hynds Road to Nelson Road (design only)	0.6

Item no.	Description of works	Cost
BOUNDARYRD	Road Upgrade - Boundary Road Upgrade - Windsor Road to Menin Road	7.7
BOUNDARYRD2	Boundary Road - Menin Road to Old Pitt Town Road	5.4
ANNAGROVERD	Road Upgrade - Annangrove Road - The Water Lane to north of Edwards Road	13.3
HWLR	Half-width road construction adjoining non-developable land	34.4
BR2	Terry Road over Killarney Chain of Ponds	12.2
BRNKB01	Bridge over Smalls Creek between Ross Place and Edwards Rd	32.7
BRNKB01A	BRNKB01A approach road between Annangrove Road and bridge	14.0
BR1	Mt Carmel Road Bridge over Killarney Chain of Ponds	8.5
BRBRU	Boundary Road Bridge	15.4
BHPBR1	Killarney Chain of Ponds Crossing Nth (Mt Carmel Drive to Sunny Hill Parkway)	2.9
BHPBR2	Killarney Chain of Ponds Crossing Sth (Longerenong Avenue to Mt Carmel Drive)	2.1
BHT07	Mt Carmel Road / Gardiner Drive	0.5
BHT08	Mt Carmel Road / Brahman Road	0.5
BHT09	Mt Carmel Road / George Street	0.5
BHT10	Terry Road / Hynds Road	3.3
BHT11	Terry Road / Mason Road / Gardiner Drive	5.3
BHT12	Terry Road / George Street	5.2
BHT13	Mason Road / The Water Lane	3.9
BHT14	Hynds Road / The Water Lane	6.8
BHT15	Nelson Road / The Water Lane	8.2
BHT17	Mt Carmel Road / Prosper Street	4.4
BHT18	Terry Road/ Mason Road (north) / Settlement Drive	8.5
BHT19	Box Road / Nelson Road	0.7
BHT20	Grandhill Parkway / The Water Lane	3.2
BHT21	Grandhill Parkway / Box Road	2.1
BHT22	Old Pitt Town Road / Terry Road / Fontana Drive - Signals Only	6.9
BHT23	Boundary Road/ Commercial Road/ Brocklebank Street	7.2
BHT25	Mason Rd (north) / Mason Road/ Centaurus Way	6.3
BHT26	Terry Road / McCall Parkway / Rubidea Street	6.8
BHT27	Terry Road / Alan Street/ Crossiron Street	12.1
BHT28	Nelson Road / Driftwood Street	1.1
BHR01	Hynds Road / Nelson Road / Edwards Road	7.2
BHR02	Mason Road / Old Pitt Town Road / Nelson Rd	13.2
BHR03	George Street / Old Pitt Town Road	3.2
BHR05	Mt Carmel Drive / Old Pitt Town Road / Valetta Drive	8.6
BHR06	Boundary Road / George Street	8.0
BHR07	Boundary Road / Brahman Road	7.1
BUSSTOPS	Bus stop	0.5
CYCLEWAYS	Cycleways - standard rate	2.8
CYCLEWAYS2	Cycleways - constrained rate	1.4
BHR08	The Water Lane / Outback Street	3.3
Total		343.1

Source: [The Hills Shire Council, CP15 \(2023\), p 5 and Table 10, works schedule.](#)

Funding of \$8.23 million in Australian Infrastructure Funding (AIF) funding had been announced for Boundary Road Bridge transport item (BRBRU) after the plan had been submitted.³³ We recommend that the council update the plan to reflect the income of \$8.23 million in funding to reflect the AIF funding for this item.

Draft Recommendations



2. The council update the plan for the income of \$8.23 million to reflect the agreed Australian Infrastructure funding for the transport item BRBRU.

This recommendation will have the effect of reducing the contribution rates in the plan.

4.4.3 Open space

We have determined that most of the costs for stormwater management works in CP15 (2023) are reasonable. The costs for stormwater management works in CP15 (2023) are shown in **Table 4.4**.

Table 4.4 Costs for open space works in CP15 (2023) (millions, \$Jun22)

Item no.	Description of works	Cost
BHLP01	Hannaford Avenue Reserve	0.5
BHLP02	Stockhorse Avenue Reserve	0.8
BHLP03	Hedgewood Drive Reserve	0.3
BHLP04	Shetland Street Reserve	0.8
BHLP05	Equinox Drive Reserve	0.4
BHLP06	Ceres Way Reserve	0.5
BHLP07	Mason Road Reserve	1.0
BHLP08	Rainforest Street Reserve	5.5
BHLP09	McCall Parkway Reserve	1.1
BHLP010	Settlement Drive Reserve	0.8
BHLP011	Turnbull Reserve	1.2
BHPF01	Playing Fields – Copenhagen Street Reserve	13.0
BHPF02	Playing Fields – Hereford Street Reserve	13.1
BHPF03	Playing Fields – Sunnyhill Parkway Sports Complex	26.9
BHPF04	Playing Fields – Brindle Parkway Reserve	10.4
BHPF05	Playing Fields – Anthony Skarratt Sports Complex	30.2
BHPF06	Playing Fields – The Water Lane Reserve	19.9
Total		126.5

Source: The Hills Shire Council, CP15 (2023), p 5 and Table 10, works schedule.

The council has taken the same approach to estimating open space items to when we last assessed the plan in 2020. This includes updated council cost estimates for delivering similar parks, and cost estimates based on detailed strategic designs. We consider that our previous findings that this approach is reasonable and are still relevant.

We note that while the overall costs per hectare have increased from around \$5 million per hectare (adjusted for inflation) to \$5.5 million per hectare, we consider that given the significant increase in cost of land and capital works this is reasonable.

4.4.4 Land

The contributions plan includes a total land cost of \$437.8 million³⁴, which is under half of the costs in the plan. The council has already acquired \$181.1 million³⁵ of land and is yet to acquire the remaining \$256.8³⁶ million of land.

The council uses the actual cost of each acquisition for land already acquired. For land yet to be acquired, the council has engaged a property valuer to prepare land cost estimates to be applied to land that is not yet acquired. The land cost estimates were determined in November 2022 based on recent relevant sales evidence across the Hills local government area and neighbouring areas. The land value is based on the average market values (dollars per square metre) for different categories of land for each type of development zone. The council has also applied a 1.5% fee to cover the amount that the council may have to pay in association with land acquisition costs.

The approach taken by council for land costs is consistent with last time we assessed the plan in 2020, and we consider that this is reasonable.

4.4.5 Plan administration

CP15 (2023) includes a plan preparation and administration cost of \$8.4 million³⁷. This is based on 1.5% of the total works costs, consistent with the approach adopted the last time we assessed the plan.

As we have recommended the removal of 1.225 million in works costs, we recommend that the council update its plan administration costs to equate to 1.5% of the revised cost of works.

Draft Recommendations



3. Update the cost of plan administration to be 1.5% of the revised total works costs.

4.5 Apportionment

4.5.1 Stormwater

We have determined that the apportionment of stormwater management infrastructure in CP15 (2023) is reasonable.

CP15 (2023) has 2 catchment areas within the precinct. The major stormwater catchment in the precinct is the Killarney Chain of Ponds catchment, with a net catchment area of 635.35 hectares. The precinct also includes the Second Ponds Creek catchment, with a net catchment area of 55.45 hectares. The council's approach is unchanged since our previous assessment of CP15.

CP15 (2023) apportions stormwater management works and land between the Killarney Chain of Ponds and Second Ponds Creek catchments based on the location of the works. Killarney Chain of Ponds catchment has \$190.1 million, and Second Ponds Creek has \$2.4 million apportioned for stormwater management works and land.

The plan then further apportions costs between residential and non-residential development, with the apportionment of costs based on the proportion of land within each catchment area that is zoned for residential or non-residential purposes.

For the Killarney Chain of Ponds catchment, 88% of developable land is zoned for residential purposes and 12% for non-residential purposes. For Second Ponds Creek catchment, 42% of the developable land is zoned for residential purposes, and 58% of the developable land zoned for non-residential purposes.

4.5.2 Transport

We have determined that the apportionment of transport and traffic facilities in CP15 (2023) is generally reasonable.

The council apportioned the cost of providing transport and traffic facilities on all development within the precinct. The cost of providing transport facilities is further apportioned based on the projected demand for each individual traffic infrastructure item generated by either the residential or non-residential development, where relevant, both within the precinct and neighbouring areas with Contribution Plans.

Boundary Road

At the time the plan was submitted, the council's application indicated that a working group had been established to investigate the classification and design of the Boundary Road upgrades. This includes informing design work and funding arrangements.³⁸

The council confirmed that the apportionment for 6 transport items within the plan (BOUNDARYRD, BOUNDARYRD2, BRBRU, BHT23, BHR06, and BHR07) had changed to 70% to CP15 and *Hawkesbury City Council's CP Vineyard Precinct Section 7.11 Plan*. This was based on updated transport modelling. Previously the apportionment had been 81.7% to CP15 based on the apportionment recommended by IPART for Boundary Road. We consider that this approach to apportionment of these transport items is reasonable.

Self-storage

Self-storage developments are a new category of development for CP15 (2023). The council has applied a reduced transport contribution for self-storage developments on the basis that these types of developments typically generate less traffic than other forms of non-residential development.

The council estimates that self-storage developments generate 48% of the traffic generated by other forms of non-residential development and have levied 48% of the full non-residential contribution rate. The council notes that the discount will only apply for the self-storage component of any development application. We consider this a reasonable approach.

Draft Recommendations



4. The council update the apportionment of BOUNDARYRD, BOUNDARYRD2, BRBRU, BHT23, BHR06, and BHR07 to 70% to the plan.

4.5.3 Open space

CP15 (2023) apportions all open space land and embellishment costs to the residential population within the precinct.³⁹ The council states that the need to provide open space is generated by the residential development of the Box Hill Precinct. CP15 (2023) apportions open space infrastructure to residential development on a per person basis.

This is the same approach council took last time we assessed the plan in 2020. We consider that this approach to apportionment of open space infrastructure in CP15 (2023) is reasonable.

4.5.4 Plan administration

CP15 (2023) apportions the cost for plan administration to both residential (82%) and non-residential development (18%).⁴⁰ Costs are then further apportioned amongst residential development on a per-person basis and non-residential development on a per square metre of GFA basis.

This is the same approach council took last time we assessed the plan in 2020. We consider that this approach to apportionment of apportionment of plan administration in CP15 (2023) is reasonable.

4.5.5 Apportioning plan shortfall

Since our first review of CP15 in 2014, the council's estimated costs of delivering the infrastructure in the precinct have risen significantly. This includes higher:

- outturn costs than previously forecast for infrastructure already delivered (actuals)

- estimated costs for infrastructure still to be constructed (forecasts).

Some of these increases are due to general increases in the costs of purchasing land and undertaking capital works. Other increases are due to the council changing the types of infrastructure it needs to build to provide the essential services households and businesses need.

It can be difficult to accurately forecast future costs and infrastructure needs. This is not unique to infrastructure development. Globally there are challenges in forecasting due to increased volatility. In the case of local infrastructure development, this is particularly the case where the value of land or cost of building infrastructure change quickly. The infrastructure to service the precinct is no exception. Previously the council had forecast costs in setting its contributions rate. The council now estimates that those costs were too low, and therefore the revenue raised through contributions from developments previously approved will not cover their share of the costs of the infrastructure for the precinct.

The council has proposed that this shortfall is included in contributions charges to future developments in the precinct. We estimate that the total shortfall included in the plan is around \$160 million^a in net present value (NPV) terms.^b

Most development in Box Hill has already occurred or been approved

By the time CP15 (2023) charges are in place (estimated by the council to be December 2023), 71% of the total development will have been delivered or approved.

The council has proposed that the remaining 29% of future development pay for all cost increases not already funded – both historical and forecast. This would mean that future development may be paying more than the efficient cost of delivering infrastructure to them.

The difficulty in forecasting presents a complex problem of funding the precinct shortfall when costs are higher than forecast. There are several ways councils can meet a shortfall, including through:

- **Higher contributions from remaining developments** – this recognises that the infrastructure is being built to service a specific precinct and protects the council's ratepayers from excessive rate increases. This is the council's proposal.
- **Ratepayers** – either explicitly through higher annual rates, or implicitly through the council's reserves. This would mean that remaining developments do not pay excessive contributions, but ratepayers would pay for some of the infrastructure for the precinct. In some cases, a special rate may be applied only on households in a given area or precinct.
- **Reducing infrastructure** – including delaying or cancelling works or services that may be important to the households and businesses in the precinct.
- **Grants** – other avenues for paying for infrastructure such as government grants are often out of the council's control and are difficult to predict.

^a This is the implied shortfall in the council's NPV model without any adjustments for our recommendations about the costs in the plan.

^b The NPV of a future stream of cash flows represents the current equivalent lump sum of that stream. In this case, it means the council estimates that it would need an additional lump sum of \$160 million now to make sure that by the time the development is completed and the infrastructure in place, all costs are met.

We recommend the shortfall be shared

We recognise that the council's proposed approach of funding the shortfall through contributions protects its general ratepayers. However, we consider that increasing the proposed contribution rate to cover the entire \$160 million shortfall represents an unreasonable apportionment of costs on future developments. While the infrastructure is precinct specific and will be used by future households, it will also service existing households and businesses.

In this case we recommend that the contributions rate paid by future developments be set to recover \$79 million, being 50% of the estimated shortfall after being adjusted for our draft recommendations on costs in the plan. The council should recalculate its contributions rate by setting those rates to generate \$79 million less than its total precinct costs in NPV terms.

We estimate that this, together with our recommended cost adjustments, will reduce the typical contribution rate from the council's proposed \$95,000 to around \$72,000 for a typical residential dwelling.^c Estimated contributions rates for other types of developments are shown below in **Table 7** to **Table 9**.

Draft Recommendations

- 5. The council remove \$73.0 million of the estimated shortfall in NPV terms in setting residential contribution rate for the plan.
- 6. The council remove \$5.6 million of the estimated shortfall in NPV terms in setting non-residential contribution rate for the plan.

4.6 Timing

The plan indicates that 63% of the residential development in CP15 (2023) has been approved. By December 2023, the council estimates that will increase to 71%. However, only 9% of the \$560 million capital works expenditure has taken place. This amount is significantly lower than the 41% of total land acquisition costs already incurred.

The council has indicated that the delays in delivering infrastructure are due to several factors. This includes changes in State Environmental Planning Policies, capping of contributions, uncertainty regarding designs and funding availability, the unprecedented rate of development and market conditions, COVID-19, difficulties in negotiating land acquisitions, out-of-sequence development and increase in population projections.⁴¹

The council has focused on the acquiring on land acquisitions in order to able to proceed with designs and regulatory approvals.

^c For indicative purposes, the typical residential dwelling is a dual-occupancy house in Killarney Chain of Ponds (KCP) catchment.

The DPE Practice Note requires us to assess whether the proposed public amenities and public services can be provided within a reasonable timeframe. This may include whether the council is able to deliver the public amenities and public services be provided at a time when those demanding the infrastructure require it.

We are seeking comment from the council on the approach and further actions it is taking to ensure that infrastructure within the precinct is delivered in a reasonable timeframe.

Seek Comment



1. We are seeking comment from the council on how the public amenities and public services will be provided within a reasonable timeframe.

4.7 Community Liaison and Publicity

We have determined that the council's community liaison and publicity process meets the Practice Note requirements which requires the council to conduct appropriate community liaison and publicity in preparing the contributions plan.

The council placed CP15 (2023) on public exhibition from 13 December 2022 to 1 February 2023.⁴² Notification of the exhibition was placed on council's website, social media and notification letters were sent to the 4,855 affected landowners within the precinct.⁴³

The council exhibited the plan for 28 days, with additional time provided as required, for the Christmas Period and the Australia Day public holiday during that period. In addition, the council also accepted 11 of the 18 submissions after the exhibition period. The council considered the submissions and incorporating several post-exhibition amendments in response to the submissions received.⁴⁴ These amendments were made prior to submitting CP15 (2023) to IPART.⁴⁵

4.8 Any Other Matters

The council uses the ABS Established House Price Index – Sydney, which is applied to the base contributions rate for land in the plan, in the financial assumptions underpinning the NPV model. The index ceased to be published in December 2021.⁴⁶

We consider the use of this approach to be a reasonable method to attempt to ensure growing land values are recognised in current contribution plans rates. However, the council should monitor changes in the land values it acquires and review its escalation method accordingly in the next review of its plan.

We note that other contribution plans we are currently reviewing propose some form of land value index. For example, we recommended in the Draft Report for *Contributions Plan No.24 – Schofields Precinct (2022)*, which is also in the North-West Growth Area, that an appropriately designed and applied land value index is reasonable.⁴⁷

Draft Recommendations

7. The council should review the method or index used to value land next time the plan is reviewed.

4.8.1 Assessment against the EPA regulations and requirements

We have determined that CP15 (2023) contains the information required by Clause 212 of the *Environmental Planning and Assessment Regulation 2021* (EPA). This clause requires the inclusion of certain information in a contributions plan for the purpose of establishing scope and location.

A summary of our assessment of CP15 (2023) against the EPA clause is provided in **Table 4**.

Table 4 Assessment against EPA regulations and requirements

Subclause	Requirement	Location in CP
1(a)	Purpose of the plan.	Section 2.4
1(b)	Land to which the plan applies.	Section 2.3
1(c)	The relationship between the expected types of development in the area to which the plan applies and the demand for additional public amenities and public services to meet that development.	Sections 3.1, 3.2, 3.3, 3.4, 3.5 & 3.6
1(d)	The formulas to be used for determining the section 7.11 contributions required for different categories of public amenities and public services.	Section 2.20
1(e)	The section 7.11 contribution rates for different types of development, as specified in a schedule in the plan.	Section 1
1(f)	A map showing the specific public amenities and public services proposed to be provided by the council,	Section 3.9 (Sheets 1-14)
1(g)	a works schedule that contains an estimate of their cost and staging (whether by reference to dates or thresholds).	Section 3.9 (works schedule)
1(h)	If the plan authorises monetary section 7.11 contributions or section 7.12 levies paid for different purposes to be pooled and applied progressively for those purposes, the priorities for the expenditure of the contributions or levies, particularised by reference to the works schedule.	Section 2.18
3	A contributions plan must contain information about the council's policy about the following— (a) the timing of the payment of monetary development contributions, (b) development levies, (c) the imposition of development contribution conditions or development levy conditions that allow deferred or periodic payment.	Section 2.11 & Section 2.12
4	A contributions plan that provides for the imposition of development contribution conditions or development levy conditions in relation to the issue of a complying development certificate must provide that monetary payments in accordance with the conditions must be made before the commencement of the building work or subdivision work authorised by the certificate.	Section 2.14
5	In determining the section 7.11 contribution rates or section 7.12 levy percentages for different types of development, the council must take into consideration the conditions that may be imposed under section 4.17 (6)(b) of the Act or section 97 (1)(b) of the <i>Local Government Act 1993</i> .	Section 2.5

Subclause	Requirement	Location in CP
6	A contributions plan may authorise monetary development contributions or development levies paid for different purposes to be pooled and applied progressively for the different purposes only if the council is satisfied that the pooling and progressive application will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.	Section 2.18

5 Draft recommended contributions rates

Our draft recommended total costs and contribution rates for CP15 (2023) are set out in **Table 6**, **Table 7**, **Table 8** and **Table 9**.

Table 6 Draft recommended total costs for CP15 (2023) (million\$Jun22)

Category	Cost
Stormwater management	88.4
Transport	329.6
Open space	120.3
Plan administration	7.8
Land	456
Total	1,002

Source: IPART calculations.

Table 7 Draft recommended residential contributions (Killarney Chain of Ponds) rates for CP15 (2023) (\$Jun22)

Type of development	Occupancy (persons/dwelling)	Indicative contribution	IPART adjusted contribution (\$)	Difference (\$)	Difference (%)
Subdivision, dwelling house, dual occupancy	3.4	95,140	72,062	-23,078	-24
Integrated housing	2.7	75,552	57,225	-18,327	-24
Senior housing	1.5	41,973	31,792	-10,181	-24
Multi-unit housing rates:					
1 bedroom	1.7	47,570	36,031	-11,539	-24
2 bedroom	1.8	50,368	38,150	-12,218	-24
3 bedroom	2.5	69,955	52,987	-16,968	-24
4 bedroom	3.1	86,744	65,703	-21,041	-24

Source: IPART calculations.

Table 8 Draft recommended residential contributions (Second Ponds Creek) rates for CP15 (2023) (\$Jun22)

Type of development	Occupancy (persons/dwelling)	Indicative contribution (\$)	IPART adjusted contribution (\$)	Difference (\$)	Difference (%)
Subdivision, dwelling house, dual occupancy	3.4	85,829	63,271	-22,558	-26

Integrated housing	2.7	68,158	50,244	-17,914	-26
Senior housing	1.5	37,866	27,914	-9,952	-26
Multi-unit housing rates:					
1 bedroom	1.7	42,914	31,635	-11,279	-26
2 bedroom	1.8	45,439	33,496	-11,943	-26
3 bedroom	2.5	63,109	46,523	-16,586	-26
4 bedroom	3.1	78,256	57,688	-20,568	-26

Source: IPART calculations.

Table 9 Draft recommended non-residential contributions rates for CP15 (2023) – per square metre of floor area (\$Jun22)

	Indicative contribution rate (\$)	IPART adjusted contribution (\$)	Difference (\$)	Difference (%)
Killarney Chain of Ponds	166.27	158.89	-7.39	-4
Second Ponds Creek	150.94	141.35	-9.59	-6

Source: IPART calculations.

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ISBN 978-1-76049-683-8

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