

# Application for assessment of a section 94 development contributions plan

The Hills Shire Council Contributions Plan No. 15 – Box Hill Precinct

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#### **Instructions** 1

Please complete this application form and submit it, along with any attachments, to IPART via:

Via email	Via post	In person
Attention: Nicole Haddock, Local Government	Attention: Nicole Haddock, Local Government	Attention: Nicole Haddock, Local Government
Independent Pricing and Regulatory Tribunal	Independent Pricing and Regulatory Tribunal	Independent Pricing and Regulatory Tribunal
	PO Box Q290	Level 8
localgovernment@ipart.nsw.gov.au	QVB Post Office	1 Market Street
	Sydney NSW 1230	Sydney NSW 2000

We require an electronic copy of all documents. Where these are too large to email, they can be posted to us on a disk or USB stick.

A separate application must be submitted for each contributions plan.

Councils are encouraged to discuss any information requirements or other concerns relating to the contributions plan with IPART prior to submitting the application form.

## **Council information**

Council name	The Hills Shire Council
Key council contact details (please provide name, position, phone number, and email address)	Bronwyn Smith, Principal Forward Planner 9483 0269, bsmith@thehills.nsw.gov.au
Secondary council contact details (please provide name, position, phone number, and email address)	Nicholas Carlton, Senior Town Planner, 9843 0416, ncarlton@thehills.nsw.gov.au

#### **Preliminary information** 2

Please provide the following preliminary information about the contributions plan.

# **Preliminary information**

Name of contributions plan	Contributions Plan No. 15 – Box Hill Precinct
What is the maximum residential contribution?	Variable – Contributions Levied based on Net Developable Area so would be determined based on each individual development application.
Which contributions cap applies (refer to Schedule 2 of Ministerial Direction 94E)	Schedule 2 - \$30,000 – Land within a growth centre (sub-clause 15).
What is the period over which the contributions plan is valid?	40 years
If this is a new contributions plan, when was it drafted and exhibited?	Drafted 2011-2012 Exhibited 7-8-2012 to 7-9-2012 Updated Post Exhibition in 2014
If this is a revised contributions plan, when was it first adopted? When was the revised contributions plan reexhibited?	n/a
To what extent has the Department of Planning & Environment (DP&E) been involved in the development of this plan?	Department of Planning and Environment responsible for precinct planning of the Precinct, including the identification of infrastructure required to support urban development.
How much development has yet to occur under this plan?	100%

What is the relationship of the contributions plan with any State **Environmental Planning Policies** (SEPPs) Local Environmental Plans (LEPs) and/or Development Control Plans (DCPs)?

Land re-zoned under State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (The Hills Growth Centres) 2013, gazetted on 5/4/2013.

Is there any programmed review of the above instruments which may affect the underlying assumptions within the contributions plan?

Does the council intend to apply for Local Infrastructure Growth Scheme (LIGS) funding or a special variation? Please provide specific details.

Yes - if the situation arises where the levy calculated based on NDA in accordance with the Contributions Plan exceeds the cap of \$30,000 per dwelling.

Has the Minister referred this contributions plan to IPART for review? Please provide specific details.

No - referred as Council may apply for LIGS Funding if the situation arises where the levy calculated based on NDA in accordance with the Contributions Plan exceeds the cap of \$30,000 per dwelling.

#### 3 Assessment criteria

We will assess the contributions plan against the criteria listed in DP&E's Revised Local Development Contributions Practice Note for the Assessment of Local Contributions Plan by IPART, February 2014.

To ensure we receive all the relevant information and correctly understand the contributions plan, please address the questions on the following pages. If the information is already contained in a separate report or in the contributions plan, include page references as appropriate. Any referenced reports will need to be attached to this application.

#### Criterion 1 - the "Essential Works List" 3.1

## The public amenities and public services in the plan are on the "Essential Works List"

We are required to assess whether the items in the contributions plan are on DP&E's Essential Works List. For the most recent version of this list, please refer to DP&E's Practice Note. This includes a definition for base level embellishment.

Are all the facilities and land on the Essential Works List? If not, how are essential and non-essential items distinguished in the contributions plan?

Yes.

For open space, please provide a specific list of embellishments that are included in the contributions plan (eg, footpaths, street furniture -seating, bins, BBQs, sports fields, artworks).

See attached Strategic Design and itemised cost report for Open Space facilities prepared by AECOM.

Only the land component for community service is on the Essential Works List. However, we require details of the community services that are intended to be provided on this land, so we can determine what proportion of the land costs can be recovered through development contributions. Please list the community services and facilities that will be provided on the land (eg, youth centres, libraries) and include the floorspace area committed to each.

No community facilities (capital or land) included in Contributions Plan.

#### 3.2 Criterion 2 - Nexus

# There is nexus between the development in the area to which the plan applies and the kinds of public amenities and public services identified in the plan

Nexus ensures that there is a connection between the infrastructure included in the contributions plan and increased demand for facilities generated by the anticipated development.

To assess nexus we examine the infrastructure items included in the contributions plan against the recommendations in the supporting studies, and whether any deviations are considered reasonable.

## Checklist for the contributions plan

Does the contributions plan		Contributions Plan page reference(s)
Incorporate a map showing the geographical area(s) covered by the contributions plan?	Yes□	Pages 7 and 49
Detail the types of development that will occur in the precinct/ development area, and the approximate land area dedicated to each?	Yes 🗌	Commencing at Page 16
Include information about:		Commencing at Page
▼ The existing population in the precinct/development area.	Yes 🗌	16
▼ The anticipated future population in the precinct/development area?	Yes 🗌	
Include a complete list of infrastructure?	Yes 🗌	Commencing Page 40 – Works Schedules
Include details of the rates of provision and demand calculations for the proposed infrastructure?	Yes 🗌	Pages 26-38
Include a statement regarding design and construction standards that were used in determining the infrastructure included in the contributions plan?	Yes 🗌	Pages 26-38 and supporting information / references

- 4 How was the demand for infrastructure determined for each of the below infrastructure categories?
  - Are there any infrastructure design/construction standards or industry benchmarks that the council has used?

#### For stormwater management:

Department of Planning and Environment Precinct Planning Process including Water Cycle Management Wyndham Strategy Prince). (http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestGro wthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx)

## For transport:

Department of Planning and Environment Precinct Planning Process including Box Hill and Box Hill Industrial Precinct Transport and Access Study prepared February by (http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestGro wthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx)

## For open space:

Department of Planning and Environment Precinct Planning Process including Demographics and Social Infrastructure Assessment: Box Hill and Box Hill Industrial Precincts prepared by Urbis in February (http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestGro wthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx)

## For community facilities:

n/a

Does the infrastructure in the contributions plan diverge from recommendations in the supporting studies? Please provide the reasons and supporting information for any discrepancies.

Yes. The infrastructure in the contributions plans directly reflects the outcomes of the Department of Planning and Environment precinct planning process and the final Precinct Plan for the Box Hill and Box Hill Industrial Precincts. includes the recommendations in supporting studies.

(http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestGro wthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx)

Were there other studies prepared during the precinct planning stage that were not used in the development of the contributions plan? Please list them here and explain why they were not used.

n/a

How have neighbouring precincts been considered in demand assessment?

As detailed in Part C - Strategy Plans - Pages 26-38.

## How has non-residential development been considered in demand assessment?

As detailed in Section 3.2 (Page 23), Part C - Strategy Plans (Pages 26-38) and included in the support studies which guided the Department of Planning and Environment Precinct Planning Process and rezoning of the Precinct

(http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestGro wthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx)

## How has existing infrastructure and surplus capacity been taken into account?

As detailed in Part C - Strategy Plans (Pages 26-38 - specifically see Pages 27, 30 and 36 - sections entitled "Summary of the Demand Analysis and Existing Facilities") and included in the support studies which guided the Department of Planning and Environment Precinct Planning Process and rezoning of the Precinct

(http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestGro wthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx)

#### 3.3 Criterion 3 – Reasonable costs

The proposed development contribution is based on a reasonable estimate of the cost of the proposed public amenities and public services.

IPART must advise whether the proposed development contributions are based on a reasonable estimate of the cost of the proposed public amenities and public services.

Reasonable costs may be based on estimates that have been provided by consultants or the council's experience. They should be comparable to the costs required to deliver similar land and facilities in other areas.

To assess costs we examine the works schedules and identify any cost differences between what was recommended in the supporting studies and the contributions plan, and why these may have occurred. We draw comparisons with the costs contained in industry guides and other sources where appropriate. An example may include our Local Infrastructure Benchmark Cost review. Consultants may also be used to help identify whether costs are reasonable for some types of infrastructure.

# Checklist for the contributions plan

<del>-</del>		
Does the contributions plan		Contributions Plan page reference(s)
Include a statement about how costs have been derived and when these cost estimates were prepared (eg, Quantity Surveyor, standard costs used by the council)?	Yes 🗌	Section 3.8 – Pages 38-39
Explain how and when the land has been valued?	Yes 🗌	Section 3.8 (Pages 38-39) and Section 2.21 (Pages 14-15)
Include full costs of each item of infrastructure?	Yes 🗌	Works Schedules from Page 40
Explain how the council will respond to cost fluctuations and inflation?	Yes 🗌	Section 2.21 (Pages 14-15)
Include a schedule of the contributions rates charged under the contributions plan (eg, this could be presented as \$/ha, \$/person, \$/dwelling)?	Yes	\$/ha – Pages 5 and 47
Provide details of accounting processes for s94 funds (eg, does council 'pool' funds from other s94 accounts or use internal borrowings to deliver infrastructure projects)?	Yes 🗌	Section 2.18 – Page 12
If using a Net Present Value (NPV) approach, include assumptions made in the modelling of costs and revenue?	Yes 🗌	Section 2.20 (Pages 12-13) and "Indexation Assumptions" on Page 45

Include a schedule of land acquisitions required for Yes Included as bulk land the proposed infrastructure? acquisition items for each infrastructure category (open space, water management KCP, water management SPC, New Roads and Road Widening) -Page 43.

10 Please explain the process used to estimate the costs for works (as contained in the works schedule).

#### Please explain:

- Separate statements for specific types of infrastructure if different processes were used.
- Details of any indexation of costs (including the index used).
- The date when estimated costs were finalised.
- What allowances have been included in the estimated costs in the contributions plan? (eg, professional fees, cost contingencies). Please detail allowances for each infrastructure category and provide an explanation for the chosen figures.

See "Comments" column (Column J) in "CP15 - Works Schedule" spreadsheet for details of how item was costed and what is included in the estimated costs.

Estimated Costs finalised in July 2014.

- 11 Please explain the process used to estimate land costs for the following categories, as relevant:
  - Land already acquired or owned by the council.
  - Land not yet owned by the council.
  - Facilities already constructed.
  - Facilities not yet constructed.
  - Administration costs.

# Please explain:

- Details of any indexation of costs (including the index used).
- The date when estimated costs were finalised.
- What allowances have been included in the estimated costs in the contributions plan? (eg, professional fees, cost contingencies).

Land Already Acquired or Owned by Council: not applicable.

Land Not Yet owned by the Council: Valued based on "underlying zone method" (likely urban land use zone if land was not otherwise identified for acquisition) multiplying the area of each parcel of land to be acquired by the relevant land value rate (on a land use zone basis) provided by Independent Property Valuer. Values discounted where the land is environmentally constrained in accordance with reduction rate provided by the Independent Property Valuer.

See the "Land Acquisition" tab within the "Works Schedule" Spreadsheet for breakdown of cost estimate for each individual parcel of land to be acquired.

# 12 Do the costs in the contributions plan differ from those in any of the supporting studies or council tenders used? If so, please explain why.

See "Comments" column (Column J) in "CP15 - Works Schedule" spreadsheet for details of how item was costed and what is included in the estimated costs.

# 13 Has the council used an NPV model to calculate the contributions rates? If so, what assumptions have been used?

Yes - Section 2.20 (Pages 12-13) and "Indexation Assumptions" on Page 45.

Nominal NPV Model applied with the following assumptions:

Land Acquisition Index - Average annual percentage change in the Established House Price Index for Sydney (ABS);

Capital Expenditure Index - Average annual percentage change in the Producer Price Index for NSW (ABS);

Administrative Cost Index - Midpoint of RBA inflation target (2.5%);

Revenue Projections - Midpoint of RBA inflation target (2.5%);

Discount Rate - NSW treasury Corporation 10-year bond rate (quoted as a precented and sourced from the Reserve Bank of Australia.

Consistent with the Draft Technical Paper Modelling Local Development Contributions (Selection of a discount rate for Councils that use an NPV methodology) prepared by IPART.

See pages 12-13 of Contributions Plan for more details.

# 14 Will the council use internal borrowings to deliver infrastructure projects? What rate of return will be applied to the internally borrowed funds?

Yes - 4.5% - NSW treasury Corporation 10-year bond rate (quoted as a precented and sourced from the Reserve Bank of Australia. Consistent with the Draft Technical Paper Modelling Local Development Contributions (Selection of a discount rate for Councils that use an NPV methodology) prepared by IPART.

# 15 What measures have been taken to reduce costs in the contributions plan (eg, adjustment to design or alternative engineering solutions)?

Costs in Contributions Plan reflect the expected cost of providing the infrastructure required to support the urban development of the precinct (as identified through the Department of Planning and Environment Precinct Planning Process).

#### Criterion 4 – Reasonable timeframe 3.4

The proposed public amenities and public services can be provided within a reasonable timeframe.

## Checklist for the contributions plan

Does the contributions plan		Contributions Plan page reference(s)
Include details of anticipated development growth rates and how these were calculated?	Yes 🗌	Page 5
Include a program for infrastructure delivery and explain how it relates to the anticipated development growth rates?	Yes 🗌	Page 45
Include a statement regarding revision of the scheduled infrastructure timing?	Yes 🗌	Section 2.21 (Pages 14-15)
Include the projected timing of expenditure?	Yes 🗌	Page 45

16 How has the council determined the timing of infrastructure provision? Please provide all the details if these are not included in the contributions plan. Eg, are population numbers used as trigger points for the provision of certain items and what is the rationale behind selecting these population estimates?

Expenditure to be provided in line with projected population growth (development path). Land acquisition to occur early in lifespan of plan.

In addition to market forces, the development path of the Precinct will be determined as a result of the provision of sewer and water infrastructure by Sydney Water (including which areas of the Precinct become suitable for development first - and as a result, the order in which supporting local infrastructure will be provided).

#### 3.5 Criterion 5 – Reasonable apportionment

The proposed development contribution is based on a reasonable apportionment of costs eg, between demand from existing population and demand from new population.

The concept of apportionment is based on ensuring that developers pay only for the portion of demand that results from their new development. While nexus is about establishing a relationship between the development and demand for infrastructure, apportionment is about quantifying the extent of the relationship.

To assess apportionment we examine population and densities assumptions, and whether they are reasonable. We also examine the share of costs for infrastructure items between different land uses, development types and between different precincts.

## Checklist for the contributions plan

Does the contributions plan		Contributions Plan page reference(s)
Include details of apportionment calculations?	Yes 🗌	Pages 29, 32-34, 36- 38 and 40-43.
Explain the relationship between the facilities and any existing population?	Yes 🗌	Pages 26-37

- 17 How have the costs for infrastructure been apportioned for each of the below infrastructure categories. How has the council considered the following when apportioning costs in the contributions plan?
  - ▼ any existing development (this may include existing development within the area covered by the contributions plan)
  - different land uses (eg. residential, industrial, commercial)
  - other precincts (existing development outside of the area covered by a contributions plan).

Please provide details of any calculations used.

# For stormwater management:

Apportioned evenly across all new/future development to occur within each of the relevant sub-precincts (Killarney Chain of Ponds and Second Ponds Creek) based on Net Developable Area.

#### For transport:

Apportioned evenly across all new/future development to occur within the Precinct based on Net Developable Area.

# For open space:

Apportioned evenly across all new/future residential development to occur within the Precinct based on Net Developable Area. Non-residential development is not levied for the provision of open space facilities.

# For community facilities:

n/a

#### 3.6 **Criterion 6 – Appropriate community liaison**

The council has conducted appropriate community liaison and publicity in preparing the contributions plan.

Councils are required to publicly exhibit their plans and make any changes in response to submissions received before submitting the contributions plan to IPART.

# Checklist for the contributions plan

Does the contributions plan		Contributions Plan page reference(s)
Or any supporting information include details of when it was publicly exhibited?	Yes 🗌	Details in Attached Council Report
Or any supporting information include details of the community liaison undertaken?	Yes 🗌	Details in Attached Council Report
Or any supporting information include a summary of submissions received and the council's response?	Yes 🗌	Details in Attached Council Report
18 What publicity and community liaison ha contributions plan?	s been undertak	en in developing the
Contributions Plan publicly exhibited between	en 7-8-2012 and	7-9-2012
19 What actions did the council take in respon	se to the submis	sions?
Details in attached Council Report		
20 Does the council intend to undertake any for	urther publicity or	community liaison?
No.		

#### Criterion 7 – The plan complies with other matters IPART 3.7 considers relevant

21 Is there anything else you wish to explain that may help or speed up our assessment?

n/a

22 Is there any other information relating to the development of the precinct/development area or the contributions plan (such as VPAs) to inform us about?

n/a

#### 4 **Quality assurance**

We also request that council undertake a quality assurance (QA) check for the contributions plan before it is submitted to IPART for review. The QA check is to address any errors or inconsistencies between the contributions plan and relevant supporting information.

Has the contributions plan been checked for	
Typographical errors?	Yes 🗌
Calculation errors? This includes checking infrastructure and land cost calculations.	Yes 🗌
Outdated information and revisions?	Yes 🗌
23 Please provide details of the quality assurance process contributions plan prior to submitting it to IPART for review.	
Normal Council QA Process involving the review of wor	rk by 3-5 senior staf
members.	

# 5 Attachment checklist

Please complete the attachment checklist to ensure that all information and attachments are included with the application.

Checklist	Attached
Version of contributions plan incorporating any post-exhibition changes	Yes 🗌
	<u>=</u>
Version of contributions plan exhibited	Yes 🗌
http://www.thehills.nsw.gov.au/SPContent.aspx?PageID=23&ItemID=133 &count=1#.U-giXvmSwy4	
Copy of all submissions to the contributions plan	Yes 🗌
Attached Council Report	
Summary of submissions and council's response	Yes 🗌
Attached Council Report	
Works schedules (preferably in Excel format)	Yes 🗌
Maps:	
▼ Final Indicative Layout Plan	Yes 🗌
http://growthcentres.planning.nsw.gov.au/Portals/0/docs/Box%20Hill%20g	Yes 🗌
azettal/BoxHill_ILP_FINAL.pdf	Yes 🗌
▼ Zoning maps	Yes $\square$
http://www.legislation.nsw.gov.au/viewtop/inforce/epi+418+2006+cd+0+N/	_
?autoquery=%28Content%3D%28%28%22sydney%22%20AND%20%22	
growth%22%20AND%20%22centres%22%20AND%20%22region%22%2	
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i%22%20and%20Repealed%3D%22N%22%29%29%20AND%20%28%2	
2Historical%20Document%22%3D%220%22%29&dq=Document%20Types%3D%22%3Cspan%20class%3D%22dq%22%3EActs%3C%2Fspan%	
3E,%20%3Cspan%20class%3D%22dq%22%3ERegs%3C%2Fspan%3E,	
%20%3Cspan%20class%3D%22dq%22%3EEPIs%3C%2Fspan%3E%22,	
%20All%20Words%3D%22%3Cspan%20class%3D%22dg%22%3Esydne	
y%20growth%20centres%20region%3C%2Fspan%3E%22,%20Search%2	
0ln%3D%22%3Cspan%20class%3D%22dq%22%3EText%3C%2Fspan%	
3E%22&fullquery=%28%28%28%22sydney%22%20AND%20%22growth	
%22%20AND%20%22centres%22%20AND%20%22region%22%29%29	

#### Land acquisition maps

%29

http://www.legislation.nsw.gov.au/viewtop/inforce/epi+418+2006+cd+0+N/ ?autoquery=%28Content%3D%28%28%22sydney%22%20AND%20%22 growth%22%20AND%20%22centres%22%20AND%20%22region%22%2 9%29%29%20AND%20%28%28Type%3D%22act%22%20AND%20Repe aled%3D%22N%22%29%20OR%20%28Type%3D%22subordleg%22%2 0AND%20Repealed%3D%22N%22%29%20OR%20%28Type%3D%22ep i%22%20and%20Repealed%3D%22N%22%29%29%20AND%20%28%2 2Historical%20Document%22%3D%220%22%29&dq=Document%20Typ es%3D%22%3Cspan%20class%3D%22dq%22%3EActs%3C%2Fspan% 3E,%20%3Cspan%20class%3D%22dq%22%3ERegs%3C%2Fspan%3E, %20%3Cspan%20class%3D%22dq%22%3EEPIs%3C%2Fspan%3E%22, %20All%20Words%3D%22%3Cspan%20class%3D%22dq%22%3Esydne y%20growth%20centres%20region%3C%2Fspan%3E%22,%20Search%2 0In%3D%22%3Cspan%20class%3D%22dq%22%3EText%3C%2Fspan% 3E%22&fullquery=%28%28%28%22sydney%22%20AND%20%22growth %22%20AND%20%22centres%22%20AND%20%22region%22%29%29

#### %29

 Contribution catchment maps Page 49 of Contributions Plan Breakdown of maximum residential rate by infrastructure category n/a Not Applicable – the Levy is calculated based on Net Developable Area Yes  $\square$ NPV model (if applicable) Expected residential densities and yields table (this may contain a Yes □ breakdown of development types and areas, dwelling yields, occupancy rates, population) Pages 16-25 of Contributions Plan Supporting studies: Yes For stormwater management (eg, Flooding and Water Cycle Management report) http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestG Yes 🗌 rowthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx Yes □ Transport infrastructure (eg, Traffic and Transport Assessment report) http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestG Yes rowthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx Yes 🗌 ▼ Open space and recreational facilities (eg, Demographic and Social Infrastructure report) http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestG rowthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx Community facilities (eg, Demographic and Social Infrastructure report) http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestG rowthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx Other studies (eg, Post-Exhibition Planning Report) Council Report and http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestG rowthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx Yes □ Other studies prepared during the precinct planning stage http://growthcentres.planning.nsw.gov.au/TheGrowthCentres/NorthWestG rowthCentre/BoxHillBoxHillIndustrial/PrecinctPlanningDocuments.aspx VPAs (if relevant) n/a Yes 🗌 Schedule of land acquisitions In Works Schedule Spreadsheet Yes 🗌 Land valuation report