

ORD04

ORD04

**SUBJECT: PRE-PUBLIC EXHIBITION - COBBITTY PLANNING AGREEMENT**  
**FROM:** Director Growth and Finance  
**EDMS #:** 24/136592

---

### PURPOSE OF REPORT

The purpose of this report is to inform Council of the draft Cobbitty Planning Agreement offered by Mirvac for land at 499-593 Cobbitty Road, Cobbitty and to recommend that it be endorsed for public exhibition.

### BACKGROUND

In July 2023, the Developer (Mircvac), issued a Letter of Offer (**Attachment 1**) to enter into a Voluntary Planning Agreement (VPA) with Council. The Offer delivers all the local infrastructure required in the associated Indicative Layout Plan (ILP) and is valued at approximately \$61 million including works, land dedications and monetary contributions.

In August 2023, Council's Development Contributions Management Committee (DCMC) gave in principle approval for formal negotiations of the VPA to commence.

The draft VPA has been prepared by Council's solicitors and provided as **Attachment 2** to this report. The Letter of Offer and draft VPA were reported to the DCMC in March 2024 and was endorsed to be reported to Council seeking approval to publicly exhibit the draft planning agreement.

### MAIN REPORT

#### **Provision of infrastructure**

The draft VPA has been based on the Letter of Offer which reflects the required infrastructure under the draft ILP. The proposed infrastructure can be seen in Schedule 1 of **Attachment 2** and is summarised below:

- Local passive parks, land dedication and works;
- Road works, bridge works, shared paths and land dedication;
- Riparian corridor land dedication and works;
- Stormwater drainage land dedication and works;
- Monetary contribution towards community facility; and
- Monetary contribution towards active open space (part of negotiation not contained in the original offer).

The extent of works and land dedication and land (grey lot boundaries) covered by the VPA can be seen below in **Figure 1**.

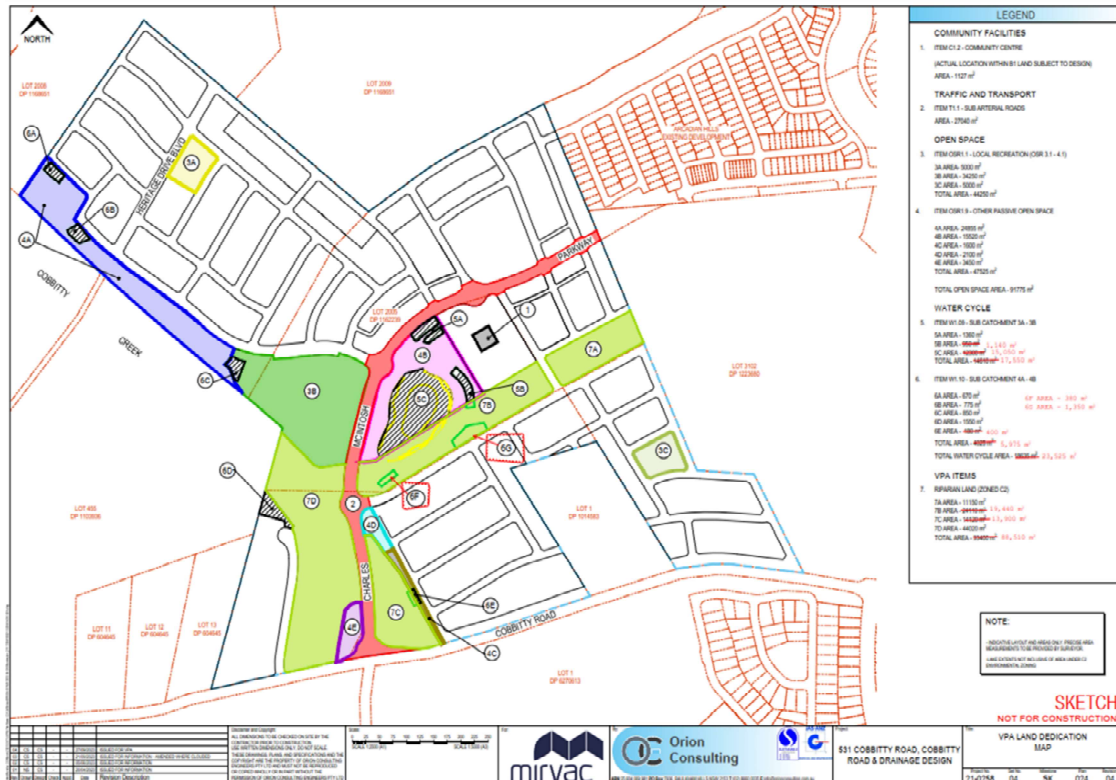


Figure 1 – Infrastructure and land covered in the Mirvac Offer.

The Offer was reported to the DCMC in August 2023 to which the DCMC gave in-principle support subject to the following points being part of the negotiation:

- That the valuation of the land for dedication takes into consideration encumbrances to the site and is consistent with the quantity of works provided;
- Include a monetary contribution for active open space that is not being provided within the development, to meet the demand of the development;
- Additional open space embellishment is provided to improve the quality of open space, potentially in the form of:
  - Improved embellishment of the village green;
  - Clear detail of embellishment of passive open space.
- Reiterating that Council's policy generally does not recognise surplus credits in a Planning Agreement.

The negotiated outcome, which is reflected in the final draft VPA provided as **Attachment 2** to this report, has addressed the above requirements of the DCMC in the following ways:

# ORD04

- Land has been revalued to reflect the existing encumbrances;
- A monetary contribution of \$1.7 million has been offered;
- Approximately \$188,000 of that \$1.7 million has been transferred to the Village Green to fund outdoor gym equipment and the balance will be paid in cash; and
- Mirvac is no longer pursuing payment of their perceived surplus.

The purpose of this report is to seek Council's endorsement for the draft VPA to be placed on public exhibition.

## Value of draft VPA

The total value of the draft VPA is **\$61,022,102**. This equates to **\$64,369.30** per dwelling for 948 dwellings. The value of the draft VPA is summarised in **Table 1** below.

**Table 1** – Summary of draft VPA value

<i>Infrastructure</i>	<i>Total</i>
Land dedication	\$36,749,175
Carrying out of works	\$20,382,143
Monetary contributions for community centre and active sports	\$3,890,784
<b>TOTAL</b>	<b>\$61,022,102</b>

## Development Lot Threshold

The development lot threshold for this VPA is 948 lots. If the development exceeds this threshold, under the VPA, the developer would be required to make a monetary contribution for each additional lot. The additional per lot monetary contribution is **\$30,952**, indexed at the time of payment. This amount is the per lot contribution for social infrastructure (land and works) in the VPA.

## FINANCIAL IMPLICATIONS

The total value of the draft VPA, providing the development does not yield more than 948 lots, is **\$61,022,102**.

Should the development exceed the development threshold of 948 lots then each additional lot would be charged **\$30,952 + CPI**. Money derived from the additional lot yield is not tied to any particular piece of infrastructure and is discretionary.

## CONCLUSION

The draft VPA has been prepared to enable the delivery of local infrastructure to meet the demand generated by the forecast population for the proposed precinct. The monetary value of local infrastructure is approximately \$61 million.

The draft VPA is considered supportable for the following reasons:

- The provision of infrastructure is consistent with the Indicative Layout Plan, the Letter of Offer, and additional requirements of the DCMC from its meeting in August 2023; and

- The draft VPA provides an appropriate contribution towards additional social infrastructure in the event that Mirvac exceeds the development threshold of 948 lots.

### Next steps

Should Council resolve to endorse the draft VPA, it will be placed on public exhibition as per the requirements of the *Environmental Planning and Assessment Act 1979*.

Council will then receive a further report on the results of the public exhibition.

### RECOMMENDED

#### That Council:

- endorse the draft Cobbitty Road, Cobbitty Planning Agreement to be placed on public exhibition in accordance with the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2021*; and**
- receive a further report on the outcomes of the public exhibition.**

### ATTACHMENTS

1. Cobbitty VPA Letter of Offer
2. Draft 499, 501, 585, 589, 591 and 593 Cobbitty Road, Cobbitty Planning Agreement