



**ANGEL PLACE
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Laura Locke
Director Eastern and South Districts
Department of Planning and Environment
Sydney Region East
GPO Box 39
Sydney NSW 2001

Issued by email

Dear Laura

RAMSGATE VILLAGE PLANNING PROPOSAL - 193-199 ROCKY POINT ROAD, 66-68 RAMSGATE ROAD AND 2-6 TARGO ROAD, RAMSGATE

I write on behalf of Point Gate Developments Pty Ltd (the Proponent), a Joint Venture between Australian developer Time & Place and Fabco Pty Ltd, Woolworths' in-house retail development division.

As you are aware, the Proponent has a current Planning Proposal relating to land at 193-199 Rocky Point Road, 66-68 Ramsgate Road and 2-6 Targo Road, Ramsgate (site). The Planning Proposal (PP-2021-6179) proposes to amend the *Georges River Local Environmental Plan 2021* as it related to the site. Further, a Rezoning Review request has been submitted to the Department of Planning and Environment (DPE) on 23 June 2022 seeking a review of the strategic and site-specific merits of the Planning Proposal by the Sydney South Planning Panel.

This letter forms a request for the appointment of an alternative Planning Proposal Authority (PPA), to take carriage of the Planning Proposal in circumstances where it proceeds through the Gateway determination process.

Clause 3.32(1) of the EP&A Act 1979 defines the Planning Proposal Authority (PPA) as:

3.32 Planning proposal authority

(1) For the purposes of this Division, the planning proposal authority in respect of a proposed instrument is as follows—

(a) the council for the local government area to which the proposed instrument is to apply, subject to paragraph (b),

(b) if so directed under subsection (2)—the Planning Secretary, a Sydney district or regional planning panel or any other person or body prescribed by the regulations.

Clause 3.32(2) contains provisions allowing the Minister to direct that the Planning Secretary or the Planning Panel be the PPA for the Planning Proposal in certain cases listed below (emphasis ours):

(2) The Minister may direct that the Planning Secretary (or any such panel, person or body) is the planning proposal authority for a proposed instrument in any of the following cases—

- (a) the proposed instrument relates to a matter that, in the opinion of the Minister, is of State or regional environmental planning significance or of environmental planning significance to a district under Division 3.1,*
- (b) the proposed instrument makes provision that, in the opinion of the Minister, is consequential on the making of another environmental planning instrument or is consequential on changes made to a standard instrument under section 3.20,*
- (c) the Planning Secretary, the Independent Planning Commission or a Sydney district or regional planning panel has recommended that the proposed instrument should be submitted for a determination under section 3.34 (Gateway determination) or that the proposed instrument should be made,*
- (d) the council for the local government area concerned has, in the opinion of the Minister, failed to comply with its obligations with respect to the making of the proposed instrument or has not carried out those obligations in a satisfactory manner,***
- (e) the proposed instrument is to apply to an area that is not within a local government area.*

Further, it is also noted that as per the instrument of delegation dated 30 October 2019, the Minister has delegated their functions under Section 3.32(2) of the Act to direct that a panel is the PPA where the relevant panel has recommended that the planning proposal should be submitted for a gateway determination.

It is understood that the delegation only applies if, before the panel made the recommendation, a written request was made to the Council and the Council has been given the opportunity to be the PPA.

RATIONALE FOR REQUEST

The Planning Proposal was originally submitted to Georges River Council in October 2021. The proponent and project team have engaged closely with Council officers and other stakeholders for over 2 years throughout the pre-lodgement and post-lodgement phases of the planning proposal.

The Rezoning Review request has been initiated by the Proponent as Council has failed to indicate its support for the planning proposal within 90 days of the proponent lodging the planning proposal.

As detailed in the Rezoning Review request, the planning proposal broadly aligns with the built form outcomes and development principles of the Interim Policy position and the draft Activating our Centres Policy, which were part of a policy review initiated by Council officers during the assessment of the planning proposal to support the redevelopment of Ramsgate and similar centres. While the Council Officer initiated policy review demonstrates support at the council officer level for the reactivation of Ramsgate Centre, the delay and eventual halt to the policy's progress through the Elected Council has made it clear there is opposition at the Councillor level to the planning proposal. This is reflective of the ongoing challenges strategic projects in centres are facing to gain support from Georges River's Elected Council. The broad resistance at the elected Councillor level to encourage the redevelopment of the LGA's various centres, which is required to address the significant shortfall of commercial floor space and residential dwellings within the LGA, makes it clear that Council has not carried out obligations with respect to the making of the proposed instrument in a satisfactory manner.

COUNCIL OWNED LAND

It is also noted that the Planning Proposal site includes Lot 301 in DP1142822, which is a 76.1 sqm lot that is owned by Council.

Since the lodgement of the planning proposal, the sale Lot 301 has been subject to a meeting of Council's Finance and Governance Committee meeting on 25 October 2021. A resolution was passed approving the sale of Lot 301, subject to the planning proposal.

Council resolved:

- (a) That the General Manager be authorised to negotiate the disposal of Lot 301 in DP1142822 (197R) Rocky Point Road, Ramsgate on terms as generally detailed within this report.*
- (b) That the General Manager be authorised to negotiate all terms of sale including a sale price that is consistent with the amount stated in the body of this report, sign the Contract for Sale, Transfer document, extinguishment of any easements and covenants on the land and any other documentation to effect the disposal of Lot 301 in DP1142822.*
- (c) That Council resolves to reclassify Lot 301 in DP1142822 from Community to Operational land in accordance with Section 30 and 34 of the Local Government Act 1993.*
- (d) That income from the proceeds of any disposal of Lot 301 in DP1142822 be placed in Council's Commercial Property Reserve for investment in future income generating commercial property assets.*

A conditional contract for sale of Lot 301 has been executed between the proponent and Georges River Council. Settlement is contingent upon the making of the LEP amendment via the planning proposal, successful reclassification of the land and the removal of any caveats.

The potential conflict of interest prompted Georges River Council to appoint an independent consultant planner to undertake the assessment of the planning proposal. This potential for conflict of interest will endure over the subsequent steps in the Planning Proposal process. Therefore, it is considered that Council should not be appointed as the PPA in circumstances where the Planning Proposal proceeds through the Gateway determination.

SUMMARY

For the reasons set out above, it is requested that the South Sydney Planning Panel be appointed as the PPA for the Planning Proposal.

I trust that the above information is of assistance and this request can be appropriately considered by DPE. However, should you have any further queries on this matter, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Vijay Prabhu", with a horizontal line underneath.

Vijay Prabhu
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