

21 August 2018

Department of Planning and Environment  
Sydney Region East  
320 Pitt Street  
Sydney 2000  
ATTN: Amanda Harvey

Dear Amanda,

**RE: Request for Rezoning Review – Planning Proposal over land at 119 Barton Street, Monterey**

Please find attached a request for a Rezoning Review of the Planning Proposal over land at 119 Barton Street, Monterey (the Planning Proposal), which is submitted on behalf of Monterey Equity Group Pty Ltd. The Planning Proposal includes amendments to the Rockdale Local Environmental Plan 2011 (LLEP) to;

- Rezone land from RE2 Private Recreation to R3 Medium Density Residential.
- Introduce the following development standards;
  - Maximum Floor Space Ratio (FSR) of 0.6:1;
  - Maximum height of building of 8.5m; and,
  - Minimum lot size of 450m<sup>2</sup>.

The original Planning Proposal was submitted to Bayside City Council (Council) in August 2017. The progression of the Planning Proposal to Gateway was not supported by Council at its 11 July 2018 meeting. The voting of the individual Councillors is outlined below;

Joe Awada (Deputy Mayor) – Against  
Liz Barlow – Against  
Ron Bezic – Absent  
Christian Curry – Against  
Scott Mirsey – Against  
Paul Sedrak – Against  
Ed McDougall – Against  
James MacDonald – For

Vicki Poulos – Against  
Tarek Ibrahim – Against  
Michael Nagi – Against  
Dorothy Rapisardi – Against  
Bill Saravinovski – Against  
Andrew Tsounis – For  
Petros Kalligas – Absent

Council's decision to not support the progression of the Planning Proposal to Gateway conflicts with;

- Council officers' report to the Agenda of the 1 May 2018 Bayside Planning Panel Meeting;
- The recommendation made by the Bayside Planning Panel on 1 May 2018;
- Council officers' report to the Agenda of the 13 June 2018 Council Meeting; and,
- Council officers' report to the Agenda of the 11 July 2018 Council Meeting.

The attached Rezoning Review Report demonstrates the merit of the Planning Proposal commensurate with the findings of the abovementioned Council Officer Reports and findings of the Bayside Planning Panel. Given Council did not support the progression of the Planning Proposal despite the recommendation of the Council Officers and the Bayside Planning Panel, the Applicant requests that the Sydney Eastern City Planning Panel be

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appointed as the Relevant Planning Authority to ensure that the Planning Proposal is considered on its merit without bias (actual or perceived) and is efficiently and effectively progressed.

It is noted that both Councillor Michael Nagi and Councillor Ed McDougall are the appointed Bayside Council representatives for the Sydney East Planning Panel.

In the Department of Planning and Environment's (the Department) Rezoning Reviews report (August 2016), the Department outlines that any conflict of interest or apprehension of bias should be avoided:

*"Councillor representatives who participated in the initial Council determination of a Planning Proposal request should not be able to participate as Planning Panel representatives for a Rezoning Review request that relates to the same matter".*

The above is also identified as a "Conflict of duties" within the Code of Conduct for Planning Panels issued by the Department.

Considering the potential or perceived conflict of interest, the Applicant also requests that alternative replacement Council representatives be appointed to consider the attached Rezoning Review.

Should you have any questions while reviewing the above attached documentation, please do not hesitate to contact me at [kbartlett@mecone.com.au](mailto:kbartlett@mecone.com.au) or 8667 8668 for further clarification as required.

Regards,



Kate Bartlett

Director

