

Panel Members

Chairperson	Jason Perica
Panel Experts	David Crofts Stephen Kerr
Community Representative/s	Jerome Favand

Central Coast Council Staff Attendance

Cecilia Rose	External Solicitor – Wilshire Webb
James Lenton	Senior Solicitor Legal
Louise Rampling	Unit Manager Governance Risk and Legal
Karen Unsted	Civic Support Officer

The Chairperson, Jason Perica declared the meeting open at 12:01pm and advised in accordance with the Code of Meeting Practice that the meeting was being recorded.

Apologies/Conflicts

The Panel noted that no apologies had been received.
No Panel members declared a conflict of interest.

CONFIDENTIAL ITEM

- 1.1 **Land and Environment Court Proceedings Class 1 - Central Coast Council at The Residents Development Pty Ltd - Case 2024/0043453 - DA/1722/2023 - 19 & 21 Painters Lane & 10 Barnhill Road Terrigal.**

Site Inspected No, other than by electronic means.

- Panel Decision**
- 1 That the Local Planning Panel note the receipt of a Class 1 appeal in the Land and Environment Court of the deemed refusal of Development Application DA/1722/2023.**
 - 2 The Local Planning Panel notes the Statement of Facts and Contentions (SOFAC), and that the Council will be represented by experts in both planning and traffic/access, which is appropriate.**
 - 3 The Panel shares the view that the development application should not be approved. In addition to concerns raised, the Panel notes that the site has a battle-axe arrangement and existing or proposed access arrangements immediately adjoin several neighbours. The effect of this is for the site to have both a proximate and sensitive relationship with many neighbours. It also means the site essentially borrows all its amenity from neighbouring properties, rather than adjoining public land. This warrants a sensitive design solution. The proposal does not achieve this. As well as issues in the SOFAC, there is very limited landscaping, and very large balcony spaces which magnify impacts. Further, the proposal is considered to be inconsistent with the desired future character of the area.**
 - 4 In accordance with section 2.20(8) of the Environmental Planning and Assessment Act 1979, the Local Planning Panel delegate to appropriate Council officers the ability to give legal instruction to Council's external legal counsel at any upcoming proceedings relating to the appeal, including any conciliation conference in accordance with section 34 of the Land and Environment Court Act 1979.**
 - 5 The delegation given above is on the understanding the proposal leads to a contested hearing. In the event of amended plans and information leading to a likely agreement, the Panel requests a further briefing prior to such agreement.**

Reasons Given the terms of the decision above, the reasons are implicit in the terms above.

Votes The decision was unanimous