

190838 AC/LF
19th May 2026

Central Coast Council
2 Hely Street
WYONG NSW 2259

Attention: Antonia Stuart

Dear Antonia,

RE: DA/1264/2024, DA/947/2024 & DA/1389/2024

ADW Johnson continue to act for Wamberal Protection Association Inc and Chris Rogers (WPA), and refer to the Council letter dated May 18th 2026.

We are instructed that WPA objects to the three DA's being referred for determination at this time.

As Council are aware, WPA have since February of this year been requesting additional information from the Planning Panel which was necessary to amend the DAs and comply with the requirements of the Records of Deferral. WPA has also requested on numerous occasions for revision of the timetable provided under the Records of Deferral. No substantive response has been provided to these requests and the requests remain outstanding. Council have been copied in or forwarded all such requests and would therefore be well aware of these requests and the significance of them.

Without the provision of the requested information, WPA has nevertheless sought to comply to the extent possible with the Records of Deferral for these DAs. However, WPA maintains that it has so far been denied procedural fairness in connection with these DAs because it has not been provided with the requested information and a fair opportunity to respond.

It is incumbent on the Council to take action now to ensure WPA is provided procedural fairness before it refers the DAs for determination. Council is performing a statutory function under the *Environmental Planning and Assessment Act 1979* (NSW) in assessing these DAs. In doing that, WPA says that the Council owes a duty of care to WPA and a duty to be fair and provide natural justice. The provision of the information is a part of the obligations of natural justice. WPA calls on Council to obtain the information from Prof Thom and provide it as requested. We refer you to the recording of what Prof Thom said at the hearing on 4 February, 2026. Prof Thom clearly said that other information had been gathered and this is the information which we are seeking, WPA is reserving all its rights in the event that you issue an adverse Assessment before there has been compliance with these obligations of natural justice. WPA suggests that you take your own legal advice about these matters and the issues raised in the letters sent by KWM on 18 and 26 February, 1 March and 12 May, 2026. Please do not ignore these matters.

The Council's rejection of the amendment to the DAs is unreasonable and objectionable given that:

1. the Records of Deferral called for the DAs to be amended having regard to landowners' consent issues and the requested amendments deal with this subject;
2. Council has erred in saying that not all owners' consents have been received, given that all landowner consents have in fact been provided for DA/1264/2024 which is a separate application from the other two (see attached consent for 13 Calais Road, which was provided previously by ADWJ on 18 March 2026); and

3. Council has indicated that it intends to provide a further update on land transfer relevant to these DAs to the Panel, but this is information that WPA is entitled to know as a matter of procedural fairness as it is directly relevant to the DAs and updates to technical assessments.

It is in this context that WPA continues to reserve its rights and call upon the Council to provide the information previously requested and a fair opportunity to respond. This should include a substantive response to the matters raised by the latest correspondence from ADWJ and Mallesons, including this email and the correspondence on 12 May, 2026 from each of KWM and ADWJ. WPA are concerned that Council is failing in its duty of care in seeking to assess the applications and have them determined while the applicant is repeatedly being denied the opportunity to view and respond to information which the Panel and/or the Council has.

WPA and the Applicant are reserving all their legal rights in relation to the conduct of the Panel and the Council.

Please contact the undersigned if you require any further information on this matter.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Adam Crampton'.

Adam Crampton
Planning Manager
ADW Johnson

Attachment 1

Application Number

Date Received

Receipt Number

Central
Coast
Council

Part B – Application Detail and Owner(s) Consent

This form must be completed and signed by all owners of the land on which the application for development is proposed. This document must accompany all development-related applications and must be submitted in printed format and also included as a separate document on a USB flash drive (preferred) or a CD or DVD containing all application-related documentation in PDF format unless the application is submitted via the Online Lodgement service. Refer to Council's website for further details in relation to Electronic Lodgement Requirements.

- 1. APPLICATION TYPE APPLIED FOR** - Applications lodged without the required information will be returned or refused. Submission of all required information at lodgement will ensure your application can be processed in a timely manner.

☒ Development Application (DA) ☐ Construction Certificate (CC) ☐ Complying Development (CDC)
☐ Section 4.55 Modify Consent ☐ Section 68 Approval ☐ Other

- 2. PROPERTY DETAILS** - Specify all properties subject to this application.
A street address and lot and deposited plan number is required. RMB is not acceptable as the property location.

Unit/Shop/Street No.	Street Name	Suburb
13	Calais Road	WAMBERAL
Lot No.	Section	DP / SP No.
		SP54686

- 3. APPLICANT DETAILS** - Only a single contact can be nominated as applicant.

Full Name	Chris Rogers		
Company Name	Wamberal Protection Ass. Inc.	Position Title	President
Address Details	C/- AYLWARD & HUDSON, NORTH LOOP ROAD, OURIMBAH UNIVERSITY		
	OURIMBAH	NSW	2258
Telephone (Mobile)	0416 809 819	Business	Private
Postal Address (if different from above)	PO BOX 106, OURIMBAH NSW 2258		
Email Address (will be used for all correspondence)	crogers@113east.com		

4. PAYMENT DETAILS

Fee payment will be made by:

- ☒ Applicant
☐ Other (Provide details below)

Name

WAMBERAL PROTECTION P/L

Phone Contact

0416 809 819

Email

crogers@113east.com

5. PRIVACY & PERSONAL INFORMATION

Information on this form is collected by Council for administrative and assessment purposes. It will be used by Council staff and other government agencies for the purpose of assessing the application. This application form and any supporting documents you provide are available for public access under the *Government Information (Public Access) Act 2009* and/or *Environmental Planning and Assessment Act 1979*. This may include publication on the website. To protect the applicant and the owner(s) privacy, personal details are recorded only on the Part B - Application Detail and Owner(s) Consent form which is not published on the website.

Political Donations and Gifts Disclosure Statement forms will be kept in a public register held at Council's Administration Buildings and may also be available on Council's website.

6. DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

Changes to the Local Government and Planning Legislation Amendment (Political Donations) Bill 2008 amended the Environmental and Planning Assessment Act 1979 in the following way:

- Any person making a planning application or submission is required to disclose "reportable political donations" ¹ and gifts made to any local councillor (or council staff member) within two (2) years of making of the application or submission. Failure to do so constitutes an offence of 100 units, or \$11,000.
- The disclosure is to accompany an application or submission, or if the donation or gift is made following the submission or application, then within seven (7) days of the donation or gift.
- Details in this disclosure are predefined, and include the details of who is to receive the benefit, the details of the donor, as well as donation amount or gift value being donated.

¹ Reportable political donations include those of or above the value of \$1000 within the meaning of Part 6 of the *Election Funding and Disclosure Act 1981* that is required to be disclosed under that Part.

Are you aware of any person with a financial interest in the application who has made a donation or gift in the last two years? ☒ No ☐ Yes - Submit a 'Disclosure of Political Donations & Gifts' form which can be downloaded from Council's website.

7. OWNER(S) CONSENT - All registered owner(s) must sign

As owner(s) of the land, I/we give consent to the making of the application and authorise the applicant named to act on the owner's behalf in relation to the application.

I/we give consent to authorised officers to enter land to carry out inspection relating to the application.

Owner 1

Owner's Name

Signed Under Section 273 of the Strata Schemes Management Act 2015

Company Name

Strata Plan 54686

Position Title

Owners Corporation

I confirm I have read the section above on Disclosure of Political Donations and Gifts.

Signature

Micah Hewson

Date 11 / 03 / 2026

Owner 2

Owner's Name

Company Name

Position Title

I confirm I have read the section above on Disclosure of Political Donations and Gifts.

Signature

Date / /



8. APPLICANT'S DECLARATION

I, the Applicant, declare that the details provided to Central Coast Council are, to the best of my knowledge, true and correct.

I declare that the USB/CD/DVD accompanying this application contains all documents (including the application form and plans) required to be lodged with this application. This is supplied in accordance with Council's Electronic Lodgement requirements.

I confirm I have read the section above on Disclosure of Political Donations and Gifts.

Signature

Date / /