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18 March 2026

To: Ms Alison McCabe
Chair
Hunter & Central Coast Regional Planning Panel
enquiry@planningpanels.nsw.gov.au

CC: Luke Nicholls
Director, Environment and Planning
Central Coast Council
ask@centralcoast.nsw.gov.au

DA/947/2024, DA/1264/2024, DA/1389/2024 – Coastal Protection Works

Dear Chair

I refer to the abovementioned development applications (**DAs**) and to the three separate Records of Deferral dated February 18th 2026 which each reflect the results of the February 4th Hunter & Central Coast Regional Planning Panel meeting.

The primary matters which WPA and Chris Rogers (**WPA**) are required to respond to by March 18th are:

1. *Confirmation in writing within four (4) weeks as to whether or not the applicant will amend the application addressing the points at (i) to (iii).*
2. *Confirmation in writing within four (4) weeks of what sites have landowners' consent.*

This correspondence addresses each of these requirements and also sets out certain current issues in respect of the further steps within the Record of Deferral.

In response to item 1 above, WPA confirm that they intend to amend the DAs addressing “*the points at (i) to (iii)*”, including responding to the Worley reports; the matters arising from the records of private briefings held by the Panel; and the material which the Panel has gathered itself and is assessing as part of the consideration of these DAs, as part of WPA’s further response to the Council’s RFIs. It is noted that these amendments and materials are currently required to be submitted by the 13th of May, being twelve (12) weeks from the Records of Deferral. This timing is further discussed below.

In response to item 2 above, WPA confirms that all sites have landowners' consent, except as otherwise provided in Annexure A to this letter. Annexure A lists each property identified by Council in its assessment reports as having owners consent that was "incomplete or contains and [sic] error" or "missing". A comment is provided next to each such property clarifying the current position on owner's consent for the property. Where an updated form has been obtained, this will be separately uploaded to the Portal. The Panel will appreciate the difficulties involved in coordinating such a large number of private landowners for these important DAs.

With regard to the identified "State land" properties identified in Annexure A, the Office of Strategic Lands has not yet confirmed its position on landowners consent. That said, we note that each of these lots are currently proposed to be transferred into the ownership of Central Coast Council who is a consenting landowner with respect to the DAs. The Central Coast Council is currently consulting on the Central Coast Open Coast Coastal Management Program – Draft (**Draft CMP**) which expressly contemplates the *"transfer of NSW Government owned lots at Ocean View Drive Wamberal into Council Ownership... to assist in the management of a whole embayment solution"* for Wamberal Beach. The Draft CMP describes this as a "high" priority item to be completed in a "short" timeframe. It is therefore anticipated that landowner consent for these lots may be received in a short timeframe as a high priority for Council, subject to the developments outlined in more detail below. This has real implications for these DAs both in terms of landowner consent and the progression of technical assessments.

WPA fully appreciates that the DAs will need to be amended to exclude all properties where owners consent is not provided and that all required landowner consents must be provided before determination of the DAs. WPA again confirms that it will amend the DAs to exclude all land where owners consent is not confirmed. Nothing that is said in this correspondence on the subject of landowners consent changes WPA's response to item 1 set out above. WPA will amend the DAs to exclude land where no owners consent has been received and provide supporting evidence as directed and subject to the Panel's requirements.

Disclosure by the Panel of Relevant Material

WPA are mindful of the May 13th deadline for the submission of further detailed responses to the matters raised in the Records of Deferral, and wishes to be able to fully address all areas raised or under consideration by the Panel. Of significant concern, however, is the lack of any response from the Panel to several requests for additional information which we consider necessary to inform our reply. WPA's legal representatives, King & Wood Mallesons (KWM) have written to the Panel Secretariat on several occasions requesting copies of various material including most recently on 18 February, 2026 and 26 February, 2026 asking for:

- A copy of the Worley Report dated November 13th 2025.
- A record of the January 28th briefing to the Panel by Worley and Council.
- The “expert material” to which Prof Thom referred in the February 4th Panel meeting which Prof Thom indicated he was considering and evaluating.

To date, no response has been received to the letters from KWM. None of this material has been provided. It should not be necessary for WPA to have to go to Court to obtain copies of this material. However, WPA is prepared to take this step if necessary. A formal access application under the *Government Information (Public Access Act) 2009* (NSW) has been issued to the Council in a further attempt to obtain the Worley report of 13 November, 2025. It is difficult to understand the ongoing refusal to provide this version of the Worley report which is referred to in the Council's assessment reports for these DAs issued by the Council in November 2025. The formal decision in respect of the access application is not required until 9 April 2026.

The delay by the Panel and the Council in providing this material affects the timing of the responses to be prepared and submitted by the WPA. KWM has already indicated in its letter of 26 February 2026 that the WPA requests at least 12 weeks from the provision of the material which it has requested to allow preparation of the technical assessments in response. This is consistent with the 12 weeks permitted by the Panel in its Records of Deferral - but with time running from when the WPA has all the material to which it will respond, including the material on which Professor Thom has indicated he is considering and evaluating and the additional material provided to the Panel by Worley in the private briefing.

New developments since Panel meeting on 4 February, 2026.

While WPA is mindful of the time pressures associated with the assessment of any DA, we feel it is relevant to highlight other issues around timing. WPA is seeking approval of these DAs and is now being asked to invest significant additional funds in the preparation of additional replies. In normal circumstances this would not be considered as noteworthy. The situation for these DAs however is not considered “normal” as there have been significant developments since the last Panel meeting on 4 February 2026.

Firstly, as far as we know, Central Coast Council has still not confirmed its strategic policy position and direction to WPA or the Panel, despite repeated requests from the Panel in connection with these DAs (see for example the Panel's Record of Briefing dated 8 July 2025 and 28 January 2026).

To further complicate matters, on 2 March, 2026, the Council released its new Draft CMP for consultation. The Draft CMP is directly relevant to Wamberal Beach and, according to the Council's own website, is proposed to be issued for certification by the Minister **in May 2026**. The Draft CMP expressly contemplates:

- The need for permanent coastal protection works at Wamberal Beach (eg a rock revetment).
- Review and amendment of the Wamberal Beach EDR's, being the Council's policy document upon which the DAs are based;
- Transfer of NSW Government owned lots at Ocean View Drive Wamberal into Council ownership which is directly relevant to the issue of landowners consent for the DAs;
- Sand nourishment at Wamberal Beach which is of direct relevance to the updated technical assessments for the DAs;
- The real risk from coastal hazards at Wamberal Beach including to public roads such as Ocean View Drive; and
- A new proposal for Wamberal involving sand nourishment underpinned by a rock revetment or hybrid rock revetment coastal protection works which is to be continuous and the key strategy for this area. Concept designs for this new type of structure are included in the Draft CMP and detailed design work is ongoing.

These are obviously potentially very significant developments. If this Draft CMP is certified, the Panel may be required to take its contents into account. The Draft CMP is a document when finalised that WPA may ultimately have to consider in determining its future course. Until the draft is finalised the impact of the Draft CMP is not known. Clarity is expected in May 2026.

Separately, the Council has also passed resolutions about a section 68 Ministerial authorisation under the *NSW Reconstruction Authority Act 2022* (NSW) in connection with Wamberal Beach which has been declared as a "reconstruction area" under that legislation. WPA understands from Council's staff statements at a recent committee meeting that a decision about approval for a new detailed design of the rock revetment under this legislation is also due to be made by May 2026.

These are highly unusual and rapidly evolving circumstances. A solution is desperately needed to address the highly complex, dynamic and dangerous situation at Wamberal Beach. The NSW Government and Council position is under active consideration. It is apparent that by May 2026 the Panel, the Council and the WPA may be faced with an entirely new and different legal and factual context. At this time, the impact on the DAs and their assessment cannot be determined.

These are new matters and developments since the Panel's Records of Deferral for these DAs. We submit that it is now necessary for the Panel to amend its proposed procedures in light of all of the above developments. It would be costly and inefficient for WPA to be forced to expend additional funds without knowing of the outcome of finalisation of Council's strategic policy position and that of the State Government which are due to be finalised soon. We ask the Panel to be attuned to receive an update once the formal position of the NSW Government and the Council have been finalised.

WPA asks the Panel to revise the requirements contained in the Records of Deferral to allow time for:

- 1 The Panel to gather and provide the undisclosed materials that WPA has requested via KWM;
- 2 The Council to confirm its strategic policy position and its position on landowners' consent regarding the land being transferred to it by the State;
- 3 The position of the NSW Government under the *NSW Reconstruction Authority Act 2022 (NSW)* to be known; and
- 4 WPA to have a fair opportunity to respond to the above developments as finalised and to the materials to be provided by the Panel and the Council once received.

In the context of the extraordinary developments since the Panel meeting on 4 February, 2026, these are sensible and appropriate adjustments.

We would appreciate confirmation of receipt of this correspondence, and a response to the requests contained therein as soon as possible.

I understand that KWM will separately send a letter to you requesting a response by 31 March 2026 to allow time for legal action to obtain the materials if this proves to be necessary.

Conclusion

The situation faced by all parties and the Panel is highly unusual. The NSW Government and the Council are developing a possible alternative response to the situation at Wamberal and the surrounding area and the ongoing risk to the public. It will be known in less than 2 months whether there is approval of a different plan for Wamberal which may significantly impact upon the Council's current EDRs and these DAs.

We ask the Panel to provide the outstanding materials and, whilst that is being done, await these developments at the State and Council level to be finalised and known to all parties



We would appreciate confirmation of receipt of this correspondence, and a response to the requests contained therein as soon as possible.

Yours faithfully,

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

Adam Crampton
Planning Manager
ADW Johnson

ANNEXURE A

PROPERTY IDENTIFIED IN COUNCIL ASSESSMENT REPORTS	WPA RESPONSE
TPS A	
7 Calais Road	Resolved – updated consent form will be uploaded to the Planning Portal
9 Calais Road	WPA understands that the owner may wish to participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.
13 Calais Road	Resolved – updated consent form will be uploaded to the Planning Portal
TPS B	
27 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
29 Ocean View Drive	Resolved – updated consent form will be uploaded to the Planning Portal
33 Ocean View Drive	Resolved – updated consent form will be uploaded to the Planning Portal
35 Ocean View Drive	Resolved – updated consent form will be uploaded to the Planning Portal
37 Ocean View Drive	WPA understands that the owner may wish to participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.
39 Ocean View Drive	It is currently expected that the DA will be amended to exclude this land.
43 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
47 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
49 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
51 Ocean View Drive	Resolved – updated consent forms will be

	uploaded to the Planning Portal
53 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
55 Ocean View Drive	WPA understands that the owner may wish to participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.
57 Ocean View Drive	WPA understands that the owner may wish to participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.
65 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
67 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
69 Ocean View Drive	This is State land that is proposed to be transferred to the Council who is a consenting landowner for these DAs. It is anticipated that consent will be provided once Council becomes the owner of this land as outlined in this letter. If consent is not provided, WPA will exclude this land in amending the DAs.
71 Ocean View Drive	This is State land that is proposed to be transferred to the Council who is a consenting landowner for these DAs. It is anticipated that consent will be provided once Council becomes the owner of this land as outlined in this letter. If consent is not provided, WPA will exclude this land in amending the DAs.
75 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
79 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
85 Ocean View Drive	WPA understands that the owner may wish to

	participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.
87 Ocean View Drive	WPA understands that the owner may wish to participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.
89 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
91 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
97 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
99 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
105 Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
2 Surfers Road	Resolved – updated consent forms will be uploaded to the Planning Portal
4 Surfers Road	Resolved – updated consent forms will be uploaded to the Planning Portal
TPS C	
3 Pacific Street	WPA understands that the owner may wish to participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.
17 Pacific Street	It is currently expected that the DA will be amended to exclude this land.
21 Pacific Street	Resolved – updated consent forms will be uploaded to the Planning Portal
23A Pacific Street	WPA understands that the owner may wish to participate, but the owner has not yet provided a properly completed consent form. If written consent is not provided, WPA will exclude this land in amending the DAs.

25 Pacific Street	Resolved – updated consent forms will be uploaded to the Planning Portal
29 Pacific Street	WPA does not understand why Council has raised an issue with this consent. The sole director and company secretary has provided consent on behalf of the corporation who Council says is the owner of the land.
33 Pacific Street	Resolved – updated consent forms will be uploaded to the Planning Portal
23B Ocean View Drive	Resolved – updated consent forms will be uploaded to the Planning Portal
25,25A & 25B Ocean View Drive	This is State land that is proposed to be transferred to the Council who is a consenting landowner for these DAs. It is anticipated that consent will be provided once Council becomes the owner of this land as outlined in this letter. If consent is not provided, WPA will exclude this land in amending the DAs.