

RECORD OF DEFERRAL

HUNTER & CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DEFERRAL	18 February 2026
DATE OF PANEL BRIEFING	4 February 2026
PANEL MEMBERS	Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones
APOLOGIES	None
DECLARATIONS OF INTEREST	Rachel Stanton – Reasonably perceived conflict of interest determined by chair as these are council interest DAs Doug Eaton – Reasonably perceived conflict of interest determined by chair as these are council interest DAs

Papers circulated electronically on 30 November 2025.

MATTER DEFERRED

PPSHCC-311 - Central Coast - DA/1264/2024 - 3-17 Calais Road, Wamberal, Remembrance Drive (Wamberal Beach), Council Land and Road Reserve - Coastal Protection Works (Seawall Section A) (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings and/or observed at the site inspection listed at item 8 in Schedule 1.

This development application for coastal protection works (Section A PPSHCC-311) is one (1) of three (3) interrelated applications for coastal protection works along Wamberal Beach, located between the southern end of Pacific Street and Dover Street in the north. While separate development applications, the Panel is considering these applications collectively. The three (3) development applications are:

- PPSHCC-311 – Central Coast – DA/1264/2024 – Section A – 3-17 Calais Road, Wamberal Beach and Beach Public Access Point (1)
- PPSHCC-308 – Central Coast – DA/947/2024 – Section B – 27-105 Ocean View Drive and 2-4 Surfers Road, Wamberal Beach and Beach Public Access Point (3)
- PPSHCC-318 – Central Coast – DA/1389/2024 – Section C – 3-33 Pacific Street and 23A-25 Ocean View Drive, Wamberal Beach and Beach Public Access Point (1)

These applications have been under assessment for some eighteen (18) months. It is understood that they were all subject to extensive pre-DA advice before being formally lodged.

The Panel has had the benefit of a detailed briefing from Council and the applicant and has undertaken a site visit. The applications have attracted significant public interest and those persons who wished to address the Panel have been given the opportunity for verbal submissions at the Public Meeting held on 4 February 2026. The Council assessment report on this matter has been publically available since 21 November 2025.

The Panel recognises the complexity of this application and the associated applications and the challenges of coordinating a diverse group of landowners for purposes of design, construction and maintenance of coastal protection works.

The Panel also recognises the damaging impacts coastal processes have had, and are continuing to have as a result of extreme storm events, on public and private land along Wamberal Beach. Furthermore, it understands that the area has been subject to numerous studies and proposals for coastal protection works over many years.

These studies have consistently pointed to the need for a solution to the impact of coastal processes that embrace both private lands and adjoining publicly owned lands. It is apparent that any solution needs an integrated government and private landowner approach which appropriately balances public and private interests.

The Panel's role is to consider the development applications before it, not alternate schemes that are not the subject of the application. This is done under the framework of the *Environmental Planning & Assessment Act 1979* and includes consideration under the provisions of section 27 of the *Coastal Management Act 2016* and SEPP (Resilience and Hazards) 2021.

The Panel considered the late correspondence dated 29 January 2026 received from the applicant. In short, this requested that the matter be deferred for a range of reasons including access to the independent Worley Consulting report dated 18 November 2025 (third report). The Panel understands that this report has now been uploaded to the Planning Portal and is available.

The applicant had responded to the initial and Detailed Request for Further Information on 23 October 2025. Given statements in the letter dated 29 January 2026 and the October 2025 response, it is not clear to what extent the applicant's specialist engineering consultants/peer reviewers contributed to the response to Council's requests for further information and clarification.

The Panel notes that there is no current adopted and certified Coastal Management Program (CMP) under the *Coastal Management Act 2016* and the previous Gosford Beaches Coastal Zone Management Plan prepared under the former *Coastal Protection Act 1979* lapsed on 31 December 2023.

The Council has prepared and exhibited a new draft Coastal Management Program and it is understood that an updated final draft CMP will be considered by Council in February 2026. The proposed strategic framework for the management of Wamberal Beach may be found in this document.

The Panel notes the applicant's reliance on the Wamberal Beach Terminal Protection Structure Engineering Design Requirements 2022 (EDR), which were prepared by MHL on behalf of Central Coast Council.

The Requirements are a matter for consideration in the overall assessment of the application as the Panel understands these were adopted "to provide guidance and parameters for developers, professional engineering designers, and Council in the preparation of development applications for coastal protection works at Wamberal Beach".

The Requirements make it clear that while development applications are to demonstrate the application of the Requirements, they must also be consistent with the full land use and coastal planning framework applying to the Central Coast. It was also noted that appropriate protection against coastal erosion hazards requires consideration of detailed design implications to ensure structural stability and safety, the need to achieve informed coordination of various interested parties, and to enhance environmental and public amenity outcomes.

The Requirements are not included in any Development Control Plan or in Council's Strategic Planning documents.

It is also noted that the current draft version of the CMP (available on Council's website) is indicating the Requirements are to be reviewed, "so that they may be referred to in future revisions of Council's Coastal Development Control Plan" (Action WB01).

The Panel gives limited weight to these EDRs and considers that they are a starting point for detailed design development, which ensures full integration of all requirements of the relevant land use planning and coastal legislation and policy framework.

In the Panel's deliberation of this matter, it is clear that there are some fundamental differences between the applicant's approach to the applications and the Council assessment. This is evident in the matters identified in the Request for Further Information (RFI) and the independent assessment undertaken by Worley Consulting.

It is the Panel's view that the applications, as they currently stand, could not be supported.

There are fundamental matters that have been on notice for some time that have not been satisfactorily addressed. The most obvious is landowner's consent to a number of properties where the application proposes protection works. The application cannot proceed without the relevant consents.

In addition, there is a need for more detail and analysis, as outlined in the RFI, specifically in regard to:

- Structural design of the wall
- Geotechnical investigation
- Impacts on the lagoon hydraulics
- Visual impact
- Construction methodology and management, including scheduling and impact mitigation measures if the whole of embayment protection works are constructed in separate sections and/or at separate times
- Sand nourishment timing, sources, arrangements and funding responsibilities
- Ongoing management and maintenance over the life of works
- Impacts on public access and safety, including after storm erosion and during any maintenance/restoration works

Structural/Geotechnical

The wall requires a structural engineering design in the context of a dynamic coastal system embracing the beach fluctuation zone. One (1) typical section does not provide sufficient information given variability in surface and subsurface conditions.

A more detailed geotechnical analysis is required to inform the stability of the entire structure, which will then inform constructability and ongoing maintenance and management over the life of the structure.

Current advice is that the cantilever design with no tie backs, as proposed, could be seen as experimental, and that there are no examples of this type of structure in areas which experience such extreme storm wave and rip current conditions.

The coastal processes and environmental sensitivity of the area require detailed design to be prepared for a consent authority to be satisfied of the potential impacts to coastal processes, including end effects, construction impacts, and ongoing maintenance.

Impacts on the Lagoon

There is a lack of information of how the end effects will impact on the hydrology of the lagoons, especially over the life of the proposed coastal protection works, as sea level rises. It is noted that estuaries with restricted entrances (such as Wamberal and Terrigal Lagoons) have highly individual hydrodynamic responses to sea level rise, in terms of tidal range, tidal phase lag, maximum flow velocity and level of flood domination. The interaction of these individual estuary entrance and hydrodynamic responses to sea level rise with any potential impacts on beach and entrance stability associated with the presence of coastal protection works, needs to be more fully explored over the life of the development.

Visual Impacts

The Panel is not satisfied with the statements regarding landscape character and proposed landscaping and how they can be implemented. It is not clear what proportion of the wall will be covered by sand and for what portion of the time. Furthermore, there is concern that the footings of the wall will be exposed at more regular intervals than has been indicated because of scouring, similar to what has been experienced at Collaroy-Narrabeen in 2025.

Construction Methodology

There is a lack of information as to how the structure will be constructed, the extent of impact on public places, and how a continuous construction period will be achieved. Unlike a building on an individual block, the construction of this structure cannot occur in a piecemeal or ad hoc way — it can't stop and start.

Sand Nourishment

Key criteria 4 of the Requirements recognised that some nourishment may be necessary “both upfront and over the serviceable life of the structure”. The Applicant has taken the position that sand nourishment is not its responsibility. However, given the nature of the design there is a need to understand the potential need for sand nourishment, and how this will be managed and funded over the life of the structure.

This becomes particularly relevant given projections for sea level rise over the life of works and the likely implications of more extreme storm events as discussed in the 2025 NSW Government report on “Coastal Erosion and Inundation Assessment” (see Adapt NSW website).

For the Panel to consider the imposition of any condition, it requires sufficient information to understand what is actually being conditioned including its effect, and what responsibility the landowner has in order to maintain or enhance the beach amenity. The Panel does not accept that no sand nourishment will ever be needed as implied by the Applicant, or that sand nourishment should just be the responsibility of Central Coast Council.

The Applicant has avoided making arrangements with Council as to what it could do to ensure a beach is maintained. The Panel understands that in the current draft CMP, Council has foreshadowed the feasibility of obtaining offshore sand extraction licences for beach nourishment, but no strategy or approval and funding pathway currently exists.

Public Access and Safety

It is necessary to understand how public access to and along the beach will be maintained, over the life of the works, and how any loss of public access and safety will be mitigated. This includes design of public access ways, rationalisation of access points, and access management if the beach is in a fully eroded state, with waves breaking to and potentially over the wall.

Ongoing Management and Maintenance

The framework for ongoing management and maintenance of the structures needs to be documented and the funding mechanism identified.

Landowners Consent

A lagoon to lagoon solution, covering all properties, both private and public, is required to address the current impact of coastal processes on Wamberal Beach.

The applicant has been on notice for an extended period that the landowners' consent is required. To this end, the Panel considers that this matter needs to be resolved as a matter of urgency, so the Panel is clear on what application is being considered.

Conclusion

The Council report outlined other matters that need to be addressed.

At this stage, the Panel cannot be satisfied that the provisions of section 27 of the *Coastal Management Act 2016*, and sections 2.10, 2.11, 2.12 SEPP (Resilience and Hazards) 2021 are satisfied.

While section 27 of the *Coastal Management Act 2016* refers to the power to impose conditions — the Panel requires sufficient information to properly consider the terms and appropriateness of such conditions.

At this stage, the Panel cannot be satisfied that the proposal will not increase the risk of coastal hazards, and that the design minimises impacts on the beach, coastal processes, other properties, visual amenity or public access and safety.

Because of the complexity of the challenges in multiple ownerships, the Panel is prepared to defer the matter to allow for:

- (i) Landowners consent to be resolved.
- (ii) A comprehensive response to the Request for Further Information.
- (iii) Any amendments that arise as a result of the landowners' consent or response to Request for Further Information.

However, the Panel also notes that the applicant has had ample time to respond (over six (6) months). Landowners' consent issues have also been on notice for over a year, if not longer.

To this end, the following timeframe is to be observed:

1. Resolution of landowners' consent – 4 weeks
2. Comprehensive response to matters raised and any amended documents – 12 weeks
3. Potential renotification – 3 weeks
4. Report preparation – 4 weeks
5. Public Meeting and Panel Deliberation

The Panel will be briefed on any amended package from the applicant and Council prior to or over the exhibition period.

The applicant is to indicate within four (4) weeks if they are prepared to address the matters raised and identify what sites do not have landowners' consent.

Where the applicant chooses not to address matters, the Panel will determine the application on the current documentation — without a further public meeting.

Should the application be amended, the consideration of this will be undertaken in a further public meeting.

The Panel agreed to defer the matter to address the above matters.

The decision to defer the matter was unanimous.

ACTIONS

The Panel deferred determination of the application for:

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.
3. A formal written request to amend the application is required to be uploaded to Planning Portal by the applicant within 12 weeks and include:
 - a. Particulars sufficient to indicate the nature of the change of the development, as required under section 37 of the Environmental Planning and Assessment Regulation 2021,
 - b. Updated technical reports relied on in the amended application, and
4. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within four (4) weeks of the finalisation of any exhibition period.
5. When the updated assessment report is received the Panel will determine the application at a Public Meeting.

If the applicant indicates that they are not prepared to address the matters, the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Bruce Thom
 Pam Dean-Jones	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-311 - Central Coast - DA/1264/2024
2	PROPOSED DEVELOPMENT	Coastal Protection Works (Seawall Section A)
3	STREET ADDRESS	3-17 Calais Road, Wamberal, Remembrance Drive (Wamberal Beach), Council Land and Road Reserve
4	APPLICANT/OWNER	Mr Chris Rogers Mr Chris Rogers
5	TYPE OF REGIONAL DEVELOPMENT	Certain Coastal Protection Works
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Biodiversity and Conservation) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - Central Coast Local Environmental Plan 2022 - Draft environmental planning instruments: Nil - Development control plans: - Central Coast Development Control Plan 2022 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 20 November 2025 - Written submissions during public exhibition: 1902 - Verbal submissions at the public meeting: - Mark Lamont, Peter Blackwell, Gavin McLeod, Patrick Aiken, Rosalind Lewis-Kerr, David Rae, Tania Crafford, Kerri Rae, Sam Boughton, Phillip Hudson, Joanne Threlfo, Elanor Harrison, Roger Johnson - On behalf of the applicant – Margaret Brice, Chris Rogers, Adam Crampton - Total number of unique submissions received by way of objection: 1902
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Initial Briefing: 10 February 2025 <u>Panel members</u>: Alison McCabe (Chair), Pam Dean-Jones <u>Council assessment staff</u>: Henry Burnett, Deborah Lam, Chris Adamantidis, Antonia Stuart, Belinda Jennett, Andrew Roach, Mark Wasson, Danielle Allen, Jon Scorgie, John Noakes, Craig Glynn, Lex Nielsen, Col Downey, Jamie Loader <u>Department</u>: Leanne Harris

		• Applicant Briefing: 8 July 2025 ○ <u>Panel members</u>: Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones ○ <u>Council assessment staff</u>: Antonia Stuart, Belinda Jennett, Danielle Allen, Henry Burnett, Deborah Lam, Lex Nielsen, Martin Ball, Andrew Roach, Casey Johnston, Luke Sulkowski from 10:00 to 10:30 only to discuss strategic coastal planning matter ○ <u>Applicant representatives</u>: Chris Rogers, Margaret Brice, Lisa Kolinac, Casey Johnston, Luke Sulkowski, Ravi Segu, Adam Crampton, Darryl Carson, Jana Osvald and Ed Couriel ○ <u>Department</u>: Leanne Harris, Holly McCann • Site inspection: 10 February 2025 ○ <u>Panel members</u>: Alison McCabe and Pam Dean-Jones ○ <u>Council assessment staff</u>: Antonia Stuart, Henry Burnett, Chris Adamantidis ○ Bruce Thom: Various times over 2022 – 2024. • Final briefing to discuss council's recommendation: 28 January 2026 ○ <u>Panel members</u>: Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones ○ <u>Council assessment staff</u>: Antonia Stuart, Andrew Roach, Danielle Allen, Cody Vincent, Craig Glynn, John Noakes ○ <u>Council's Consultants</u>: Lex Nielsen, Deborah Lam, Natasha Bartley ○ <u>Department</u>: Carolyn Hunt, Holly McCann • Panel Deliberations: 9 February 2026 ○ <u>Panel members</u>: Alison McCabe (Chair), Bruce Thom, Pam Dean-Jones ○ <u>Council assessment staff</u>: Antonia Stuart, Andrew Roach ○ <u>Council's Consultants</u>: Lex Nielsen, Deborah Lam ○ <u>Department</u>: Carolyn Hunt, Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report