

DETERMINATION AND STATEMENT OF REASONS

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

DATE OF DETERMINATION	18 June 2026
DATE OF PANEL DECISION	18 June 2026
DATE OF PANEL MEETING	16 June 2026
PANEL MEMBERS	Roberta Ryan (Chair), Bruce Thom, Pam Dean-Jones
APOLOGIES	None
DECLARATIONS OF INTEREST	Alison McCabe – Reasonably perceived conflict of interest given changed circumstances as SJB Planning (of which she is a director of) have recently been engaged to undertake work for other sites in Sydney for the Office of Strategic Lands Rachel Stanton – Reasonably perceived conflict of interest determined by chair as these are council interest DA's Doug Eaton – Reasonably perceived conflict of interest determined by chair as these are council interest DA's

A public meeting held by teleconference on 16 June 2026, opened at 10:03am and closed at 10:52am. Papers circulated electronically on 28 May 2026.

MATTER DETERMINED

PPSHCC-318 – Central Coast – DA/1389/2024 at 3-33 Pacific Street and 23A-25 Ocean View Drive, Wamberal, Ph 175, Council Land and Road Reserve – Coastal Protection Works – Seawall, Section C (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

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

Development application

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel considered the development application, Council's assessment report and addendum assessment material, the written submissions received, and the oral submissions made at the public determination meeting. The Panel also considered the issues discussed during its deliberations following the public meeting.

The Panel noted that Council's addendum assessment confirmed that revised owners' consents and written responses had been reviewed, but that landowner consent issues remained unresolved. The addendum further recorded that no amended technical documents or plans had been submitted for further assessment and that the key issues identified in Council's earlier assessment remained outstanding.

The Panel acknowledged the significant concern of affected landowners regarding coastal erosion and the complexity of both engaging and maintaining commitment to the proposal from multiple landholders. The Panel also acknowledged the broader community concerns raised regarding environmental impacts, beach

amenity, public access and the need for a long-term coastal management response which is consistent with the objects of the Coastal Management Act.

The Panel acknowledges that Central Coast Council and the NSW Government have been progressing some changes to the strategic coastal management framework for Wamberal since the development application was lodged. However, none of these changes are currently in place in legislation, policy or statutory planning requirements, and the final strategic framework and the timing for its commencement remain uncertain.

The Panel was required to determine the application on the basis of the material properly before it. Having considered the applicant's oral submissions, the Panel was not satisfied that any new material was presented that resolved the concerns identified in Council's assessment and addendum assessment reports. The Panel's view is that no new evidence was provided which warranted reconsideration of the recommendation for refusal.

The Panel was also satisfied that procedural fairness had been afforded, including the opportunity for the applicant to provide written material and to address the Panel at the public determination meeting. The deliberation notes record the Panel's view that extensive opportunities had been provided and that the process met procedural fairness requirements.

Having considered the Council assessment material, the public submissions, the applicant submissions and the matters raised during deliberation, the Panel was not satisfied that the application had overcome the threshold issue of owners' consent or the substantive concerns relating to coastal engineering, coastal management (s27 Coastal Management Act 2016), contamination, biodiversity, insufficiency of information and public interest. In those circumstances, the application could not be supported.

The Panel determined to refuse the application for the reasons outlined in the Council Addendum Assessment Report, with some minor amendments as listed below:

1. The Panel is not satisfied that the application is supported by valid and complete owners' consent for all land affected by the proposed development. Landowner consent issues remain unresolved, and this constitutes a fundamental deficiency in the application.
2. The Panel is not satisfied that the proposal represents a complete, coordinated and deliverable coastal protection outcome. The unresolved consent position creates the prospect of a fragmented or discontinuous structure, and the Panel was not satisfied that the implications of that outcome had been adequately addressed.
3. The Panel is not satisfied that the development appropriately addresses the relevant coastal management considerations for this section of coastline. Unresolved concerns remain regarding coastal engineering, erosion impacts, beach amenity, public access and longer-term environmental consequences, including potential impacts of climate change.
4. The Panel is not satisfied that contamination issues identified in Council's assessment have been adequately addressed. No amended technical documents or revised plans were submitted to resolve those concerns.
5. The Panel is not satisfied that biodiversity impacts identified by Council have been adequately addressed. In the absence of amended ecological or other technical information, those concerns remain unresolved.
6. The Panel is not satisfied that sufficient information has been provided to demonstrate that the development is acceptable having regard to the applicable planning framework and the likely impacts and maintenance requirements of the proposal over the life of the structure. Council's addendum assessment records that no amended technical documents or plans were submitted and that the key issues remained unchanged.

7. The Panel is not satisfied that the deficiencies in the application can be overcome by reliance upon future actions, parallel processes or possible alternative measures that are not secured as part of the application itself. Concerns raised at the public meeting included reliance on future sand nourishment and impacts on lagoons and other related processes not formally committed within the application.
8. For the reasons above, the Panel is not satisfied that the development application is in the public interest.

CONDITIONS

Not applicable.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Incomplete owners consent
- Environmental impact
- Visual impact
- On-going maintenance arrangements
- Coastal engineering including:
 - Wall stability and exposure
 - Overtopping
 - End effects
 - Sand nourishment
- Impacts on lagoons
- Insufficient information

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

PANEL MEMBERS	
 Roberta Ryan (Chair)	 Bruce Thom
 Pam Dean Jones	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-318 – Central Coast – DA/1389/2024
2	PROPOSED DEVELOPMENT	Coastal Protection Works (Section C)
3	STREET ADDRESS	3-33 Pacific Street and 23A-25 Ocean View Drive, Wamberal, Ph 175, Council Land and Road Reserve
4	APPLICANT/OWNER	Mr Chris Rogers Robcharta Nominees NSW Pty Ltd, CP & C Assaf, WE & DL Hughes, AC Pestonji, KE & MG Pearson, SP 8735, RC & TC Palmer, S Baynie, I Davis, R & R Mamone, Jetjo Nominees Pty Ltd, SP 5039, Maxtom Pty Ltd, RK Hunter, DM McCreesh, DR & EA Slade, N Maroun, RN & M Awadallah, Department of Planning & Environment – Sydney
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 Management Program: 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 - Coastal Management Act 2016
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 20 November 2025 - Council Addendum Report received: 27 May 2026 - Written submissions during public exhibition: 637 - Verbal submissions at the public meeting on 4 February 2026: - 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 - Verbal submissions at the public meeting: - Mark Lamont (on behalf of Wamberal Beach Save Our Sand community group), Roger Johnson, Joy Cooper - Council assessment officer – Antonia Stuart, Andrew Roach, Natasha Bartley, Henry Burnett - On behalf of the applicant – Margaret Brice, Adam Crampton - Total number of unique submissions received by way of objection: 624
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 ● Site inspection: ○ <u>Panel members</u>: ○ Alison McCabe: 10 February 2025 ○ Pam Dean-Jones: 10 February 2025 ○ Bruce Thom: Various times over 2022 – 2024 ○ Roberta Ryan: 15 June 2026 and 6 June 2026 ○ <u>Council assessment staff</u>: ○ Antonia Stuart: 10 February 2025 ○ Henry Burnett: 10 February 2025 ○ Chris Adamantidis: 10 February 2025 ● 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 ● 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 ● Briefing: 2 April 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>: Henry Burnett, Natasha Bartley ○ <u>Department</u>: Carolyn Hunt ● Public Meeting: 2 April 2026 ● Final briefing to discuss council's recommendation: 16 June 2026 ○ <u>Panel members</u>: Roberta Ryan (Chair), Bruce Thom, Pam Dean-Jones ○ <u>Council assessment staff</u>: Antonia Stuart, Andrew Roach ○ <u>Council's Consultants</u>: Natasha Bartley, Henry Burnett ○ <u>Department</u>: Carolyn Hunt, Holly McCann, Nathan Laird
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A