



Confidential Councillor Briefing

Thursday 21 August 2025

Date: 21 August 2025

Presented by: Martin Ball, Solicitor on Secondment | Nicole Jenkins, Executive Officer

Version: 1.0

Acknowledgement of country

We acknowledge the Traditional Custodians of the land on which we live, work and play.

We pay our respects to Darkinjung country, and Elders past and present.

We recognise the continued connection to these lands and waterways and extend this acknowledgement to the homelands and stories of those who also call this place home.

We recognise our future leaders and the shared responsibility to care for and protect our place and people.





Agenda

- Notice of Motion
- Section 68 Authorisation Process
- Legal & Risk Considerations (confidential)

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Notice of Motion and CEO Response

Notice of Motion



That Council:

- 1. Notes that Council is able to request a Ministerial Authorisation, pursuant to Section 68, NSW Reconstruction Authority Act 2022, for development works via the Reconstruction Authority, in the circumstance where a Reconstruction Area has been declared.*
- 2. Notes that a Ministerial Authorisation was granted for temporary emergency coastal protection works at The Entrance North, following an application from Council to the Reconstruction Authority.*
- 3. Notes, in regard to coastal protection works at Wamberal, Council's consultant engineers have advised Council, only a terminal protective structure correctly designed in accordance with Council's Engineering Design Requirements can provide an acceptable level of further risk reduction to dwellings while improving and sustaining public beach amenity and public safety.*
- 4. Notes, a Development Application for a Seawall solution at Wamberal is currently under consideration by the Regional Planning Panel and is yet to be determined.*
- 5. Directs the Chief Executive Officer to engage appropriately qualified consultants to develop, in consultation with private land owners, an alternative design for a medium/long term remediation works including sand nourishment underpinned with a rock toe wall at Wamberal. This design should be in accordance with Council's Engineering Design Requirement and should offer protection from moderate-severe storm events. Work is to be funded from available funds in the Special Project Reserve.*
- 6. Upon completion of the design (to be jointly approved by impacted land owners), directs the Chief Executive Officer to lodge a request for a Ministerial Authorisation for such works via a request to the Reconstruction Authority. Implementation of any approved works is to be undertaken at the expense of impacted land owners and in accordance with any conditions of consent.*

Chief Executive Officer Response

A Ministerial Authorisation to undertake temporary emergency coastal protection works at The Entrance North was received after an application via the Reconstruction Authority was made.

The detailed application demonstrated the urgent need for approval, including imminent risk of significant structural collapse, practicable design of temporary works and impact mitigations.

The environment at Wamberal is different. Risk is stemming from a combination of coastal erosion and slope instability. There is a long history of emergency mitigation works and there are very limited further temporary works practicable preceding a longer-term sustainable solution. While this is impacting land loss and consequently loss of landscaping materials, including unauthorised works, there is no immediate risk of significant structural collapse notwithstanding the recognised likelihood of significant structural collapse during a major or extreme coastal storm event for which no further temporary emergency works are practicable.

A long-term solution consistent with Council's Engineering Design Requirements is necessary. Owners have been advised to reduce pressure on the slope by removing unauthorised works and to redirect any local rainfall runoff away from the escapement. These works undertaken with proper guidance and support offered will reduce present slope instability risk and do not require Ministerial Authorisation. Many owners have not complied with this advice.

Chief Executive Officer Response Continued



Advice to Council, from our consultant engineers, at this point in time, is that only a terminal protective structure correctly designed in accordance with Council's Engineering Design Requirements can provide an acceptable level of further risk reduction to dwellings while improving and sustaining public beach amenity and public safety.

Multiple development applications exist at Wamberal Beach which include • 3 applications DA/1264/2024, DA/947/2024, DA/1389/2024 are currently under review by the Regional Planning Panel. • 1 application DA/60944/2021 currently under assessment by council. • 1 application DA/52565/2017 has been approved by the Land and Environment Court.

Should an application to the NSW Reconstruction Authority be made, it is expected that a single plan of works would be proposed and that agreement by all affected land owners including consent from Crown Lands where applicable will be required to be demonstrated by Council.

Should a Ministerial Authorisation be provided, this is not binding, and impacted land owners will still have the choice to implement the approved works or not. It is also possible that an authorisation would have a lapse date, potentially coinciding with the expiry of the Reconstruction Area declaration. It is noted this would be an alternative design to what is currently under assessment and Council's role in coordinating the development of this alternative design must not in anyway imply acceptance of liability, or imply that the alternate design would offer a higher or equal degree of protection than the current proposed design.

Chief Executive Officer Response Continued

Previous design reports have highlighted the challenge of installing a rock revetment wall due to limited beach width and the positioning of dwellings in relation to property boundaries and the impact on beach amenity.

A whole of embayment design may not offer a consistent level of protection due to the variations of each property and limitations of the available beach area, unless the wall was constructed behind the current 'seaward limit of structure line', as specified in Council's Wamberal Beach Terminal Protective Structure | Engineering Design Requirements.

It is possible that implementation of the proposed solution may require some properties to install temporary shoring while construction of a rock toe is undertaken. For some properties there is insufficient area to accommodate a rock revetment on private property and as such, sand nourishment might be the only practical protection.

A design of this magnitude, even if accelerated, is expected to take 12 weeks and estimated to cost in the order of \$150,000, assuming existing reference materials can be utilised.



WAMBERAL BEACH TERMINAL PROTECTION STRUCTURE ENGINEERING DESIGN REQUIREMENTS

Report MHL2872
21 September 2022

Prepared for:
Central Coast Council



Engineering Design Requirements

- The Design Requirements outline engineering specifications and details such as the minimum footprint, length of construction, material selection, landscaping, and maintenance requirements
- Guidelines to be used in conjunction with planning and environmental legislation inc. Coastal Management Act 2016 and Resilience and Hazards SEPP 2018 during development application assessments
- These guidelines reflect what the community said was of value and importance during the community consultation period

4.3.3 C) Southern region (1 Pacific St to 25 Ocean View Dr)

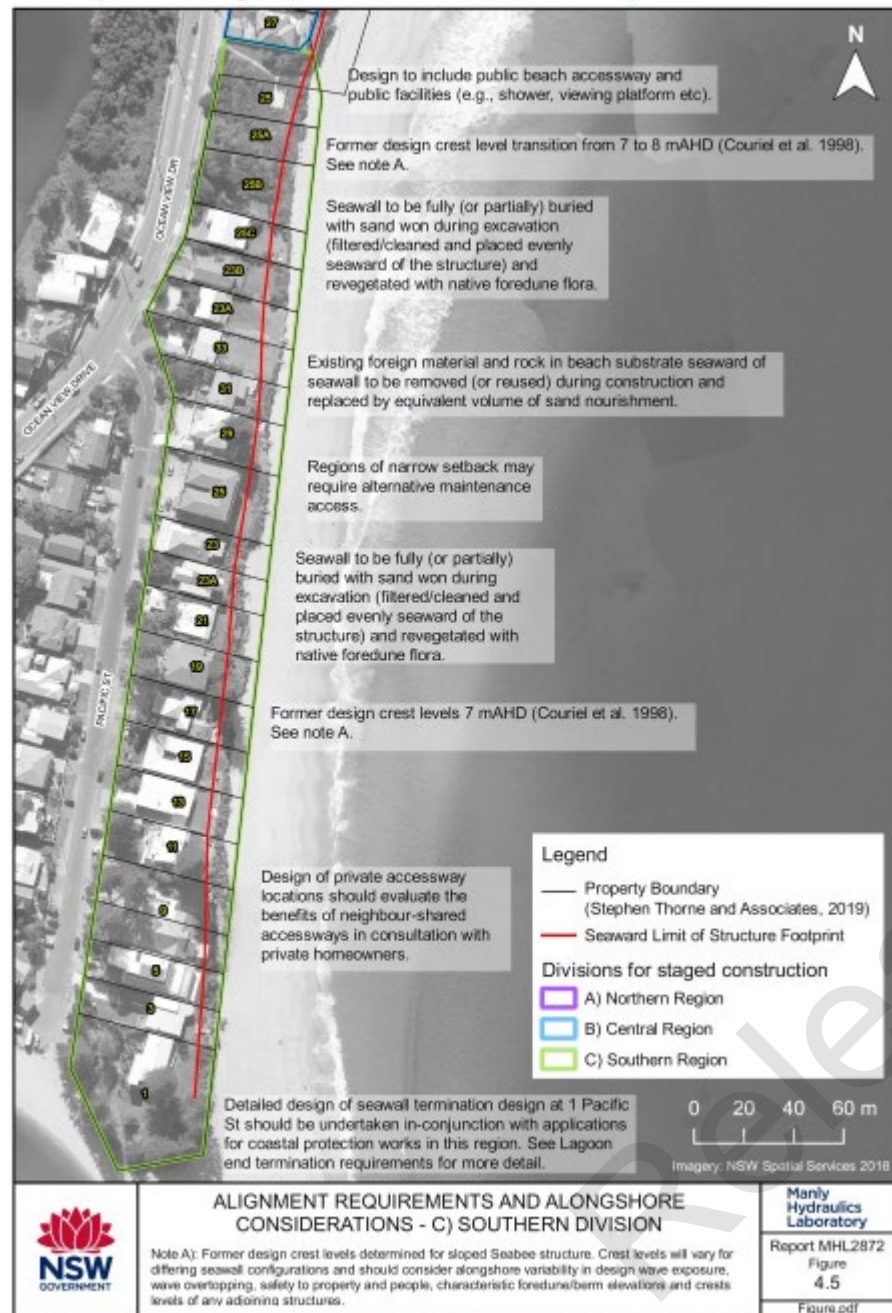


Figure 4.5: Alignment requirements and alongshore considerations - Division C

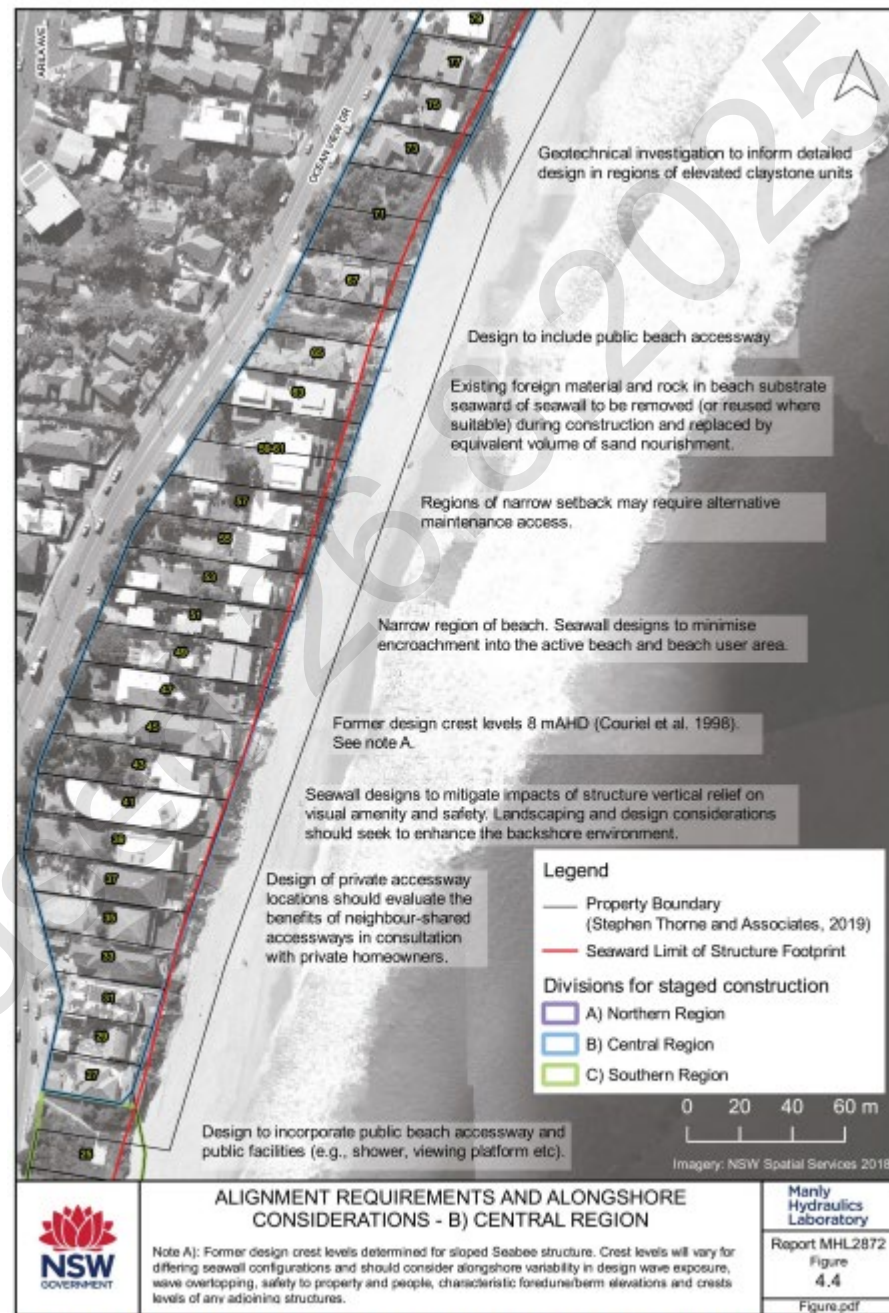


Figure 4.4: Alignment requirements and alongshore considerations - Division B (south)

Seaward Limit of Structure Footprint -



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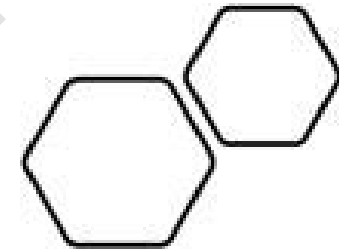
Prepared for:
Central Coast Council



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Criteria	Description
1	The seawall is to be located as far landward as possible, to reduce interaction with coastal processes and maximise available beach width
2	The seawall is to be located wholly on private property where possible
3	The seawall is to be constructed, owned and maintained by property owners
4	The seawall is to have the least sand nourishment requirements practicable to maintain beach amenity, both upfront and over the serviceable life of the structure.
5	The seawall is to include landscaping and materials that blend into the coastal environment and be designed to have a reduced vertical relief following the natural cross section of the foreshore.

Structure footprints



Legend

- Mean shoreline position (0.7 m AHD contour, 1987 to present)
- Cadastral Boundary (Stephen Thorne and Associates, 2019)
- Preliminary Crest Alignment (rear of structure)
- 84 House No.
- Concept Design Footprints
 - Option 1) Basalt Rock Revetment
 - Option 2) Sandstone Rock Revetment
 - Option 3) Vertical Seawall
 - Option 4) Vertical Seawall with Rock Toe
 - Option 5) Tiered Vertical Seawall with Promenade
- Previous Seabee Footprint (1998/2004)

Design Objective	Nourishment Volume	Total volume required ^a		Design beach width increase after nearshore spreading (m)	Estimated average beach width conditions fronting seawall (based on Stage 2 results) & impact on dry beach user area			
					Without Nourishment		With Nourishment	
		m ³ x 10 ³	Average m ³ / m		% of time less than 5 m	Impact on existing dry beach user area	% of time less than 5 m	Impact on existing dry beach user area
					Existing beach estimated to spend on average ~3% of time less than a 5 m width (from Stage 2 results)			
A (Offset)	A) Offsetting seawall encroachment volume Seawall Option 1: Basalt Rock Revetment Seawall Option 2: Sandstone Rock Revetment Seawall Option 3: Vertical Seawall Seawall Option 4: Vertical Seawall with Rock Toe Seawall Option 5: Tiered Seawall with Promenade <i>TIMING: Upfront</i>	491 (252) 528 (270) 0 (0) 0 (0) 20 (10) ^d	179 (181) 193 (195) 0 (0) 0 (0) 7 (7) ^d	+12 m +13 m - - <1 m ^d	10 % 13 % 1 % 1 % 3 %	Reduced beach width Reduced beach width Improved beach width Improved beach width Maintained beach width + added promenade amenity	3 % 3 % 1 % 1 % 3 %	Maintained beach width Maintained beach width Improved beach width Improved beach width Maintained beach width + added promenade amenity
B (Maintain)	B) Design recession maintenance volume <i>TIMING: Optional upfront</i> <i>Required ongoing approx. every 10 years^b</i>	141 (78)	51 (55)	+ 6 m	Diminishing beach width over design life (foreshore access maintained via promenade for Seawall Option 5)		Maintained beach width over design life (with added promenade amenity for Seawall Option 5)	
Optional C (Restore)	C) Optional historical recession restoration volume ^c <i>TIMING: Optional Upfront</i>	274 (181)	100 (135)	+ 1 to 10 m	3%	As per existing beach	~1%	Restored for past ~30 years of historical recession at start of project.

^a Volumes not in brackets are for 2.7 km Terrigal-Wamberal embayment nourishment region.

Volumes in brackets are for 1.4 km section between lagoon entrances fronting seawall (subject to increased potential for alongshore spreading, reduced longevity and initial non-uniform shoreline configuration for larger volumes).

All volumes include the subaerial and subaqueous beach from the dune toe (+4 m AHD) to design depth of closure (-12 m AHD) and apply an overfill factor of 1.0.

Nourishment volumes are for provision of beach amenity only and do not include storm demand.

Nourishment volumes will vary depending on the sediment composition of source material and do not consider excavation sand won during seawall construction.

^b Increased risk of more frequent maintenance nourishment for rock revetment structures (Seawall Options 1 and 2) every 5-10 years due to high beach encroachment. Establishment of a beach

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NSW Reconstruction Authority Act 2022
and Ministerial Authorisation Process

NSW Reconstruction Authority Act 2022

Section 40 – Reconstruction Area

1-2 April 2025 large surf coincided with the Highest Astronomical Tide

Increased coastal erosion near residential properties along The Entrance North and Wamberal.

In response, The **Reconstruction Area** (Central Coast Weather Event) Order 2025 was made under section 40 RA Act and came into effect on 21 May 2025.

Document title

PG 002

Section 68 – Ministerial Authorisation

A Ministerial authorisation under section 68 enables works to be carried out without the need for consent/approval under the Environmental Planning and Assessment Act 1979.

Is not an order to carry out the works. Request for Ministerial authorisation must demonstrate the cooperation and agreement of all parties.

Council is required to make a formal request to the Reconstruction Authority for Ministerial authorisation.



Authorisation Process



DESIGN	<ul style="list-style-type: none"> Owner consultation Environmental Assessment
OWNER ENDORSEMENT	<ul style="list-style-type: none"> Endorsement forms returned to Council Non-binding
REQUEST TO RA	<ul style="list-style-type: none"> Request from Council to Reconstruction Authority to seek a Ministerial Authority Supporting documents
RECOMMENDATION TO MINISTER	<ul style="list-style-type: none"> Due Diligence by RA Package prepared for Ministers Officer Recommendation of Ministerial Authorisation sent by CEO, Reconstruction Authority.
MINISTERIAL AUTHORISATION	<ul style="list-style-type: none"> Conditions of consent Responsibilities of Council and other parties

3-MONTHS

3-MONTHS

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Legal and Risk Considerations

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