

Submission  
No 202

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

**Organisation:** Wamberal Beach Save Our Sands and No Wamberal Beach  
Seawall Inc.

**Date Received:** 17 November 2023

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Partially  
Confidential

All this drives a push for poorly considered flawed decisions. The media sensation becomes so thick that outsiders watching the news would think the entire community backs the calls for fortification to protect the poor beachfront homeowners. This has been the case at Wamberal, where seawall talk gets traction whenever a severe storm arrives, taking sand. Reactive media sensationalism oils a political agenda to fortify the beach and quietly push the problem further along the beach, or to fortify the privileged homes without regard for the impact such fortification would have on beach amenity. This situation has been at play at Wamberal Beach for some time and is best described by D Lord and T Macdonald's in their paper "Managing Wamberal Beach - The Forgotten Twin" presented to the NSW Coastal Conference in 2016.

"Many things remain undone. Through the inability to implement forward planning that is cognisant of the changing coastal risks, we have failed to minimise the increase in assets at risk at present and into the future, not just at Collaroy and Wamberal but right along the NSW coast. We have had limited success in implementing strategies to address the known hazards over many years, lengthening rather than reducing the list of "hotspots" along the coast. We have increased reliance on emergency response, rather than pursuing sound planning and development controls to minimise impacts on both development and the natural beach environment. This is becoming the management approach of first resort, subsequently facilitating ill-considered and localised protection options to be constructed during and post storm. Such works, which may only provide temporary relief, can transfer adverse impacts alongshore and likely increase risk to beach users.

A longer-term view to Coastal Zone Management is required. As reliance on emergency response increases, some areas may no longer be suitable for their current use. Alternatively, their large-scale protection may result in loss of the beach amenity along significant sections of the developed coast and foster a divided community response to funding and land use. It is an opportune time to rethink our past responses and reflect on the direction of coastal management. Do we want to continue increasing expenditure, resource commitment and community angst associated with "unforeseen disasters" and increasing "emergency" management? Or are holistic, longer-term strategies feasible and if so, what is blocking them?

Refer to the Attachment 1 "The Forgotten Twin".

Why is it that after all those decades, Council, under administration only last year, 2022, finally resolved to build a seawall? Part of the answer appears to be a dubious Gosford City Council (GCC) draft Coastal Zone Management Plan (CZMP). A draft copy of the Plan was used to try to win a court case, *Dunford v Gosford City Council*."

### Abuse of the CZMP

A CZMP is a management plan enacted under the Coastal Protection Act 1979. The Gosford City Council Gosford Beaches CZMP's Executive Summary states the purpose, objective, guidelines, principal, consultation process of developing a CZMP. A resolution was passed by Gosford City Council on 26 April 2017 for the Draft CZMP to be submitted for certification. Words that are significant to actions pursued after certification which are discussed in this report are italicised. The actions in the CZMP relevant to this 2023 Inquiry submission are:

- TW11 Terminal protection – Council's action to *review* the design and funding of a terminal protection structure (TPS) for Wamberal

- TW14 Council's action to investigate sources of sand and feasibility of beach nourishment for Wamberal Beach
- TW15 Beach nourishment coupled with a *terminal revetment* to increase buffer against storm erosion.

*Refer to attachment 2 & 3 Worley Parsons Gosford City Council Gosford Beaches CZMP Wamberal Beach Executive Summary and Wamberal Actions.*

We have learned from Angus Gordon OAM, a former member of the NSW Coastal Panel who was involved in drafting and implementation of the 1979 NSW Coastal Protection Act, that due to changes in the coastal management legislation about 20 years ago, NSW Government no longer scrutinised or approved actual CZMP actions, it only certified that correct steps were followed in the CZMP's development. Where the NSW Coastal Panel had to previously *approve* the actual actions in the CZMP, that was no longer required, MR Gordon advised that this change was made so no future liability stemming from a CZMP could fall on the NSW Government.

The following Gosford City Council Minutes from 2017 resolve to submit the CZMP to the Minister for certification.

**MINUTES OF THE ORDINARY COUNCIL MEETING OF COUNCIL 26 APRIL 2017 contd**

**3.8 Report on the Draft Gosford Beaches Coastal Zone Management Plan**

***RESOLVED on the motion of Mr REYNOLDS:***

***232/17 That Council resolve to submit, for the purpose of s. 55G(1) of the coastal Protection Act 1979, the Draft Coastal Zone Management Plan (CZMP) for Gosford's Open Coast and Broken Bay Beaches to the Minister for the Environment, to seek certification from the Minister pursuant to s.55G(4) of that Act.***

***233/17 That Council authorise the Chief Executive Officer to make minor amendments to the Draft Gosford Coastal Zone Management Plan prior to submitting that Plan to the Minister, to ensure that references to the former Gosford Council, this Council and the former Gosford local government area are correct.***

On 2 June 2017 the CZMP was certified by the NSW Minister for the Environment as follows:

## COUNCIL NOTICES

**CENTRAL COAST COUNCIL**  
COASTAL PROTECTION ACT 1979  
Section 55H

**GOSFORD BEACHES COASTAL ZONE MANAGEMENT PLAN**  
Commencement of Gosford Beaches Coastal Zone Management Plan

Council hereby gives notice that the Gosford Beaches Coastal Zone Management Plan (CZMP) has received certification from the Minister for the Environment having been prepared in accordance with the *Coastal Protection Act 1979*.

This plan relates to the area of the former Gosford City Council.

The Gosford Beaches Coastal Zone Management Plan can be accessed at Council's webpage [www.centralcoast.nsw.gov.au](http://www.centralcoast.nsw.gov.au)

ROB NOBLE, Chief Executive Officer, Central Coast Council, 49 Mann Street, Gosford NSW 2250

So, the CZMP was certified in terms of its process of development, but it was never approved as a course of action. The 2023 Inquiry should investigate how the certified CZMP has been misused for political purposes, and as we see below in the Dunford and Marchese cases, for court purposes to falsely assert approval of a seawall, something the CZMP never did.

### Can a CZMP be used to try to win a court case?

Dunford v Gosford City Council came before the NSW Land and Environment Court on 9 December 2014. Gosford Council had refused Esther Dunford's Development Application to demolish an existing beachfront dwelling at 23B Ocean View Drive Wamberal and build a new one with deep concrete pylons and a basement carpark. Council refused the Development Application because:

- The construction of the proposed dwelling would not sufficiently avoid or minimise the potential risk of coastal erosion, and
- The proposed construction of the dwelling was not in the public interest as it would be impacted by coastal hazard processes resulting in property damage and loss.

Point 36 under "Findings" in the Land and Environment Court (LEC) judgement found that:

"The significant difference between Mr Lord (Expert Witness for Council) and Mr Nielsen (Expert Witness for Dunford) was whether there was a need for the revetment wall (or Terminal Protection Structure [TPS] as described *in the draft CZMP*). Essentially, Mr Lord maintained that there should be no development, such as that proposed, until the revetment wall was constructed whereas Mr Nielsen maintained that a dwelling could be constructed, with an appropriate design that would sufficiently minimise the potential risk from coastal erosion, without the revetment wall. In his opinion, the proposed development satisfies this test."

The Court's Commissioner agreed with Nielsen that a revetment wall was not required to sufficiently minimise the risk from coastal erosion and Dunford's appeal was upheld on 14 January 2015. The house with basement garage was approved and built without seawall protection.

See: [Dunford v Gosford City Council \[2015\] NSWLEC 1016 – Barnett Jade](#)

## CZMP sham endorsement, sight unseen

In a paper presented to the 2016 NSW Coastal Conference by P Aiken from the NSW Coastal Alliance, a pro-seawall lobby group, Mr Aiken suggested that Gosford Council's draft CZMP was used in the Dunford court proceedings to justify Council's refusal of the Dunford's DA. Mr Aiken also suggested that Gosford Council officers asked Council's Catchment and Coast Committee to quickly endorse the draft CZMP *without actually seeing it*, to assist Council in an attempt to win the Dunford case. In the paper, Mr Aiken wrote:

"The Gosford Council Coasts Committee had been asked and agreed to endorse the document without actually seeing it, to assist Council. At a meeting of the committee just days before, Committee members were encouraged to support this request of Council Officers present at the meeting because it was said that funding was at risk due to a demand by the "Minister" that the CZMP be immediately presented for certification. It was the Emergency Sub-Action Plan for Wamberal Terrigal Beach that the Minister was demanding to be presented, not the CZMP and yet the Land and Environment Court believed that a draft CZMP endorsed by community representatives had been presented to the Court in support of Council's defence of its rejection of a [Dunford] Development Application. It was impossible for this Plan to be legitimately endorsed by community representatives because they had not seen it in a completed form. As far as the committee was concerned this was simply a mechanism to support the provision of funding that was at risk of being withdrawn by the State Government because of an unrealistic timeframe for the completion of the CZMP."

In summary, the 2014 draft CZMP was rushed through Council's Catchment Committee for endorsement because the Committee believed Council staff needed the CZMP endorsed for State funding, which was not true. The real reason the CZMP Committee endorsement was required was for Council to be able to use the document to try to win the Dunford case. If Mr Aiken is correct, a revetment wall and sand nourishment as a CZMP action for Wamberal was contrived and forced without the endorsing committee even seeing the document, to assist GCC win a Land and Environment Court case, which it lost and was also ordered to pay costs. Also, if Mr Aiken's claim is correct, the court had been misled into thinking that community representatives had reviewed and endorsed the Plan. They had not. Members of the Committee had not even seen the final draft Plan. Also, as noted in Mr Aiken's paper, the notion that a revetment wall was a preferred coastal management action for Wamberal is false and GCC building a revetment wall was, according to Council's astounding court admission, just "spin". Regarding spin, at a separate cost hearing before Justice Sheahan on 1 May 2015, the decision of the Land and Environment Court 12 June 2015 noted comments by counsel for Gosford Council, Mr Fraser in Section 21 of the decision:

"(2) the proposed revetment wall had been discussed for 25 years, but Mr Fraser conceded it was "all talk and no action" (Tp137, L16); (3) much of Council's argument was admitted by its counsel to be "spin" (Tp142, c.f. p119)"

According to Mr P Aiken, the 2015 CZMP was not a legitimate planning instrument and therefore casts doubt on the legitimacy of the certified 2017 CZMP that politicians and Council relied upon to build a seawall at Wamberal.

*Refer attachment 4 "Engagement and Consultation in Coastal Management" P Aiken NSW Coastal Alliance pages 13-14.*

## Dunford now wants a seawall too!

In 2016, the Dunford property at 23B Ocean View Drive became involved in yet another DA appeal before the Land and Environment Court. Also, this wouldn't be the last time the dubious 'rushed, sight-unseen, spun' draft GCC CZMP and in particular CZMP actions for a Terminal Protection Structure (TPS) seawall at Wamberal Beach would be used to win a case in court.

In August 2016, Eugene Marchese lodged a DA for a seawall extending from 29 Pacific St to 25C Ocean View Drive Wamberal (The Pacific 6). The Dunford place, 23B Ocean View Drive, was included in this DA even though in the 2014 Dunford case, the LEC consented to construction on the block without the need for a seawall, the Court judgement in the earlier case being that the dwelling and basement garage being constructed would withstand erosion and would not require seawall protection.

The consent authority for this Pacific 6 seawall DA was the NSW Coastal Panel and because the Panel for some reason did not assess the DA in the required time it was deemed a refusal. The Pacific 6 applicants appealed the refusal in the LEC. According to Eugene Marchese, the named applicant for the Pacific 6, the DA was “blocked at every turn by the NSW Coastal Panel”.

See [“Wamberal beachfront residents ‘blocked’ again in a bid to build their own revetment wall” 28 June 2017](#)

### Enter the CZMP to the rescue

On 19 December 2016 Sharon Molloy Director at the Newcastle branch Of Office of Environment & Heritage (OEH) forwarded a letter to Prof Bruce Thom the Chair of the NSW Coastal Panel opposing the Pacific 6 seawall because of “end effect” damage, encroachment onto the public beach and sand nourishment requirements. Sharon Molloy did add that “OEH considers that it is far more desirable that an embayment wide design be prepared and implemented”.

*Refer attachment 5 Letter from Sharon Molloy Office of Environment and Heritage to regarding “Pacific 6” seawall DA.*

The NSW Planning Minister, Rob Stokes, is also reported in the previous Daily Telegraph article as saying, “he did not approve a short-term solution for Wamberal residents because the former Gosford Council had yet to submit a Coastal Zone Management Plan”. The Gosford CZMP included a whole of embayment solution (refer to Attachment 3).

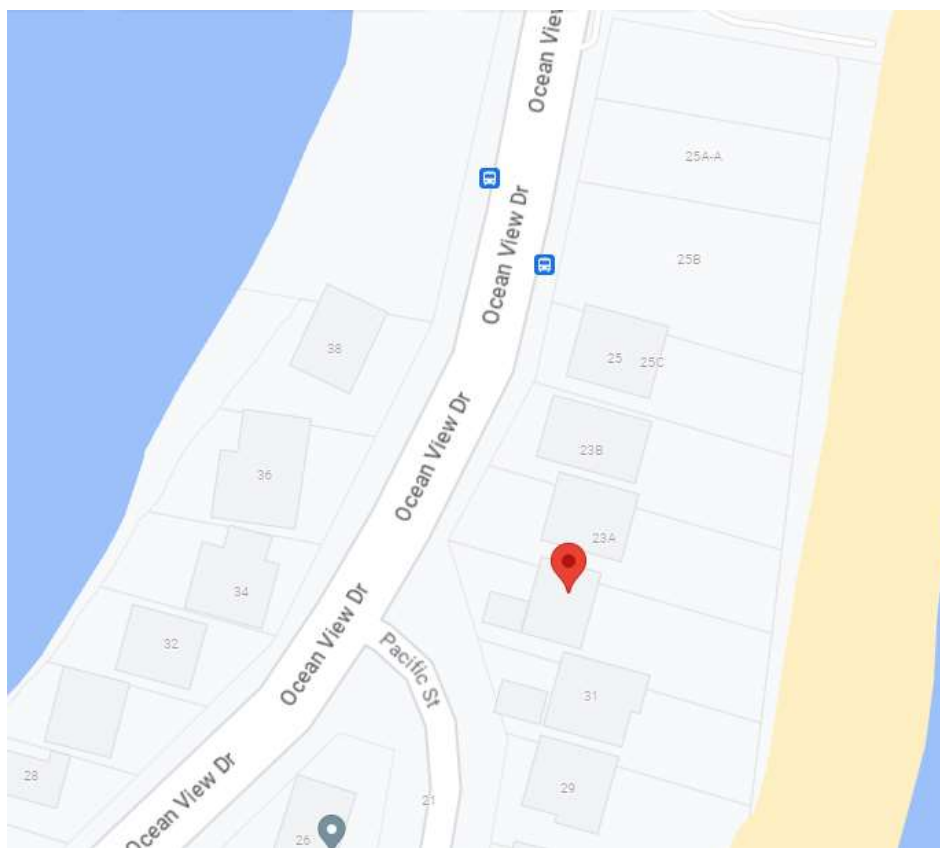
The CZMP was certified in April 2017 by Gabriel Upton, the Liberal Minister for Local Government from January 2017 to March 2019. In a recording of a community event organised by Wamberal Protection Association (WPA) pro-seawall beachfront property owner lobby group, a member said, “they [WPA] were fighting behind the scenes for months to get the CZMP certified, and if they hadn’t formed the WPA and incorporated and hadn’t approached pretty well everybody who had influence on the signing of the CZMP, it probably wouldn’t be done today”

It is very clear from the recording that the WPA believed they were instrumental in getting the CZMP certified, and they had Adam Crouch’s (State MP for Terrigal) unequivocal support, he even made the seawall an objective for his first and second terms in office. The purpose of the CZMP included actions for all Gosford Council beaches from Patonga to Forrester’s yet the only reason the WPA, NSW Coastal Alliance (NSW CA) and Adam Crouch wanted the probably illegitimate CZMP certified was self-serving with their Wamberal Beach seawall agenda.

*Refer to [Wamberal Protection Association \(Wamberal beachfront property owners pro-seawall lobby group\) 2017 recording of seawall promotional event at Breakers Country Club Wamberal](#)*


Time 32:00

Map 1: Location of the Pacific 6 (Right hand side)



With the Gosford Beaches CZMP now certified and after a very expensive 2016 LEC court battle for both the Pacific 6 and State Government's Office of Environment and Heritage (OEH), the LEC ruled in June 2017 that the new consent authority for the Pacific 6 became Central Coast Council. The Pacific 6 relodged their DA with the newly amalgamated Central Coast Council. Was this orchestrated? While the Pacific 6 were in the LEC fighting to get their seawall DA approved, which didn't look like happening, the WPA, NSW CA were lobbying Adam Crouch MP and other NSW Liberal Government to get the CZMP certified so the decision to build any seawall at Wamberal beach was back with Council, and not the NSW State Government who would not approve the Pacific 6 DA.

*Facebook posts from WPA pro-wall lobby group and Adam Crouch MP regarding certification of the CZMP and building a TPS seawall at Wamberal Beach*


 **Wamberal Lagoon to Lagoon Solution** 19 May 2017 · 🌐

GREAT NEWS!!! - AN IMPORTANT MESSAGE FROM WAMBERAL PROTECTION ASSOCIATION PRESIDENT PHIL HUDSON

We are delighted to receive this attached announcement from our local member Adam Crouch MP, who along with us has been actively pursuing this matter. We acknowledge the efforts of the Central Coast Council under the guidance of Administrator Ian Reynolds in getting the CZMP finalised and submitted to the NSW Government. We also commend the Minister for the Environment, Gabrielle Upton for her consideration and timely Certification of the CZMP, and of course we thank Adam Crouch for his unwavering efforts to push this project.

Whilst we are genuinely excited with this news, we remain mindful that there are still more steps to be taken in order for the Terminal Revetment Structure to become a reality. We will continue to work closely with the Central Coast Council, Adam Crouch, Minister Upton [Environment] and Minister Roberts [Planning] to facilitate these next crucial steps of design, funding and timing.

So in essence, it is great news and we thank all those who have helped us reach this point ... and we look forward to ongoing assistance and co-operation as we move ahead with the next steps in the process.

 **Adam Crouch MP is at Wamberal Beach.** 19 May 2017 · Wamberal, NSW · 🌐

PLAN TO PROTECT WAMBERAL GETS GREEN LIGHT

The Gosford Coastal Zone Management Plan has been certified, paving the way for Central Coast Council to protect Central Coast communities and homes, Member for Terrigal Adam Crouch announced today.

The management plan outlines a strategy to protect the Wamberal community and coastline currently at risk from coastal erosion in the event of a major storm.

"This is an important step for the people of the Central Coast – I encourage the council to get started on the design work so construction on the long awaited Wamberal terminal revetment that will provide the peace of mind the community deserves," Mr Crouch said.

Mr Crouch's continued NSW Government push and interference in Council affairs to make a Wamberal Beach seawall a reality is discussed in more detail later in this submission.

### High hopes for the Marsden Jacob Associates Report

The WPA was eager for Council to implement CZMP actions to build a seawall along Wamberal Beach. They were aware that Council was waiting on the release of a State Government funded OEH-commissioned Marsden Jacob Associates report, a Cost Benefit



Analysis (CBA) of eight Wamberal Beach management options, including seawall options. At the WPA's 2017 event, where they incidentally were pitching to the Pacific 6 and other beachfront owners, they said they were eagerly anticipating the results of the report so they could move forward on a seawall, and they expected the Marsden Jacob Associates report to back a seawall. *Refer to [Wamberal Protection Association \(Wamberal beachfront property owners pro-seawall lobby group\) 2017 recording of seawall promotional event at Breakers Country Club Wamberal](#)*

Time 6:00

Around that time, 17 June 2017, Mr Crouch wrote to the new Council CEO on behalf of the beachfront owners, directing Council to move forward with a seawall specification before the Marsden Jacob Associates Report was even finished. So, according to the WPA, Adam Crouch MP directly influenced the certification of the CZMP a couple of months earlier, and his letter to the Council CEO shows Mr Crouch pushing the Council CEO to start seawall plans, even without the findings of the Marsden Jacob Associates Report being finalised or published.

*Refer Attachment 6 Marsden Jacob Associates Wamberal beach management options: Cost benefit and distributional analysis*



When the Marsden Jacob Associates report finally arrived, it did not back any seawall options, it was quite the reverse. Suddenly, the Marsden Jacob Associates report was a thorn in the side of Adam Crouch MP, and in time, the WPA. What would happen to the report?

Central Coast Council  
49 Mann Street  
Gosford NSW 2250

Dear Ian and Rob,

Re: *Coastal Sea Wall - Wamberal*

In mid-2016 Office Environment Heritage commissioned a Cost Benefit Analysis (CBA) to examine the likely costs and benefits (both public and private) of a potential sea wall structure at Wamberal against the 'do nothing' option.

Gosford City Council was initially represented on a Steering Committee that initiated and has overseen this work, but the relevant officer ceased employment following the creation of Central Coast Council and was not replaced. OEH expects the Cost Benefit Analysis to be finalised this month and will share its findings with Central Coast Council.

A decision on what funding, if any, OEH would provide through its "Coastal Grants Program" for any sea wall cannot be made until such time as an actual proposal is provided. At present, Central Coast Council has not submitted a proposal to construct a sea wall at Wamberal.

The CBA will provide informed consideration of the distribution of costs and benefits of a sea wall, which will assist Central Coast Council in determining a funding model, and OEH's consideration of an appropriate State Government contribution. The CBA will be one input to these decisions and will be balanced against other considerations.

Finalisation of the CBA is not required in order for Central Coast Council to progress the design of a seawall. Specifically, the CBA does not preclude Central Coast Council from independently progressing preliminary concept design work and community consultation that will be necessary before a final engineering design and costing can be undertaken.

I am requesting, on behalf of the residents that surround the immediate area of the proposed coastal sea wall to be constructed at Wamberal, that Central Coast Council move forward immediately to submit the required proposal for costing determinations to be considered. I am advised that Ms Sharon Mollov, Acting Director Hunter Central Coast of the Office of Environment and Heritage can be contacted or should you require further assistance.

I look forward to a response to this urgent request.

Kind Regards

*Letter from Adam Crouch MP to Council directing them to start work on the proposed Wamberal Beach seawall.*

The following statement by Mr Ian Reynolds Council Administrator reveal that Council was awaiting the Marsden Jacob Associates CBA to make an informed decision on any CZMP actions for Wamberal Beach.

See: [Council's Plan for Coastal Management in the South Certified - 4 June 2017](#)

Now the Plan has been certified, Council is in a position to apply for State Government funding to help manage coastal hazards and other issues in a timely and cost-effective manner.

The Office of Environment and Heritage (OEH) is currently undertaking a cost-benefit analysis for its design of a proposed revetment wall along the whole of Wamberal Beach.

"Once the design, cost benefit analysis and construction cost is completed by OEH and made available to Council, Council can then have an informed and constructive conversation with local landowners, State Government, and the community about a possible permanent solution for beach erosion at Wamberal and how it might be funded," Mr Reynolds said.

### New Council in the dark?

Central Coast Council (Council) had their first Councillor elections since amalgamation in September 2017. On 21 June 2018 at an NSW Land and Environment Court conciliation conference, the *Marchese v Central Coast Council* case was settled by the parties making an agreement, not by a decision of the Court based on merit, and so the Pacific 6 appeal was upheld. A condition of consent of the *Marchese-Council 'Pacific 6'* settlement related to actions in the CZMP, namely:

The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

“6.1. If the whole-of bay seawall solution is implemented for Wamberal Beach as provided within Gosford Beaches CZMP, ... and the removal of the proposed work is required due to an incompatibility of two designs then, at that time, the seawall approved under this development consent must be removed at the cost of the registered properties of the land subject of this development consent.”

In the Court judgement by Gray C, point 4 stated:

“In making orders to give effect to the agreement between the parties, I was not required to make, and have not made, any merit assessment of the issues that were originally in dispute between the parties.”

*Refer attachment 7 Marchese v Central Coast Council [2018] NSWLEC 1310*

The community needs to know the settlement terms that were reached between the parties in the LEC with the decision to uphold the appeal in favour of the DA applicant.

The decision by the LEC for the matter to be settled is also surprising given that included in supporting documentation for the DA:

“As reported in Horton Coastal Engineering “Coastal Engineering Report and of Environmental Effects, accompanying the 2016 Pacific 6 DA, in the Egger Case:

*“In 1987, the Supreme Court of NSW in Egger v Gosford Shire Council found that the protection works at 25 Pacific Street may have contributed to the loss of 23a Ocean View Drive in a coastal storm in 1978. As stated in the judgement, ‘the additional erosion due to the seawall interacting with the northerly moving body of water probably made the difference between the home remaining or collapsing”.*

*Therefore, since 1987, there has been an awareness that (based on law) the 25 Pacific Street seawall may cause an adverse impact on adjacent properties, including the subject properties (and indeed may have done so in the June 2016 storm). “*

The issue of “end effects” with a seawall is referenced in law yet to avoid this impact on Wamberal beachfront properties that are not at risk, Central Coast Council is allowing a seawall to be forced on everyone and pushing the end effects to the lagoons that will sit at either end of the TPS and surrounding properties.

On 4 June 2018, about two weeks before the Pacific 6 LEC case settled, CCC Mayor Jane Smith announced that the Office of Environment and Heritage Marsden Jacob Associates “Wamberal Beach Management Options: Cost Benefit and Distributional Analysis (CBA)” would be released and made publicly available via the Council Website.

See: [Highlights of the 4 June 2018 Council Meeting](#)

**Council notes proactive release of information and the establishment of a working group relating to erosion at Wamberal beach**

Council resolved to note the proactive release by the Acting CEO of two documents, in redacted form, relating to Wamberal Beach erosion.

The ‘Wamberal Beach NSW Storm Erosion Remediation Report’ and the cost benefit analysis report from the Office of Environment and Heritage will be available on Council’s website in the very near future.

Council also announced establishment of a Working Group to investigate erosion solutions for Wamberal Beach. The only two community members in the group were Wamberal beachfront property owners.

See: [Council notes proactive release of information and the establishment of a working group relating to erosion at Wamberal Beach - 4 June 2018](#)

Council resolved to note the proactive release by the Acting CEO of two documents, in redacted form, relating to Wamberal Beach erosion.

The 'Wamberal Beach NSW Storm Erosion Remediation Report' and the cost benefit analysis report from the Office of Environment and Heritage will be available on Council's website in the very near future.

Mayor Jane Smith said the release of the documents aligned with Council's new Proactive Release Program confirming Council's commitment to transparency and accountability.

"We want the community to have faith that we are making informed decisions in their best interests," said Mayor Jane Smith.

"We support proactive release of information that will inform our residents.

"There is a great deal of community interest and concern in how Council is addressing issues of erosion at Wamberal Beach and the release of this information will help better inform the community."

See article: [COUNCIL FORMS WORKING GROUP TO TACKLE WAMBERAL EROSION](#)  
6 June 2018

Remarkably, the Marsden Jacob Associates report had been published ten months prior to these Council announcements, which raises the following very serious questions:

1. Was release of the report suppressed by the NSW State Government or Council? If so why and under whose instructions? Was the Report suppressed or kept away from Council because of the Pacific 6 Court case and/or Mr Crouch MP's and/or Ministry influence and/or other reasons, and under whose instructions?
2. How did Council obtain a copy of the report? Did Council obtain a copy of the Marsden Jacob report with a Government Information Public Access (GIPA) request on OEH? When was the Report released to Council?
3. Noting the Report was published in August 2017, if the report was not immediately released to Council, why wasn't it?
4. Was there a situation that some in Council Management were aware of the report and had seen the report earlier, but not the Mayor or Councillors?
5. What was Council's view of the Report and was the Report discussed between Council and Mr Crouch MP, if so, what was discussed?
6. Why was the report not released publicly when it was published in August 2017?

The Marsden Jacob Associates report concluded that a TPS seawall was the worst option for Wamberal Beach, that a seawall, regardless of what type, delivered no public benefit. The Marsden Jacob Associates Report killed the idea of a TPS, yet Council used the TPS to settle a court case. How could Council settle the Pacific 6 case with the option of progressing a seawall if it was aware of the contents and recommendations of the Marsden Jacob Associates CBA? Is the reason for this apparent inconsistency that Council was not aware or could not be seen to be aware of the existence of the report?

In summary, here we have a situation where the Pacific 6 DA is in the LEC with the State Government opposing the DA and it is unlikely the appeal will be upheld. Enter a certified CZMP which includes items for a TPS seawall at Wamberal. A long-awaited Marsden Jacob Associates report that recommends no seawall at Wamberal is suppressed and Council settle on the Pacific 6 LEC case using the TPS seawall as a bargaining tool. The following articles describe the absurdity of the situation:

See article: [Revetment wall at Wamberal approved 6 July 2018](#)

*“As one NSW Government agency concludes that the building of a revetment wall to protect beachfront private property at Wamberal may not be viable, the state’s Land and Environment Court (LEC) has ruled in favour of the building of such a revetment.”*

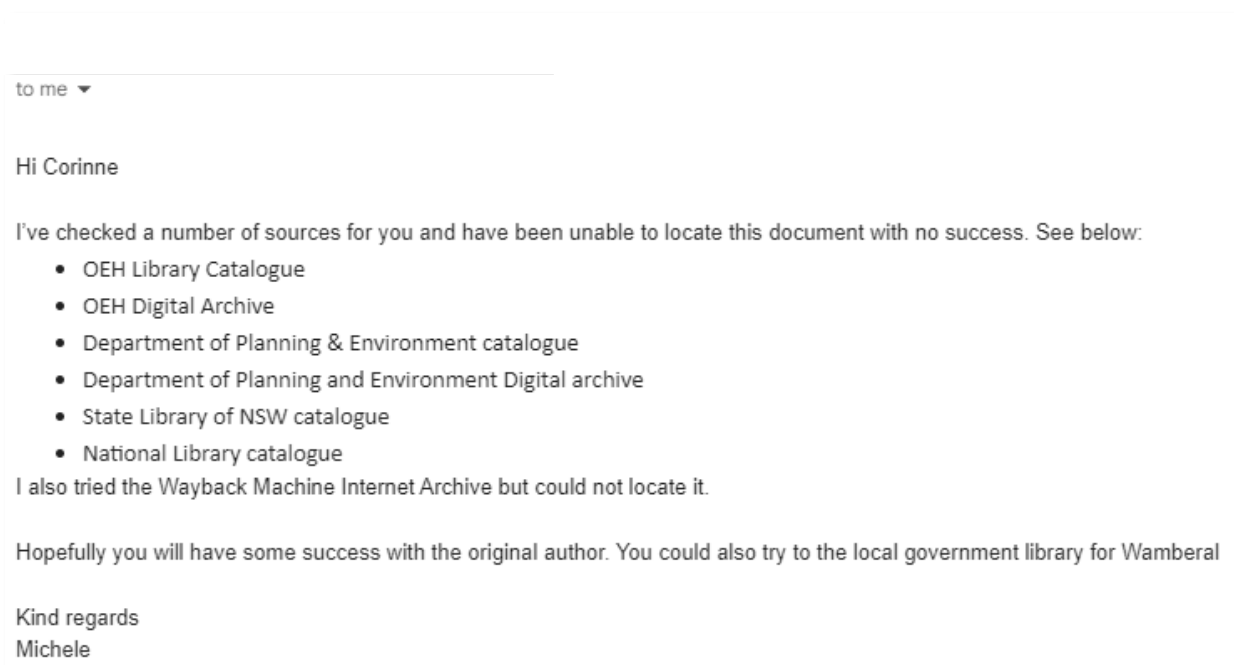
See: [Government report predicts a grim future for Wamberal Beach – 6 July 2018](#)

Related to this is the question of what Council offered in the negotiations to reach a settlement with the Pacific 6.

- Did Council make the right offer, a fully informed offer, a legal offer?
- Did Council offer the Pacific 6 a future seawall to settle the matter?
- Would Council have made a different offer if they were provided access to the Marsden Jacob Associates report months before?
- Who at Council or outside Council negotiated, influenced and made the offer?
- Was the CZMP action (TW11) mischaracterised during the negotiations as being a Council decision for a seawall when in fact it was only a call for a review?

## Unsolved mystery 1: Disappearance of the Marsden Jacob Associates report

The Marsden Jacob Associates CBA ‘disappeared’ for some years. In July 2023, Corinne Lamont made numerous attempts to obtain a copy of the Report. Mrs Lamont started her search with NSW Department of Planning and Environment (DPIE). According to DPIE the report didn’t exist. They could not find any record of the report. Mrs Lamont was able to provide DPIE proof (see Figure 1 below) that the report existed, and they suggested that she contact State Government Library Services, which she did on 9 August 2023. Mrs Lamont subsequently received the following response from DPIE:



Email DPIE SEARCH FOR Marsden Jacob CBA – 9 August 2023

Figure: Evidence of the existence of the Marsden Jacob Associates report

The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

preventionweb.net/publication/wamberal-beach-management-options-cost-benefit-and-distributional-analysis

Bookmarks: Yahoo! Collect, ID Diving Platform, Bookmarks, Just in - ABC News, Google News, Facebook, Google, NetBank - Log on L, Google News, Coronavirus (COVID-19)

UNDRR


PreventionWeb HOME UNDERSTANDING DISASTER RISK KNOWLEDGE BASE COMMUNITY SENDAI FRAMEWORK

Home > Documents And Publications

Author(s): Kirrade, Peter; Carr, Rod; Riede, Peter

## Wamberal beach management options: Cost benefit and distributional analysis

Source: Marsden Jacob Associates



Wamberal is a coastal community located near Gosford on the central coast of New South Wales, Australia. A range of structural engineering approaches has been considered to protect beachfront properties and other infrastructure at Wamberal beach and the surrounding lagoon properties from the effects of coastal processes. This report uses a standard Cost-benefit Analysis (CBA) framework to estimate the direct and indirect costs and benefits of these options that may accrue to a range of key stakeholders.

In summary, the seven engineering (seawall) options considered in this report (Options 2-7) all impose a net economic cost on the community, compared to continuing with the current status quo approach of no specific attempt to prevent the effects of coastal erosion. The CBA concludes that none of the engineering options considered (Options 2-7) are expected to provide a net public benefit for the local community and for visitors to the area, under base assumptions. Only a Planned Retreat option (Option 8) provides greater benefits than a continuation of the current approach of no specific managed intervention (Option 1, maintaining current, status quo approaches).

Publication Year  
2017

Number of pages  
75 p.

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Wamberal beach management op...  
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Related links

- [Australia's coastal living is at risk from sea level rise, but it's happened before](#)
- [Australia: NSW sea level rise policy statement](#)
- [Australia: NSW Coastal planning guideline - adapting to sea level rise](#)
- [Australia: Building sea walls is a small bandaid on a gaping wound](#)

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Mrs Lamont subsequently made enquiries with the author of the Report and received the following response on 17 August 2023:

## Wamberal beach management options: Cost benefit and distributional analysis

3 messages

Wed, Aug 9, 2023 at 5:58 PM

Dear Peter,

Sorry to bother you again and thank you for your call yesterday morning. After your call I contacted OEH again to see if I could get a copy of your "Wamberal beach management options: Cost benefit and distributional analysis" publication. Unfortunately OEH said they were unable to find any record of the publication and suggested I contact the government Library Services, which I did. Library Services checked the following and the Wayback Machine and were unable to locate the publication:

- OEH Library Catalogue
- OEH Digital Archive
- Department of Planning & Environment catalogue
- Department of Planning and Environment Digital archive
- State Library of NSW catalogue
- National Library catalogue

I also contacted a State Member of Parliament who quoted the publication in her speech in September 2020. Unfortunately they cannot locate the publication either. I don't know where else I can go to obtain a copy and was hoping you might be able to help.

I look forward to hearing from you.

Thank you and kind regards,

Corinne Lamont

Peter Kinrade  
To: Corinne

Thu, Aug 17, 2023 at 9:09 AM

Hello Corinne,

Apologies for the delay in getting back to you. Even though the report is now 6 years old, I am surprised that that OEH does not have a record of the report. As I mentioned previously, unfortunately we cannot provide you with a copy without permission from the OEH, but I will talk with my colleagues as to whether there are any other options available to you. I will get back to you once I have done this.

Kind regards

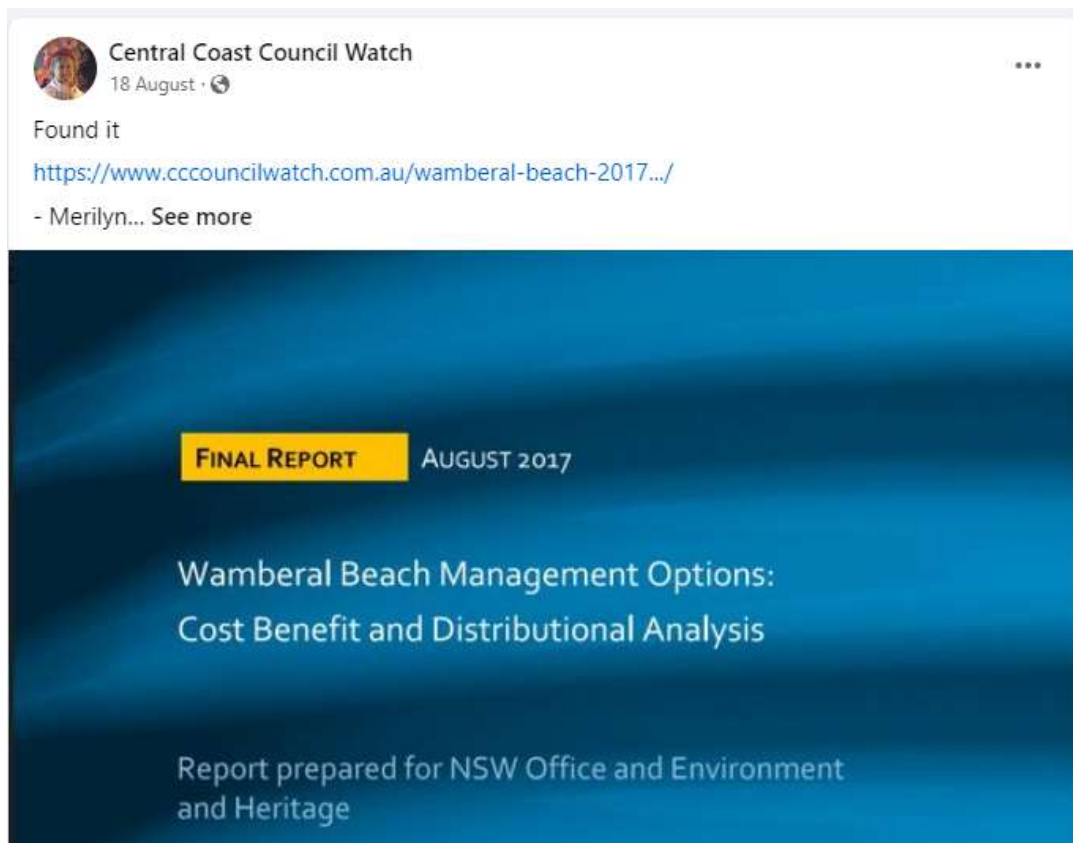
Peter

Peter Kinrade | Associate Director

**MARSDEN JACOB** ASSOCIATES

Level 4, 683 Burke Road

Mrs Lamont next wrote to the editor of Coast Community News after recalling they mention receiving the Marsden Jacob Associates Report in an article published on 6 July 2018 “*Government report predicts a grim future for Wamberal Beach*” Coincidentally, July 2018 was the month after the settlement of the Pacific 6 court case. As a result of Mrs Lamont’s inquiry, former Coast Community News journalist Merilyn Vale located the Report and published it on her Central Coast Council Watch Facebook page on 18 August 2023.



The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

At the same time, Mrs Lamont thought she would try to locate the report through Adam Crouch MP's office. Adam Crouch's office sent Mrs Lamont a copy of the Report on 17 August 2023 few days before Ms Vale posted it on Facebook.



The response that Mrs Lamont received from Council in relation to her search for the Report is troubling. As with her attempt to locate the report through DPIE, Mrs Lamont first used the search tools available on the Council and DPIE Websites. What surprised Mrs Lamont is that both sites held reports and publications dating back to the last century, yet it did not have the six-year-old Marsden Jacob Associates report, however, Local Liberal State MP Adam Crouch and a local Facebook media source had copies.

### [Pulling teeth – emails to Mr Fullagar regarding the Marsden Jacob report](#)

On 26 Jan 2019 Council resolved to commence the Wamberal TPS and Sand Nourishment preliminary investigations and concept designs. Why was this resolution made if the Marsden Jacob Associates Report was already the preliminary report on a seawall for Wamberal Beach? Did Council have the Marsden Jacob Associates CBA 2017 at the time that this resolution was made?



### **3.2 Deferred Item - Management Activities at Wamberal and Terrigal Beaches**

Councillor Burke left the chamber at 8.08pm and did not return.

**Moved:** Councillor MacGregor

**Seconded:** Councillor Pilon

#### **Resolved**

**36/19 That Council note the Deferred Item - Response to Motion of Urgency U5/18 Asbestos – Wamberal and Terrigal Beaches which is Attachment 1 to this report.**

**37/19 That Council note the funding offer provided by the NSW Government for the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.**

**38/19 That Council request the Chief Executive Officer to commence the Wamberal Terminal Protection and Sand Nourishment preliminary investigations and concept design.**

**39/19 That Council request the Chief Executive Officer to provide a report on the activity suggested by Councillor Pilon.**

Mrs Lamont wrote to [redacted] Section Manager Catchments to Coast, Central Coast Council and asked him for a copy of the Marsden Jacob CBA 27 July 2023 believing that Council would have a copy as a Gosford Council staff were involved in a steering committee with OEH at the time the report was commissioned by OEH. Mr Fullagar initially advised Mrs Lamont that Council did not have a copy and the report was never finalised. Mrs Lamont was subsequently able to prove to Mr [redacted] that the Marsden CBA did in fact exist, that up until July 2020 Councillors were still asking for the report:

Council Minutes 20 July 2020 item 748/20 as follows:

"That Council request that the NSW Government provide an update on the Wamberal beach management options: Cost benefit and distributional analysis Report finalised August 2017, including fast tracking the recommendations of that report."

Astonishingly, an article in The Guardian 28 July 2020 discusses the findings of the Marsden Jacob CBA including that the that a seawall would deliver no net benefit.

How was The Guardian and other media outlets able to publish an article on the Marsden Jacobs Associates CBA while Council was still requesting the CBA to be released?

See article: [Wamberal beach erosion: seawall would deliver no net benefit, study finds](#)

Refer to Attachment 8 emails to and from [redacted]

Central Coast Council.

Reading the email attachments between Mr [redacted] and Mrs Lamont it is apparent that Mr [redacted] does not know when Council received the Marsden Jacob CBA how was it obtained, why it was removed from Council's website and under whose instructions, though there is no proof it was ever available to Council or on the Council website. Mrs Lamont has learnt from a source that Council and a local NSW Coastal Alliance member obtained the Marsden Jacob Report with a GIPA report from OEH.

There appears to be a lot of subterfuge surrounding the Marsden Jacob Associates CBA. Why and who prevented its release? Why didn't Council act on the findings of the Report? Why would OEH spend a considerable amount of money commissioning a report that would be ignored, hidden, eventually missing without trace? Why was a LEC Court case settled with a Council using a seawall that the Marsden Jacob Associates report said provided no benefit and was the worst option? The Report should've killed the idea and any progression of a TPS seawall at Wamberal Beach, instead it was full steam ahead for Council, WPA and Adam Crouch MP who handed over a cheque to Council for \$207,500 for beach nourishment and a revetment wall design work just over a year after the publication of the Marsden Jacob Associates report.

The question as to why the recommendations and conclusions of the Marsden Jacob Associates report were ignored was raised in NSW Parliament by Abigail Boyd MLC, NSW Member for the Greens in a parliamentary speech "Coastal Erosion" 17 September 2020.

Refer to Attachment 9 A Boyd MLC speech - Coastal Erosion - Legislative Council Hansard - 17 September 2020.pdf

### Coincidentally Crouch Part 1?

MP Adam Crouch started more publicly voicing his support and exerting pressure on Council to build a seawall at Wamberal Beach after the 2016 storms. A Central Coast Express Advocate article on 8 June 2016, quotes him saying:

*"Doing nothing was not an option," and urged the Council to move quickly in applying for a slice of the \$83.6 million the NSW Government has put on the table. "I strongly recommend the Council move on this and move on it quickly, Wamberal is a historic hot spot and would meet all the criteria for funding. Money is no excuse. We now have the ability to put in a remedy and we should be on the front foot with this. It only gets more expensive every year."*

Mr Crouch would be aware that it only gets more expensive every year because planning decisions and court cases have not allowed a halt on development and planned retreat, and a TPS option has been foolishly chased instead of better options like dune stabilisation and beach nourishment. This statement was also made nearly a year before Council had even resolved to submit the CZMP for certification.

The Pacific 6 DA reveals donations to the Liberal Party and assumed pro-wall lobbying is no secret. While pandering to the votes of about 60 beachfront property owners he continued to ignore over 3,500 Wamberal residents who want an equitable solution for the whole community and the beach and lagoon environments.

Developments over several years since WPA lobbying to get the CZMP certified raise serious questions about the inappropriate influence and pressure Adam Crouch MP brought to bear on the CZMP and his campaign to redefine the CZMP TW11 as an action to build a seawall instead of a design and funding review.

 **Adam Crouch MP with Councillor Jilly Pilon at Wamberal Beach.**  
Paid partnership · 19 October 2018 · Wamberal, NSW · 🌐

🌊 MAJOR MILESTONE FOR WAMBERAL BEACH 🌊

Today I handed over a \$207,500 cheque to [Central Coast Council](#) for beach nourishment and design work for a revetment wall at Wamberal Beach.

This is the first significant funding milestone for a long-term solution to protect hundreds of millions of dollars of public and private assets on Ocean View Drive.

Congratulations to Council, the [Wamberal Protection Association](#), the NSW Coastal Alliance and local residents for working together to achieve this outcome.



Member for Terrigal, Adam Crouch, presenting a cheque to Phil Hudson of the Wamberal Protection Association with Clr Jilly Pilon

Arguably, Mr Crouch MP remarketed the CZMP and said little to nothing about the Marsden Jacob Associates report. To this day, Council and some in NSW Parliament parrot Mr Crouch MP's false assertion that the CZMP was a seawall decision. Mr Crouch appears to have forgotten, or more precisely, he later ignored the minutes of his Taskforce meeting. Was it a coincidence that:

1. Council was pressured to complete the final CZMP, and have it certified by Minister Upton in 2017, throwing the Pacific 6 case out of State's hands and, forcing Council to use the CZMP as a tool to settle the case against the Pacific 6, Mr Crouch's constituents? Echoes of the Dunford case?
2. Mr Crouch made ongoing public gestures of support for a seawall, as evidenced below, one moment telling the community that a seawall would be decided by experts, at other times touting the need to build a seawall:



Adam Crouch MP

I was delighted to be able to supply the \$207,500 that Council required to make this possible. Build the (revetment) wall, I say! 🙌

Like Reply 4 y Edited

On the day that Mr Crouch handed over this this cheque he appeared in a NBN TV news bulletin "[WONDERWALL: CASH TO PLAN FOR WAMBERAL EROSION FIX](#)" 19 Oct 2018 and said that the seawall was going to be protecting the "Ocean View Rd and the 100's of millions of dollars of infrastructure plus also the 100's of homes on the other side of that road as well". It didn't stop there. Mr Crouch continued on 29 May 2020 with, "what I would say to Council is anything you can do to speed this process up because it's got to protect not just the people of the beachfront but also Council's own assets under Ocean View Drive, also those people on the lagoon, you don't want homes to be the last line of defense when it comes to stopping sea erosion"

We are extremely grateful to Adam Crouch MP for his support, drive and commitment in supporting our Association and more importantly supporting the Central Coast Council in their Coastal Management endeavours.

We also acknowledge the efforts of Councillor Jilly Pilon who has recognised the importance of this project and has been incredibly supportive. We also recognise the efforts of all members of Council's Project Working Group who have been driving this project ever since Council's CZMP was Certified by the NSW Government back in 2017.

*WPA media release 23 Oct 2018*

The breakthrough of the dunes onto Ocean View Drive is one of Mr Crouch and the WPA beachfront homeowners biggest "go to" furbphies. This lie has been the basis of findings in a subsequent 2021 Manly Hydraulics Laboratories CBA used to sell the proposed Wamberal Beach seawall.

### 2.3. Dune breakthrough and overtopping

Potential for dune breakthrough has been assessed, but is considered highly unlikely over the timescale of the present study (to 2064).<sup>11</sup>

Based on available information, it is highly unlikely that a dune breakthrough (itself an unlikely event), will result in a new channel into Terrigal Lagoon. The breakthrough will be a result of run-up washing over the dune and cutting through it, but the base level of any cut is unlikely to extend down to the level of the Ocean View Drive. The breakthrough is more likely to result in a sand washover and deposition on the road and on the lagoon side of the road. Should all the sand be washed over the road, the road would still be a barrier to breakthrough. That is, although a single storm (even the 100 year ARI event in 2064) may erode the dune back to the road, it is unlikely to have the duration at high water levels to breach the road. Hence a new channel would not be created.

Therefore, any impacts will primarily relate to the impact of the breakthrough on the dune itself. In any case, it is likely that any breach in the dune will be rectified after it occurs to re-establish the present-day configuration.

Some services may also be affected by a breakthrough. (However, although the potential for breakthrough is most likely between [REDACTED], there is no sewer connection at this location which could be ruptured). Another possible impact of dune breakthrough would be temporary road blockage due to sand deposition.

*Office of Environment and Heritage Wamberal Cost-Benefit Analysis and Distributional Analysis pg 16*

[See Professor Andrew Short \(USYD\) 2023 interview regarding Wamberal Beach, refuting the pro-seawall campaign claim of "dune breakthrough".](#)

Time 15:00

Evidenced in the following article in June 2017, even as Council were awaiting the findings of Marsden Jacob CBA before making an informed decision about a possible permanent solution for Wamberal both Adam Crouch and Gabriel Upton, Minister for Local Government, Environment and Heritage were putting pressure on Council to apply for funding to build a wall with assumptions of a dune breakthrough.

Refer to article: ["Coastal crisis: \\$1 billion worth of Central Coast private and public assets in danger"](#)

Refer to article: [Wamberal-residents-call-for-sea-wall-to-be-fast-tracked](#)

This was more of Adam Crouch and Liberal Party's spin, misinformation and fear mongering, there was no proof of a dune breakthrough onto Ocean View Drive. The Marsden Jacob CBA report stated it was unlikely to happen and Coastal experts Prof Andrew Short has affirmed this. This misinformation continued to be used by Mr Crouch and the WPA without any evidence, to gain public support by misleading the public into believing the proposed Wamberal seawall was saving all of Wamberal and not just the often-vacant beachfront homes. How else could they get the community to back their need for a seawall, a short-term fix that would destroy the beach, increase flooding to the lagoons just to protect their uninsurable majority holiday homes.

Mr Crouch never let up on the seawall and made the TPS seawall at Wamberal Beach his agenda and promise at the NSW State election in March 2019.

With Mr Crouch's cash splash Central Coast Council were able to engage Manly Hydraulics to start studies to satisfy TPS and sand nourishment actions in the CZMP. Ms Lamont was advised that the terms of engagement were decided with NSW DPE. The studies that they were engaged to complete were:

- **Literature Review:** to take stock of what was known and identify any information gaps.  
[Stage 1 - Literature Review](#)
- **Coastal Protection Assessment:** to determine sand movement, beach behaviour and impacts/opportunities around public access and amenity.  
[Stage 2 - Coastal Protection Amenity Assessment](#)
- **Concept Design Options:** for a terminal protection structure (seawall) and sand nourishment, and potential seawall alignment.  
[Stage 3 - Concept Designs](#)
- **Sand Nourishment Investigation:** to help maintain public beach amenity.  
[Stage 4 - Sand Nourishment Investigation](#)
- **Coastal Monitoring Webpage:** to monitor beach conditions.  
[Stage 5 - Coastal Monitoring Webpage](#)

- **Cost Benefit Analysis:** to guide development of possible funding models.  
[Stage 6 - Cost-Benefit Analysis](#)

Refer to [Council Coastal Erosion Webpage](#).

Why was another CBA being completed if there was already a CBA, the Marsden Jacob Associates CBA, completed 3 years earlier? Who gave these instructions? Mrs Lamont has tried without success to enquire from Council who was in control of MHL's engagement, Council or the NSW State Government.

Refer attached 8 Emails to

Refer to article: [Wamberal residents call for seawall to be fast tracked](#)

Mr Crouch was able to ramp up his efforts after a major storm event in mid July 2020 setting the stage for his proposed seawall, and soon after taking advantage of a Council under administration and a precedent set with the disastrous Collaroy seawall.



Tuesday, 21 July 2020

## RECOVERY COORDINATOR APPOINTED FOR COASTAL EROSION

The NSW Government has appointed a Local Recovery Coordinator in response to the significant erosion issues at Wamberal Beach.

Lee Shearer APM, a former NSW Police Force Assistant Commissioner, has been appointed to the role. Ms Shearer previously held the role of Central Coast Coordinator-General for the NSW Department of Planning and Environment.

Parliamentary Secretary for the Central Coast and Member for Terrigal Adam Crouch said the appointment would better support the local community, many of whom were forced to evacuate.

"Ms Shearer will build on the work by the Local Emergency Operations Controller, Superintendent Tony Joice to protect lives, minimise damage to properties and clean up the beach," Mr Crouch said.

"Following the community meeting on Sunday, it's clear that local residents have no faith in Central Coast Council to prioritise their needs.

"That's why the Premier, Minister for Police and Emergency Services and myself have appointed Ms Shearer as the Local Recovery Coordinator.

"In addition to dozens of private properties, the hundreds of millions of dollars of public assets along Ocean View Drive must be protected."



In the end, the decision to resolve to build a TPS at Wamberal Beach was made by an NSW Government appointed Administrator and an NSW Government established Taskforce of which Mr Crouch was an active member.

Incidentally, Council staff consulting on the TPS were known to have encouraged local residents not to vote for Adam Crouch MP in the 2023 State Election if they wanted to stop the seawall.

### Coincidentally Crouch Part 2 – The ‘what’ Taskforce?

In July 2020 Mr Crouch met with Gary Murphy from Council and Phil Watson Dept of Planning, which according to meeting minutes was basically the formation of the tellingly named Wamberal Seawall Advisory Taskforce. The name of Mr Crouch’s group left no doubt as to fact that the taskforce was singular in its push for a seawall at Wamberal. The taskforce was made up of:

Independent Chair – Dr Phil Watson. Although Dr Watson is a DPIE employee, he will chair the Advisory Taskforce in an independent capacity in recognition of his significant expertise and international reputation in coastal management. He is not a DPIE representative on the Advisory Taskforce.

Adam Crouch MP, Member for Terrigal and Parliamentary Secretary for the Central Coast • The General Manager, or their representative from Central Coast Council

A representative from the Department of Planning and Environment (Environment, Energy and Science)

A representative from the Department of Planning and Environment (Planning and Assessment)

A representative from Department of Planning and Environment (Crown Lands)

Additional technical experts from the Department of Planning and Environment and Council may attend in an observer capacity as required.

Refer to the Attachment 10 Wamberal Seawall Advisory Taskforce Terms of Reference



There were no Councillors or community representatives on the taskforce. Community members complained to Gabriel Upton to have Mr Crouch removed from the Taskforce as his agenda was not for a long-term solution for Wamberal, but his election promise of a seawall. This fell on deaf ears.

The Taskforce meeting minutes for 8 September 2020 reveal that:

*“On 7 July 2020, AC (Adam Crouch) arranged for a meeting with GM (Gary Murphy) and PW (Phil Watson) to discuss these issues and agreed to work closely and collaboratively to progress relevant matters before the current tranche of funding for actions in certified CZMPs finish at the end of 2021. In effect it was the informal beginnings of the Taskforce”.*

It is evident, reading the available Taskforce meeting minutes, that there was an urgency to progress a TPS for Wamberal as far as possible and as quickly as possible, initially before expiry of the CZMP, then before the state election and before Rik Hart, the appointed Administrator’s, term expired, that is, before the Central Coast community was able to vote for Central Coast Councillors. Adam Crouch MP even petitioned for a public enquiry into Council to ensure Councillors did not return after their suspension expired in April 2021, so he could easily, among other things, further his own agenda with the Wamberal TPS and the taskforce.

Adam Crouch urged the disbandment of the Council-established Wamberal Protection Working Group, with the Seawall Taskforce taking over the Council-established group. As noted in the first Taskforce meeting August 2020, Adam Crouch “raised concerns regarding Council’s Project Working Group and its slow progress and suggested that it might be time to wrap that group up.” The group was established in November 2017 to work collaboratively on recommendations for managing beach erosion at Wamberal. Mr Crouch felt the Council group was holding things, the seawall, up.

Mr Crouch was now able to complete his conversion of CZMP action TW11 from an action to **review** the design and funding of terminal protection structure (TPS) for Wamberal, to **build** a seawall. It is even mentioned in the taskforce minutes that the actions were never for Council to build a seawall. Without Councillors to represent them the only options being given to the local community was 5 different types of seawalls.

Wamberal Seawall Advisory Taskforce Meeting Record (Meeting 10) 7 September 2021 notes:

*“4.3. Update on procedures around approvals with view to progress a preferred option by year end following phase 2 community consultation: Scott Cox advised staff are working on a detailed project plan but still need clarification about who is responsible for any works. Noted consent authority will likely by(sic) [be] the Local Planning Panel or Regional Planning Panel. Approval process also depends on the option selected as each has different implications regarding land tenure (e.g., if a structure is built on Council land, Crown land, privately owned land, or a combination thereof). It was noted there are no actions in the certified Coastal Zone Management Plan (CZMP) regarding Council building a seawall.”*

## End of the coast’s representative Council

As established, the building of a seawall was never a CZMP action and as noted earlier, the CZMP was only certified as a process, not approved as an action or obligated resolution. As stated on a Council Web page, Central Coast Council responding to the coastal erosion threat at Wamberal Beach:

*“Sand nourishment coupled with a terminal seawall (Action: TW 15) is the preferred long-term solution for Wamberal Beach in the CZMP. However, the CZMP does not provide for the construction of a seawall.”*

The decision to build a TPS seawall along Wamberal Beach was made by Rik Hart, and not a democratically elected council.

“

*28 June 2022 Ordinary Council Meeting Minutes*

*Time commenced: 7:18pm*

*Moved: Rik Hart*

*107/22 Resolved*

*That Council:*

- 1. Confirms its position, as described in the certified Gosford Beaches Coastal Zone Management Plan (CZMP), for a coastal protection seawall with sand nourishment as the adopted solution to coastal erosion at Wamberal Beach.*

”

In October 2022, Engineering Design Requirements were adopted by the Administrator.

**Item No:** 2.4  
**Title:** Wamberal Beach Terminal Protection Structure  
 Engineering Design Requirements  
**Department:** Environment and Planning



11 October 2022 Ordinary Council Meeting

Reference: F2021/01774 - D15331032  
 Author: Ben Fullagar, Section Manager, Catchments to Coast  
 Manager: Luke Sulkowski, Unit Manager, Environmental Management  
 Executive: Alice Howe, Director Environment and Planning

### **Recommendation**

#### ***That Council:***

- 1 Receive the consultation report (Attachment 1) summarising the submissions from the public exhibition of the Draft Engineering Design Requirements for a Wamberal Beach Terminal Protection Structure.***
- 2 Note the recommended changes to the Draft Design Requirements following Council's consideration of the submissions.***
- 3 Adopt the updated Engineering Design Requirements (Attachment 2) for***
  - a. use by landowners in the preparation of development applications for coastal protection works within the Wamberal embayment,***
  - b. consideration in the assessment of development applications for coastal protection works within the Wamberal embayment.***

Refer to the Attachment 11 Wamberal Beach Terminal Protection Structure Engineering Design Requirements

The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

Rik Hart took over as administrator from Dick Pearson on May 13, 2021, and David Farmer was appointed as CEO on 12 April 2021. David Farmer made a comment reported in the Coast Community News 5 May 2021 that, "In some ways it is easier working alongside just one person, as opposed to elected Councillors, as you don't have to wonder how the numbers will fall". The community should not have to accept an autocratically run Council, yet here is the new CEO alluding to the fact this is what the community could expect with Rik Hart's appointment.

The decision made by Rik Hart is not supported by the overwhelming majority of the Central Coast community. The resolution made by Rik Hart to build TPS at Wamberal needs to be reversed or repealed and revisited by elected Councillors.

Council, with direction of the Seawall Taskforce, organised community consultations on a seawall-only 'solution' for Wamberal. The community did not want a seawall that would take away their beach. This is perhaps why the community response was considered lack lustre by the Taskforce. There wasn't a choice on all available options to deal with Wamberal Beach, only seawalls. Council received a lot of pushback on the seawall options but Council persisted under administration with Adam Crouch MP at the Taskforce, driving the push.

Central Coast Councillors' suspension was supposed to end at the end of April 2021, they never returned because of a Public Enquiry which was petitioned for by Adam Crouch. The Central Coast community has not had a voice in Council since October 2020, and will not have one until September 2024. This has enabled decisions regarding a seawall to advance with Adam Crouch and the State Government's interference preventing the Council from acting autonomously on the seawall issue with community support. Other than approximately 50 or 60 beach property owners, many of whom do not live on the Central Coast, the Central Coast community has been ignored by Council on the Wamberal seawall issue.



## Wamberal Lagoon to Lagoon Solution

20 April 2021 · 🌐

...

Please support Adam by signing the petition

 <p><b>The Hon. Shelley Hancock MP</b> Minister for Local Government</p> <p>Ref: A768021</p> <p>Ms Helen Minnican Clerk of the Legislative Assembly Parliament of New South Wales SYDNEY NSW 2001</p> <p>By email: helen.minnican@parliament.nsw.gov.au</p> <p>Dear Ms Minnican</p> <p>I refer to the e-petition lodged by Mr David Harris MP, Member for Wyong that was tabled in the Legislative Assembly on 16 March 2021 requesting that the Legislative Assembly hold a judicial inquiry into Central Coast Council to investigate its financial circumstances and that I delay any application by the Council seeking a Special Rate Variation and its sale of assets until the outcome of such judicial inquiry.</p> <p>The NSW Government is focused on providing the best possible solution for the residents of the Central Coast, which is why, upon discovering that Council were unable to pay their staff and having considered Council's submission on my intention to issue a suspension order, I acted to immediately suspend Council on 30 October 2020 for three months and appointed an interim administrator, Mr Dick Pearson AM.</p> <p>Council's failure to adequately address its own financial mismanagement meant that the Government had no alternative but take this necessary action.</p> <p>On 22 January 2021, after considering a report from the interim administrator, I extended the period of suspension for a further three months. The extension of the period of administration provided the interim administrator with the opportunity to continue to implement the measures he has developed to restore the proper and effective functioning of the Council.</p> <p>This action I have taken is to assist the Council to identify the extent of its financial situation and begin a recovery program.</p> <p>On Thursday 15 April 2021 the interim administrator handed down his final report, which has provided two main recommendations, namely, that the suspended Councillors are not returned to Office; and for a Public Inquiry to be held, which are both options available for me to consider.</p> <p>In his final report the interim administrator identified the three principal issues that caused Council's current financial circumstances. These were:</p> <ul style="list-style-type: none"> <li>• The misuse of Council's restricted reserves;</li> <li>• The failure to manage Council's restricted reserves; and</li> <li>• The failure to focus on achieving efficiency dividends/savings from the merger.</li> </ul> <p>While I note the request for a judicial inquiry, this is not an action available to me as Minister for Local Government. Under the Local Government Act 1993 (the Act), I can only appoint a person or persons as commissioners to hold a public inquiry into a council.</p> <p>GPO Box 5341 Sydney NSW 2001 • P: (02) 9574 5400 • W: <a href="http://www.nsw.gov.au/minister/hancock">www.nsw.gov.au/minister/hancock</a></p>	<p>As Minister, I have various discretionary powers to intervene in a council's operations. The exercise of these powers is made where there is a serious breakdown in council operations or major flaws in key council processes are evident. Consideration must be given to the council's autonomy, the public interest, and whether intervention is warranted having regard to the overall operations of local government and to the weight of available evidence.</p> <p>The NSW Government will determine the future of the Central Coast Council based on expert advice and consideration of the interim administrator's final report, his two earlier reports, the views of the local community and expert advice from the Office of Local Government before making a decision prior to 29 April 2021.</p> <p>I can assure the Parliament and the community, that all avenues available under the Act to restore confidence in the functioning of the Council are being explored.</p> <p>Yours sincerely</p>  <p><b>The Hon. Shelley Hancock MP</b> Minister for Local Government</p> <p>GPO Box 5341 Sydney NSW 2001 • P: (02) 9574 5400 • W: <a href="http://www.nsw.gov.au/minister/hancock">www.nsw.gov.au/minister/hancock</a></p>
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**Adam Crouch MP** ✓

20 April 2021 · 🌐

✓ The Local Government Minister has confirmed she is currently considering a Public Inquiry.

🏛️ Under the Local Government Act, this is the ONLY option available to the Minister to prevent the Councillors from returning on 29 April.

📄 Please sign my petition at [www.adamcrouchmp.com.au/public\\_inquiry](http://www.adamcrouchmp.com.au/public_inquiry).

## Bankrupt and under administration, Council copies Collaroy

The following minutes from the Wamberal Seawall Advisory Taskforce and articles with links provided, reveal how the very unpopular seawall was now going to become a reality with a precedent set in a newly approved Collaroy seawall.

See: [Wamberal Seawall Advisory Taskforce meeting 11, 14 October 2021](#)

“Phil Watson provided an update as Chair of the Taskforce. The following key points were noted:

- A community group has made representations to members and are proposing to present an alternative option for consideration as part of a DA process. This is an exciting development as it presents an additional opportunity to progress implementation of

The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

protection works but suggest the Taskforce will need to understand more about the details concerning the proposal. Action: Phil Watson to organise a meeting between residents, Administrator and CEO to discuss the proposal in more detail.”

See: [Wamberal Seawall Advisory Taskforce meeting 11, 18 November 2021](#)

Phil Watson provided an update as Chair of the Taskforce. The following key points were noted and are particularly disturbing:

“Council should be readying themselves and doing all the preparatory work necessary to guide a possible Landowner developed DA process, should that provide an alternate, expedited process by which to implement a solution to this long-standing issue. Casey noted a project brief is being prepared for consultants regarding minimum engineering and planning requirements. Will also need to consider coastal management requirements in line with legislation.”

See article: [A Very Bad Precedent” Prof Andy Short says we’re about to destroy a famous beach to save houses. Is this a trend?](#)

The following excerpt from the article: [The Writing’s On The Wall At Wamberal](#)“ shows the striking similarities between the Collaroy Beach in the Northern Beaches Council area and Wamberal Beach in the Central Coast Council area in terms of the manipulation of decisions and governance gaps to secure a seawall for each:

- Both Councils were bankrupt, in Administration at the time of seawall development push
- Both Councils had been through amalgamations
- Residents took the lead to submit seawall DAs with Council (in Administration) tagging along
- Both Councils being dragged along by way of political and private owner media coverage.
- A lack of wider community consultation, with the consultation in place at Wamberal being limited to solely considering different types of seawalls, no non-seawall options.

Note the following article excerpt:

**“The State government has stepped in** with the Seawall Taskforce because the local Central Coast Council is still under administration and crippled with debt after years of mismanagement. Council debt is currently sitting at \$565 million, and the idea of council slugging ratepayers another \$40 million to protect multi-million-dollar private homes at Wamberal wouldn’t go down well.

The Council is in no position to drive this process, but if the taskforce gets its way, Council will have a crucial role. This is where the “precedent” — Collaroy — kicks in.

As it turns out, the idea of ratepayers forking out millions to save beachfront property is universally unpopular. Northern Beaches Council got around it by having the beachfront property owners agree to pay 80 per cent of the cost themselves. They then moved the proposed wall inside the private property boundaries and put the approvals through the council’s standard development application process. Essentially, they became private seawalls”.

<https://www.centralcoast.nsw.gov.au/council/media-release/long-term-erosion-solution-options-wamberal-beach>

Without conveniently adopting a similar strategy as Collaroy it is unlikely a seawall could become a reality at Wamberal:

Council Administrator, Rik Hart said delivery of a long-term erosion solution at Wamberal Beach is currently not funded and proceeding with any solution would require a funding commitment from the NSW or Federal Government.

"There are many technical, financial, social and environmental complexities that need to be worked through to develop a long-term solution to erosion at Wamberal Beach," Mr Hart said.

"Technical studies and concept design renders are an important step forward in the exploration of a long-term solution but it needs to be clearly understood that delivery of any solution at Wamberal Beach is not yet funded.

"We also need to consider that on top of the initial cost to develop a new asset of this scale there are significant ongoing maintenance and other costs.

#### Long-term erosion solution options for Wamberal Beach - 28 July 2021

- 4 *Reaffirm its resolution of 28 June 2022 that responsibility for the design, construction and maintenance of any seawall fronting private property rests with the landowners that benefit from the proposed coastal protection works and are to be fully funded by each respective private property owner.*
- 5 *Confirm that coastal protection works fronting Council-owned land at the beach access ways and Wamberal Surf Lifesaving Club also be governed by the Engineering Design Requirements, and make provision for the cost of these works in Council's Long Term Financial Plan.*
- 6 *Write to the NSW Government, as the owner of five beachfront allotments at 'The Ruins' and '69 Ocean View Drive', seeking commitment for coastal protection works fronting those lands and the use of the Engineering Design Requirements.*
- 7 *Note that sand nourishment is not expected to be required in the short term due to the location of the structure on private land landward of the current beach.*

- 31 -

#### **Wamberal Beach Terminal Protection Structure Engineering Design Requirements (contd)**

*Confirm that, when the need for sand nourishment arises, as established by periodic monitoring of sand volume on Wamberal Beach, private property owners will be required to contribute to the cost of that beach nourishment to maintain public beach amenity at a capped rate of \$100/lineal metre/year, plus annual increases determined pursuant to the All Groups Consumer Price Index (Sydney).*

*Write to the Minister for Local Government, Minister for Planning and Homes, Minister for the Environment and Minister for Regional NSW seeking:*

- a. *amendments to the Local Government Act 1993 to allow for the costs of construction works on private land, identified in a certified Coastal Zone Management Plan or Coastal Management Program, to be recouped through a coastal protection services charge or similar mechanism.*

11 October 2022 adopted Engineering Design Requirements(EDR) Council resolution

The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

## Seawall Mark II must be stopped

There are many studies and articles that reveal that Wamberal has had a development problem, which has incorrectly been referred to as an erosion problem for a long time. In the absence of available sand nourishment sources, it was decided at the start of this century that the Wamberal Beach development problem would be fixed with a seawall. I will continue to refer to it as a development problem because that is what it clearly is. The adjacent Spoon Bay beach dune system has no erosion problem because it does not have a development problem. The anthropocentric “beach erosion” position has been knowingly used by pro-wall interests to misrepresent the problem, the real problem being their own land development, not beach erosion. Media, even the ABC, has consistently failed to accurately report the “development problem”, so media consumers are, knowingly or unknowingly marketed a flawed description of the problem itself, so there is less chance the community will be sufficiently knowledgeable to understand potential solutions. Note the anthropocentrism and flawed starting principles of the following Council diagnosis and analysis, italics added for emphasis:

*“To address the ongoing erosion threat, a seawall and sand nourishment protection solution was recommended in 1995 (WBM). This plan was designed in 1998 (WRL) and assessed through an Environmental Impact Statement (EIS) in 2003 (MHL). Council adopted the EIS protection plan in 2004, however funding could not be secured. For this reason, the approved long-term solution did not progress”.*

<https://info.centralcoast.nsw.gov.au/erosionsurvey>

Interestingly. Council staff, Adam Crouch MP and other MPs have led the community to believe that a seawall was the preferred solution to deal with development problem at Wamberal Beach, which it wasn't. The layers of misinformation in that claim are breathtaking. First, there is a development problem at the beach, not an erosion problem. Secondly, Dr Alice Howe, Director of Environment and Planning, Central Coast Council recently conceded in a meeting with Corinne and Mark Lamont that a seawall was only Council's adopted choice, not Council's or the community's preferred choice.

The Wamberal Beach Property Protection Environmental Impact Statement Report MHL935 June 2003 page 60, reveals that:

“The studies into the beach nourishment proposal have been advanced so far as is practical at the present time. The nourishment option is believed to be technically feasible, and the preliminary economic analysis suggests that it favourably compares with the terminal protection structure as a long-term strategy. However, at the present time it cannot be considered a viable alternative, nor can it be ruled out. Resolution of the outstanding issues is likely to take several years. It is not possible to advance the nourishment option further at this time and the terminal protection structure will be considered as the preferred option for the remainder of this document.

At the present time the only viable option for the protection of the existing development along the Terrigal/Wamberal foredune would appear to be through the construction of a terminal protection structure. However, this option also has a requirement for ongoing sand nourishment and as such is constrained by the lack of a secured, economical sand source”

The following report provides insights into public sentiment at a meeting of 78 residents in 2004 regarding how to deal with the development problem at Wamberal Beach. With climate change threats becoming more real to everyone, scientific evidence of the failure of seawalls and growing community knowledge and discomfort with the Council pro-seawall push, the results of a similar survey taken in 2023 would be quite different, yet neither Council or Adam Crouch's Seawall Taskforce ever surveyed the wider community on the issue and

options and instead they simply asked the community which one of five seawalls they wanted. The community rightly felt stitched up.

By way of contrast, Wamberal Beach Save Our Sand conducted a letterbox drop to 1,000 local Wamberal residents, inviting them to a surf club information over pizza event on Sunday 5 November 2023. 150 locals attended the event, that is 15% of those letter boxed. Attendees were singular in their opposition to the proposed seawall and seawalls in general. Council and Adam Crouch MP were pushing on with the pro-wall WPA regardless of the huge community outcry against seawalls.

### **Gosford Council**

#### **REPORT OF THE STRATEGY/POLICY WORKSHOP**

Held on 20 July 2004

#### **SF.018 PROTECTION OF WAMBERAL BEACH (IR 1228037)**

BUSINESS UNIT: NATURAL RESOURCES

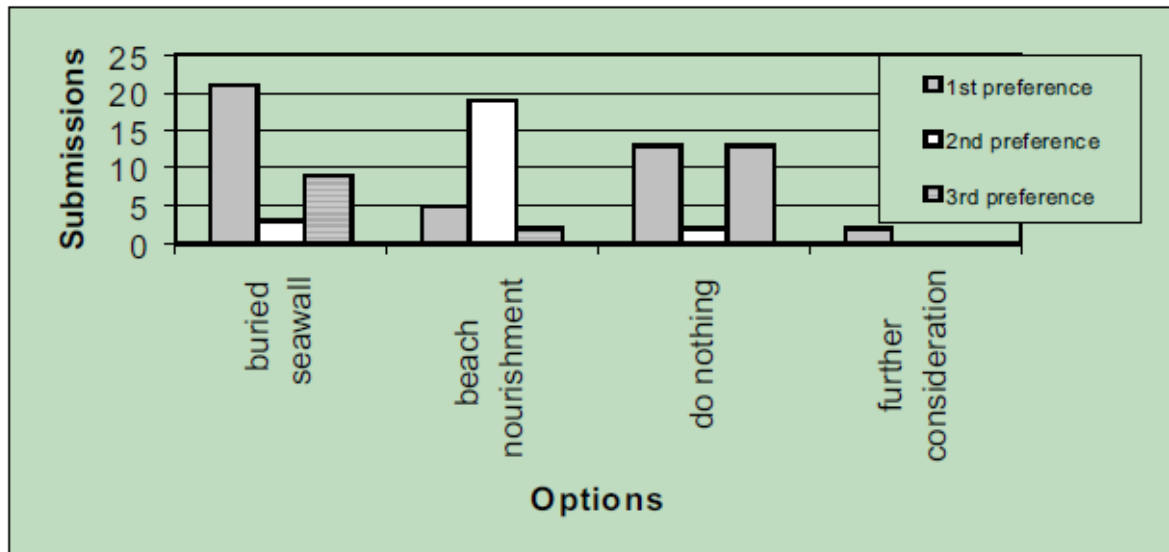
#### **Community Consultation**

The EIS was placed on public exhibition on 4 November until 31 December 2003. On the evening of 1 December 2003, a Public Information Evening attended by 78 community members was held at Terrigal Memorial Country Club. The three key options were presented to the community. A summary of this meeting and its outcomes are provided as an attachment to this report (see GCC 2004, tabled item 7). Comments from those in attendance is summarised in the Table 2 (below).

**Table 2: Summary of comments from public meeting**

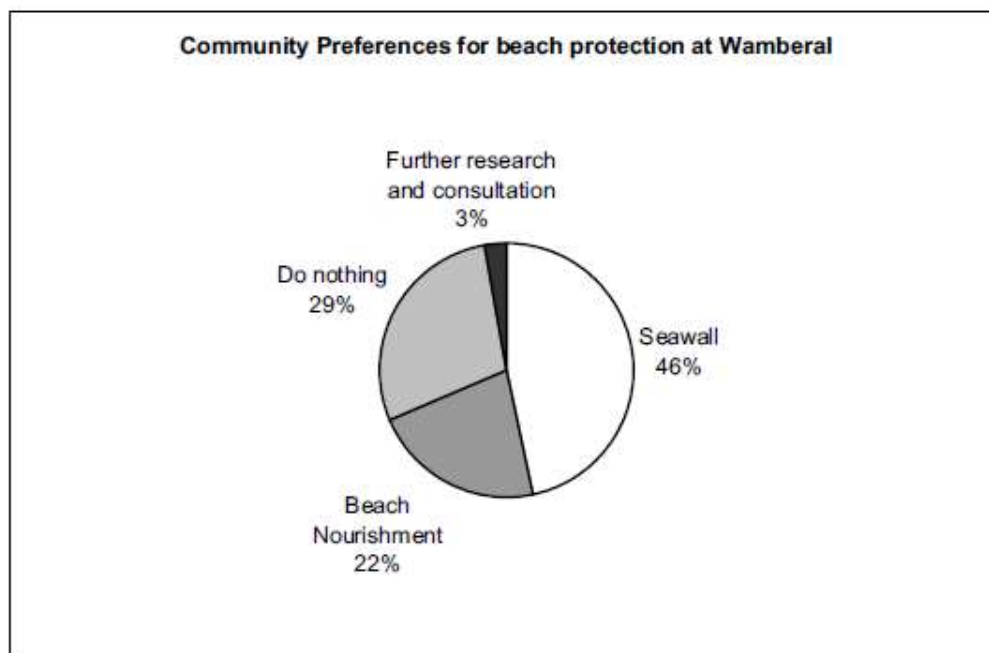
1	About two thirds of those at the meeting wanted to 'do something' rather than 'do nothing'.
2	Options 1 & 3 have polarised opinions with half in favour of each and half against. Option 2 was the first or second preference for almost everyone.
3	Those who favour Option 1 see it as permanent and more secure. They also appreciated that the wall would be 'buried'. The substantially smaller sand nourishment volumes were also regarded as a positive (less environmental impact and less time with barges offshore). At least some (maybe half) beachfront land owners are happy to pay the cost in order to achieve the security in the event of a large storm event. A cost of \$50,000 is fairly small relative to house and land values.
4	Concerns in regard to Option 1 principally revolve around 'unproven technology' and the costs associated with the construction of the wall and the impact on land values, rates and land taxes. Some people felt it was unfair to have the beachfront owners pay for what would also be a community benefit.
5	Option 2 is seen as the 'natural' alternative.
6	The principal disadvantages of option 2 relate to the amount of sand required and the environmental and visual (offshore dredge) impacts. There are also concerns in regard to its costs and that it is not presently legal.
7	Those who are happy to 'take the risk' or 'why fight nature' favour option 3.
8	Comments at meeting suggest some still want to pursue other options such as offshore reefs or groynes, but this is a minority.





**Figure 4:** Summary of preferences from written submissions

Results of analysis of all comments from both the information evening and written submissions are summarised in Figure 5 (below).



**Figure 5:** Summary of community preferences for Wamberal beach protection

Figure 5 comprised of a small sample size of 78 attendees at a public event and 41 written submissions on the choices presented.

Refer attachment 12 Report of the Strategy/Policy Workshop Held on July 2004

## The preferred option vs revetment walls vs vertical walls

**Table 3.7 Recommended Options for Action for Wamberal Beach  
as Identified by the GCC Coastal Management Study  
(WBM 1995)**

Action	Funding Category	Priority
The practical, economic, and environmental feasibility of sand nourishment as the principal protection option is to be investigated.	II	High
The back beach dune ridge and properties on and behind the dune area are to be protected in accordance with the following procedures and conditions: a) A formal terminal protection line is to be determined by the Council, coinciding more or less with the line of the scarp as created during storm events in 1974/1978. b) A terminal protection structure in the nature of a buried revetment is to be designed and constructed** to the satisfaction of council and NSW Public Works, such construction to occur as soon as practicable and in an orderly coordinated manner along the extent of the approved line. c) New buildings and additions to existing buildings on the beachfront properties may be constructed in accordance with normal Council by-laws and subject to conditions as follows: <ul style="list-style-type: none"> <li>• set back from the protective structure line by a distance to be determined as part of the structure design to facilitate maintenance;</li> <li>• the maximum practicable quantity of sand behind the seawall to be excavated and placed on the beach;</li> <li>• sand thus removed may be replaced by other suitable foundation material;</li> <li>• any structure erected within the 20 year erosion hazard zone prior to construction of the protective revetment must be set back from the designated to withstand the design storm wave erosion, as certified by appropriately qualified coastal and foundation engineers.</li> </ul> d) Existing freehold land extending seaward of the toe of the constructed seawall to be dedicated as public reserve at no cost and rezoned and re-gazetted for public use.	VII  III or V  VI	High  High
Sand nourishment as necessary if feasible to maintain beach amenity.	I	Moderate
Dune vegetation to be managed in accordance with CaLM practice and procedures.	II*	Ongoing Council activity
Monitoring of beach sand quantities as part of regional coastal process monitoring program.	II	Ongoing Council activity
Zoning of allotments located more than 15 metres landward of the constructed seawall may be modified to remove erosion hazard implications	-	-


\* Community assistance with implementation.

Please refer to Attachment 13 Wamberal Beach and Property Protection Environmental Impact Statement Report MHL935 June 2003

As previously mentioned, Dr Alice Howe conceded at a meeting on 6 November 2023 that a TPS was the adopted choice by council and not a preferred choice. It was also conceded by Council's Ben Fullagar at the same meeting that "if Council had access to one million cubic metres of sand there would be no need for a seawall". Dr Howe then said she would not be holding her breath for the required sand for sand nourishment purposes to become available.

The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

From a starting position of a 19<sup>th</sup> Century buried revetment wall, local State MP Adam Crouch and an unrepresentative Council in administration have quietly assisted the progression to make a 19<sup>th</sup> Century vertical seawall a reality at Wamberal Beach. Angus Gordon has publicly spoken on this issue, stating a vertical seawall would be illegal as it is odds with the continuous revetment wall that was certified in the CZMP. The following letter from Prof Bruce Thom explains the need for a buried revetment wall to fulfill the principles of Ecological Sustainable Development (ESD), which are required to be adhered to by all levels of government and written in the Coastal Management Act of 2016.

New South Wales Government 

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**Coastal Committee of New South Wales**

W V Strachan  
 Manager  
 Manly Hydraulics Laboratory  
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 MANLY VALE NSW 2093

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Chairman: Professor B. G. Thom

Attention: K Brockman

Dear Mr Strachan

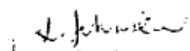
Thank you for the opportunity to comment on issues which could be addressed in the EIS for a "terminal protection structure" proposed for Wamberal Beach.

I have discussed some of the issues with staff in DLWC and would like to repeat points made by them in relation to the need to address all moral, economic and ecological impacts of the proposal. The NSW Coastal Policy operates under the principles of ESD. This means that any structure designed for one purpose (eg protection of property) must not have a negative impact on other environmental, social and economic values. Although Gosford Council is not specifically covered in its entirety by the Policy its ocean beaches are protected by the Policy.

Specifically there is a need to ensure the beach amenity, including aesthetics, is retained or enhanced. From this perspective it is important that the structure be buried or, if partially exposed, be quickly covered. If this requires beach nourishment from say offshore, along shore or lagoon sources, then the impact of nourishment from those sources needs evaluation.

My other point relates to compliance with Part 3 of the Coastal Protection Act. It is not clear to me as to whether part of the structure extends beyond HWM at least during storms. If this is the case, does Council need Ministerial approval to proceed?

I hope these comments are of assistance.

  
 B G Thom  
 Chair

Appendix 2 EIS

The smoking guns of Wamberal Beach seawall manipulation report – 19 September 2023

## The Coastal Management Act

The [Coastal Management Act 2016](#) promotes strategic and integrated management, use and development of the state's coast for the social, cultural and economic wellbeing of the people of NSW.

Its focus is on ecologically sustainable development that:

- protects and enhances sensitive coastal environments, habitats and natural processes
- strategically manages risks from coastal hazards and responds to climate change
- maintains and enhances public access to scenic areas, beaches and foreshores
- supports the objectives for our marine environment under the [Marine Estate Management Act 2014](#)
- protects and enhances the unique character, cultural and built heritage of our coastal areas, including Aboriginal cultural heritage.

The department's Environment and Heritage group is responsible for the Act. The group helps councils by administering grant funding and offering technical help and coordination to develop comprehensive coastal management programs.

<https://www.planning.nsw.gov.au/policy-and-legislation/coastal-and-marine-management/coastal-management>

[Coastal Management Act 2016 No 20](#)

### 3 Objects of this Act

The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular—

- (a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and
- (b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and
- (c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and
- (d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and
- (e) to facilitate ecologically sustainable development in the coastal zone and promote sustainable land use planning decision-making, and
- (f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and
- (g) to recognise that the local and regional scale effects of coastal processes, and the inherently ambulatory and dynamic nature of the shoreline, may result in the loss of coastal land to the sea (including estuaries and other arms of the sea), and to manage coastal use and development accordingly, and

- (h) to promote integrated and co-ordinated coastal planning, management and reporting, and
- (i) to encourage and promote plans and strategies to improve the resilience of coastal assets to the impacts of an uncertain climate future including impacts of extreme storm events, and
- (j) to ensure co-ordination of the policies and activities of government and public authorities relating to the coastal zone and to facilitate the proper integration of their management activities, and
- (k) to support public participation in coastal management and planning and greater public awareness, education and understanding of coastal processes and management actions, and
- (l) to facilitate the identification of land in the coastal zone for acquisition by public or local authorities in order to promote the protection, enhancement, maintenance and restoration of the environment of the coastal zone, and
- (m) to support the objects of the *Marine Estate Management Act 2014*.

The adoption of a vertical seawall in Council's EDR according to experts cause the most beach erosion:

[https://nre.tas.gov.au/Documents/Tasmanian\\_Coastal\\_Works\\_Manual\\_Chapter\\_15\\_Shoreline\\_Modification.pdf](https://nre.tas.gov.au/Documents/Tasmanian_Coastal_Works_Manual_Chapter_15_Shoreline_Modification.pdf)

#### “15.1.7 Impacts of seawalls

The construction of the seawall will most likely involve significant disturbance to the intertidal zone and may disturb toxic materials such as heavy metals or introduce sediments into the estuary or coastal waterway. Seawalls may increase erosion of the beach in front of the wall and accelerate erosion at the end of the wall. Subsequent beach replenishment or other beach protection measures are usually required. **Vertical concrete walls cause the most serious erosion of beaches.** When waves hit the wall, they are reflected back, and scour sand from the beach. As the beach becomes lower and flatter, the waves become larger, the scouring increases, and the beach is eventually lost. By this time, the wall itself may be undermined if not anchored adequately. Seawalls can disrupt the natural flow of sand across the beach.”

Council did not have the funding for a whole of embayment TPS at Wamberal in 2004 and does not have the funding now. Additionally, such a public project would never get community support. The community is rightly against a structure that would destroy beach access and amenity, according to experts cause flooding to the lagoons that sit at either end of the proposed vertical seawall so that approximately 60 uninsurable, often unoccupied holiday rental properties and houses are protected in the short term.

To overcome this roadblock as per the previous article, “The Writing's On The Wall At Wamberal”, a vertical seawall on private property was adopted. There is no way that homeowners who already felt like they were extending themselves by paying for the seawall on their land were going to opt for a revetment seawall which has a larger footprint, even though it is a better option for the beach. The well documented science behind damaging effects of seawalls has been completely ignored, the principals of ESD and the objects of the CMA will be breached, and a Council under administration is not only endorsing this but becoming a seawall development co-applicant walling vacant public land to protect about 10 houses that are currently notably at risk. The phenomenon of seawall end effects pushing erosion problems away from what they are protecting will mean that the remaining houses

along the beach that don't currently need protection will probably perish or require protection of a seawall in the future. They have been marketed to by landowners who have more at risk. In recent weeks, the WPA is known to have heavily promoted its seawall DA application to other beachfront residents who have less or no need for a seawall. The WPA has told reluctant residents the following in a bid to induce the residents onto the seawall DA:

- If you don't join the DA now, you won't have protection from the sea
- If you don't join the DA now, it will cost you more to add a seawall later

Some residents have said they were called four times in one day by WPA members in an effort to get a reluctant beachfront resident to sign onto the seawall.

These are current bullying and intimidation behaviours, an unacceptable form of self-interested marketing. The main reason the WPA want all the beachfront property owners, including reluctant ones, to join their seawall DA is because they know their DA will have a better chance of success if it is end to end, covering all lots. Reluctant beachfront residents have told Wamberal Beach SOS that the WPA made no mention of the Council Wamberal Seawall Engineering Design Requirement (EDR) section that promises financial compensation to beachfront residents who do not sign onto the seawall DA when and if the adjacent seawall causes end effects that damage the property and amenity of the non-participating beachfront lots. For years, the WPA has marketed its seawall as something that will save Wamberal, but it is in the view of experts, entirely the reverse.

### Community fights back

In 2020, locals formed and grew the Wamberal Save our Sand (SOS) community group to fight the proposed Wamberal Beach seawall. SOS is an inclusive community-based organisation that aims to protect Wamberal Beach and make it accessible.

The group formed in part in response to Adam Crouch's Seawall Taskforce moves which founding members of SOS could see did not represent the views or direction of most locals.

SOS runs a Facebook page that informs the public about the proposed Wamberal seawall because Council consultation on the topic was inadequate. The group has approximately 3,500 members, however, the suburb of Wamberal has over 6,000 citizens the majority of whom do not support any seawall at Wamberal. The feeling is similar in adjacent suburbs.

SOS seeks an equitable solution for all concerned, including the beach itself, an important element of the community and for tourism. SOS activities include:

- Holding public expert events to educate the community
- Holding social events so that community members can ask questions, raise their concerns
- Rallying protest events at the beach and at Council
- Making submissions to Inquiries
- Leading a successful e-petition effort at State Parliament
- Meeting, influencing and corresponding with Council, State and Federal MPs and relevant State Ministers
- Circulating relevant reports and studies, often through the popular Facebook page
- Actively engaging local media to inform the community
- Issuing Press Releases of relevance to the cause

- Assisting the formation of a separate sister entity, No Wamberal Beach Seawall Inc, an association that assists with fundraising for events, communications and legal strategy advice.

## An election to stop the seawall?

On 25 March 2023 NSW held a state election. The existing pro-wall Liberal State MP Adam Crouch was running against new Labor candidate Sam Boughton. One of the issues Sam Boughton ran on in his very organic campaign was the need to stop the proposed Wamberal seawall.

Sam wanted to support the majority community members that do not want the proposed Wamberal seawall or anything like the Collaroy seawall at Wamberal Beach. SOS is aware that even Council staff consulting on the Wamberal seawall project were advising locals to vote for Sam if they wanted to stop the proposed Wamberal Beach seawall.

<https://www.facebook.com/SamBoughton4Terrigal/videos/168312289290557>

To the relief of many locals on election night, it looked like Sam had won the safe Liberal seat. Unfortunately, Adam Crouch MP retained his seat thanks to postal votes, but possibly experienced the biggest state swing against the former Liberal government in the state, partly because of his efforts to push the proposed Wamberal seawall.

The local community hoped that with Labor winning the election they may take action to return an elected Council to the Coast, and with their voices finally being heard a resolution could be passed to stop the Wamberal seawall. Unfortunately, the new Labor government announced that Council elections would not take place until September 2024.

Adam Crouch continues to interfere in the Wamberal seawall matter even though his taskforce was disbanded a month before his party lost the election. As recently as 10 May 2023, even though the Wamberal Seawall Advisory Taskforce was disbanded in March 2023, Adam Crouch continued interfering in local government activities by asking the following questions in NSW parliament:

“

### *EROSION MITIGATION WORKS AT WAMBERAL BEACH*

*Crouch, Adam to the Minister for Planning and Public Spaces*

- (1) Five blocks of land along Wamberal Beachfront are under the ownership of the State Government, will these blocks be included in the group DA to build continuous protection along the beachfront?*
- (2) If these blocks are not included, is the Government liable for any damage to the adjoining blocks?*
- (3) Will the Minister explain to the other landowners how it will be possible to build a continuous solution if the Government owned blocks are not included in the group DA?*

“

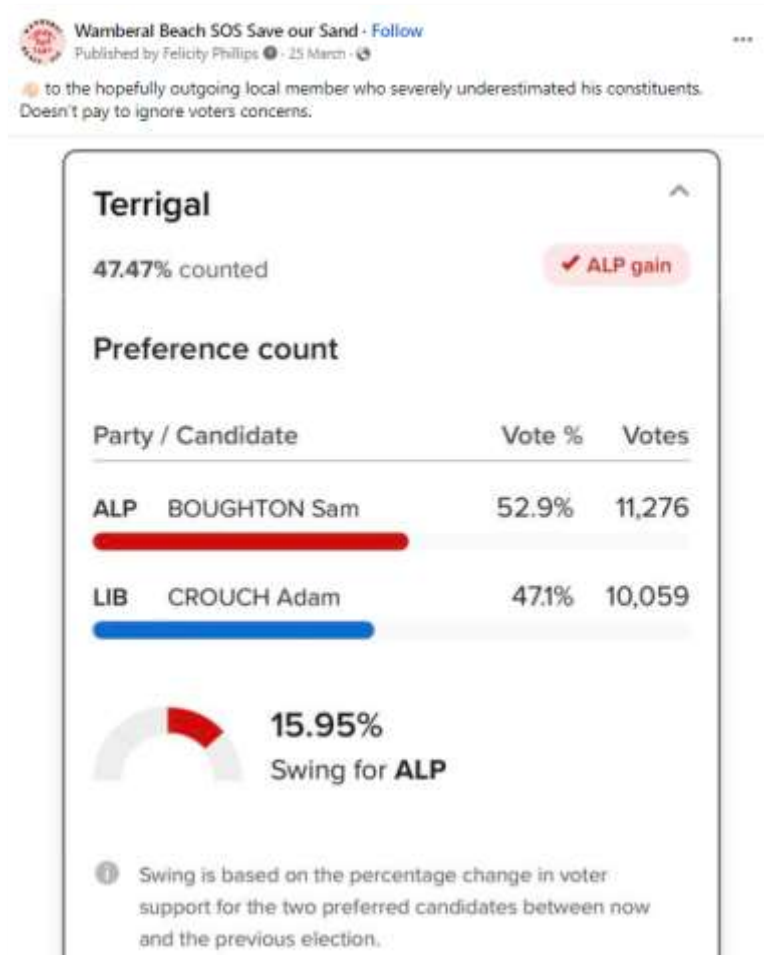
These questions are in line with Mr Crouch's and the WPA's bullying tactics to intimidate locals, forcing them to sign up for the TPS even if they don't need protection. His questions are also based on misinformation, more on that below. In an ABC article 13 April 2023 Mr Crouch is quoted as saying:

*“Property owners who refused to pay to build and maintain their section of the wall could become liable for any damages caused to their neighbours' properties”.*

See: <https://www.abc.net.au/news/2023-04-13/wamberal-seawall-plan-review-government-erosion-solution/102211926>

This statement and questions in parliament show Adam Crouch has no understanding of how seawalls and beach processes work, or worse, he understands the processes but misrepresents them for perceived or real interest, particularly as WPA members are part of his base. The State Government land blocks along the beach do not need protection. Why should they have a community-funded wall in front of them when they don't need a wall? An unwalled property will not impact a walled property, however, science says that the walled properties will cause damage to adjacent unwalled properties. This was established in the Eggers v Gosford City Council case in the NSW Supreme Court. Has Mr Crouch warned the WPA homeowners that they will be liable for damage their seawalls cause to their unwalled neighbours' properties? His questions in parliament are all back to front, they are projection. Eggers v Gosford Shire Council leaves no doubt that MP Crouch's questions and statements are misinformed and treacherous.

SOS is aware that at times, Adam Crouch's constituents who are concerned about the proposed seawall were unable to object to Mr Crouch as his staff have advised constituents that wanted to see him that he only gave appointments on state issues, and he blocks people or hides dissenting comments on his official Facebook page. But Mr Crouch made the Wamberal seawall a state issue, he ran an election promise to deliver the seawall, and it nearly tipped him out of office.







**Sam Boughton for Terrigal** · Follow

28 February · 🌐



Let's talk about walls...

Our current state member has been a vocal supporter of a hard seawall at Wamberal. He has always said it won't affect beach access, the sand, the surf, or the natural ecosystems (dunes, lagoons, ocean).

I went down to Collaroy on the weekend, to speak to [Sue Wright - Labor for Wakehurst](#) and [Jeffrey Quinn - Labor for Pittwater](#) about how the seawall there has impacted their community. It's clear that this has been a very unwelcome addition to the Northern Beaches.

When you look at the situation in Wamberal, there are so many unanswered questions. Who will pay for the sand nourishment? Where will the sand come from? How will the wall impact the lagoons when water from big swells are shunted into them? Will lagoon properties be at risk? What about the beachfront owners who are against a wall? What about the publicly owned land on the beachfront - do taxpayers have to pay to build and maintain those sections of the wall?

Whenever I door knock in the suburb of Wamberal, the wall is the issue that comes up more than anything else. But it's not just the Wamberal community that is concerned. Avoca, North Avoca, Avoca, Springfield, Saratoga...I've had this issue raised with me right around the electorate. Allowing this wall to go ahead sets a precedent, and where do we draw the line - a wall at Avoca and North Avoca? Copac after that? A wall the entire length of the Central Coast?

There has been a concerning lack of genuine community consultation around this issue, and the current 'solution' is very unpopular. Why have no alternatives been investigated?

[#centralcoast](#)

[Liesl Tesch MP](#)

[David Harris MP](#)

[Wamberal Beach SOS Save our Sand](#)



## Taking the politics out of the picture - it's time to move!

The history of dealing with a development problem along Wamberal Beach in this submission reveals that it is extremely difficult for local councils to establish and implement best practice development and climate change adaptation policies in uncertain political environments where influence, ideological loyalty to a self-interested base and vote-winning is more important.

The following article from the Fifth Estate relates this situation of the uncertainty of implementing climate change policy by a local pre amalgamation Central Coast Council after a change of state government.

See article: [NSW coastal planning in storm of confusion](#)

20 September 2012

“Special Minister of State Chris Hartcher said early last week that the NSW government would drop “Labor’s onerous” and “heavy-handed” statewide sea level rise planning benchmarks” of 40 cm by 2050 and 90 cm by 2100.

The government also wants to remove the compulsory notices on section 149 certificates warning buyers that the property they are about to buy could flood. That policy has now been removed which indicates that councils now don’t have anything [in terms of planning] vaguely supported by the government at this stage.”

### Pressures

In White’s view, pressure from property owners has convinced the state government to back away from the “tough decisions” on managed retreat decided by the former government.

It was understandable, he said, but the “the only sustainable decision is planned retreat because councils cannot afford to build protection for ever and a day.

White said he has spoken to the minister but says, “they’re playing politics and they’re trying to win votes – that’s pretty basic”.

The following are examples where the previous Liberal Government’s Environment Minister has back flipped on policy due to individual and lobby group voter pressure.



**TellCouncil.com**

28 February 2019 · 🌐

**IMPORTANT ANNOUNCEMENT – PLANNED RETREAT  
CORRESPONDENCE JUST RECEIVED FROM THE NSW STATE GOVERNMENT.**

The correspondence makes very clear that the NSW Government has no policy of Planned Retreat.

To reflect this position the NSW Coastal Manual has been updated.

Whilst the NSW Coastal Alliance has not analyzed the changes we are encouraged by the announcement.

Until now Coastal Councils have relied heavily upon sections of the NSW Coastal Manual to back up their position on Planned Retreat, we hope this situation has been addressed.

We will provide updates when the changes have been investigated.



DOC1W157201

We are writing to members of the NSW Coastal Alliance who have previously written to the NSW Government in relation to 'planned' or 'managed' retreat.

We want to make it clear that the NSW Government has not adopted a policy of 'planned' or 'managed' retreat.

The Coastal Management Manual was released in April 2018 as part of the NSW Government's coastal management reforms under the *Coastal Management Act 2016*. The Manual provides guidance to help councils prepare and implement coastal management programs to deal with the impacts of coastal hazards.

To clearly reflect the NSW Government's position, the Manual has now been updated and is available on the Office of Environment and Heritage (OEH) website [www.environment.nsw.gov.au/research-and-publications/publications-search/coastal-management-manual-part-b](http://www.environment.nsw.gov.au/research-and-publications/publications-search/coastal-management-manual-part-b).

I trust this information is of assistance.

**Anthony Roberts MP**  
Minister for Planning  
Minister for Housing  
Special Minister of State

**Gabrielle Upton MP**  
Minister for the Environment  
Minister for Local Government  
Minister for Heritage

Next is an email from [redacted] dates 19 January 2019 to Minister for the Environment with objections to new Coastal Management Legislation, namely planned retreat. Incidentally at the same time the Marcheses' were involved in a prolonged LEC court case to build a seawall to protect 6 Properties (The Pacific 6). The objection is really about a possible drop

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in property values as a result of sensible planned retreat policies to adapt to climate change risks in hazardous areas. Even Councils enjoying the higher rates they can charge on premium beachfront land are willing to protect those properties rather than doing what is inevitable and planning a retreat. Those properties with seawalls will eventually be worthless and a loss to everyone, who will take the blame? Why not take a pre-emptive stance, a new premium market can be established in less hazardous and more resilient areas. The required and inevitable long term adaption policies are only hindered by providing short term security like seawalls.

**Cc:**  
**Subject:** Objection To Proposed New Coastal Management Legislation  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged  
**Categories:** Submission

## **Objection to proposed new Coastal Management legislation - (request to delay implementation and more time for consultation)**

As owners and ratepayers of a family home at [REDACTED] Wamberal, NSW, 2260, we would like bring to the Minister's - and Government's - attention our concern about the proposed new Coastal Management bill and its impact on thousands of local residents, businesses and public and private amenities and infrastructure

We respectfully ask the Minister to delay adoption of the proposed bill until a range of significant issues can be resolved

There are three main issues that concern my fellow residents - and I'm sure tens of thousands of residents up and down the NSW Coast

**Firstly**, the proposed Bill fails to distinguish between undeveloped and developed land in the so-called "coastal vulnerability zone" That could have a devastating impact on highly developed areas such as ours at Terrigal/ Wamberal - especially as the beachfront and its environs are one of the main drawcards for development and commercial growth in an area struggling for jobs and employment

**Secondly**, the proposed legislation is unsettling for residents living in the so-called "Coastal Hazard Area" with ambiguous provisions such as ' ambulatory boundaries' [ which even in some quarters is called, "planned retreat" ); 'time limited development consent'; ' sand nourishment' obligations; and others - all open to different interpretations with the language and meaning vague and undefined; and,

**Thirdly**, Coastal mapping in the proposed legislation is deficient and inadequate, leaving residents throughout the State in serious uncertainty how they are affected ;

Given the critical nature of this Bill, and the hasty way it has been presented, we would ask the Minister and the Department to delay the gazetting [enactment] of this Bill until these issues are comprehensively discussed and resolved.

The need to stop looking at short term and start on long term actions now, is covered well in the following "The Conversation" article:

[Far-sighted adaption to rising seas is blocked by just fixing eroded beaches](#)

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15 May 2005.

“We have studied this problem by combining insights from our work in economics, coastal geomorphology and engineering. As we have explained elsewhere, short-term actions to adapt to coastal flooding can actually increase risks to lives and property. By raising the value of coastal properties, these steps encourage people to stay in place and delay decisions about more drastic solutions, such as moving inland”.

Playing politics also happens at a local government level where Councillors may not endorse Council planning policies or decisions to help a constituent’s DA. It’s astounding that people will use their rights and the law to live and build where they want to but at the same time use the law and their rights to get protection for what they shouldn’t be doing, like building on a sand dune. A good example of this is covered in the previous Dunford v Gosford City Council, and Marchese v Central Coast Council. This state of personal entitlement is covered in Tayanah O’Donnell’s article:

[“Building seawalls is a small bandaid on a gaping wound”](#)

5 October 2018

“Another interesting result of my research was seeing how residents rely on law and popular ideas associated with private property to advance individual property rights (such as exclusivity and freedom to redevelop). At the same time many look to the state for help when their own property is threatened by climate variability.

Many respondents said they wanted intervention to protect their own properties from climate change impacts. However, they favoured *no* intervention for broader property protections. This was especially so where these interventions were because of “climate change”, or where these interventions would reduce property values or public amenity. Others thought we shouldn’t be paying to protect someone who has chosen to live in a high-risk location”.

As mentioned in my introduction, it is also apparent that being reactive when faced with a dire or disastrous situation leads to badly considered and wrong decisions. This has been the case with Wamberal, where the seawall push gains traction whenever we are faced with the damage of a severe storm. The reaction to the sensationalism evoked by the storm-chasing media has assisted the seawall political agenda, pushing the Wamberal beach overdevelopment problem onto the beach itself and onto adjacent lagoons, no one in the pro seawall set prepared to acknowledge the impacts seawalls have on the natural sand budget, Council not really knowing what the budget or source for sand nourishment is, with or without a seawall.

My submission has used material and discussed issues dating back 50 years, the actions that needed to be taken were quite clear a long time ago and we are already too late, there is no more time to waste. There are already areas around Australia who are already successfully planning for climate change and sea level rise and Lake Macquarie Council is a great example:

## Adaptation and city resilience initiatives

### Building a more resilient city

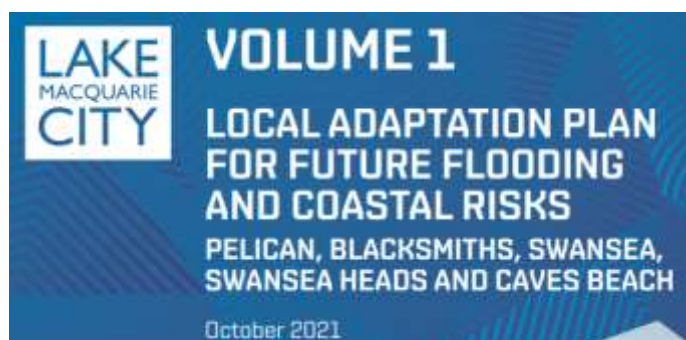
We're committed to working with the community to adapt our city to the projected impacts of climate change including sea level rise.

In recent years, Council has developed two local adaptation plans in partnership with the community, including:

- Marks Point and Belmont South
- Pelican, Blacksmiths, Swansea, Swansea Heads, Caves Beach.



<https://www.lakemac.com.au/Projects/Adaptation-and-city-resilience-initiatives>



Refer to attachment 14 Lake Macquarie LAP

There are also other coastal management options that satisfy the ESD principals and CMA objects that could be more readily investigated and used with a co-ordinated participation from all levels of government. Refer to [Beach Nourishment Scheme](#) or [NABE](#)

Consistent and unified decisions on equitable and sustainable climate change adaption policy can only be made when state government MPs, departments and Councils operate openly, without pro-seawall interference. There has to be assistance and rewards for adherence from all levels of government. What we need now is a perpetual apolitical, independent body to achieve sustainable coastal management. Local groups such as SOS should not have to spend so much time and community resources, educating and representing the local community. That should be the function of healthy, open local and state governments.

I and other community representatives at Wamberal Beach SOS are available to speak with Inquiry members and provide additional input.

We maintain contact with all relevant state, federal and local government stakeholders and with the local community, including Wamberal beachfront property owners who do not want a seawall and are feeling WPA pressure to jump to a seawall.

Corinne Lamont

Wamberal Beach SOS organiser and President at No Wamberal Bech Seawall Incorporated

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