

COUNCIL ASSESSMENT REPORT

HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PAN/463683 – DA/1389/2024		
PROPOSAL	Coastal Protection Works (Section C)		
ADDRESS	3-33 Pacific Street, Wamberal 23A-25 Ocean View Drive, Wamberal Ph175 Council Land and Road Reserve		
LOTS AND OWNERS	Lot	Plan	Address
	PACIFIC STREET		
	PH175 (on Wamberal Beach)		TBC
	19	DP 8854	3 Pacific Street
	18	DP 8854	5 Pacific Street
	16 & 17	DP 8854	9 Pacific Street
	15	DP 8854	11 Pacific Street
	14	DP 8854	13 Pacific Street
	Lot 0 CP	SP 8735	15 Pacific Street
	12	DP 8854	17 Pacific Street
	11	DP 8854	19 Pacific Street
	10	DP 8854	21 Pacific Street
	9	DP 342613	23 Pacific Street
	9A	DP 342613	23A Pacific Street
	Lot 0 CP	SP 5039	25 Pacific Street
	6	DP 8854	29 Pacific Street
	5	DP 8854	31 Pacific Street
	4	DP 8854	33 Pacific Street
	OCEAN VIEW DRIVE		
	3	DP 8854	23A Ocean View Drive
			D R Slade & E A Slade

	99	DP 1291905	23B Ocean View Drive	N Maroun
	4	DP 524938	25C Ocean View Drive	R N Awadallah & M Awadallah
	1, 2 & 3	DP 524938	25, 25A & 25B Ocean View Drive	Department of Planning & Environment – Sydney
APPLICANT	Mr Chris Rogers			
DA LODGEMENT DATE	22 August 2024			
APPLICATION TYPE	Development Application			
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 3 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: 3 Council related development over \$5 million <i>Development that has an estimated development cost of more than \$5 million if—</i> <i>(a) a council for the area in which the development is to be carried out is the applicant for development consent, or</i> <i>(b) the council is the owner of any land on which the development is to be carried out, or</i> <i>(c) the development is to be carried out by the council, or</i> <i>(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</i> Section 2.19(1) and Clause 8A of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: 8A Certain coastal protection works <i>(1) The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—</i> <i>(a) development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,</i>			
EDC	\$17,040,246 (Including GST)			

CLAUSE 4.6 REQUESTS	Not Applicable
LIST OF ALL RELEVANT PLANNING CONTROLS	• <i>Environmental Planning and Assessment Act 1979</i> • <i>Environmental Planning and Assessment Regulation 2021</i> • <i>Local Government Act 1993</i> • <i>Biodiversity Conservation Act 2016</i> • <i>Coastal Management Act 2016</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Central Coast Local Environmental Plan 2022</i> • <i>Central Coast Development Control Plan 2022</i>
TOTAL & UNIQUE SUBMISSIONS	637 submissions
KEY ISSUES	• Incomplete owners consent; • Environmental impact; • Visual impact; • On-going maintenance arrangements; • Coastal engineering including: ○ wall stability; ○ overtopping; ○ end effects; and ○ sand nourishment; and • Insufficient information
DOCUMENTS SUBMITTED FOR CONSIDERATION	Documents Submitted by the Applicant with the Development Application on Planning Portal • Statement of Environmental Effects prepared by ADW Johnson dated August 2024. • Appendix 1 – MHL – Review of Previous Studies • Appendix 2 – MHL – Stage 2 – Coastal Protection Amenity • Appendix 3 – MHL – Stage 3 – Seawall Concept Design • Appendix 4 – MHL – Stage 4 – Sand Nourishment • Appendix 5 – MHL – Stage 6 – Cost Benefit Analysis • Appendix 6 – Wamberal Terminal Protection Structure B Drawings • Appendix 7 – Archaeological Due Diligence Assessment

	• Appendix 8 – Preliminary Site Investigation • Appendix 9 – Report on Geotechnical Investigation • Appendix 10 – Ecological Assessment Report • Appendix 11 – Basis of Design • Appendix 12 – Numerical Wave Modelling – Technical Report • Appendix 13 – Landscape Plans • Appendix 14 – Coastal Panel Meeting Minutes • Appendix 15 – Council Conflict of Interest Management Statement • Appendix 16 – Compliance with Design Requirements • Appendix 17 – Site Survey • Appendix 18 – Site Works Plan Documents Submitted by the Applicant as Additional Information on Planning Portal • Letter of Response prepared by ADW Johnson dated 23 October 2025 • Response to Worley Engineering prepared by ADW Johnson Documents Submitted Detailing Coastal Engineering Assessment of Development Application • Preliminary Assessment Report prepared by Worley, dated 16 December 2024 • Supplementary Letter prepared by Worley, dated 26 February 2025 • Response to Applicant's Additional Information prepared by Worley, received by Council on 13 November 2025
ATTACHMENTS	Attachment A: Site Survey Plans Attachment B: Site Works Plan Attachment C: Structural Plans Attachment D: Landscape Plans Attachment E: Owners Consent Schedule
HCCRPP BRIEFING DATES	10 February 2025 & 8 July 2025
INFRASTRUCTURE CONTRIBUTIONS	Nil
RECOMMENDATION	Refusal
DRAFT CONDITIONS	Not Applicable

TO APPLCIANT	
PREPARED BY	Henry Burnett – Director, DFP Planning Natasha Bartley – Principal Planner, DFP Planning
DATE OF REPORT	20 November 2025

EXECUTIVE SUMMARY

The development application is for coastal protection works fronting Wamberal Beach. The development application is 1 of 3 related development applications for a terminal protection structure. The terminal protection structure subject to this development application is known as Section C and is located at 3-33 Pacific Street, 23A-25 Ocean View Drive, an isolated land holding on Wamberal Beach known as PH175 and various Council land. The Section C terminal protection structure has an approximate length of 440m.

The development application is regionally significant development due to the nature of the coastal protection works and their location partly on Council land. The consent authority is the Hunter and Central Coast Regional Planning Panel ("the Panel"). The composition of the Panel is understood to satisfy the provisions of Schedule 2(20) of the *Environmental Planning and Assessment Act, 1979* (the EP&A Act) for the determination of a development application for coastal protection works on land within the coastal zone.

Written consent has not been provided by all owners of the land to which the development application relates as required by Section 23(1)(b) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Written consent for 4 allotments has not been received including 25-25B Ocean View Drive and PH175. A further 8 allotments have written consent that is incomplete or contains an error. The Panel does not have the power to grant development consent without the written consent having been provided by all owners of the land to which the development application relates. The development application is therefore recommended for refusal.

Public exhibition of the development application occurred between 20 September 2024 and 21 October 2024. A total of 637 submissions were received during the public exhibition period inclusive of 14 in support and 623 by way of objection. Objections raised concerns relating to social, environmental and economic impacts. Renotification of additional information is not required under Council's Community Participation Plan as the environmental impact of the development has not significantly increased.

The Panel was briefed on 2 occasions during the assessment of the development application. The matters raised by the Panel for the applicant have not been addressed. The matters to be addressed in the assessment of the development application are addressed in this report.

Coastal protection works are permitted with development consent in the coastal zone under Section 2.16(2) of *State Environmental Planning Policy (Resilience and Hazards) 2021* (SEPP RH). The site is within the coastal zone as defined by the *Coastal Management Act 2016* as the site comprises both a coastal environment area and coastal use area as mapped under SEPP RH. Accordingly, the proposed development is permitted with development consent pursuant to SEPP RH and does rely on the underlying zoning (R2 Low Density Residential and RE1 Public Recreation) under the *Central Coast Local Environmental Plan 2022* for permissibility

An assessment of the development application against the matters for consideration in Section 4.15(1) of the EP&A Act has been undertaken as outlined in this assessment report including an independent coastal engineering review given the particular expertise relevant to the proposed development. The proposed development is considered unsatisfactory for a number of coastal engineering reasons including but not limited to end effects, sand nourishment, wall stability and overtopping. In addition, the proposed development would, in the absence of information to demonstrate otherwise result in adverse visual impacts which would detract from the scenic coastal character of the locality.

The applicant was afforded a reasonable opportunity to provide additional information to address the coastal engineering and other concerns raised. The applicant provided a letter response on the 23 October 2025 with no physical changes to the development as originally submitted. The additional information was re-referred to all internal and external referral bodies. The additional information did not resolve or satisfy any of the key issues and the assessment remains that the proposed development is unsatisfactory on a number of grounds.

This report recommends that the Panel determine refuse the development application on the basis of the reasons outlined in **Section 5** of this report.

1. THE SITE AND LOCALITY

1.1 The Site

The site is located in the suburb of Wamberal in the Central Coast Local Government Area.

The locality of Wamberal is recognised by its coastal features (Wamberal Beach, Wamberal Lagoon, Terrigal Lagoon), a mostly low-density residential character, and a topography that is generally low-lying proximate to Wamberal Beach and then rising towards the west. Wamberal Beach joins Terrigal Beach to the south and Spoon Bay Beach to the north.

The development application is one of three related development applications for coastal protection works fronting Wamberal Beach. The development applications relate to three separate sections of a terminal protection structure referred to as Section A, Section B and Section C. The subject development application is for the Section C terminal protection structure. **Table 2** provides the property address for each development application and section of the terminal protection structure.

Table 1: Site Description

Description	PAN / DA	Property Address	Length (m)
Section A	PAN/458363 DA/1264/2024	3-17 Calais Road Remembrance Drive (Wamberal Beach) 1 x Beach Public Access Point	146m
Section B	PAN/446969 – DA/947/2024	27-105 Ocean View Drive 2-4 Surfers Road Remembrance Drive (Wamberal Beach) 3 x Beach Public Access Points	710m
Section C	PAN/463683 DA/1389/2024	3-33 Pacific Street 23A-25 Ocean View Road 1 x Beach Public Access Point	440m

Figure 1 and **Figure 2** detail the location of the three development applications and their spatial relationship to one another.



Figure 1 – Locality map



Figure 2 – Aerial image of site

The site is mapped in the Coastal Use Area and the Coastal Environment Area under *State Environmental Planning Policy (Resilience and Hazards) 2021* and is therefore located in the coastal zone under Section 5 of the *Coastal Management Act 2016*.

The site contains vegetation, including but not limited to 3 x Norfolk Island Pines and dune vegetation. The site is not identified as bushfire prone land and is partly mapped as being subject to flood related development controls. The site is mapped as comprising Class 5 Acid Sulfate Soils.

The land to which the subject development application relates is characterised by existing residential dwellings, dwellings under construction, vacant blocks, public access ways and an undeveloped road reservation (on Wamberal Beach).

Residential dwellings front Pacific Street and Ocean View Drive (west) with a rear frontage to Wamberal Beach (east).

The topography of the site is characterised by a varying level difference between the beach and the dwellings which sit on an embankment above. A level difference in excess of 4m from the finished ground floor level of the dwellings to Wamberal Beach is evident on some properties as detailed on the submitted Survey Plan and as shown in the site photograph in **Figure 3**.



Figure 3 – Slope from residences to beach

The rear of the sites display varying degrees of affection by coastal erosion. Ad-hoc protection works and emergency measures such as sandbags and rock placement are evident from Wamberal Beach. Ad-hoc protection works appear to have been established on some properties as shown the site photographs in **Figures 4-5**. In parts the dune remains vegetated and less disturbed as shown in the site photograph in **Figure 6**.



Figure 4 – Ad-hoc coastal protection works



Figure 5 – Ad-hoc coastal protection works



Figure 6 – Ad-hoc protection works and rock placement

Existing public beach access that would be impacted by the Section C terminal protection structure is located:

- Between 25 and 27 Ocean View Drive (southern end of Section B / northern end of Section C).

The documentation submitted with the development application is inconsistent as to whether the northern beach public access points are included as part of the Section C terminal protection structure.

No. 1 Pacific Street is excluded from the development application however the submitted plans include terminal protection structure detail over that property.

Additional land for construction storage purposes, presumably for all three related development applications, includes:

- 1 Remembrance Drive and 1 Dover Road (Surf Club Car Park);
- 3 Dover Road (Lett Park – Next to Surf Club);
- Wiles Avenue Car Park and Road Reserve (Surf Club Car Park); and
- Pacific Street Car Park and Road Reserve.

A site inspection was undertaken on 15 November 2024 by the authors of this Assessment Report.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development application for coastal protection works includes site preparation and construction of a terminal protection structure (Section C) spanning 440m. The following subsections provide further detail of the proposed development.

2.1.1 Demolition, Earthworks and Site Preparation

The proposed development includes the following demolition, excavation and site preparation works:

- Removal of temporary shoring, existing coastal protection works and other structures;
- Tree removal (3 x Norfolk Island Pines);
- Vegetation removal (the degree of which has not been specified);
- Earthworks (the degree of which has not been specified); and
- Establishment of a construction zone.

Figure 17 provides an extract of the submitted demolition plan for a section of the works.

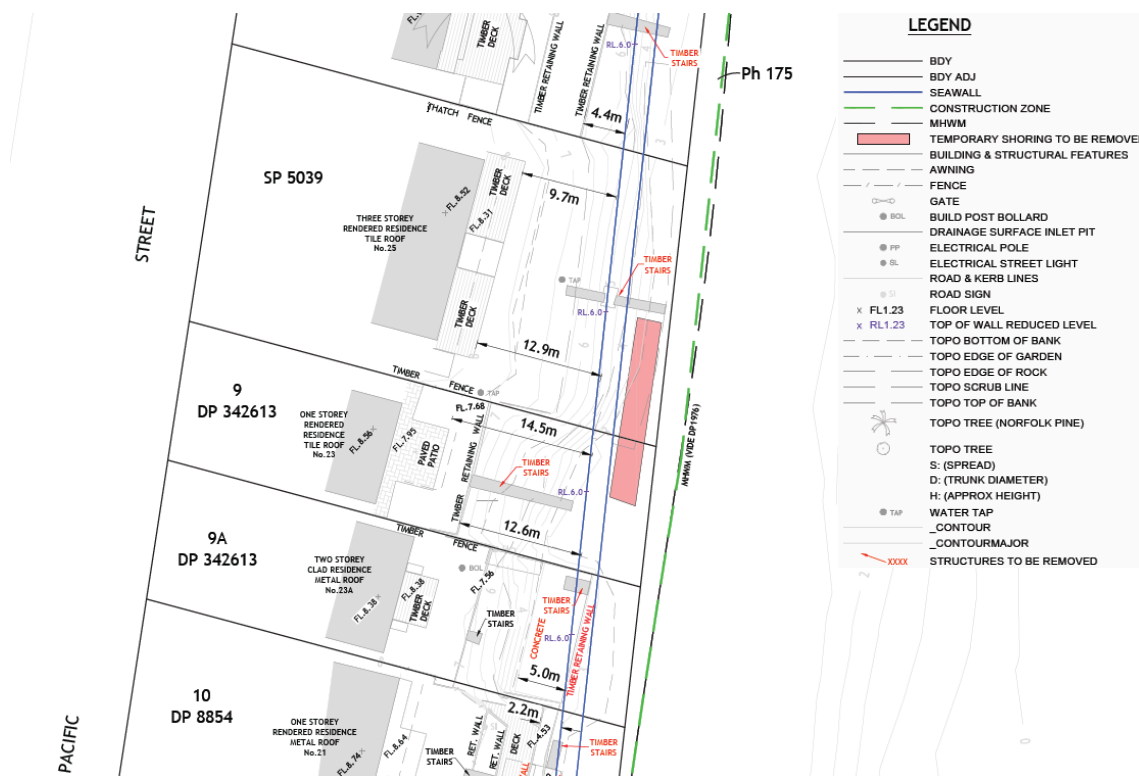


Figure 7 – Extract of demolition plan

2.1.2 Terminal Protection Structure (Section C)

The Section C terminal protection structure is proposed to be constructed from No. 3 Pacific Street (south) to 25 Ocean View Drive (north) including over a public accessway to Wamberal Beach.

The Section C terminal protection structure is approximately 440m in length, with a crest level of between RL 6.0m and 7.0m, inclusive of capping beam, integrated stairs for private lots and public access ways for beach access, including handrails.

Figures 8-9 provide an excerpt of the landscape drawings for the proposed Section C terminal protection structure.

While end treatment returns are proposed at both ends to account for timing conflicts in the construction of the adjoining Section B and the exclusion of 1 Pacific Street their design is not detailed.

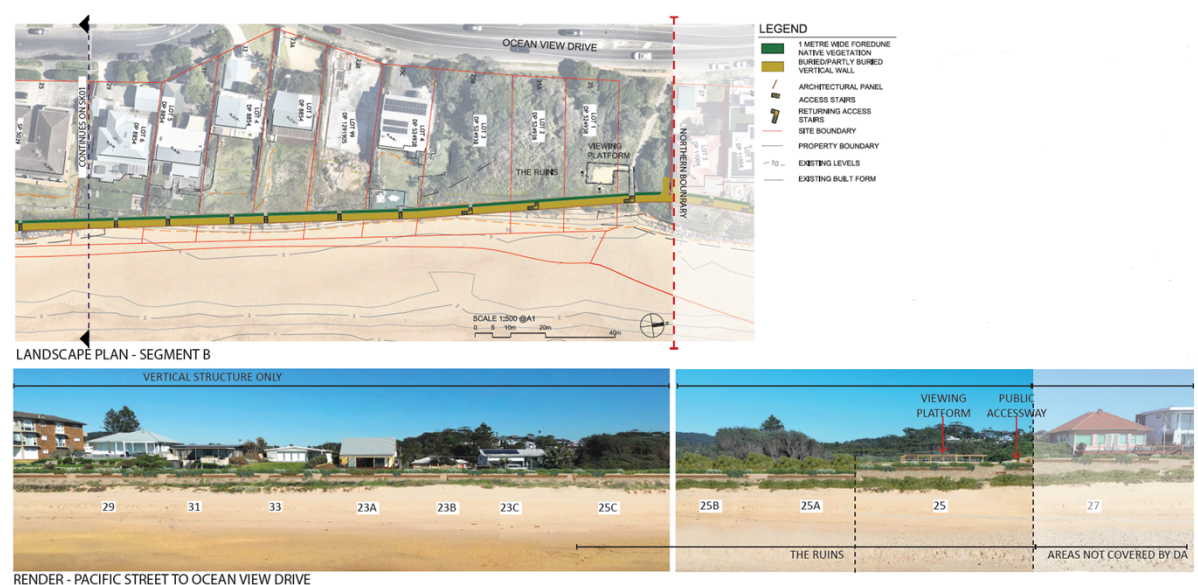


Figure 9 – Proposed Terminal Structure Section C – 29 Pacific Street – 25 Ocean View Drive

The Section C terminal protection includes a single tier design as shown in **Figure 10**.

The Section C terminal protection structure bottom tier interfacing with Wamberal Beach is a 3.8m high precast concrete panel including a waver deflector.

The vertical extent of the Section C terminal protection structure visible from Wamberal Beach varies depending on the existing sand level. The submitted documentation provides landscape renders only of the finished sand level and does not provide sectional drawings to address the varying level conditions at each property and the associated the extent of cut and fill required (whether behind or in-front of the terminal protection structure).

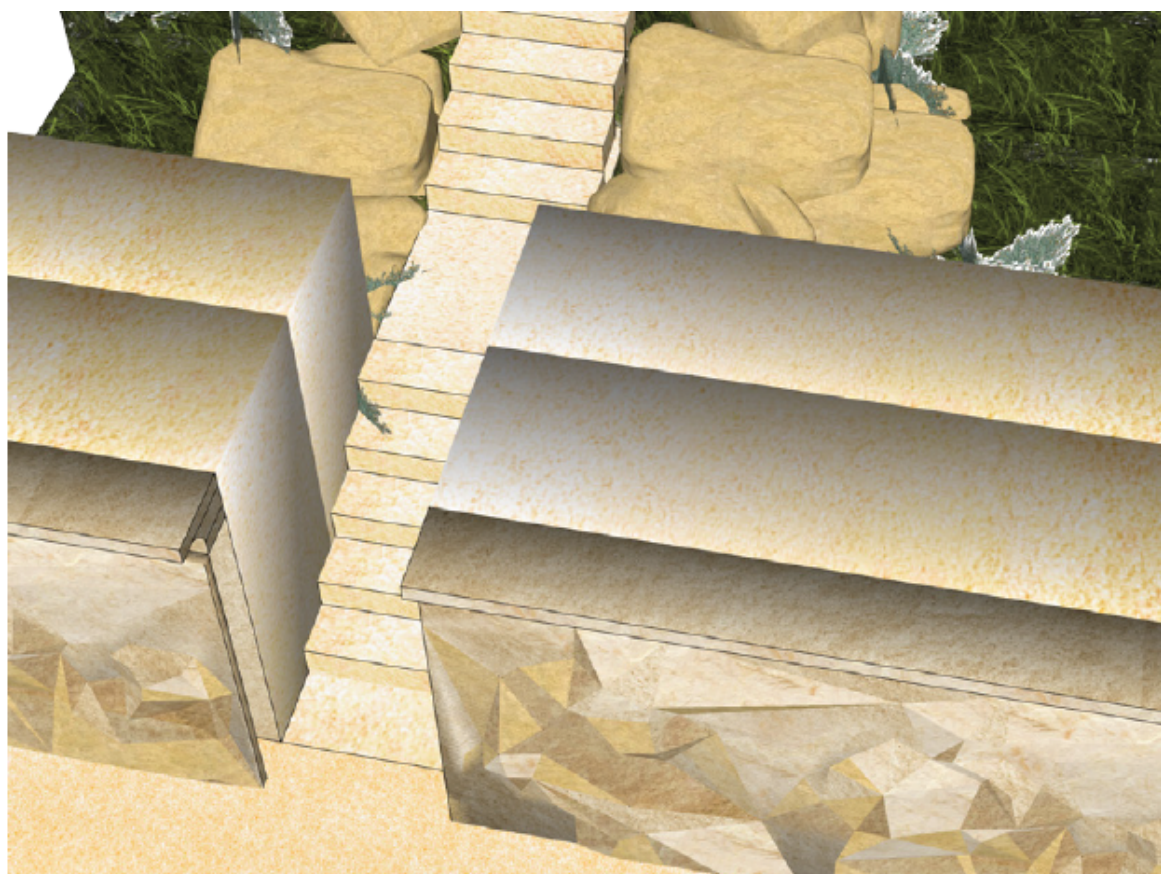
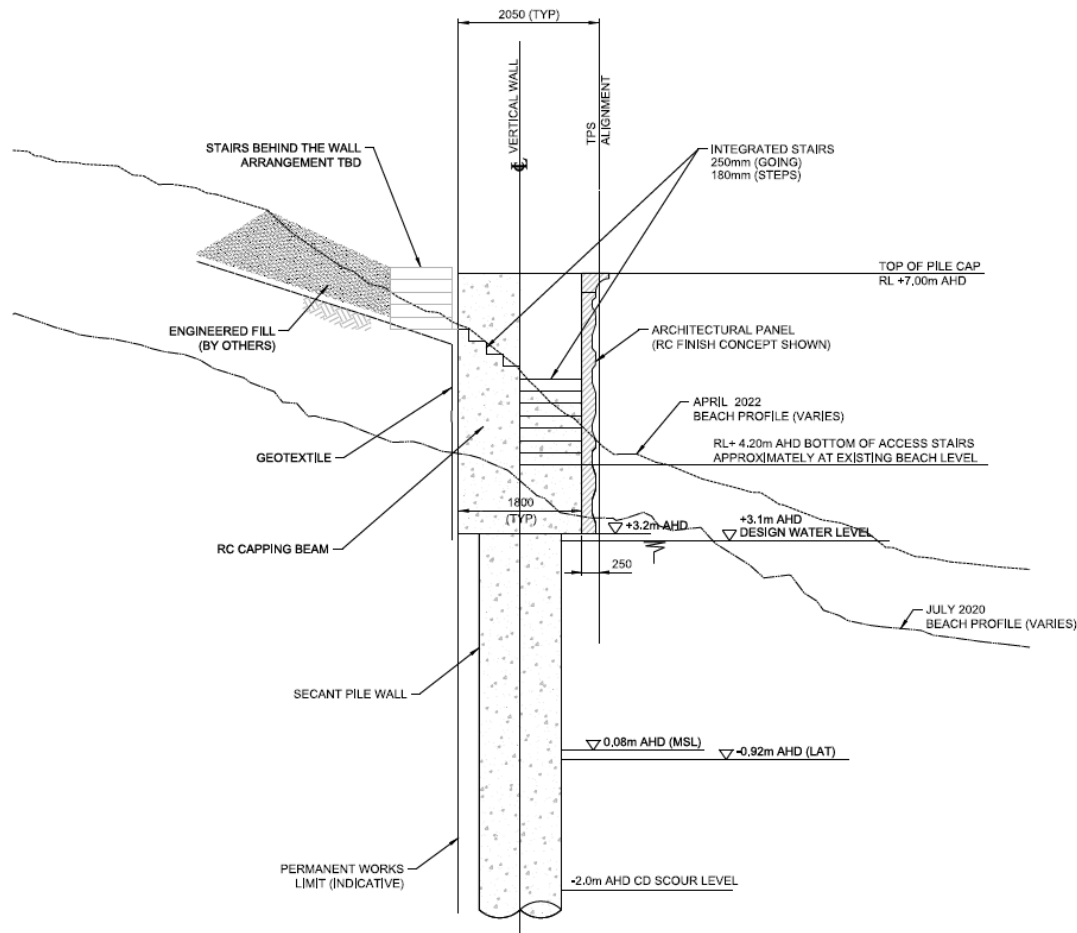


Figure 10 – 1 Tier Design

The submitted engineering drawings provide a typical sectional detail of the terminal protection structure. An excerpt of the detail for the 1 Tier Design is provided in **Figure 11**. The detail demonstrates the potential for fill required behind the wall and the potential for significant variation in the perceived wall height depending on the sand level at each property. The engineering ‘typical detail’ has not been translated onto sectional landscape drawings that address the level conditions at each property (or a sampling of properties).



2.1.3 Landscaping

Landscaping is proposed within a 1m landscape strip at the top of the terminal protection structure. The development application states that earthworks and re-use as fill or spreading across Wamberal Beach is proposed but does not provide detail beyond landscape perspective drawings.

2.1.4 Construction Management

Limited construction management detail was submitted with the development application. Indicative site storage areas for the overall terminal protection structure (Section A, B and C) are nominated at the northern extent proximate to Wamberal Surf Club and the southern extent at Pacific Street (**Figure 12**).



INDICATIVE STORAGE AREA - PARK NEXT TO SURF CLUB
(APPROXIMATE STORAGE AREA : 500 sqm)



INDICATIVE STORAGE AREA - SURF CLUB CAR PARK
(APPROXIMATE STORAGE AREA : 485 sqm)



INDICATIVE STORAGE AREA - SURF CLUB CAR PARK
(APPROXIMATE STORAGE AREA : 230 sqm)



INDICATIVE STORAGE AREA - END OF PACIFIC STREET
(APPROXIMATE STORAGE AREA : 150 sqm)

Figure 12 –Indicative Storage Areas

2.1.5 On-Going Maintenance and End-of-Life

The development application is not accompanied by on-going maintenance arrangements or end-of-life decommissioning details.

2.2 Background

2.2.1 Coastal Erosion - Wamberal Beach

The [Central Coast Council website](#) provides a succinct summary of storm/coastal erosion event history at Wamberal Beach. Key recent coastal erosion events at Wamberal Beach include June 2016 and July 2020.

2.2.2 Government Policy Response

Table 2 provides a summary of the recent government policy response to coastal erosion at Wamberal Beach relevant to the development application.

Table 2: Government Policy Response Development

Year	Plan/Report	Description
2017	Gosford Beaches Coastal Zone Management Plan	The Gosford Beaches Coastal Zone Management Plan was prepared in accordance with the <i>Guidelines for Preparing Coastal Zone Management Plans</i> (OEH 2013), under the <i>Coastal Protection Act 1997</i> and provided a foundation for the development of planning controls for the coastal zone.
2021	Manly Hydraulics Laboratory (MHL) Studies	Manly Hydraulics Lab (MHL) is a business unit of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW). A series of scientific studies were undertaken by MHL, to establish the basis for engineering design requirements for a terminal protection structure at Wamberal Beach, including: • <i>Stage 1 – Review of Previous Studies</i> • <i>Stage 2 – Coastal Protection Amenity Assessment</i> • <i>Stage 3 – Seawall Concept Design Options;</i> • <i>Stage 4 – Sand Nourishment Investigation;</i> • <i>Stage 5 – Provision of Coastal Monitoring;</i> • <i>Stage 6 – Cost Benefit Analysis of Wamberal Terminal Coastal Protection Options.</i>
2022	MHL Engineering Design Requirements	The Wamberal Beach Terminal Protection Structure Engineering Design Requirements were adopted by Central Coast Council on 11 October 2022 with the following objective: <i>to provide guidance and parameters to developers, professional engineering designers and Council in the preparation and evaluation</i>

		<i>of development applications for coastal protection works at Wamberal Beach.</i>
2018 - ongoing	Coastal Management Program (CMP)	The Gosford Beaches Coastal Zone Management Plan is required to be updated to align with the <i>Coastal Management Act 2016</i>, <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and <i>NSW Coastal Design Guidelines – For a thriving and resilient coast</i> (DPE, 2022). The Open Coast Draft CMP was exhibited from 14 July 2025 to 25 August 2025. The Draft Management Action Items include a review of the MHL Engineering Design Requirements.

2.2.3 Engineering Design Requirements

The Stage 3 MHL study supporting the Engineering Design requirements examined five seawall options:

1. Basalt Rock Revetment
2. Sandstone Rock Revetment
- 3. Vertical Seawall**
4. Vertical Seawall with Toe
5. Tiered vertical seawall with Promenade

The development application seeks to progress 'Option 3' for a 'Vertical Seawall'.

The MHL Engineering Design Requirements include key criteria. This criteria forms the basis for

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

2.3 Site History

2.3.1 Previous Development Applications

Table 3 outlines previous development applications (excluding the Section A, B and C development applications).

Table 3: Previous Development Applications

DA	Description
DA52565/2017	Development application for coastal protection works on 23A, 23B, 25C Ocean View Drive and 29, 31 and 33 Pacific Street, Wamberal approved by the NSW Land and Environment Court on 21 June 2018. The development consent was extended due to the 2-year extension provisions under Section 4.53(1)(c) of the EP&A Act. The development consent will lapse on the 21 June 2025 if not physically commenced. The development consent includes land which forms part of the Section C terminal protection structure development application.
DA60944/2021	Development application for coastal protection works at 85-89 Ocean View Drive, Wamberal submitted on 12 May 2021 was refused by the Panel on 12 September 2025. The development application includes land which forms part of the Section B terminal protection structure development application.

2.4 Development Application History

Table 4 provides a chronology of the development application since lodgement.

Table 4: Chronology of the DA

Date	Event
22 August 2024	Development application lodged.
16 September 2024	Development application referred to external agencies.
20 September 2024	Public Notification 20 September 2024 to 21 October 2024.
31 January 2025	Preliminary assessment and coastal engineering referral advice sent to applicant.
10 February 2025	Preliminary briefing meeting and site inspection with the Panel.

6 June 2025	Request for information sent to applicant.
8 July 2025	Second Briefing with the Panel.
23 October 2025	Applicant provided a letter response to the Request for Information.

2.5 Request for Information (RFI)

A RFI was issued to the applicant on 6 June 2025, included the key issues raised in the preliminary assessment and a copy of the preliminary assessment report prepared by Worley Consulting (coastal engineering) dated 31 January 2025 and Supplementary Letter by Worley Consulting dated 26 February 2025. A summary of the RFI is provided in **Table 5**.

Table 5: Request for Information

Assessor	Request for Information
Crown Land	Crown Land and Public Spaces principally raises issue with owner's consent and/or impact on Crown Land. If any part of the proposed development is located below the Mean High Water Mark (MHW) then owner's consent from Crown Land would be required. Should the development application be amended to include sand nourishment then owner's consent from Crown Land maybe required. Should the development application not be amended, then the development application would likely not be satisfactory in relation to its impact on Crown Land (forming part of a public beach), which is a relevant consideration under Section 27 of the Coastal Management Act 2016 and Section 2.10 and 2.12 of State Environmental Planning Policy (Resilience and Hazards) 2021.
National Parks and Wildlife Services	National Parks and Wildlife raise issue with the extent of assessment ('Developments adjacent to NPWS Lands' Guideline not addressed), the absence of cumulative impact assessment, sand nourishment and potential impacts on Wamberal Lagoon and interim measures for an off-dog leash area during construction.
Ecology	No assessment provided of indirect ecological impacts on Terrigal Lagoon, Wamberal Lagoon and terrestrial ecosystems such as Wamberal Nature Reserve. In addition, concern is raised regarding the splitting of ecological assessments to avoid a Biodiversity Development Assessment Report (BDAR) and assessment obligations under the Biodiversity Conservation Act 2016 and/or the Environmental Protection and Biodiversity Conservation Act 1999.
Trees	Concern is raised the seawall design will impact numerous Norfolk Island Pines along Section C. An arborist report should detail the design requirements for these trees to be retained. Concern is also raised that Tree Protection Fencing is required around the 3 proposed storage areas near Wamberal Surf Club to

	ensure trees in close proximity are not damaged during the development phase. Note: Subsequent advice was received from Council's Tree Officer that due to recent erosion, the three (3) Norfolk Island Pines proposed for removal, were deemed not able to be retained, and accordingly, no further arboricultural assessment is required.
Architecture	Objection on the basis of the terminal protection structure being a hard, regular, manmade and visually dominating structure that is incompatible in character to the gentle sloping and irregular appearance of the beach and dune. A terminal protection structure that retains the landscaped dune character should be considered.
Waste Management	The development application is not accompanied by a Resource and Waste Management Plan (RWMP).
Environmental Health	The development application is not accompanied by a noise and vibration impact assessment* *Note: Subsequent environmental health advice received raising issues in relation to contamination, see Section 4.1 of this report for further discussion.
Coastal Engineering	A coastal engineering referral has been completed being the Preliminary Assessment Report for DA/1264/2024 (Section A), DA/947/2024 (Section B) and DA/1389/2024 (Section C), prepared by Worley Consulting on behalf of Central Coast Council. The following comments summarise the principal concerns raised in this referral: <u>Gaps in the Terminal Protection Structure</u> A principal coastal engineering concern raised is that the development application does not provide for a single contiguous terminal protection structure from lagoon to lagoon. The current DA has at least three gaps, excluding Council's beach accessways (though there may be more if unsatisfactory owners' consent is factored in): ○ Section A (north) - Northern terminal end structure at Dover Road and Wamberal Surf Life Saving Club; ○ Section A (south) – 1 Calais Road and adjacent public beach accessway; and ○ Section C (south) – The southern terminal end structure at 1 Pacific Street. <u>Sand Nourishment</u> Concern is raised in that no compensatory sand nourishment is provided in Year 1 ('immediately'), and that sand nourishment volumes for ongoing maintenance to Year 10 are underestimated. This miscalculation would result in significant impacts including to Wamberal Nature Reserve. <u>Other</u>

	Other issues include edge effects, the absence of physical modelling, the absence of a construction management plan, unsatisfactory public safety in a storm event, the stability of the wall design, end of design life considerations, maintenance corridors, lack of finished sand level details and the absence of renders for the post-storm and typical accreted conditions.
Flooding	A Flood Impact Assessment is required to address Clause 5.21 of the Central Coast Local Environmental Plan 2022.
Traffic	A Construction Management Plan is required and is to include a Traffic Management Plan, Vehicle Movement Plan and Traffic Control Plan in order to demonstrate the works will not unreasonably limit public access or use of the beach under Section 27 of the Coastal Management Act 2016.
Town Planning	
Owners Consent	Owner's consent for the making of the development applications is not satisfactory in accordance with Section 23 of the Environmental Planning and Assessment Regulation 2021 (the Regulation). A table outlining the preliminary assessment of owner's consent in relation to private properties was attached to the RFI. Owner's consent from Crown Land would be required in relation to any works required below the Mean High Water Mark as a result of further information provided regarding sand nourishment or the spreading of excavated sand.
Single Contiguous Terminal Protection Structure	The suite of development applications does not include end terminal protection structures required to the north and south and along the structure. Their omission is likely to result in unsatisfactory edge effects contrary to Section 2.12 of State Environmental Planning Policy (Resilience and Hazards) 2021. Council's coastal engineering referral has determined that a single development application from Terrigal Lagoon to Wamberal Lagoon is required including the omitted properties 1 Pacific Street, 1 Calais Road and the Wamberal Surf Club land. The objective is to ensure a single continuous structure is completed simultaneously. Alternatives to achieve this object may be considered.
Sand Nourishment	Council's coastal engineering referral has determined that sand nourishment is required as a result of the proposed development. The development application does not provide for the required initial sand nourishment and significantly underestimates the on-going sand nourishment required. Compliance with Section 27(1)(b) of the Coastal Management Act 2016 requires satisfactory arrangements to be in place regarding restoration and maintenance.

	In addition, the development application proposes to spread excavated sand across the beach however the testing arrangements and extent of spread has not been adequately detailed in order to demonstrate no adverse impacts on the coastal environment in accordance with Section 2.10 of State Environmental Planning Policy (Resilience and Hazards) 2021 and associated risks to public safety in accordance with Section 27(1)(a)(i) of the Coastal Management Act 2016.
Maintenance	The development application does not provide a three metre maintenance zone and requisite easements/covenants to enable the terminal protection structure to be maintained from within the properties without the use of Wamberal Beach as required by the adopted Engineering Design Requirements. The above requirements for 'Sand Nourishment' and 'Maintenance' warrant the preparation of a preliminary maintenance plan which includes funding requirements that would inform a condition required under Section 27(1)(b) of the Coastal Management Act 2016.
Visual Impact Assessment	Wamberal Beach has a varied character which transitions from more developed in the south (more akin to Terrigal) to a natural vegetated dune setting in the north towards Wamberal Nature Reserve. The development application is not accompanied by a visual impact assessment to demonstrate the visual impact of the proposed development on this varied setting in accordance with Section 2.11 of State Environmental Planning Policy (Resilience and Hazards) 2021. The visual impact appears to be far greater than originally conceived in the MHL concept design. The current level of plan detail would not be sufficient to inform a VIA. The VIA is to be informed by sectional drawings and a detailed cut and fill plan.
Earthworks	The development application is not accompanied by consistent information regarding earthworks. A bulk earthworks plan is required to detail the sand/vegetation required to be removed to facilitate the construction of the terminal protection structure and the sand to be replaced at the completion of the terminal protection structure. The earthworks plan is to be translated across all the relevant documentation (e.g. sectional drawings, detailed landscape plans etc.). Sectional and elevational detail does not meet the requirements of the Approved Form under Section 24(1)(b) of the Environmental Planning and Assessment Regulation 2021.
Flooding	The development application is not accompanied by a flood impact assessment. Part of the site is affected by the 1 in 100 year and probable maximum flood level. A flood impact assessment is required to assess the flooding impacts from the proposed terminal protection structure on the immediate and surrounding areas, including any inundation to Terrigal and Wamberal Lagoon, in accordance with Clause 5.21 of the Central Coast Local Environmental Plan 2022.

Construction Management	The development application is not accompanied by a construction management plan. Given the scale and potential impact of the construction works on beach access, the coastal environment, traffic, public safety and other amenity impacts, a construction management plan is considered warranted at the development application stage under Section 27(1)(a) of the Coastal Management Act 2016.
Noise and Vibration	The development application is not accompanied by a noise and vibration impact assessment to assess construction and on-going noise and vibration impacts under Section 4.15(1)(b) of the Environmental Planning and Assessment Act, 1979.
Access	The development application is not accompanied by an access report addressing Section 2.11(1)(a)(i) of State Environmental Planning Policy (Resilience and Hazards) 2021. The terminal protection structures across the beach public accessways reduce the accessibility of Wamberal Beach. The development application does not include detail of how private beach accessways have been consolidated in accordance with the Engineering Design Requirements to minimise visual impact.
Public Safety	Council's coastal engineering referral has raised issues with public safety in relation to insufficient depth of access stairs and the structural stability of the terminal protection structure. Public safety is a relevant consideration under Section 27(1)(a)(ii) of the Coastal Management Act 2016.
Ecology	The development application is not accompanied by a Biodiversity Development Assessment Report (BDAR). An assessment of cumulative, direct and indirect impacts (including Wamberal and Terrigal Lagoons) is required having regard to Section 2.10 of State Environmental Planning Policy (Resilience and Hazards) 2021, the Biodiversity Conservation Act 2016 and the Environmental Protection and Biodiversity Conservation Act 1999..
Arborist Report	The development application is not accompanied by an arborist report. Council's Tree Officer has requested an assessment be undertaken in relation to construction staging areas and trees to be retained. Retention of Norfolk Island Pines should be further considered having regard to their contributory nature to the coastal environment and Section 2.10 and 2.11 of State Environmental Planning Policy (Resilience and Hazards) 2021.
Landscaping	The development application is not accompanied by a detailed landscape plan including a planting schedule or suitably detailed elevation and section drawings. The plans include photomontages of sand nourishment and planting seaward of the terminal protection structure however no detail of these works is provided and accordingly an assessment against Criteria 5 of the Engineering Design Requirements cannot be completed.

Overshadowing	The development application is not accompanied shadow diagrams to assess solar access impacts to Wamberal Beach in accordance with Section 2.11(1)(a)(ii) of State Environmental Planning Policy (Resilience and Hazards) 2021.
Wind Funnelling	The development application is not accompanied by a report assessing wind funnelling impacts to Wamberal Beach in accordance with Section 2.11(1)(a)(ii) of State Environmental Planning Policy (Resilience and Hazards) 2021.
Estimated Development Cost	The development application is not accompanied by an estimated development cost report in accordance with the Standard Form. Nor has the perceived cost of sand nourishment been adequately addressed.

The following documentation was requested in the RFI under Section 36 of the Regulation:

- Addendum Coastal Engineering Report
- Biodiversity Development Assessment Report
- Maintenance Plan
- Sand Nourishment Plan
- Draft Legal Arrangements for Maintenance and Sand Nourishment Plans
- Cut and Fill Plan
- Flood Impact Assessment
- Construction Management Plan (including CTMP)
- Arborist Report
- Detailed Landscape Plans
- Resource and Waste Management Plan
- Noise and Vibration Impact Assessment
- Owner's Consent
- Visual Impact Assessment
- Access Report
- Section Drawings (minimum of 5 per section)
- Shadow Diagrams
- Wind Funnel Assessment
- Estimated Development Cost (EDC) Report
- Response to Submissions

2.5.1 RFI Response from Applicant

The applicant submitted a response to the RFI on 23 October 2025. The response consisted of an itemised letter response to the RFI. None of the above specialist consultant reports/plans were provided. Further, the response sought to defer matters to detailed design stage. The RFI is largely unsatisfactory and the deferral of matters to detailed design is not considered satisfactory given the scale of the development application.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33) - written agreement from the Crown to the proposed conditions of consent must be provided.

It is noted that proposal for coastal protection works is also subject to specific requirements for the composition of Panels under section 2.16 and Schedule 2 of the EP&A Act:

20 Special provision regarding composition of Sydney district or regional planning panel in the case of coastal protection works

- (1) *This clause applies where a Sydney district or regional planning panel deals with the determination of a development application regarding coastal protection works on land within the coastal zone (within the meaning of the Coastal Management Act 2016).*
- (2) *If any State member of the panel (other than the chairperson) does not have expertise in coastal engineering or coastal geomorphology, the Minister is to appoint an alternate of the member who has that expertise, and that alternate member is to act*

in the place of the State member when the panel deals with the determination of that development application.

The Panel has been constituted to satisfy the requirements of Schedule 2(20)(2) of the EP&A Act.

It is noted that Section 4.17(6) of the EP&A Act includes the following provision relating to development applications for coastal protection works:

(6) Conditions and other arrangements concerning security

A development consent may be granted subject to a condition, or a consent authority may enter into an agreement with an applicant, that the applicant must provide security for the payment of the cost of any one or more of the following—

(d) in relation to coastal protection works (within the meaning of the Coastal Management Act 2016), either or both of the following—

(i) the maintenance of the works,

(ii) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works.

The applicant has not provided sufficient information to enable the Panel to make an informed decision as to the application of Section 4.17(6) of the EP&A Act. The Panel could not be satisfied that the presence of the works will not result in increased erosion of the beach or adjacent land. Accordingly, the Panel cannot determine whether a condition is warranted nor the terms of that condition.

3.1 Environmental Planning Instruments, proposed Instrument, development control plan, planning agreements and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Central Coast Local Environmental Plan 2022*

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs / Acts are outlined in **Table 10**. The pre-conditions to the grant of consent have been considered and are outlined in bold.

Table 6: Summary of Key Matters in the Relevant EPIS / Acts

EPI	Matters for Consideration	Comply (Y/N)
<i>SEPP (Planning Systems) 2021</i>	<u>Chapter 2: State and Regional Development</u> Section 2.19(1) declares the proposal regionally significant development under Schedule 6 as follows. Clause 3 - Council related development over \$5 million; and Clause 8A - Certain coastal protection works The development application has been referred to the Hunter and Central Coast Regional Planning Panel.	Y
<i>SEPP (Resilience & Hazards) 2021</i>	<u>Chapter 2: Coastal Management</u> Section 2.10 - Development on land within the coastal environmental area Section 2.10 is not satisfied as the development application does not demonstrate that the proposed development would not have an adverse impact on the environment including but not limited to edge effects, the absence of sand nourishment, public safety and access, and disabled access.	N
	Section 2.11 - Development on land within the coastal use area Section 2.11 is not satisfied as the development application does not demonstrate that the proposed development would not have an adverse impact the visual amenity and scenic qualities of the coast as a result of the proposed bulk, scale and size of the proposed development, and as a result of overshadowing and wind funnelling (in addition to the matters raised in Section 2.10).	N
	Section 2.12 - Development in coastal zone generally — development not to increase risk of coastal hazards. Section 2.12 is not satisfied as the development application does not demonstrate that the proposed development is not likely to cause increased risk of coastal hazards <u>on other land</u>.	N
	Section 2.16 – Coastal protection works	Y

EPI	Matters for Consideration	Comply (Y/N)
	Section 2.16(1) states the coastal protection works may be carried out on the site with development consent.	
	<u>Chapter 4: Remediation of Land</u> Section 4.6 – Contamination and remediation to be considered in determination development application. The Preliminary Site Investigation report submitted with the development application has been considered and further information is required.	N
<i>SEPP (Transport and Infrastructure) 2021</i>	<u>Chapter 2: Infrastructure</u> Section 2.48 - Determination of development applications—other development The matters in Section 2.48 are considered to be satisfied as a referral was made to Ausgrid and no objection was raised (late submission) subject to conditions.	Y
	Section 2.119 - Development with frontage to classified road The matters in Section 2.119 are considered to be satisfied as the proposed development does not alter existing vehicular access and is not of type of development sensitive to traffic noise or vehicle emissions.	Y
<i>SEPP (Biodiversity & Conservation) 2021</i>	<u>Chapter 4: Koala Habitat Protection 2021</u> Section 4.9 Development assessment process – no approved koala plan of management for land The ecology report provides a satisfactory statement in relation to Section 4.9(5) including that the site does not include any listed trees or koala habitat.	Y
<i>Central Coast LEP 2022</i>	R2 Low Density Residential Zone Objectives The proposal is inconsistent with the objectives of the R2 Low Density Residential zone for the key issues in that the proposal does not:	N

EPI	Matters for Consideration	Comply (Y/N)
	- Maintain and enhance the residential amenity and character of the surrounding area. - The proposal is not consistent with the requirements for character and scenic quality. The proposal is not compatible with the built form (multi-level beachfront dwellings and their ancillary structures) approved in the locality (as viewed from Wamberal Beach). The proposed Coastal Protection Works will have a detrimental impact on the highly sensitive existing landscape character and will have an adverse impact on the visual amenity and scenic qualities of the coast. - The proposal does not demonstrate compliance with the provisions of SEPP RH: - The proposed seawall is a hard, regular, man-made and visually dominating concrete structure that is incompatible in character with the gentle sloping and irregular appearance of the beach and dune. - The proposed seawall has a detrimental impact on the highly sensitive existing landscape character and will have an adverse impact on the visual amenity and scenic qualities of the coast.	
	RE1 Public Recreation Zone Objectives The proposal is generally inconsistent with the objectives of the RE1 zone as the proposal itself does not relate to public open space or recreational purposes.	N
	Clause 4.3 - Height of buildings A maximum building height limit of 8.5m generally applies. Insufficient information has been provided to assess the height of the proposed terminal protection structure.	N
	Clause 5.7 – Development below mean high water mark Development consent is required for development on land below the MHW. Sand nourishment works required as a result of the proposed development (though not currently forming part of the development application) would extend below the MHW and the consent of the land owner (Crown Lands) has not been obtained.	N
	Clause 5.21 – Flood Planning	N

EPI	Matters for Consideration	Comply (Y/N)
	The development application is not accompanied by any information from a suitably qualified flood engineer addressing Clause 5.21 of the LEP. Across Section A, B and C six properties are located within the Flood Planning Area and 33 properties are located within the Probable Maximum Flood.	
	Clause 5.23 – Public Bushland The development application is not accompanied by sufficient information addressing Clause 5.23 of the LEP. Wamberal Lagoon Nature Reserve is located to the north and no assessment on impacts to this area has been provided.	N
	Clause 7.1 - Acid Sulfate Soils The land is mapped as Class 5 ASS. Clause 7.1 would require either an acid sulfate soils management plan or a preliminary assessment in accordance with the Acid Sulphate Soils Manual stating that no acid sulfate soils management plan is required.	N
	Clause 7.6 - Essential Services Clause 7.6 requires the consent authority to be satisfied as to the provision of essential services. The development application is not accompanied by sufficient information to demonstrate suitable provision of stormwater drainage, or suitable vehicular access and waste management arrangements for on-going maintenance.	N

Consideration of the relevant EPIs is outlined below:

State Environmental Planning Policy (Planning Systems) 2021

Section 2.19(1) and Clause 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* (SEPP PS) declares the proposal regionally significant development as:

3 Council related development over \$5 million

Development that has an estimated development cost of more than \$5 million if—

(a) a council for the area in which the development is to be carried out is the applicant for development consent, or

- (b) the council is the owner of any land on which the development is to be carried out, or*
- (c) the development is to be carried out by the council, or*
- (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

Section 2.19(1) and Clause 8A of Schedule 6 of SEPP PS declares the proposal regionally significant development as:

8A Certain coastal protection works

- (1) The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—*

The development application has been referred to the Panel for determination.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal Management

Chapter 2 of SEPP RH includes the following aims:

To promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.*

An assessment of the development application against the relevant provisions of Chapter 2 is provided as follows:

Section 2.9 – Development on land within a coastal vulnerability area

The site is not identified as a “coastal vulnerability area” on the *Coastal Vulnerability Area Map*.

Section 2.10 - Development on land within the coastal environment area

The site is mapped within the coastal environment area on the Coastal Environment Area Map (**Figure 13**).



Figure 13 –Coastal Environment Area Map

In accordance with section 2.10(1) development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters listed in **Table 7**.

Table 7: Section 2.10 SEPP RH

Matters for Consideration	Compliance
(a) <i>the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment.</i>	No – The integrity of these environmental factors is unclear given uncertainty regarding the concept design conditions, design scour level, wave overtopping, runoff and property drainage and terminal end controls as outlined in Table 9 .
(b) <i>coastal environmental values and natural coastal processes.</i>	No – As above.
(c) <i>the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014, in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1.</i>	No - The Wamberal Lagoon and Terrigal Lagoon are listed as ‘Other coastal lakes’ within Schedule 1 to SEPP RH, and not sensitive coastal lakes. Notwithstanding, given the large scale of the development a Construction Management Plan (CMP) is considered warranted prior to the determination of the development application to consider any cumulative impacts from construction activities on water quality (i.e. movement of access of vehicles around the southern and northern extent would be in proximity to Terrigal and Wamberal Lagoon respectively).
(d) <i>marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms.</i>	No – The cumulative impact on native vegetation and fauna and their habitats is not suitably addressed in the development application. Refer to Table 5 for a request to assess indirect impacts and consider the requirements for a Biodiversity Development Assessment Report (BDAR).
(e) <i>existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability.</i>	No - The proposal in its current form, will provide public access to the foreshore, however, the design does not cater for persons with a disability and the given fluctuation of tidal flow it is unclear what the difference in RL will be from the beach level to the first step at any given time, and whether this is actually suitable for public access.
(f) <i>Aboriginal cultural heritage, practices and places.</i>	Yes - An Archaeological Due Diligence Assessment was prepared by McCardle Cultural Heritage Pty Ltd, dated 5 December 2023 was submitted with the proposal and states: An initial search of the AHIMS database identified 2 Aboriginal sites within 1 kilometre of the site. There are no registered sites or Aboriginal Places within the project area. <i>The Assessment notes, ‘The project area, consisting a highly disturbed landscape, was</i>

	<i>surveyed as one survey unit. The survey identified that the project area had been previously cleared, all subject to excavation works for the houses, gardens, retaining walls, beach access and previous stabilisation works. Additionally, significant beach erosion had occurred. Any landforms that may have contained any evidence of past Aboriginal land use has been significantly impacted on by construction works as well as removal by significant storm erosion events’.</i> The report concludes: i. As no sites or PADs were identified conservation/ protection is not required. ii. As no sites or PADs were identified an AHIP is not required.
<i>(g) the use of the surf zone.</i>	Yes - The alignment of the proposed works is located both within private property and seaward of private property (mostly consistent with the EDR) The proposed works is located as far landward as possible in relation to the existing dune face. This would likely result in minimal adverse impacts to the beach and coastal processes relative to the existing situation, including ad-hoc coastal protection works.

Section 2.11 - Development on land within the coastal use area

The site is mapped within the coastal environment area on the Coastal Environment Area Map (**Figure 14**).



Figure 14 –Coastal Use Area Map

In accordance with section 2.11(1) development consent must not be granted unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the matters listed in **Table 8**.

Table 8: Section 2.11 RH SEPP

Matters for Consideration	Compliance
(a) <i>whether the proposed development is likely to cause an adverse impact on the following:</i> i. <i>existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,</i> ii. <i>overshadowing, wind funnelling and the loss of views from public places to foreshores,</i> iii. <i>the visual amenity and scenic qualities of the coast, including coastal headlands,</i> iv. <i>Aboriginal cultural heritage, practices and places,</i> v. <i>cultural and built environment heritage.</i>	i) No - The proposal in its current form, will provide public access to the foreshore, however, the design does not cater for accessibility and the given fluctuation of tidal flow it is unclear what the difference in RL will be from the beach level to the first step at any given time, and whether this is actually suitable for public access. ii) No – It has not been demonstrated that the proposal will not cause an adverse impact on overshadowing, wind funnelling or view loss from public places to any foreshore as no corresponding assessment has been submitted. iii) No - Wamberal Beach is an important public space and characterised by the broad expanse of sand backed by the rising dune. The dune remains an extremely important element of local character and is highly sensitive to any changes. Dune planting is an essential component of the landscape character of ocean beaches within the Central Coast, as well as contributing to the stabilisation of dunes and must be maintained. The proposed seawall is a hard, regular, man-made and visually dominating concrete structure that is incompatible in character with the gentle sloping and irregular appearance of the beach and dune. The proposed seawall has a detrimental impact on the highly sensitive existing landscape character and will have an adverse impact on the visual amenity and scenic qualities of the coast. iv) & v) Yes - There are no known objects, areas, or items of heritage significance on the land, and no potentially adverse impacts on cultural or environmental heritage have been identified.
(b) <i>is satisfied that</i> i. <i>the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or</i> ii. <i>if that impact cannot be reasonably avoided—the development is designed,</i>	No.- The development application does not adequately demonstrate satisfaction of the requirement to avoid, mitigation then manage, particularly in relation to visual impact and beach accessibility.

<i>sited and will be managed to minimise that impact, or iii. if that impact cannot be minimised—the development will be managed to mitigate that impact,</i>	
<i>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development</i>	No - The bulk and scale of the proposed development is not of a compatible scale, appearance or consistent with the treatment of the dune area of other development along the Wamberal beachfront or the wider Wamberal Beach context and surrounds and the proposal is not considered satisfactory development for the site and location. Landscaping in hard structures does not adequately respond to the existing coastal environment which features vegetated dunes.

Section 2.12 - Development in coastal zone generally - development not to increase risk of coastal hazards

Section 2.12 applies to the development application as the coastal zone as defined in the relates *Coastal Management Act 2016* is defined to include the coastal environment area and coastal use area.

In accordance with section 2.12 development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.

An independent coastal engineering review of the information submitted with the development application has been undertaken by Worley Consulting, including a response to the further information response letter dated 23 October 2025. The assessment is provided in **Table 9** below. The matters addressed largely relate to section 2.12 of SEPP RH however, also apply to the assessment of Section 2.10 and Section 2.11 of SEPP RH.

Table 9: Coastal Engineering Matters

Issue	Worley Assessment
Concept Design Conditions	<i>The incident wave design conditions described in the response have not been presented in the Basis of Design report and have not been presented in the response. The response states: “In detailed design, Hatch will run the model with a beach profile fully eroded to -1m AHD to the toe of the TPS to verify and compare to the SPM and RM. The structural design will take the Hbmax into account, whilst the Hs will be used for overtopping estimations.”</i> <i>The incident wave design conditions described in the response were not but should have been applied to the concept design presented for approval. This is a critical issue for the TPS design</i>

	<i>and Worley cannot sign-off the concept design without this having shown to be done.</i>																
Design Scour Level	<i>Tie-backs were required for the Collaroy TPS, which appears to be of a similar design. That the wall as presented would be stable without tie-backs at the top of the wall needs to be confirmed with a submission of design calculations, which are advised to have been undertaken. This is required for structural (bending moment and shear forces) and geotechnical global stability. If a 10 m high cantilevered wall solution that eliminates the need for ground anchors is being proposed, then the design calculations are required now to satisfy Worley concerns.</i> <i>This is a critical issue for the TPS design and Worley cannot sign-off the concept design without this having shown to be done. The applicant is to present how a design local scour level of -2.0m AHD has already been incorporated into the structural capacity and geotechnical stability assessments of the current TPS design.</i>																
Wave overtopping, runoff and property drainage	<i>The applicant's response gives the following overtopping results for the design condition:</i> The estimates for the $H_s = 3.1\text{m}$, with $T_{m-1,0} = 11.8\text{ s}$ wave at the toe of TPS, resulted in the following mean overtopping volumes based on EuroTop 2018: <table><tr><td></td><td>Crest height +8m AHD</td><td>Crest height +6m AHD</td><td>Crest height +7m AHD</td></tr><tr><td></td><td>q (l/s/m)</td><td>q (l/s/m)</td><td>q (l/s/m)</td></tr><tr><td>No bull nose</td><td>44</td><td>175</td><td>86</td></tr><tr><td>With bull nose</td><td>0.33</td><td>58</td><td>3</td></tr></table> <i>According to the Coastal Engineering Manual, these volumes would be unacceptable for public safety and structural integrity of the residences:</i>		Crest height +8m AHD	Crest height +6m AHD	Crest height +7m AHD		q (l/s/m)	q (l/s/m)	q (l/s/m)	No bull nose	44	175	86	With bull nose	0.33	58	3
	Crest height +8m AHD	Crest height +6m AHD	Crest height +7m AHD														
	q (l/s/m)	q (l/s/m)	q (l/s/m)														
No bull nose	44	175	86														
With bull nose	0.33	58	3														

	Critical Values of Average Overtopping Discharges The chart displays critical values of average overtopping discharges (q) for various coastal structures. The left y-axis represents q in m³/s per m (log scale from 10⁻⁷ to 10⁰), and the right y-axis represents q in litres/s per m (log scale from 0.0001 to 1000). The chart is divided into two main sections: SAFETY OF TRAFFIC (VEHICLES, PEDESTRIANS) and STRUCTURAL SAFETY (BUILDINGS, EMBANKMENT SEAWALLS, GRASS SEA-DIKES, REVETMENTS). Shaded regions indicate levels of damage or safety. Red dashed lines are drawn across the chart at q = 100, 10, 1, and 0.1.
Steel Elements	<i>Tie-backs were required for the Collaroy TPS, which appears to be of a similar design. That the wall as presented would be stable without tie-backs at the top of the wall needs to be confirmed with a submission of design calculations, which are advised to have been undertaken. This is required for structural (bending moment and shear forces) and geotechnical global stability. If a 10 m high cantilevered wall solution that eliminates the need for ground anchors is being proposed, then the design calculations are required now to satisfy Worley concerns.</i> <i>This is a critical issue for the TPS design and Worley cannot sign-off the concept design without this having shown to be done. The applicant is to present how a design local scour level of -2.0m AHD has already been incorporated into the structural capacity and geotechnical stability assessments of the current TPS design.</i>
Physical Modelling for Design Verification and Optimisation	The applicant has indicated appropriate physical modelling will be considered during the detailed design phase. The Worley response to this response from the applicant is as follows: <i>This is entirely non-committal and does not ensure that any modelling would be done. The applicant is to advise what modelling will be done.</i>
Terminal End Controls	<i>No details of terminal end controls are provided in the DA drawings. There is no insurance that the end effects are mitigated. This issue has not been resolved.</i>

Public Safety and Beach Accessways	The applicant has indicated that it is not appropriate to extend stairs to the design scour level. The Worley response to this response from the applicant is as follows: <i>The bottom of the access stairs are at RL+4.2 and +5.2 m AHD. It is recommended that the public safety requirement for the stairs be addressed as part of the DA or be added to the consent conditions.</i> Accordingly, the design stair level could be conditioned in order to achieve compliance with the public safety requirements of section 2.10(e) of SEPP RH.
Clause 27 of the Coastal Management Act 2016	The Worley assessment addressed Clause 27 of the <i>Coastal Management Act 2016</i> which states: <i>Granting of development consent relating to coastal protection works</i> <i>(1) Development consent must not be granted under the Environmental Planning and Assessment Act 1979 to development for the purpose of coastal protection works, unless the consent authority is satisfied that—</i> <i>(a) the works will not, over the life of the works—</i> <i>(i) unreasonably limit or be likely to unreasonably limit public access to or the use of a beach or headland, or</i> <i>(ii) pose or be likely to pose a threat to public safety, and</i> <i>(b) satisfactory arrangements have been made (by conditions imposed on the consent) for the following for the life of the works—</i> <i>(i) the restoration of a beach, or land adjacent to the beach, if any increased erosion of the beach or adjacent land is caused by the presence of the works,</i> <i>(ii) the maintenance of the works.</i> <i>(2) The arrangements referred to in subsection (1) (b) are to secure adequate funding for the carrying out of any such restoration and maintenance, including by either or both of the following—</i> <i>(a) by legally binding obligations (including by way of financial assurance or bond) of all or any of the following—</i> <i>(i) the owner or owners from time to time of the land protected by the works,</i> <i>(ii) if the coastal protection works are constructed by or on behalf of landowners or by landowners jointly with a council or public authority—the council or public authority,</i>

	<i>(b) by payment to the relevant council of an annual charge for coastal protection services (within the meaning of the Local Government Act 1993).</i> <i>(3) The funding obligations referred to in subsection (2) (a) are to include the percentage share of the total funding of each landowner, council or public authority concerned.</i> The Worley assessment of the applicant's concerns regarding the 'reach' of the sand nourishment/erosion assessment extending to long term recession or storm demand, and not limiting it to impacts from the terminal protection structure (i.e. any additional impacts beyond the long term recession or storm demand). The Worley response is as follows: <i>Applicant's response includes: "The satisfactory arrangements referred to also only apply where the works result in "any increased erosion". The applicants are not required to provide sand nourishment to address long term recession, or storm demand."</i> <i>The proposed seawall will increase erosion on unprotected land within the coastal compartment as it will lock up existing storm demand sand that would be behind it as well as have end effects. This is evident clearly in the photo from the July 2020 storm shown here. Here, as elsewhere along the beach, the existing storm demand includes sand volumes that would be behind the seawall if built. Hence, should the seawall be built then sand nourishment would be required to compensate for locked up storm demand and for increased erosion that would occur on unprotected areas.</i>
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Section 2.10 of SEPP RH	<i>The SEPP states that development consent for a seawall can only be given if the development does not increase the coastal hazard on other land.</i> <i>The applicant's response is "The SEPP does not require that the proponents provide sand nourishment to address long term recession, storm demand, or sand locked up."</i> <i>However, without compensatory sand nourishment, the seawall will increase the coastal hazard on unprotected land and on the land in front of it.</i>

The Worley assessment summarises the key coastal engineering issues as follows:

1. **Structural Stability:** *The structure submitted on the DA drawings has not been designed for the appropriate coastal process conditions, but the applicants' response states that would be done in detailed design. This should have been done for the concept design presented for approval. With a -2 m scour level, the design condition comprises a 10 m high cantilevered concrete secant pile wall, which is a severe design*

case. The concept design has not been shown to be structurally sound or sound based on geotechnical considerations for global stability and, if the applicant has done the calculations, then these should be submitted to satisfy Worley's concerns.

2. **Overtopping:** *The calculated overtopping volumes presented would be unacceptable for public safety and for the structural integrity of the residences seeking protection. The wave reflector would need to be higher with the possibility for a reduction in level with physical modelling.*
3. **End Effects:** *No details of terminal end controls are provided in the DA drawings. There is no insurance that the end effects are mitigated. This issue has not been resolved.*
4. **Increased Coastal Hazard:** *In accordance with Clause 27 of Coastal Management Act 2016 and Clause 2.12 of State Environmental Planning Policy (Resilience and Hazards) 2021, development consent cannot be given if a seawall will increase the coastal hazard on adjacent land. Approval cannot be given without sand nourishment to mitigate erosion on adjacent unprotected land, which would be required to compensate for locked up storm demand and for increased erosion that would occur on unprotected areas within the coastal compartment. Without compensatory sand nourishment, during storms the seawall will increase the coastal hazard on unprotected land and on the land in front of it.*

Accordingly, the Panel could not be satisfied the proposed development will not increase coastal hazards on adjacent land or be in a position to condition suitable sand nourishment arrangements to address increased coastal erosion from the presence of the works.

Section 2.13 – Development in coastal zone general – coastal management plans to be considered

Section 2.13 of SEPP RH requires the consent authority to consider the relevant provisions of any certified coastal management program that applies to the land.

Certified coastal management program is defined in SEPP RH as follows:

- (a) *a coastal management program prepared, adopted and certified under Part 3 of the Coastal Management Act 2016,*
- (b) *a coastal zone management plan under the Coastal Protection Act 1979 that continues to have effect under clause 4 of Schedule 3 to the Coastal Management Act 2016,*
- (c) *a coastal zone management plan under the Coastal Protection Act 1979, certified and made in accordance with clause 6(1) of Schedule 3 to the Coastal Management Act 2016, that is taken to be a coastal management program prepared and adopted under that Act.*

There is no current certified coastal management program under Section 2.13 of SEPP RH. No coastal management program has been prepared, adopted and certified under Part 3 of the *Coastal Management Act 2016* (CM Act).

The previous Gosford Coastal Zone Management Plan prepared under the former *Coastal Protection Act 1979* was only 'saved' by Schedule 3 of the CM Act up until 31 December 2023.

Central Coast Council is currently preparing a coastal management program (CMP) in accordance with Part 3 of the CM Act, that what apply to the site when/if adopted. The Draft

CMP for the Open Coast, which includes the subject land, was exhibited between 14 July 2025 and 25 August 2025.

The draft CMP included the following management actions:

Review the Wamberal Beach EDR's to include geotechnical engineering design requirements and allow for a design that can be implemented, with a view to being able to include in Council's DCP to ensure all development applications for the Wamberal Beach coastal protection works are in accordance with the guidelines.

The EDRs should be seen as a "living document", a guideline that should be regularly reviewed and updated to keep it up to date with the latest available information and best practice. The EDR's themselves recognise this e.g. on page 13 "The sand nourishment triggers and replenishment volumes to maintain beach amenity are to be reviewed periodically."

As they currently stand the key criteria for terminal protection design on page 5 of the EDRs specify a "seawall" rather than simply "coastal protection works" – this appears to limit the type of structure, being to a vertical seawall (by definition), which would present a number of technical difficulties for implementation, for example, the need for ground-anchors to be installed which may not be practical due to the need to excavate under proximity of the houses and their foundations. The EDRs need to be flexible enough to allow other types of coastal protection works designs to be put forward and considered for assessment in a DA and not be limited to a vertical seawall.

The above draft management actions foreshadow a review of the Engineering Design Requirements including considering the potential limitations of a vertical seawall (structural stability) for Wamberal Beach.

Chapter 4 Remediation of Land

Council has reviewed the submitted Preliminary Site Investigation (PSI) and further information is required to satisfy the provisions of Section 4.6 of SEPP RH. The PSI identifies the need to undertake further soil contamination testing as part of the planning process due to known asbestos containing material and various debris on Wamberal Beach. The PSI would warrant a Detailed Site Investigation (DSI) and subsequent reporting required by the DSI which may include a Remedial Action Plan (RAP) and Validation Report. The matters required to be satisfied under Section 4.6(1) of SEPP RH prior to the granting of consent have not been demonstrated and the development application is recommended for refusal.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

An assessment of the relevant matters is suitably contained within **Table 6** of this report.

State Environmental Planning Policy (Transport and Infrastructure) 2021

An assessment of the relevant matters is suitably contained within **Table 6** of this report.

Central Coast Local Environmental Plan 2022

An assessment of the relevant matters is suitably contained within **Table 6** of this report.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments relevant to the development application at the time of writing this report.

(c) Section 4.15(1)(a)(iii) – Provisions of any Development Control Plan

The proposed development has been considered under the relevant provisions of Central Coast Development Control Plan 2022.

Chapter 2.14 – Site Waste Management

The development application was not accompanied by a Resource and Waste Management Plan (RWMP) as required by Chapter 2.14 of the DCP. The DCP requires that where the construction value is greater than \$5 million, the RWMP submission must be prepared by a suitability qualified waste consultant.

Chapter 2.17 – Character and Scenic Quality

Chapter 2.17 requires consideration of any relevant Scenic Quality and Character Statement applying to the site. The site is subject to the **North Coastal** Scenic Quality and Character Statement.

The Forresters/Wamberal unit statement of significance is that the area is of regional scenic value as it is a unique landscape within the area. Key development objectives relating to the subject development application include its proximity to the important ecological features to the north of the proposed development.

Without a visual impact assessment to determine to the contrary, the proposed terminal protection structure is likely to be visually dominant and does not respond to the North Coastal Scenic Quality and Character Statement.

Chapter 3.1 – Flood Plain Management and Water Cycle Management

The site includes minor affection in the location of the Section C terminal protection structure in the 1 in 100 and PMF flood events as per Central Coast Council Flood Mapping. While there may be limited affection this does not waive the requirement for the submission of a suitable flood assessment.

Chapter 3.2 – Coastal Hazard Management

Chapter 3.2 is a provisional chapter that will be updated once the Central Coast Coastal Management Program is certified in accordance with the *Coastal Management Act 2016*.

Chapter 3.5 – Tree and Vegetation Management

Council's Tree Management Officer has reviewed the proposed development and provided recommendations regarding tree preservation.

Chapter 3.7 – Geotechnical Requirements

In accordance with Chapter 3.7, the site is likely a Hazard Category 4 requiring the submission of a comprehensive geotechnical report. Worley have raised concern with the structural stability assessment and insufficient information has been provided to demonstrate compliance with the DCP geotechnical requirements.

(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site or development.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

The following relevant matters contained in the *Environmental Planning and Assessment Regulation 2021* must be taken into consideration by a consent authority in determining a development application:

23 – Persons who may make development applications

Written consent has not been provided by all owners of the land to which the development application relates as required by Section 23(1)(b) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

Written consent for 4 allotments has not been received 25-25B Ocean View Drive and PH175. A further 8 allotments have written consent that is incomplete or contains an error. An analysis of the owners consent received is provided as **Attachment E** to this report.

The Panel does not have the power to grant development consent without the written consent having been provided by all owners of the land to which the development application relates. The development application is therefore recommended for refusal.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting**
 - The proposal is not consistent with the context of the site and the adjacent Wamberal beach.
 - Insufficient information has been provided in relation to the potential end effects of the seawall in relation to the increased risk of coastal hazards on other land, given there is no guarantee that the remaining two terminal protections structure may be approved or built.
 - The proposal does not make satisfactory arrangements for the life of the works for their maintenance or for restoration of Wamberal Beach or land adjacent to it from increased erosion exacerbated by the proposed works.
 - The proposal will have an unacceptable adverse impact on the visual amenity and scenic qualities of the coast.
 - The proposal is not consistent with the character of surrounding development and results in no end edge treatment, given there is no guarantee that the remaining two terminal protections structure may be approved or built.
- **Public Domain, Natural Environment, Natural Hazards**
 - The finds of Worley Consulting, coastal engineer engaged by Council to review the applicant's engineering reports and plans has identified the proposal is likely to cause increased risk of coastal hazards on that land or other land. The applicant has not addressed to Council's satisfaction the impact on coastal

hazards and coastal process as discussed in the report to enable the consent authority to grant consent under Chapter 2 Coastal Management of the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

- The application has not addressed the impacts to the public domain or natural environment for the construction of the terminal protection structure, including construction compounds, construction traffic and construction machinery access from Wamberal Beach.
- *Water/air/soils impacts*
 - The proposal has not adequately addressed erosion and sediment control requirements of the Bluebook (Landcom, 2004) or the coastal dune code of practice requirements. Sediment and Erosion is proposed to be addressed in the construction methodology.
- *Social and economic impact*
 - While the proposed coastal protection works will provide for the protection of the landowner's place of residence from loss due to coastal erosion and will be mainly located within the private properties (some of the structure will be seaward of the private property) the social and economic benefits to the public and Council have not been adequately considered as to the effects on coastal processes and beach amenity. This is partly due to the lack of information and no additional information submitted by the applicant in response to Council's RFI.
 - Public access has not been sufficiently addressed and has not considered future scour and erosion.
 - Sand nourishment has not been sufficiently addressed to ensure the structure has minimal environmental effect on Wamberal Beach and surrounding areas.
- *Site design and internal design*
 - The proposed design of the coastal protection works has not been set out appropriately on the site to mitigate coastal impacts on adjoining development and the beach. In this regard the requirement for a contiguous seawall along the beachfront between the lagoon entrances is recommended by Worley Consulting.
 - Landscape Plans prepared provides suitable palette of native shrubs and ground covers that could survive in such a coastal exposed environment. The landscape plans do not provide sufficient detail in regard to the number of shrubs/ ground covers to be planted or maintenance details to ensure the longevity of the landscaped areas.
 - The design and location of the proposal is not compatible with the built form of multi-level beachfront dwellings and their ancillary structures approved in the locality, will have a detrimental impact on the highly sensitive existing landscape character and will have an adverse impact on the visual amenity and scenic qualities of the coast.
- *Construction and Maintenance*
 - Insufficient information was provided with the application in regard to construction access, other than indicative storage locations and an indication construction zone along Wamberal Beach on the submitted plans. The SEE proposes a construction methodology be conditioned to be prepared prior to the grant of a Construction Certificate. This is not considered appropriate as the impacts from construction, need to be assessed as part of the application.
 - No information was provided as to the ongoing maintenance of the proposed structure, including access from Wamberal Beach if required. Given the nature

of the structure, it is unlikely that maintenance would be undertaken via private properties and as such this would result in ongoing impacts to Wamberal Beach and public access.

Accordingly, the proposal is not consistent with the relevant planning controls for development within the coastal zone under Chapter 2 Coastal Management of Resilience and Hazards SEPP due to the lack of information submitted during assessment. It is considered that the proposal **will** result in significant adverse impacts in the locality as outlined above and the application is recommended for refusal.

3.3 Section 4.15(1)(d) - Public Submissions

Public submissions are considered in Section 4 of this report.

3.4 Section 4.15(1)(e) - Public interest

Approval of the proposed development is not in the public interest for the following reasons:

- The potential impacts identified in the report for development have not been satisfactorily addressed to enable Council's coastal experts to consider the impacts and risks from coastal hazards on other land being private properties and public beach, including the requirement for a contiguous seawall along the beachfront between the lagoon entrances.
- The application does not suitably address sand nourishment to match erosion due to long term recession and sand demand. The terminal protection structure will result in reduced sand supply to the dunes fronting the Wamberal Nature Reserve.
- The proposal is inconsistent with the planning controls for development within the coastal zone under Chapter 2 of SEPP RH due to the lack of information submitted during assessment.
- While the proposed coastal protection works will provide for the protection of the landowner's place of residence from loss due to coastal erosion and will be located mainly within the private properties (noting some of the structure will be seaward of private property) the social and economic benefits to the public and Council have not been adequately considered as to the effects on coastal processes and beach amenity. This is partly due to the lack of information and response of the applicant to RFI issued by Council.
- The proposal does not adequately address beach access and public safety issues, in this regard the access stairs is required to be extended to a lower level that accommodates further scour and erosion.
- The proposal is not considered consistent with ecologically sustainable development principles through the lack of information addressing the environmental issues to consider the proposal will not decrease environmental quality of the beach for future generations.
- The application did not provide physical modelling for the seawall designs test rigid elements such as wave return walls, integrated access stairways, balustrading or composite structures.

On balance, for the reasons stated above including not being compatible with the constraints of the site it is considered that the proposed development is not in the public interest and the application is recommended for refusal.

3.5 Coastal Management Act 2016

The *Coast Management Act 2016* (CM Act) is relevant to the assessment of the development application. As outlined in **Table 9**, in the assessment of the development application by Worley, the preconditions to the granting of consent for coastal protection works in Section 27 of the CM Act are not considered to have been satisfied. The development application is not considered satisfactory with respect to the CM Act.

3.6 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is relevant to the assessment of the development application. As outlined in **Table 5**, the ecological assessment does not consider indirect ecological impacts on Terrigal Lagoon, Wamberal Lagoon and terrestrial ecosystems such as Wamberal Nature Reserve. In addition, concern is raised regarding the splitting of ecological assessments to avoid a Biodiversity Development Assessment Report (BDAR) and assessment obligations under the BC Act. The development application is not considered satisfactory with respect to the BC Act.

3.7 Local Government Act 1993

The *Local Government Act 1993* (LG Act) is relevant to the assessment of the development application so far as it relates to Council reserves.

The beach area to the east of the residential properties is not identified as community land in the Central Coast Plan of Management for Council Community Land 2025 (PoM). Number 25, 25A, 25B and 71 Ocean View Drive are identified as Natural Area – Foreshore as shown in **Figure 15**.

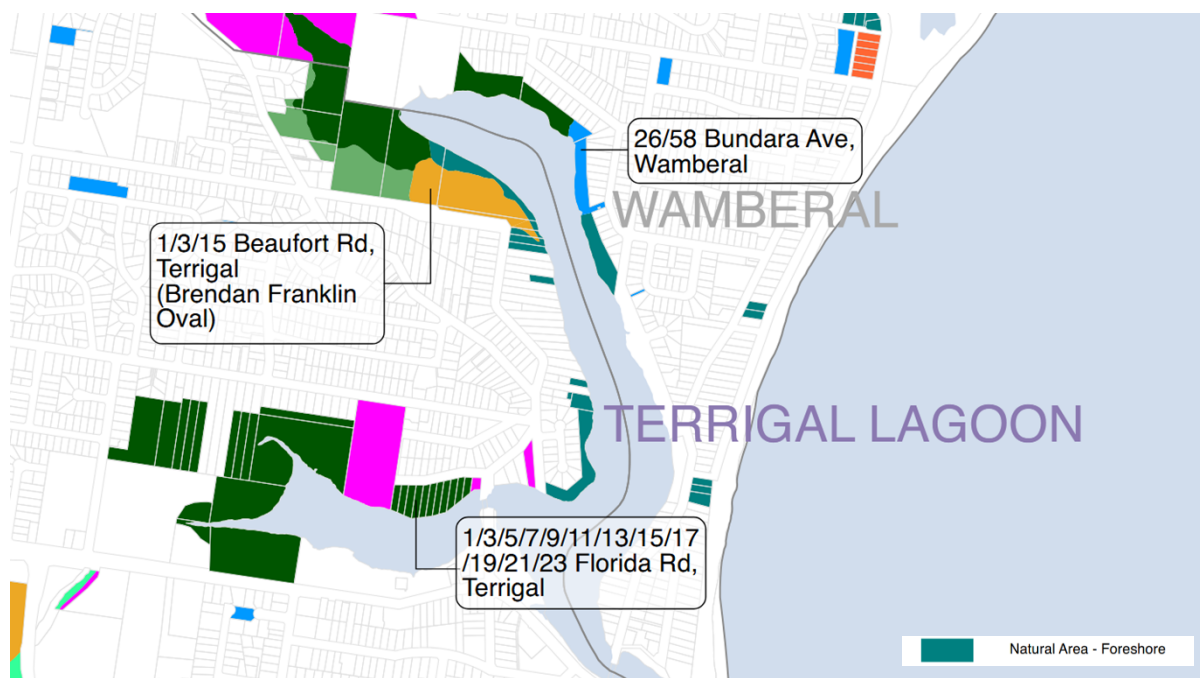


Figure 15 –Excerpt from Central Coast Plan of Management 170423

Chapter 10E of the PoM includes the provisions for the use of Natural Area – Foreshore categorised land. Table 10E.2 specifies coastal protection works as an allowable development to facilitate use. The proposed development is not inconsistent with the PoM.

4. REFERRALS AND SUBMISSIONS

4.1 Referrals

Table 10 provides a summary of the referrals. The issues raised in the referrals have not been resolved by the applicant's letter response to the request for further information. Accordingly, the issues outlined in **Table 5** remain and in the assessment against SEPP RH contained in this report warrant refusal of the development application.

Table 10: Summary of Referrals

Referral	No Response	Received – No Issues	Received – Issues Raised
External			
Ausgrid		X	
Local Aboriginal Land Council	X		
NSW Ambulance	X		
Crown Land			X
Office of Strategic Lands			X
National Parks and Wildlife Services			X
Department of Climate Change Environment Energy and Water	X		
Transport for NSW		X	
Internal			
Parks and Reserves		X	
Roads and Drainage	X		
Leisure Beach Safety and Community Safety	X		
Central Coast Local Emergency Management Committee	X		
Governance and Risk	X		
Legal Services	X		
Development Advisory Services – Principal Ecologist			X
Development Advisory Services – Tree Officer			X
Development Advisory Services – Architect			X
Strategic Planning		X	
Contributions		X	

Referral	No Response	Received – No Issues	Received – Issues Raised
Waste			X
Environmental Health			X
Water and Sewer		X	
Urban Design and Landscape			X
Environment			X
Engineering (Worley)			X

4.2 Community Consultation

The development application was notified between 20 September 2024 and 21 October 2024. A total of 637 submissions were received. An overview of the issues raised in the submissions are outlined in **Table 11**. The submissions have been considered in the assessment of the development application.

Table 11: Summary of Referrals

Objection	Support
• Should be assessed as a single DA. • Visual impact • Height of terminal protection structure • Impacts to natural landscape setting • Impacts to Wamberal Nature Reserve • Impacts to wildlife • Impacts to natural movement of sand • Increased coastal erosion • Loss of beach amenity • Cost and future financial risk to Council • No benefit to the wider community • No flood study for Terrigal and Wamberal Lagoon • Edge effects to adjacent properties • Insufficient environmental and scientific studies • In appropriate use of outdated/ defunct methods (Brunn Rule) to determine/ predict hazard lines along the beach. • Inaccuracies/ omissions in the Statement of Environmental Effects • Inaccurate/unrealistic levels on drawings • No consideration of alternate solutions to reduce impact • Premature without new Coastal Management Plan • Tourism impact	• Terrigal Beach has had a seawall for some 12 years, sand gets washed away and returns • Properties should be protected • Proposal includes sand nourishment • Will remove unsafe debris and banks from beach • Support if funded privately by private landowners

• Reduced beach area. • Reducing public access to beach. • Insufficient consideration of covenants. • In appropriate location of dwelling houses does not justify terminal protection structure	
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5. REASONS FOR REFUSAL

The Development Application is recommended for refusal on the basis of the following reasons:

Owners Consent

1. Owners consent does not comply with the requirements of Section 23(1)(b) of the *Environmental Planning and Assessment Regulation 2021* and therefore the Panel does not have the power to grant consent.

Coastal Management

2. Non-compliance with Section 2.10 of *State Environmental Planning Policy (Resilience and Hazards) 2021* relating to impacts on the coastal environment area including:
 - a. The coastal environment and processes; and
 - b. Impacts to safe access and access for persons with a disability.
3. Non-compliance with Section 2.11 of *State Environmental Planning Policy (Resilience and Hazards) 2021* relating to impacts on the coastal use area including:
 - a. Adverse visual impact on the scenic, coastal and landscape character of Wamberal Beach through a hard, regular, man-made and visually dominating concrete and sandstone structure;
 - b. Undefined solar access and wind tunnelling impacts; and
 - c. Safe access and access for persons with a disability.
4. Non-compliance with the precondition to the granting of consent in Section 2.12 of *State Environmental Planning Policy (Resilience and Hazards) 2021*. The Panel cannot be satisfied that the development is not likely to cause increased risk of coastal hazards on that land or other land including:
 - a. The non-contiguous terminal protection structure;
 - b. Omitted properties from the terminal protection structure being subject to end effects; and
 - c. No detailed design of terminal end controls.
5. Unsatisfactory coastal engineering outcomes affecting satisfaction of various matters within the *State Environmental Planning Policy (Resilience and Hazards) 2021* and the *Coastal Management Act 2016* including:
 - a. Structural stability – The concept design has not been shown to be structurally sound;
 - b. Overtopping – The calculated overtopping volumes are unacceptable for public safety or for the structural integrity of residences seeking protection.
 - c. End Effects – Details of terminal end controls not provided and therefore end effects not demonstrated to be satisfactory.
 - d. Increased Coastal Hazard – Locked up storm demand and increased erosion for unprotected areas warrants compensatory sand nourishment.
6. Insufficient information to allow the Panel to be satisfied that suitable restoration arrangements can be conditioned under Section 27(1)(b) of the *Coastal Management Act 2016* relating to restoration of a beach, or land adjacent to the beach, from increased erosion of the beach or adjacent land is caused by the presence of the works.

7. Insufficient information to allow the Panel to be satisfied that suitable maintenance arrangements can be conditioned under Section 27(1)(b) of the *Coastal Management Act 2016*

Contamination

8. Non-compliance with the precondition to the granting of consent in Section 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021*. The Preliminary Site Investigation (PSI) warrants the provision of a Detailed Site Investigation (DSI) and Construction Environmental Management Plan (CEMP) which do not accompany the development application.

Biodiversity

9. Insufficient information to allow the Panel to be satisfied that the relevant provisions of the *Biodiversity Conservation Act 2016* have been assessed.

Public Interest

10. The development application is not in the public interest as the development application has not demonstrated compliance with the coastal management provisions that relate to the public interest including the character of the coastal environment, the impact of/on coastal processes and the protection of beach amenity.

Other Insufficient Information

11. Insufficient information provided to complete an assessment of the development application including:
 - Addendum Coastal Engineering Report
 - Biodiversity Development Assessment Report
 - Maintenance Plan
 - Sand Nourishment Plan
 - Draft Legal Arrangements for Maintenance and Sand Nourishment Plans
 - Cut and Fill Plan
 - Flood Impact Assessment
 - Construction Environmental Management Plan (including CTMP)
 - Detailed Landscape Plans
 - Resource and Waste Management Plan
 - Noise and Vibration Impact Assessment
 - Owner's Consent
 - Visual Impact Assessment
 - Access Report
 - Section Drawings (minimum of 5 per section)
 - Shadow Diagrams
 - Wind Funnel Assessment
 - Estimated Development Cost (EDC) Report
 - Detailed Site Investigation, Remedial Action Plan and Validation Report

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application **cannot** be supported.

7. RECOMMENDATION

That the Development Application DA/1389/2024 for Coastal Protection Works (Section C) be **REFUSED** pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* subject to the reasons for refusal outlined in **Section 5**.