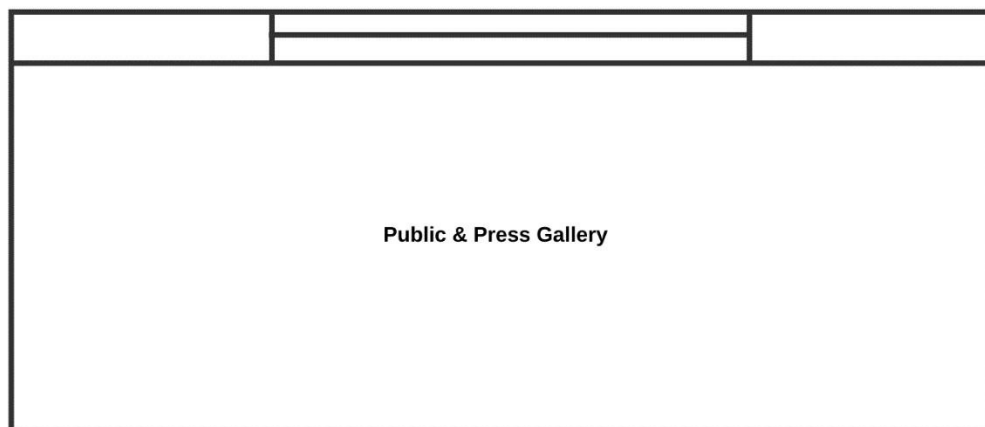
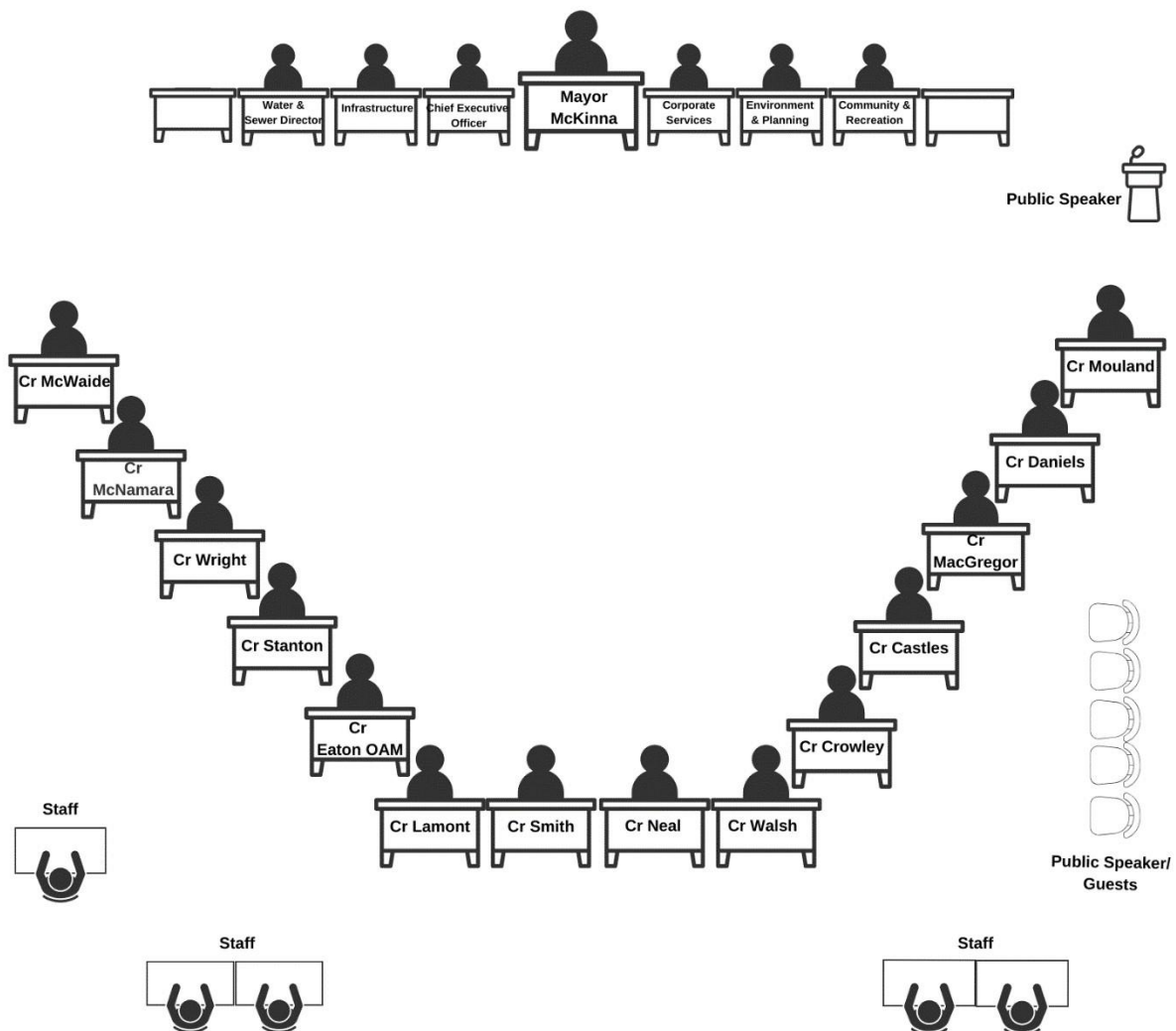




Central Coast Council  
Supplementary Business Paper  
Ordinary Council Meeting  
**22 July 2025**





### **Oath or Affirmation of Office**

Councillors are reminded of their Oath or Affirmation of Office to undertake their duties in the best interests of the people of the Central Coast and Council and to faithfully and impartially carry out the functions, powers, authorities, and discretions vested in them under the *Local Government Act 1993*, or any other Act to the best of their ability and judgement. Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

### **Disclosures of Interest**

Councillors are reminded of their obligation under Council's Code of Conduct to declare any conflict of interest in a matter considered by Council.

**Pecuniary interest:** A Councillor who has a **pecuniary interest** in any matter with which the Council is concerned, and who is present at a meeting of the Council at which the matter is being considered, must disclose the nature of the interest to the meeting. The Councillor must not be present at, or in sight of, the meeting:

- a) At any time during which the matter is being considered or discussed, or
- b) At any time during which the Council is voting on any question in relation to the matter.

**Non-Pecuniary conflict of interest:** A Councillor who has a **non-pecuniary conflict of interest** in a matter, must disclose the relevant private interest in relation to the matter fully and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter.

**Significant Non-Pecuniary conflict of interest:** A Councillor who has a **significant** non-pecuniary conflict of interest in relation to a matter under consideration at a Council meeting, must manage the conflict of interest as if they had a pecuniary interest in the matter.

**Non-Significant Non-Pecuniary interest:** A Councillor who determines that they have a non-pecuniary conflict of interest in a matter that is **not significant** and does not require further action, when disclosing the interest, it must also be explained why the conflict of interest is not significant and does not require further action in the circumstances.

### **Recording**

In accordance with the *NSW Privacy and Personal Information Protection Act 1998*, you are advised that all discussion held during the Open Council meeting is recorded for the purpose of livestreaming the public meeting and verifying the minutes. This will include any public discussion involving a councillor, staff member or a member of the public.

## Meeting Notice

**The Ordinary Council Meeting  
of Central Coast Council  
will be held in the Central Coast Council Chambers,  
2 Hely Street, Wyong  
on Tuesday 22 July 2025 at 6.30pm,  
for the transaction of the business listed below:**

**The Public Forum will commence at 6.00pm, subject to any  
registered speaker/s to items listed on this agenda.**

Further information and details on registration process:

[www.centralcoast.nsw.gov.au/council/meetings-and-minutes/council-meetings](http://www.centralcoast.nsw.gov.au/council/meetings-and-minutes/council-meetings)

### SUPPLEMENTARY BUSINESS PAPERS

#### **7 QUESTIONS WITH NOTICE**

7.2	Response to Question with Notice - Probity Planning and the Wamberal Seawall Project.....	5
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David Farmer  
**Chief Executive Officer**

**Item No:** 7.2  
**Title:** Response to Question with Notice - Probity Planning and the Wamberal Seawall Project  
**Department:** Councillor

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22 July 2025 Ordinary Council Meeting

Reference: F2025/00016 - D16973687  
Author: Councillor Corinne Lamont

## **7.2 Response to Question with Notice - Probity Planning and the Wamberal Seawall Project**

The following question was submitted by Councillor C Lamont:

*Council recently responded to a Councillor enquiry that “no probity risks were identified” during the initial phase of the Wamberal Beach Terminal Protection and Sand Nourishment project, which commenced in 2020. This position is inconsistent with Council’s Probity Advice Policy, as well as with the governance expectations raised at the first meeting of the Wamberal Seawall Advisory Taskforce, where Council staff were tasked with developing a governance plan for the project.*

*The seawall project was, and remains, a complex, high-risk initiative involving multiple stakeholders, including private landowners, state government agencies, and Council in dual roles as both landowner and regulator. Notably, this occurred during a period when Council was under administration, with no Councillor or community oversight of the project. These circumstances are precisely those that elevate probity risks and, under Council’s own policy, require early and proactive probity planning, regardless of whether risks had been formally recorded at the time.*

*Council’s Probity Advice Policy specifically calls for the early consideration of probity in projects involving infrastructure delivery, reputational sensitivity, and public/private interface, all of which were present from the outset. Despite this, and despite the Taskforce explicitly identifying the need for probity planning in its first meeting in August 2020, a probity plan for the Wamberal Beach Seawall project was not adopted until February 2024, nearly four years after project commencement.*

*Given the requirements in Council’s Probity Advice Policy for early probity planning, and given that the Wamberal Seawall Advisory Taskforce identified this need in its first meeting and assigned the development of a governance plan to Council staff, on what basis did Council determine that no probity risks existed at the commencement of the project, and who made that determination?*

## **Response**

### Background

The certified Gosford Beaches Coastal Zone Management Plan 2017 (CZMP) contained the following management actions to address coastal erosion at Wamberal Beach:

- TW11: Terminal protection- Council to action review, design and (consider) funding of terminal protection structure for Wamberal,
- TW14: Investigation of sources of sand and determination of the feasibility of beach nourishment for Wamberal Beach, and
- TW15: Beach nourishment coupled with a terminal revetment to increase the buffer against storm erosion.

In November 2017, Council established the Wamberal Terminal Protection Working Group (WTPWG) to progress Wamberal CZMP actions. Stakeholders included Council Staff, representatives from NSW Office Environment Heritage, NSW Department of Industry and two Wamberal community representatives. The WTPWG progressed several tasks including preparation of a detailed project plan to govern progress of the studies to fulfill management actions TW11 and TW14.

In May of 2020 Council engaged Manly Hydraulics Laboratory (MHL) to complete coastal investigations, develop concept option and complete cost benefit analysis as per NSW Treasury Guidelines for a long-term solution for Wamberal Beach. This included six (6) stages of work:

- Stage 1: Literature Review - to take stock of what is known and identify any information gaps.
- Stage 2: Coastal Protection Assessment - to determine sand movement, beach behaviour and impacts/opportunities around public access and amenity.
- Stage 3: Concept Design Options - for a terminal protection structure (seawall) and sand nourishment, and potential seawall alignment.
- Stage 4: Sand Nourishment Investigation - to help maintain public beach amenity.
- Stage 5: Coastal Monitoring Webpage – to monitor beach conditions.
- Stage 6: Cost Benefit Analysis - to assess options and guide development of possible funding models.

Three (3) rounds of community engagement were also undertaken to inform the community and gather feedback. All six (6) stages of work were completed in May 2021.

Following the commencement of the MHL studies, the New South Wales Government established the Wamberal Seawall Advisory Taskforce on 31 July of 2020 following several large storm events which impacted the Wamberal -Terrigal embayment.

In reply to the Question Without Notice the following information is provided.

1. *Council recently responded to a Councillor enquiry that "no probity risks were identified" during the initial phase of the Wamberal Beach Terminal Protection and Sand Nourishment project, which commenced in 2020. This position is inconsistent with Council's Probity Advice Policy, as well as with the governance expectations raised at the first meeting of the Wamberal Seawall Advisory Taskforce, where Council staff were tasked with developing a governance plan for the project.*

In response the following information is provided:

- The minutes of the Wamberal Seawall Advisory Taskforce meeting held on 11 August 2020 do not mention a probity plan expectation or requirement. Council actions to progress included the preparation of a communications and engagement plan and a project plan and project governance structure.
  - Council progressed the preparation of a communications and engagement plan and a project plan and project governance structure for the coastal engineering studies for Wamberal coastal protection in 2020 and 2021.
  - Council endorsed a 'Probity Advisory Policy' in March 2020. The project plan and project governance structure documents do not deal with matters of probity.
  - It is noted that the investigations and studies being commissioned at this stage in 2020 and 2021 did not involve Council progressing a development application for coastal protection works, or constructing coastal protection works.
  - It should also be noted that Council commissioned directly the NSW Department of Planning, Industry and Environment (Manly Hydraulics Laboratory) as a statutory authority representing the Crown (i.e. NSW Government) to undertake the investigations. MHL also provided a document that included a scope of works, a methodology, a project timeline and proposed contractual conditions.
2. *The seawall project was, and remains, a complex, high-risk initiative involving multiple stakeholders, including private landowners, state government agencies, and Council in dual roles as both landowner and regulator. Notably, this occurred during a period when Council was under administration, with no Councillor or community oversight of the project. These circumstances are precisely those that elevate probity risks and, under Council's own policy, require early and proactive probity planning, regardless of whether risks had been formally recorded at the time.*

In response the following can be provided:

- As stated above it is noted that the investigations and studies being commissioned at this stage in 2020 and 2021 where to progress certified Coastal Zone Management Plan actions, did not involve Council progressing a development application for coastal protection works, or constructing coastal protection works, and involved Council commissioning the NSW Department of Planning, Industry and Environment (Manly Hydraulics Laboratory) to undertake the investigations.

- In 2023 a probity plan was developed when Council joined a joint development application for a whole-of-embayment coastal protection works design. The probity document outlined the ethical and procedural framework for managing the Council's various key roles and responsibilities.
3. *Council's Probity Advice Policy specifically calls for the early consideration of probity in projects involving infrastructure delivery, reputational sensitivity, and public/private interface, all of which were present from the outset. Despite this, and despite the Taskforce explicitly identifying the need for probity planning in its first meeting in August 2020, a probity plan for the Wamberal Beach Seawall project was not adopted until February 2024, nearly four years after project commencement.*

In response the following information is provided:

- The Probity Plan prepared for this project is dated December 2023.
  - As stated above, in 2023 a probity plan was developed when Council joined a joint development application for a whole-of-embayment coastal protection works design. The probity document outlined the ethical and procedural framework for managing the Council's various key roles and responsibilities.
  - As stated above, the minutes of the Wamberal Seawall Advisory Taskforce meeting held on 11 August 2020 make no mention of a probity plan or planning. Council actions included progressing a communications and engagement plan and a project plan and project governance structure.
4. *Given the requirements in Council's Probity Advice Policy for early probity planning, and given that the Wamberal Seawall Advisory Taskforce identified this need in its first meeting and assigned the development of a governance plan to Council staff, on what basis did Council determine that no probity risks existed at the commencement of the project, and who made that determination.*

In response the following is provided:

- As stated above, the minutes of the Wamberal Seawall Advisory Taskforce meeting held on 11 August 2020 make no mention of a probity plan or planning. Council actions included progressing a communications and engagement plan and a project plan and project governance structure.
- The project plan and project governance structure documents from 2020 and 2021 were related to the coastal engineering studies and investigations for Wamberal coastal protection and do not address matters of probity. In 2023 a Probity Plan was developed when Council joined a joint development application for a whole-of-embayment coastal protection works design. The probity document outlines the ethical and procedural framework for managing the Council's various key roles and responsibilities.



- Our enquiries showed no records, from this period in 2020 and 2021, where a decision was made regarding the application of the Probity Advisory Policy related to the engineering studies and investigations for Wamberal coastal protection.

**Attachments**

Nil