



## **TRANSCRIPT OF MEETING**

**RE: 310 TERRIGAL DRIVE, TERRIGAL – PLANNING PROPOSAL  
(PP-2023-1899) – GATEWAY DETERMINATION REVIEW**

### **APPLICANT MEETING**

<b>PANEL:</b>	<b>JULIET GRANT (CHAIR)</b> <b>SIMON SMITH</b>
<b>OFFICE OF THE IPC:</b>	<b>TAHLIA HUTCHINSON</b>
<b>APPLICANT REPRESENTATIVES:</b>	<b>SOPHY PURTON (Urbis)</b> <b>PUSHKAR THAKUR (Loftus Lane Capital)</b> <b>SAMIR HAKIM (APEX Civil Engineers)</b> <b>CAINE KING (CKDS Architects)</b>
<b>LOCATION:</b>	<b>ZOOM VIDEOCONFERENCE</b>
<b>DATE:</b>	<b>3:00PM – 4:00PM</b> <b>FRIDAY 23<sup>rd</sup> MAY 2025</b>

## <THE MEETING COMMENCED

**MS JULIET GRANT:** Hi, everyone.

5 [Multiple people say hello]

**MS GRANT:** Sophy, is that everybody from your side that you're expecting?

10 **MS SOPHY PURTON:** Yes, that is. We've got Samir, Pushkar and Caine.

**MS GRANT:** Perfect, all right. Well, before we begin, I would like to acknowledge that I'm speaking to you from Gadigal land, and I acknowledge the traditional owners of all the lands from which we virtually meet today and pay my respects to their Elders past and present.

15 Welcome to the meeting today to discuss the Gateway Determination Review of the Planning Proposal for 310 Terrigal Drive, Terrigal, currently before the Commission for advice. The proposal seeks to facilitate the redevelopment of the site for mixed use purposes, comprising approximately 38 residential units, ground floor café, retail premises, basement parking, and green space.

20 My name is Juliet Grant, and I am the Chair of this Commission Panel. I'm joined by my fellow Commissioner, Simon Smith. We're also joined by Tahlia Hutchinson in the Office of the Independent Planning Commission.

25 In the interests of openness and transparency, and to ensure the full capture of information, today's meeting is being recorded, and a complete transcript will be produced and made available on the Commission's website.

30 This meeting is one part of the Commission's consideration of this matter and will form one of several sources of information upon which the Commission will base its advice. It's important for the commissioners to ask questions of attendees and to clarify issues whenever it's considered appropriate. If you are asked a question and not in a position to answer, please feel free to take this on notice and provide

35 any additional information in writing, which we will then put on our website.

I request that all members here today introduce themselves before speaking for the first time, and for all members to ensure they do not speak over the top of each other, to ensure accuracy of the transcript.

40 We will now begin. Sophy, shall I hand to you to take the lead in the discussion, or is somebody else ...?

45 **MS PURTON:** Yes. No, sure. Thanks, Juliet, and thank you very much for your time today in coordinating this meeting. From our side, we have Pushkar who's the Applicant and Developer for the site. We have Caine from the architect side, and we have Samir who is our flood engineer who can provide some technical advice. We've prepared a short presentation which I'll go through which

essentially, hopefully aligns with the agenda that was set out by the Commission. And we'll probably get through this quite quickly just so we can get into more of a discussion.

5 Let me just present ... I'll share my screen quickly, if that's okay.

**MS GRANT:** Great, we can see that, yes.

10 **MS PURTON:** Perfect. Thank you. Okay, as you mentioned, this request is in relation to a site at 310 Terrigal Drive in Terrigal. It comprises about 4,260 square metres. It is currently zoned for R1 General Residential zone, so the land use that we are proposing on the site remains consistent with that of the land use zone and the surrounding residential nature to the north and east of the site. It currently has a height limit of 8.5 metres and an FSR of 0.7 to 1.

15 The site at the moment is a vacant site with frontages to Terrigal Drive and Charles Key Drive, so it's quite a prominent corner location heading down into Terrigal proper. It does – the eastern boundary of the site adjoins a waterway and there are some biodiversity features associated with that. The site does have a  
20 number of other overlays, including some vegetation, a bushfire buffer, as well as flooding and then traffic being another key feature of the site given its location at a prominent corner.

25 As you can see here, sorry, I'm not sure if this is in the way – as you can see here, the site's within the 15-minute walking catchment of Terrigal Beach to the east of the site and is within the 15-minute cycling catchment of Erina town centre. So, it's quite an accessible and well-located site within a highly urbanised area.

30 And what we're proposing here is an infill residential, prominently residential development supported by a small café on the corner, which was something that we thought would help activate this prominent corner and also provide some amenity and services to the surrounding residents. But the site itself is residential in nature and the area is a highly urbanised area.

35 This project has a long planning history in which we started engaging with Council back in 2021 on the project. As you can see from the site, there are a number of environmental considerations and when planning for any site, it's about understanding those considerations.

40 So, as a first point of call in prior to us lodging the Planning Proposal, it was critical that we had understood those constraints fully, and as part of doing that we engaged with the Biodiversity Conservation Division on both biodiversity matters and flood planning matters. And that was critical to the overall design of the building footprint and really helped us position and understand what would be an  
45 appropriate building envelope for this site in considering and overlaying those considerations.

We actually received support from the Biodiversity Conservation Division, and, in

particular, on the flooding matters, we were advised that we could progress based upon the information, the flood modelling that we had prepared, where shelter in place was supported due to the limited time in which any residential would need to shelter on the site.

So, prior to us lodging the planning proposal, we did get the greenlight from key stakeholders. We also received that same positive feedback in regards to the proposed response to the waterway and the biodiversity surrounding that which a key part of this proposal is really integrating with the landscape and also regenerating that waterway.

We also sought advice from Transport for NSW, given the Charles Key Drive and Terrigal Drive being key roads within this area. And Transport for NSW provided their support and stated that it would have limited impact on the intersections and provided a bias really about the location of the driveway on the site.

So, given this lengthy stakeholder engagement and all the positive feedback and support we had prior to lodging the planning proposal, we then progressed with lodgement. We workshopped with Council what would be an appropriate built form outcome for the site. And at that time, we also prepared a concurrent development application which we actually lodged not long after the planning proposal. And again, that was on the back of the positive support that we have had from key stakeholders and from Council.

The application, in particular the DA, was referred to agencies and through that process, RFS provided their general terms of approval for the development application which again confirms that the site and any future development, potentially the concept application that we've put forward here today, is suitable from a bushfire perspective.

The Planning Proposal was then submitted for gateway in April, following a positive assessment by Council. And then we've been in that gateway review process up until December when, unfortunately, we received the gateway decision from the Department.

So, the project outcomes for the site is really about remediating and rejuvenating and enhancing the waterway which is currently quite overgrown and weed infested, and we see this as a really positive opportunity and ability to clean up that waterway. We're proposing a new six-storey residential flat building with the provision of café that's around 150 square metres, noting that a neighbourhood shop would be permissible on the site. However, a café seemed more fitting for the surrounding uses, in particular the school and the sports field that are adjacent and will provide added amenity to those.

And we're also proposing to provide high levels of residential amenity on the site, that would really benefit and from the waterway and the landscaped gardens adjoining the waterway. And then also the vehicular access from Charles Key Drive into the basement for the site.

The project outcome would be achieved by amending the LEP to introduce a maximum building height of 25 metres and an FSR of 1.3 to 1 including the additional permitted use for retail premises under Schedule 1. We have also prepared a concurrent site-specific DCP which we prepared in collaboration with Council, and that also included feedback and input from various internal departments within Council regarding controls around flood planning, biodiversity and vehicular access.

So, the work that we've done both within the planning proposal and the DCP is really a collaborative effort and has had involvement and input from many of the internal stakeholders within Council as well as external stakeholders.

We understand that the key matters for consideration that the Panel would like further information was around the built form and density, the bushfire and flood planning matters. And so we just wanted to touch on those three items in particular.

Here, you can see the ground floor plan for the proposed building envelope. And you can see that it's contained to a really minor portion of the site. So, it's about approximately 20% of the overall site. So, it's about a 1,200 square metre building envelope footprint which is quite typical for a lot of these infill development areas, so it's quite a common, small residential flat building, building footprint. It has appropriate setbacks to Charles Key Drive and Terrigal Drive in response to the acoustic considerations, as well as appropriate setbacks to the waterway that has been – and those setbacks to the waterway have been designed and supported through the engagement we'd had with the Biodiversity Conservation Division.

We've sought to activate this corner site through the café and the provision of what would appear to be a terrace-style apartment that fronts Terrigal Drive, and we've really sought to integrate this within the natural environment. And that was one of the key considerations and design features that we really pride ourselves on doing throughout this whole application, and it was making sure that the building height works out within that kind of taller canopy tree line and didn't protrude above the existing mature trees which would be retained on the site.

And you can see in the photo montage illustration below, that would also be seeking to provide a high level of landscaping and planter boxes throughout the upper levels and in various areas within the façade to really enhance that landscaped character.

And here are just some photo montages from Charles Key Drive, the corner of Charles Key and Terrigal Drive, and then from Terrigal Drive heading in an eastward direction. And you can see that it's quite – blends in quite well within this natural environment in which it is located.

We also looked at ensuring that it really had demonstrated a high level of sustainable design principles. And we embedded that in both the DCP and also

within the concept design and made provision for that and ensuring that that was futureproofed in any planning controls and the height would allow for those sustainability provisions to be able to be met.

5 As I mentioned, the site, you can see here the vegetation buffer overlays on the site and it's really just at the peripheral edges along that southern portion of Charles Key Drive where the site and that portion of the site would remain unimpacted from development anyway. And then more to the northern portion of the site there is still periphery of the vegetation buffer, however, as I mentioned,  
10 the development application that was submitted with the Planning Proposal was referred, and general terms of approval were issued by RFS.

So, in our view, that issue is considered satisfied. We don't believe that there is any adverse impacts in relation to bushfire and the conditions that were included  
15 by RFS were just about ensuring appropriate maintenance of the APZs.

**MS GRANT:** Sophy, sorry, before you go off that slide, could you just point with your cursor where is the building footprint on the site.

20 **MS PURTON:** The building footprint would be located predominantly in this cleared area here and then access to and from the site is about at this point.

**MS GRANT:** Okay, thank you.

25 **MS PURTON:** And here we have the flood mapping for the site. So, it has, with any waterway really, you know, the floodway is along that waterway and that adjoins the boundary of our site. The site is also mapped as flood storage and a lot of it is on the flood fringe as well. So, the flood risk mapping contains, the flood functions contain three types of functions characteristic of any site that really  
30 adjoins kind of a waterway, and so that's that.

And we understand the bigger concern of this site is really just coming down to the flood considerations. So, here we've inserted what the flood considerations look line in both a 1-in-20-year all the way into a 1-in-50-year event. And again,  
35 this is worst-case scenario, and this is assuming that all stormwater systems within the area fail, as required by the flood planning requirements.

You can see here that in the 1-in-20-year, the access to the site remains largely impacted, and again it's predominantly water associated with the waterway and the vegetation area heading into the waterway. Hopefully you can see the – I'm  
40 not sure if that is blocking it, but there's a legend up in the corner here which classifies each of these colours. And you can see here that the predominant colour here is this dark blue colour, and that's saying that it's generally safe for people, vehicles and buildings. So, people can still get in and out of the site freely within  
45 these more frequent flooding events.

And the flooding associated with Terrigal Drives and Charles Key Drive is people heading east towards Terrigal Drive, not just our site, but that whole catchment

area would be experiencing this. So, it's not something that's isolated to our site ad it's something that occurs within the surrounding road network.

5 We worked a lot with Council regarding the flood modelling. And again, all the way up until the 1-in-500-year, it's predominantly blue with some light blue. And the flood modelling – the duration of this flood event is relative in the 1-in-100-year, it's probably about 20 minutes that the blue would come up, and then it would start subsiding again. And that's all documented in the Flood Risk Assessment Report that was provided with the application.

10 But the Council, who has very stringent flood planning controls, both within their LEP and the DCP, determined that it would have negligible impact on flood behaviour, and they've determined that it is suitable from a flood planning perspective.

15 Again, the Department has accepted that residents can shelter safely in place. When we're talking about maximum flood planning levels, we have designed the site so that the site and any dwelling within the site is above any of the required flood planning levels. So, the building has been designed to ensure that residents are safe on the site. We've provided information regarding the constructability of the building, and the Department also confirmed that based on the evidence that we supplied, that the building could withstand heavy floodwaters, if that ever eventuated.

20 So, the constructability of the building was determined to be safe. The building itself, including the residential levels, were all above the flood planning requirements. And the Department has accepted that shelter in place is acceptable on the site, noting that this would be for a very short window, and the shelter in place supports up to 6 hours and we're well below that threshold.

25 Council again, they're well-versed in the flood behaviours within their LGA and they're equally supportive of the work that we've done of the design of the building footprint, and were confident that it doesn't have any adverse impacts external to our site, and they've supported the flood planning modelling and they've endorsed the Flood Risk Impact Report that we've prepared as part of the planning proposal.

30 So, that's basically all we have in our presentation today, but we're more than happy to answer, hear from the Panel, and answer any questions that the Panel may have.

35 **MS GRANT:** Thank you, Sophy, I'm sure that both Simon and I have some questions. If you could just go back to that flood slide. There was a reference to the Department supporting ...

40 **MS PURTON:** Shelter in place.

45 **MS GRANT:** Yes. If you've got – sorry, we're going to share those so that we can

just see that again, please.

**MS PURTON:** Yes.

5       **MS GRANT:** The last text slide you've got there, the 18, yes, referenced that confirm that ... So, the Department accepts that they can safely shelter in place.

**MS PURTON:** Yes.

10       **MS GRANT:** Is that, so the presentation we had, we met with the Department earlier, they were talking about the fact that if floods were identified in as H5 or H6 category, that that didn't – that meant that shelter in place wasn't acceptable. So, that doesn't seem to be – it seems to be a bit at odds at what they have told us previously. Is that ...

15       **MS PURTON:** Yes. So, I could probably pull up the advice from them which states that they support shelter in place, and that was probably November last year before the gateway determination was made. They said that shelter in place is supported on site. Richard Murphy said this back in 2023, prior to us lodging the  
20       Planning Proposal and during that process. And again, that was reiterated to us in November last year. However, the Department said that there still remained some residual risk.

25       So, at no point have they said that they didn't support shelter in place, and that was something that, I guess, a new information had come to light through that justification is that whether in all of the agency feedback in the meetings we had with them prior to receiving that final determination, they have provided written correspondence saying that the site is suitable for shelter in place.

30       **MR SIMON SMITH:** Sophy, would you mind sharing that with us, perhaps after the meeting, if you could send that through to us?

**MS PURTON:** Yes.

35       **MS GRANT:** Sorry, just –

[Cross-talk 00:24:24]

40       **MS GRANT:** So, I was just wondering, Sophy, the shelter-in-place guidelines were only formalised early this year, so do you think that could have been the difference in interpretation could have arisen through the difference between the draft and the final versions of the shelter-in-place guidelines?

45       **MS PURTON:** I guess, you know, the gateway review has been done at a time when the gateway determination was made. And at that time, this is the – the Department had made clear to us that the site was suitable for shelter in place. So, going off the information that the Department had provided to us at the time of making the gateway determination and when we made the gateway review, that's



the information that we based it off.

**MR PUSHKAR THAKUR:** There's some other thing, Juliet, there, even in the current context, it's really important to note that all the way up to 1-in-500, it's not a H5 hazard. It's only in PMF, which by very nature of it, is the worst possible flood. We haven't seen it, it's the worst assumption that's being made. Even then, our access and ingress off Charles Key is not H5; it's the land behind the building towards the east adjoining the creek that is H5.

It's the resilience of this site that while the rest of everything around us including the ambulance house etc. gets submerged, we're designing this building to withstand that. Because our alternate scenario is really building townhouses there for which it is zoned, and most the homes around here are fibro stack two-storey townhouses that pretty much just gets washed in a PMF.

This site, PMF really is a fundamental function of worst possible flood that no one has yet seen 1-in-10 million, perhaps 1-in-100 million. What we are saying is for those 30 minutes, even then, there are points of entry and exit that's no more than H4, point one. Point two, we can hold people in-house in a structurally sound building that'll be built and designed grounds up in a way and manner which is planning for that worst possible flood outcome.

Our alternate scenario really is doing a low height, uneconomical – looking at economics of that, we cannot do the same structural strength which we are permitted for. We're left with townhouses where people are [audio glitch 00:27:02].

Here, we are saying people watching TV [audio glitch 00:27:07] out.

**MR SMITH:** So Pushkar, are you saying that the hazard classification in the peak flood event between the building and the road, what would that be? If you said it's not H5, what would it be?

**MR THAKUR:** [Audio glitch 00:27:24]

**MR SMITH:** Sorry, could you repeat that?

**MR THAKUR:** It's not – it's H will go in and out, that's H4 still. Most of the area is H5, which is PMF. If PMF is not H5, then there is a problem. And that H5 only lasts about, what, Samir, if I'm not wrong, 45 minutes before floods really recede rapidly. We're talking about, Simon, a situation here where the whole of Central Coast is under water, entire area, which is a heavily infill-built development area. We're talking about a situation where your eyes can see is water, we're talking about Noah's Ark kind of situation there.

And we're saying we're going to design this building to stand through there, where people are vertically living in a full concrete, high strength building where they're happily waiting out those 40 minutes.

We also proposed, Simon, that when we designed that building, if the water hits PMF, which hasn't happened by the way, historically, in Terrigal, at all, ever, that will have IT sensors deployed, they'll make sure that garage doors are locked and beacons are activated. That will mean people will very well know this is PMF, and even if they wanted to leave the building, they can't. And nobody can access the building because for kilometres, all roads are under water. So, it's basically a lockdown situation for that 40 minutes.

**MR SMITH:** Mm-hm.

**MS PURTON:** I guess the trouble we're finding is, you know, we're being told that the site is suitable for shelter in place. We would only need to, and even when we did the PMF modelling, it was between 25 minutes and 180 minutes that you would need to shelter in place – a very short time. And all the dwellings would be above that level.

And again, PMF is probable maximum, may or may never happen. But notwithstanding that, we've made sure that the building has been designed to be safe and it would only be a very short window in any instance if it was to actually occur, that the road would be cut off, just like the rest of Terrigal would be cut off. And these areas are still identified for future growth, there still is a need for housing, and I think as we've demonstrated the site is zoned residential as well.

We've done a very comprehensive, a really extensive engagement to ensure that we've got a building footprint that manages and balances all these environmental considerations and ensures that residents have a safe place to live.

And this is quite different to, I guess, what's going on in those lower floodplain areas and are very sensitive to what is going on, in ensuring that we do design and build resilient buildings, particularly with what's going on with climate, with these hazards, and ensuring that we're not increasing, you know, rezoning land in flood plain areas, and I just don't – you know, that's just not the instance here, and you can see with those flood planning maps that it's generally typically safe outside of those short windows.

**MR THUKAR:** And we're really not making a decision here that, hey, we're removing a car park here or a car yard here or a garage and we're putting people here. Our scenario, when I bought this, we're not developers by the way, Simon, I run a bank and we did this as a case study for infill within our own institution.

We saw that this presented the opportunity because the alternate scenario really is not nice. What we are zoned to do, with the path which we take the DA through where there are new homes being approved every single day. Those are the dangers present. What what we are proposing today is really a phenomenal outcome given the context, given the surrounding, given the thousands of existing homes and hundreds of new ones being built, which have the same risk.

And it's also worth noting we really cannot pick on a PMF H5 behind the building that exists for 1-in-10-million for 30 minutes and we're ignoring 1-in-500-year, even then we're a H2/H3. So, it's not even fair to say that just because there was a flood in Lismore, we're going to just beat you up on that hypothetical scenario of 1-in-10 million flood for 30 minutes, while I'm going to approve a cottage right next door to you, or if you want to go and build townhouses and that's okay, but we won't give you height.

We are wanting height for that particular reason. We have taken a very detailed technical engineering science-based approach to this that this deserves a vertical development, not width. This building 0.9 is not an issue, it's not even a fight for FSR, we genuinely believe we should get the height to do the right style, right design, a building that is structurally sound and can leave most of the land empty to take the floodwater to store for the flood movement, which will be a better outcome for the rest of the area as well. We do not to fill the entire site with townhouses like everybody else has done.

That is what I would like to do, ideally, is to create a clean footprint that goes up aerial.

**MR SMITH:** Thank you. That's helpful.

**MS GRANT:** Caine, could you perhaps talk us through some of the design features that are proposed that would facilitate that shelter in place. And I noticed on one of the ground floor plans that Sophy showed, next to the café there was a unit at ground floor. Just if you could talk through some of those measures, please.

**MR CAINE KING:** Certainly. Caine King from CKDS Architecture. Thank you very much.

The ground floor plan is designed so that we can actually be activated through a pedestrian circumstance. The café exists, but also in the entry area there are sitting areas too where people can actually congregate and gather if need be. And so that will facilitate a community sort of environment through a duration, and even like the 20 minutes that we're talking about. You know, come and have a coffee, sit, wait it out. So, there's plenty of actual areas there.

The ground floor units also are quite generous, and you can actually be accommodated there quite calmly. I don't think there's ... There's even like certain levels of gathering spaces that we have from in the podium area, that actually you can observe and move about the building quite freely. So, you don't have to actually be just within your unit and be locked up, it's not COVID. But you can actually move freely around the building to access even the necessary of items, like if you feel the need that you actually have to throw your rubbish in the bin, you can still do that, that's still accessible to you to actually function day-to-day.

But you would have an observation obviously of what would be happening around

in your surroundings because you would actually have very good surveillance, maybe not like other sites, but this site particularly you would see the impact and its slow increase and its slow decrease with the traffic and the sort of civil interaction that you have.

5

So, I think the ground floor plan does offer a great shelter opportunity for both public and private, which actually, yes, sometimes people get stuck, maybe they're at the café too long, they shouldn't have been there that long, got caught in the flood, well then they could easily shelter there and be welcome just as much as anyone, any residents.

10

**MR SMITH:** So, all the ground floor levels are above the peak flood level?

**MR THAKUR:** Yes.

15

**MR KING:** Correct.

**MR THAKUR:** Above PMF.

20

**MR SMITH:** Thank you.

**MS PURTON:** I might just quickly jump to the ground floor plan quickly, or a section, and Caine can talk through that.

25

**MR SMITH:** And could the basement flood?

**MR THAKUR:** No. The basement is all above PMF as well. So, it's everything is above PMF. The basement is contained, so the ridge line is 500 mils above PMF situation, so basement would not flood at all.

30

**MR SMITH:** Great.

**MR KING:** We go up to go down.

35

**MR SMITH:** Understood.

**MR KING:** Thanks, Sophy.

**MS PURTON:** Can you see that there?

40

**MR KING:** Coming in. Maybe do you have the ground floor plan at all? I can bring it up if need be.

**MR THAKUR:** It was in the presentation as well, we had the ground floor in the presentation.

45

**MS PURTON:** Yes, and then you can see that it is – here, you can see that it is ...

**MR KING:** There we go. So, you can see the hole elevated in front of the unit, that unit's quite generous and you can see you can go out there quite fluidly. But to the left you can see the café, the outdoor area – that outdoor area is all above, and especially the foyer there too, you can see that there are sitting areas there as well for people to gather and move around.

There's also, if you just move a little bit further south there, Sophy. Yes, you can see off to the right, the emergency exit areas and that are all above the PMF as well, in case there's anything happens, in case there's, like, for example, the worst-case scenario, a kitchen fire happens at the same time as that 20 minutes of the PMF, you can still exit the building.

**MS GRANT:** So, what is the RL for the PMF, so I can see there's a 5.8 there in the middle near the concierge desk. What's the PMF RL at that point?

**MR KING:** Samir, did you want to answer that one?

**MR SAMIR HAKIM:** Similarly, at about 5.2 to 5.3 RL.

**MS GRANT:** Okay, thank you. And Sophy, on one of your slides you had that sequence of showing the hazard grading across the site. It might be just worth talking through that, so that we can make sure that we're clear about how those hazard levels change. Because I think there's been some discussions about whether it is or it isn't H5 and H6. But on one of your slides, it showed those.

**MS PURTON:** The hazard ratings across the site here? Yes, so this is just showing the, you know, different flood events. And predominantly it's been the blue, particularly where you need to – so, the vehicular exit from the site is around this point, so we're –

**MS GRANT:** We can still see – sorry, we can still see the ground floor plan. Is that what you're referring to?

**MS PURTON:** Sorry. Let me stop sharing and start sharing again. I'm trying to operate on a single computer here and it's a bit challenging for me today.

**MS GRANT:** Yes.

**MS PURTON:** There we go. So, this is what you're referring to?

**MS GRANT:** Yes, yes.

**MS PURTON:** Yes. So, this is showing the different flood events, and this is showing where our building footprint, so this is obviously post-development. And as you can see, from the ground floor plan our entry and exit are at this point, and then the pedestrian for the café and that single dwelling is there, but they can still access from Charles Key Drive.

5 So, the blue, again, is for – you know, that’s completely safe for people, vehicles and buildings. When you get into the light blue, it’s unsafe for small vehicles but generally safe for larger vehicles to travel through. The green is the H3/H4, and the yellow is the H5. And you can see that those areas are largely contained to the rear of the site, so where we’ve got landscaping along here, and when it adjoins the waterway.

10 So, we really have located the building footprint to be positioned on that corner as far away from the waterway and the H4/H5 areas as much as possible, and really just looking at that exit point. And again, I’m reiterating that this is the worst-case scenario for a short duration.

15 And I think some of the commentary from the Department has looked at the site in totality and being like, “Oh well, you know, it has H5 along the waterway, so the site’s H5.” Where in reality, the site has a number of flood planning levels, depending on where you are at that site, at the portion of the site. And we’ve worked really hard to position it in the location where it’s most suitable.

20 **MR SMITH:** So Sophy, do you have a version of that map for the peak event?

**MR THAKUR:** For the PMF?

**MR SMITH:** Yes.

25 **MS PURTON:** For the PMF then? Not in this presentation, but that was included within the Flood Risk Assessment Report.

**MR SMITH:** Okay, right, thank you.

30 **MS GRANT:** Did you have any other questions on flooding, Simon?

**MR SMITH:** No, I think I’m okay on flooding. I’ve got a couple of other questions on different topics, yes.

35 **MS GRANT:** Okay. Do you want to move – shall we move onto those?

**MR SMITH:** Yes, sure.

40 **MR THAKUR:** Is it worthwhile, Juliet and Simon, showing you photos from today, we got somebody to take it because it’s been heavily raining there the last kind of ...

**MS GRANT:** I’m hoping for you to ...

45 **MR THAKUR:** [Cross-talk/audio glitch 00:41:25] situation.

**MS GRANT:** Happy for you to show us, but really the design criteria that we’re looking at is PMF. So, we know that there is the potential for it to be worse

than ...

**MR THAKUR:** Okay, yes, no, absolutely.

5       **MR SMITH:** So, I just had a few – Juliet, is that okay, shall I go and ask the couple ...? Yes. So, in the documents we've reviewed, it shows that there was an earlier proposal that was referred to the Local Planning Panel, which didn't get a positive piece of advice back to Council. Was that your proposal or was that a different proponent?

10       **MS PURTON:** That was our proposal. It was an earlier version of the proposal, and we worked with Council to resolve some of the queries that were raised by the panel.

15       **MR SMITH:** Yes.

**MS PURTON:** And we revised the planning proposal and then it progressed through to gateway.

20       **MR SMITH:** Okay. And then my next one is: you mentioned right at the beginning of your presentation that you had worked with the Biodiversity Conservation people and they had advised in writing that they were satisfied with the flood situation, you know, in terms of safe and reside in place etc.

25       **MS PURTON:** Yes.

**MR SMITH:** Is it possible for you to just provide a copy of that advice that you had from them?

30       **MS PURTON:** Yes.

**MR SMITH:** I'm just interested, I want to track down the timing of that advice with the timing of the gateway determination and the application of the new guidelines etc. So, that would just be a useful piece of background for me to see.

35       **MS PURTON:** Perfect.

**MR SMITH:** And then my other question was about the community's views. Like, clearly we've seen the councillors in support of this proposal. I'm just wondering, can you tell us about community engagement or what you know about the community's views about this proposal?

40       **MS PURTON:** Great question, Simon, and thanks for prompting me. The application, given that we did submit a concurrent DA, that went on public exhibition at the time of lodging it, and we actually did get some really positive community feedback.

45       We received submissions on that that really supported the delivery of unit

typologies within Terrigal. So, there was nothing in that, that went on public exhibition, and there was nothing within those submissions that was adverse or anything; it was actually really positive and supportive, particularly around us cleaning up the waterway and activating this corner. So, the community sentiment was actually very positive in relation in response to this development.

**MR SMITH:** Okay. And then a related question is: I'm guessing that if these units that you propose to construct, or apartments you propose to construct were located in Terrigal itself or in close proximity to Erina Fair itself, that they would be more expensive there than yours might be. Or is that incorrect?

**MR THAKUR:** Very much more expensive.

**MR SMITH:** Yes, because I'm sort of – what I'm interested in is the housing opportunities for people in the region, whether this represents a slightly more affordable option than what might be if located in those centres.

**MR THAKUR:** I can address that, Simon. And just a bit of a background there again. At Loftus Lane Capital, our core business, Simon, has always been capital markets. We do not do this for a living. The whole genesis of this idea was can we find a very well-located infill site.

When I went into looking at this and when we acquired this, we did a lot of work, a lot of study. You are seeing PMF's starting to happen in the last 3–4 months to 12 months. We designed it from the day dot in 2021 when the evaluation criteria is 1-in-200 to PMF. And what we did was by pricing the land we have, and looking at the opportunity, we can fundamentally create housing outcomes that will cost 30–40%, even in some cases, 50% less than most of the surrounding area homes that are being sold.

And there's no rocket science. This site has been acquired for a much cheaper price [audio glitch 00:45:41] the State Government and that's another thing. The government – and this is zoned R1, you could do three storeys but go and do a planning proposal if you like. In doing that, we have priced it, we have costed it, and looking at the median price of Terrigal where units are about 1.8/1.9, we're thinking of pricing that in a medium of no more than \$1 million. That's a significant difference to pricing in an area like Terrigal where [audio glitch 00:46:12] the same thing – homes are being built with all the flood risk that's inherent in the area today.

Nothing has changed. The risks remain across the entire Central Coast, and most the development around Central Coast is brick veneer or fibro or fibreboards. There was a housing development approved right across the road which is a bigger hazard and it's all low-density, low-quality build, which is just for profit. We are not doing it for profit. Our biggest profit margin would come from townhouses, just so you know. We could follow up like neighbours, cheap, quick turnaround, \$300,000 build townhouses, we make more money. This is an expensive build. But despite that, it's a very cheap, affordable option in the area.



**MR KING:** And also just giving you a bit of feedback. I'm a passionate local, being a local architect as well. So, whatever we do in our backyard, I hear very quickly. But the site has – a bit of a history on the site. It's changed hands quite regularly. But the highest and best use up to the point where Pushkar got involved was looking at a service station and a fast food outlet store. And it's exactly what the community doesn't want on that site.

But they're also seeing that site being a vacant site for a long period of time. And so actually having something there is better than nothing, rather than just like an overgrown bushland on a very main arterial junction or bookend site to Terrigal.

The site itself is actually a fantastic site when relative to lots of age groups, and in particular young families with prams or elderly could actually live there. And the walk there is a very structured pedestrian walk into Terrigal. It's actually not a hard walk at all, it's very much a flat walk into the last little hill into Terrigal. So, it'll be a very attractive sort of positioning as a bookend site or a gateway to Terrigal. And certainly something on that site is better than nothing, and people don't really want to always see it bushland, they'd like to see it activated.

Now, people around that area too are dying for a coffee or something there. Because there is no shop facility in that whole precinct. There's the whole Duffys Oval, the basketball stadium, the sporting precincts, all the other residential estates and areas there, there actually is no café or food outlet anywhere.

So, having even this small café may be underdoing it. But we don't know yet – you've got to test it. And so having something is better than nothing. And I think at the moment having this opportunity to have a café or some sort of shop locally would really benefit the community. So, I think they're excited by that, and from what I hear from a lot of people is, "Yes, it's great that something's going to happen on this site."

**MS GRANT:** That's really great, that local intel.

**MR SMITH:** Yes, thank you.

**MR THAKUR:** And I would say this again, Simon. It's not the FSR we're going out to, which most developers do. We believe in that sense of the right height. This still ends up being a two-storey building across the site though. We get the height, I would compromise. You could tell us, "Look, we can't give you 1.3, we'll only give you 1.1," and I'll be happy with that. The key thing here is that height.

By doing that, not only we create a building that can withstand any flood or fire event. But most importantly, if you think of a situation, in an extreme flood, people around there and SES not arriving, this will probably be the only place where they can go in to shelter with a small warning. That entire ground floor, over 900 square metres being above PMF and no more than 5 minutes walk, means in a quick warning event, when SES is busy with low-lying areas around,

they can come here. Even in 1-in-500, they can get there. In PMF with warning, they could be here. And given the amount of units and everybody [audio glitch 00:50:08] food and water and everything in there. They can stay there for those 40 minutes.

So, I'm saying while it's great to bring in legislation that says, "Evaluate on PMF," but the original purpose of that legislation was always, "Hey, this happened in Lismore. We need to look at these smaller homes." This was never designed for an infill site, so the blanket application of that entire legislation without really rationality going into it. And that combined with the fact that, "Pushkar, go and do three storeys, that's fine, but don't do two more storeys, which is all aerial," is what is kind of very concerning in terms of just it defies the logic.

**MR SMITH:** Can I just ask a slightly provocative final question.

**MR THAKUR:** Of course.

**MR SMITH:** So, it's been put to us that the proposal as it stands reduced the height of a former – the earlier proposal down to 25 metres.

**MR THAKUR:** Mm-hm.

**MR SMITH:** But then it's been put to us, well, but that could then, if that were agreed, but then the potential 30% bonus could take it straight back up to the height that it was before the reduction was made. Would you comment on the possibility of that and ...

**MS PURTON:** Can I just jump in? Those controls have come in more recently. So, when we've gone through this process, those controls, those, you know, housing reform policies were not actually in place.

**MR SMITH:** Understood, yes.

**MR THAKUR:** And Simon, I'll go a step ahead in the spirit of integrity, it's an important thing, integrity is a very big piece of it. What we are asking for is all we will build. We could commit to it in site-specific DCP, we could commit legally through one of the things that Council does by way of it, we can provide – I don't know which path I have available to me to stay to the height that you tell us to do.

**MR SMITH:** Right. But you're saying 25 is what you want to build.

**MR THAKUR:** We won't go after that bonus.

**MR SMITH:** Okay, that's good to know.

**MR KING:** And you can see in the diagrams, we're a little bit under the 25 metres, but allow the flexibility of the new regulations of floor-to-floor for the SEPP 65 documents and stuff, it gives us a little bit of fat to adjust between floors.

5 **MR THAKUR:** We can voluntarily get into an arrangement with the Council, use our lawyers, we've got very good lawyers, Gilbert + Tobin work for us, we'll create a legally binding document onto us where we will go and say, no matter anything else, given as part of this planning proposal, we would accept no further taking of anymore bonuses, this will be hard cap 25 and 1 is to 3 or whatever FSR you believe is the right one.

10 **MR SMITH:** Okay, I'm not saying that that is what I think you might do, I just at least wanted to know your view on it, and it's been really helpful for you to express it.

15 **MR THAKUR:** Integrity is a big piece for us, Simon. Like, as I said, this is something we don't do for a living. That is not at all our plan, just so you know, that bonus. We will use the bonus if we're not approved in this, because we really have to. But if we get 25, there's no way we're going for even a metre higher, we don't need to, we've designed this building, we lodged the DA. If we're advised to lodge the same DA again exactly, our DA package is ready, we'll concurrently lodge it and we will stand by that DA.

20 **MR SMITH:** Okay. Thanks, Pushkar, that's good.

**MR THAKUR:** Thank you.

25 **MS GRANT:** Thank you. And probably one last question from me then. Was there a reason why that DA was withdrawn?

30 **MS PURTON:** It was withdrawn because the planning proposal was getting dragged out, and it was essentially down to the KPIs.

**MS GRANT:** Okay.

35 **MS PURTON:** It was just sitting in the system and given that the gateway was taking some time, the Council asked us to withdraw it.

40 **MR KING:** It was also Council's idea to submit it with the DA to show that the variation in the DCP was actually matching what was actually being submitted. And that's more to answer your question, Simon, are you going to keep on taking extra heights? No, the DA was in to match the planning proposal, so people could see what they were going to get.

45 **MR THAKUR:** And everyone in Council challenged me and said, "Look, are you willing to prepare and spend a million dollars more and lodge a concurrent DA, so we know tomorrow this is not a land grabbing exercise for you." And I pretty much said, "Yes, I'll go, and I'll spend that money." I did that while I knew my planning proposal had all these risks, and a changing landscape where evaluation criteria was changing every day.

We spent that money. We lodged it to demonstrate that we were serious about what we are telling you in the planning proposal is what we want to do. And the only reason we want to do it is because we can leave 85% for our site untouched for holding floodwater for floodways, and in doing all of that, we create a shelter and refuge for not only every resident of the building, but everybody else around it, where they have no opportunity to do so.

While we are evaluating this in PMF, we also think if a PMF were really to happen, what happens to all those people, and every new townhouse that's being built? They're going to get washed. This is really only truly will be their option for guys within 100–200 metres of this.

And we can commit to that, by the way. Again, if we're asked by SES or anybody to look, if you're saying that, can you commit to sheltering so we have more time and we have more resources and we can take our time in terms of safely refusing those people. We will happily do that. We'll also agree and abide by any engineering design requirements.

**MR SMITH:** Good. It's been really helpful talking to you all. Thank you.

**MR THAKUR:** Thank you.

**MS GRANT:** Yes. Thank you so much. Sophy, I'm going to pre-empt a question that Tahlia will ask you. If you could send us through a copy of your presentation, that would be wonderful.

**MS PURTON:** That's fine.

**MS GRANT:** Tahlia, anything else that we need from your side?

**MS TAHLIA HUTCHINSON:** No, that's all. Thank you.

**MS GRANT:** Terrific. Thank you so much everyone, for your time this afternoon. It's been, yes, really, really valuable to help inform us. So, we do have the site visit booked in a week or so's time, so I think we'll see you out there. So, terrific, thank you so much.

**MS PURTON:** Thank you all. Have a lovely weekend.

**MR SMITH:** Thank you all.

**MR KING:** Thanks.

**MR THAKUR:** Thank you, Juliet and Simon. Have a good weekend. Take care, bye.

**>THE MEETING CONCLUDED**