

Mr David Farmer
Chief Executive Officer
Central Coast Council
PO Box 20
WYONG NSW 2259

Attention: [REDACTED]

9 July 2024

Subject: 310 Terrigal Drive, Terrigal

Dear Mr Farmer

I write regarding the planning proposal for land at 310 Terrigal Drive, Terrigal (PP-2023-1899) submitted by Central Coast Council for Gateway determination.

I acknowledge the additional information provided by Council seeking to address the proposal's consistency with the Central Coast Regional Plan 2041, Ministerial Directions 4.2 Coastal Management and 4.1 Flooding. I note the planning proposal does not form a view in regards to consistency with Ministerial Direction 4:1 Flooding, instead advising this matter will be considered by the Department of Planning, Housing and Infrastructure.

To assist, the Department has referred the proposal to the Biodiversity, Conservation and Science (BCS) team within Department of Climate Change, Energy, the Environment and Water. BCS's advice highlights a number of areas where information supporting the proposal is deficient. I have attached a copy of this advice for Council's consideration.

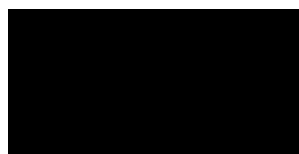
The Department's initial assessment of the proposal has also found:

- The proposed development presents a risk to safety and health, given it is within areas of floodway.
- The proposal seeks to permit a significant increase in the development capacity of land that applies to the flood planning area, and land that applies to areas between the flood planning area and probable maximum flood (PMF) – i.e. the proposed density seeks to facilitate up to 94 dwellings per hectare on the site.
- The Flood Impact Assessment models the majority of the site as H5 Flood Hazard in Probable Maximum Flood events – i.e. unsafe for vehicles and people. The majority of the proposed building footprint is also categorised as H5 (unsafe for vehicles and people) and a small section of the proposed building footprint is located in H6 Hazard Category (unsafe for vehicles and people; all building types considered vulnerable to failure).

In light of the advice from BCS and the Department's initial assessment of the proposal, I am writing to advise the Department is unlikely to support the proposal in its current form. Council may wish to consider withdrawing this proposal and resubmitting when revised information has been prepared to address Ministerial Direction 4.1. I note that in doing so, Council should consider the appropriateness of this site for the proposed use.

Should you have any questions, Mr Thomas Holmes, Manager, North, East and Central Coast, at the Department can be contacted on [REDACTED]

Yours sincerely



Jazmin van Veen
Director, Local Planning (North, East and Central Coast)

Attachment – BCS Advice

Angela Hynes

From: Rachelle Hardaker [REDACTED]
Sent: Thursday, 5 December 2024 11:06 AM
To: Angela Hynes
Cc: Lynda Hirst; Scott Duncan
Subject: RE: 310 Terrigal Drive - follow up
Attachments: BCS Response re 310 Terrigal Drive, Terrigal - Request for additional flooding advice.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Angela,

We received the Department and BCS's feedback to which we responded to by amending the Flood Impact and Risk Assessment Report. BCS provided further feedback which is attached. We met with BCS again to discuss their advice and the proponent was seeking to justify:

- That the development constitutes a minor uplift in development, resulting in consistency with Ministerial Direction 4.1.
- That there are measures that can be implemented to manage the residual risks associated with using Shelter In Place.

The outcome of the discussion was that the residual flood risks of the development could be adequately resolved through some detailed design measures providing Council's flood engineers were satisfied, however the 'minor uplift' and density interpretation required discussion with the Department, as BCS took a firm position that the proposal seeks a significant uplift.

If possible could we please arrange a meeting with yourselves and the proponent to discuss the density and consistency with the Central Coast Regional Plan 2041 and Ministerial Direction 4.1? If so please advise days and times you are available to discuss over the next week or two, and I will consult with the proponent.

Thanks and regards,
Rachelle



Rachelle Hardaker

Senior Strategic Planner
Local Planning and Policy
Central Coast Council



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From: Angela Hynes <[REDACTED]>
Sent: Wednesday, 27 November 2024 9:51 AM
To: Rachelle Hardaker [REDACTED]
Cc: Lynda Hirst [REDACTED]
Subject: RE: 310 Terrigal Drive - follow up

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Hi Rachelle,

Following my team's further discussions with BCS and the Department's Risk and Resilience branch, the Department will be progressing the assessment of this proposal inline with the attached correspondence.

Happy to discuss,

Angela Hynes
Manager, North, East and Central Coast
Local Planning & Council Support
Planning, Land Use Housing and Infrastructure
Department of Planning, Housing and Infrastructure

[REDACTED] [REDACTED]
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

From: Rachelle Hardaker [REDACTED]
Sent: Wednesday, November 27, 2024 8:57 AM
To: Angela Hynes [REDACTED]
Cc: Lynda Hirst [REDACTED]
Subject: RE: 310 Terrigal Drive - follow up

Hi Angela,

Do you have an update on the below? Let me know if we should meet to discuss.

Thanks,
Rachelle

Rachelle Hardaker
Senior Strategic Planner



Local Planning and Policy
Central Coast Council



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From: Rachelle Hardaker [redacted]
Sent: Wednesday, 30 October 2024 12:34 PM
To: Angela Hynes [redacted]
Cc: Lynda Hirst [redacted]
Subject: RE: 310 Terrigal Drive - follow up

Thanks both.

@Angela when you're ready would be great to set up a meeting to discuss, the proponent is eager to join as well.

Thanks,
Rachelle



Rachelle Hardaker
Senior Strategic Planner
Local Planning and Policy
Central Coast Council



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From: Angela Hynes [REDACTED]
Sent: Wednesday, 30 October 2024 11:52 AM
To: [REDACTED] Rachelle Hardaker [REDACTED]
Cc: Lynda Hirst [REDACTED]
Subject: RE: 310 Terrigal Drive - follow up

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Thanks Stephanie

Rachelle -I'll reach out to one of DPHI risk and resilience officers and advise next steps.

Angela Hynes
Manager, North, East and Central Coast
Local Planning & Council Support
Planning, Land Use Housing and Infrastructure
Department of Planning, Housing and Infrastructure

[REDACTED] [REDACTED]
4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

From: Stephanie Lyons [REDACTED]
Sent: Wednesday, October 30, 2024 11:40 AM
To: Rachelle Hardaker [REDACTED]
Cc: Lynda Hirst [REDACTED] Angela Hynes [REDACTED]
Subject: RE: 310 Terrigal Drive - follow up

Hi Rachelle,

Thanks for your time on Monday.

I have reached out to Angela Hynes (cc'd) who is the DPHI Planning officer assigned to this proposal. Angela is seeking some clarification within the Dept. Please let her know if you would like to discuss further.

Many thanks,

Steph.

Stephanie Lyons

Senior Floodplain Officer

Hunter Central Coast Branch
Biodiversity, Conservation and Science
Department of Climate Change, Energy, the Environment and Water
[REDACTED] [REDACTED]

Working days: I don't work on Thursday

From: Rachelle Hardaker [REDACTED]
Sent: Wednesday, October 30, 2024 9:54 AM
To: Stephanie Lyons [REDACTED]
Cc: Lynda Hirst [REDACTED]
Subject: 310 Terrigal Drive - follow up

Hi Steph,

Sorry for the delayed email after our meeting on Monday – but thanks for meeting with us and the proponent regarding the Planning Proposal for 310 Terrigal Drive.

Following the meeting our intention is to meet with the Department and relay the meeting outcomes, if possible it would be great if you could point me in the direction of someone to speak to regarding the interpretation of minor uplift in development – even if you have a contact, I can give them a cold call. This is really just to help us with our response to the Department of Planning before they issue any Gateway Determination.

Happy to chat as needed, thanks.

Best,
Rachelle



Rachelle Hardaker

Senior Strategic Planner
Local Planning and Policy
Central Coast Council



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Angela Hynes

From: Louisa Bulley on behalf of BCS RD Hunter Central Coast Mailbox
Sent: Tuesday, 8 October 2024 3:43 PM
To: Rachelle Hardaker
Cc: Angela Hynes; Scott Duncan
Subject: RE: PP: 310 Terrigal Drive, Terrigal
Attachments: BCS Response re 310 Terrigal Drive, Terrigal - Request for additional flooding advice.pdf

Good Afternoon Rachelle,

Please see attached response from BCS regarding 310 Terrigal Drive.

Please let me know if you have any further questions or comments that we can assist with.

Kind regards,

Louisa Bulley

Coordination and Planning Officer
Hunter Central Coast - Regional Delivery
Biodiversity, Conservation and Science
**Department of Climate Change,
Energy, the Environment and Water**

dcceew.nsw.gov.au

6 Stewart Ave
Newcastle West 2302
(Locked Bag 1002, Dangar NSW 2309)

From: Rachelle Hardaker [REDACTED]
Sent: Wednesday, September 18, 2024 4:11 PM
To: BCS RD Hunter Central Coast Mailbox [REDACTED]; Neil Kelleher [REDACTED]
Cc: Angela Hynes [REDACTED] Scott Duncan [REDACTED]
Subject: PP: 310 Terrigal Drive, Terrigal

Good afternoon Neil,

I'm writing to you in regards to a Planning Proposal for 310 Terrigal Drive, Terrigal.

Council received an RFI from the Department which includes your advice provided to DHPI (refer attached). In response, the proponent of the Planning Proposal has reviewed your advice and amended their Flood Impact and Risk Assessment Report. We are seeking your review and advice of the report to ensure your concerns are addressed adequately.

In the following link please find attached the updated flood report. I've also attached an accompanying letter detailing how the report addresses your comments and recommendations.

https://www.dropbox.com/scl/fi/wtok47l9ztwu89hnsn8tz/7-Sep-2024-Final-Flood-Report-CSW2024.27.FIA.REV.-03_compressed.pdf?rlkey=alym47qp6eyprpiqd05wxfidj&dl=0

We'd be happy to arrange a meeting to discuss further if required.

Best regards,
Rachelle



Rachelle Hardaker

Senior Strategic Planner
Local Planning and Policy
Central Coast Council



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Your ref: Your emailed dated 18 September 2024
Our ref: DOC24/769605

Rachelle Hardaker
Senior Strategic Planner
Central Coast Council

By email: [REDACTED]

Dear Rachelle

310 Terrigal Drive, Terrigal – Additional Flooding Advice

Thank you for your email request dated 18 September 2024 seeking advice from the Biodiversity, Conservation and Science (BCS) Group of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) regarding the revised Flood Impact and Risk Assessment for planning proposal (PP-2023-1899) at 310 Terrigal Drive, Terrigal.

While the proponent has addressed many of BCS's previous comments, the proposal remains inconsistent with Ministerial Direction 4.1 Flooding. This is due to the proposed significant increase in development and / or dwelling density of the site. BCS considers that increasing the population on this currently vacant lot, through the construction of up to 40 apartments, does not constitute a "minor inconsistency" with this direction. Detailed comments can be found in Attachment 1.

If you have any further questions about this issue, please contact our Hunter Central Coast Planning Team at [REDACTED]

Yours Sincerely

[REDACTED]
Rob Hughes
**A/Director Hunter Central Coast
Biodiversity, Conservation and Science**

4 October 2024

Enclosure:
Attachment 1

Attachment 1 - BCS Comments

310 Terrigal Drive, Terrigal

In preparing this advice BCS has reviewed the following documents:

- Letter of Response prepared by Civil Stormwater Engineering Group (CSEG), dated 6 September 2024
- Revision 3 of the Flood Impact and Risk Assessment (FIRA) prepared by CSEG, dated 4 September 2024
- Council's adopted flood study for this catchment, the Coastal Lagoon Catchments Overland Flood Study (MHL, 2020).

Key Assessment Issues

1.	Ministerial Direction 4.1 Flooding	<p>The site and surrounding floodplain are subject to high hazard flood conditions. The site is wholly located within the Flood Planning Area, as defined by Council's adopted flood study. This is not disputed by the FIRA.</p> <p>The proposal to increase the maximum building height and floor space ratio to accommodate up to 40 apartments will increase the development and dwelling density of the land, compared to the existing development standards for the site as per the Central Coast Local Environment Plan 2022.</p> <p>BCS does not agree that the proposal constitutes a "minor inconsistency" with Ministerial Direction 4.1 Flooding Part 3(d) as it proposes a significant increase in the development and/or dwelling density of the subject site.</p> <p>While it is accepted that residents can safely shelter-in-place during a flood event, there remain residual risks associated with increasing the population living in a high hazard floodway (refer below). These residual risks may also increase the reliance on emergency assistance during a flood event.</p> <p>Recommended action:</p> <p><i>BCS re-iterates that this proposal does not constitute a "minor inconsistency" with Ministerial Direction 4.1 Flooding Part 3(d).</i></p>
2.	Residual risks associated with using shelter-in-place	<p>Proposing shelter-in-place as the preferred emergency management response in locations of high flood risk is generally acceptable, when both the flood warning time and flood duration are less than or around six hours.</p> <p>It is accepted that residents can safely shelter-in-place during a flood event. However, there remain residual risks associated with increasing the population living on a high hazard floodplain, particularly relating to residents returning to or leaving the site during flood events.</p> <p>The analysis presented in Section 3.6 of the FIRA indicates that the access roads to both Terrigal Drive and Charles Kay Drive will become un-trafficable during large flood events. For the design flood events modelled, both access roads will be un-trafficable for between 45 and 55 minutes.</p>

		<p>The Flood Emergency Response Plan (FERP) does not adequately convey the magnitude of flood conditions on surrounding roadways and the risk to life associated with attempting to drive through them. Section 6.5 also refers to an Evacuation Plan which has not been included in the report.</p> <p>The FIRA demonstrates that shelter-in-place arrangements will need to be initiated for flood events equal to or rarer than the 1% AEP. Despite the ability to safely shelter-in-place during these flood events, the nature of the flood behaviour at the site and the limited time before access roads become un-trafficable (less than 1 hour), may result in residents returning to or leaving the site via flooded access roads during these events.</p> <p>Recommended action:</p> <p><i>BCS advises that there remains significant residual risks associated with shelter-in-place, particularly relating to residents returning to or leaving the site during flood events.</i></p>
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3.	Structural integrity of the building	<p>The FIRA is supported by structural engineering advice (prepared by JSBC Consulting, dated 4 September 2024) providing assurances that a building could be structurally designed to withstand expected forces of floodwater during an extreme event (up to a maximum PMF flood level of 5.7m AHD).</p> <p>Recommended action:</p> <p><i>No further action required.</i></p>
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