

Angela Hynes

From: Angela Hynes
Sent: Thursday, 20 March 2025 11:44 AM
To: Pushkar Thakur; Richard Murphy; Stephanie Lyons; Jazmin Van Veen
Cc: Sophy Purton; Neil Kelleher
Subject: CM Record: RE: Risk mitigation presentation and detailed BCA report attached

Hi Pushkar,
Thank you for your email.

As mentioned over the phone the other week in relation to the Risk Mitigation power point presentation and additional comments you sent through, this will be referred to in my reporting package to the IPC, however will not be further assessed in the report.

I provide a similar consideration to the below. The package to the IPC will refer to the matters raised, however the Department and CPHR are not in a position in the process to reinterrogate/provide an assessment on the below/additional information on a potential revised planning proposal/scheme.

It is a matter for the IPC to consider and provide advice on the potential pathway following the Do Not Proceed Gateway.

Angela Hynes

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

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150

From: Pushkar Thakur [REDACTED]
Sent: Tuesday, March 11, 2025 1:50 PM
To: Richard Murphy [REDACTED]; Stephanie Lyons
[REDACTED]
Cc: Sophy Purton [REDACTED] Neil Kelleher [REDACTED]
Subject: Risk mitigation presentation and detailed BCA report attached

Hi Angela, Richard, Steph,

Hope you have been well. As discussed and ahead of the independent panel meeting, please find attached the risk mitigation document that we had presented to you on the 3rd of March. I separately attach a detailed BCA report that was undertaken by a qualified consultant for the proposed site and taking into consideration both external and internal fires. This report provides detailed mitigation and construction quality standards that we would need to adhere to. This report underpins most of what was said in the meeting related to fire management. Please review sections 5,6 and 7 for a detailed overview of how fire rating is intended to be achieved.

Most importantly, I was wondering if there is an opportunity for Sophy and I to discuss a reduced FSR compared to what is proposed that might be acceptable. We are currently allowed to build 0.91 and we can work with say 1.15.

I understand that concern of density is key here and hoping we could come to an arrangement on the acceptable FSR. I would be happy to accept a reasonable reduction so that we are able to take a joint position to the panel ahead of their meeting.

Happy to meet and discuss this in person if required.

Regards,
Pushkar

Pushkar Thakur | Managing Director | LoftusLane Capital Partners

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From: Richard Murphy [REDACTED]
Sent: Friday, 7 February 2025 9:40 AM
To: Pushkar Thakur
Cc: Sophy Purton; Neil Kelleher; Stephanie Lyons
Subject: RE: Response to your comments

Hi Pushkar,
I'll check if Steph may be able to attend an earlier meeting and report back...

Richard Murphy
Senior Floodplain Officer - Water Floodplains & Coast
Hunter Central Coast Branch
Biodiversity and Conservation and Science
Department of Climate Change, Energy, the Environment and Water (DCCEEW)

[REDACTED]
[REDACTED]
[REDACTED]

6 Stewart Ave
Newcastle West 2302

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From: Pushkar Thakur [REDACTED] >
Sent: Thursday, 6 February 2025 5:00 PM
To: Richard Murphy [REDACTED]
Cc: Sophy Purton [REDACTED]; Neil Kelleher [REDACTED]; Stephanie Lyons [REDACTED]
Subject: Re: Response to your comments

Hi Richard,

Thank you for your response. I agree it would be great to have Steph. However, the way department has set its timeline on this review, that might be too late. Having said that, matters around risks and shelter in place etc being acceptable were all okayed around. The major issue here is development density. One thing that is getting lost again and again is that we are already zoned for multi-storey and as it stands can build a 3 storey development with 8 units on each floor and FSR of 0.7. What would really help us to establish what level of density uplift from those number of units is something that BCS is comfortable given we are not proposing more than 40 units and happy to cap it as part of the rezoning.

Another thing being lost here is that outside of PMF, we are Low hazard in other events and even in PMF duration of flash flooding is less than hour, way under the guided 6 hour limit.

Given all of the above, if we can agree a path forward on acceptable density, we can go back to the department with more certainty.

Could we possibly do it early week after please? So the week of the 17th February.

Regards,
Pushkar

On 6 Feb 2025, at 11:17 am, Richard Murphy
[REDACTED] wrote:

Hi Puskar,
When do you want a meeting? If possible, I would like to wait until Stephanie Lyons is available.
Steph did the initial review and much more familiar with the proposal than me. Steph will be available after the 1st March.

Richard Murphy
Senior Floodplain Officer - Water Floodplains & Coast
Hunter Central Coast Branch
Biodiversity and Conservation and Science
Department of Climate Change, Energy, the Environment and Water (DCCEEW)

[REDACTED]
[REDACTED]
[REDACTED]
6 Stewart Ave
Newcastle West 2302

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From: Pushkar Thakur [REDACTED]
Sent: Thursday, 6 February 2025 2:36 AM
To: Richard Murphy [REDACTED] >
Cc: Sophy Purton [REDACTED]
Subject: Fwd: Response to your comments

Hi Richard,

Hope you are well. Been a while. Please see below from Sophy who is our town planner and the eventual advice we received from BCS. You have seen our modeling previously and in light of recently green lighted SIP directions, we were wondering if we could engage with you and get to the bottom of this advice.

The site is already zoned to build up to 24 units or so. What BCS says has a significant bearing on coming up with the right and optimal outcome here. We are seriously confused by this attached response and believe it does not capture everything that has been modelled as well as the fact that we already are zoned to build 0.7 FSR.

Can we speak please?

Regards,
Pushkar

Begin forwarded message:

From: Sophy Purton [REDACTED]
Date: 5 February 2025 at 9:44:30 am GMT+5:30
To: Pushkar Thakur [REDACTED]
Subject: FW: Response to your comments

Hey Pushkar,

I recommend that you provide the Gateway Assessment Report and the attached letter from BCS to Richard and seek a meeting. We can also provide the latest report from the flood consultant.

See below points

Essentially, we have satisfied all of BCS's concerns relating to flooding however they maintain a position that the additional density (which we have calculated as being 14 dwellings in a vertical high rise) means that the proposal is inconsistent with the ministerial direction.

The proposed intensity was well known from the start and no matter what information was provided in terms of a flood response, the intensity was as is.

The BCS are failing to recognise that the site is zoned for residential purposes and permits an FSR of 0.9:1 which equates to 34 dwellings. The Planning Proposal seeks a modest increase in FSR to 1.3:1 which equates to 48 dwellings (14 dwellings extra). The site is in a highly urbanised area and 14 dwellings in an apartment is very modest, unlike a greenfield subdivision or the like. All dwellings would be located above the PMF.

Shelter in place would only be required during the PMF for a period of 44 minutes.

We are submitting a gateway review request and wanted the opportunity to discuss the reasonableness of this further.

SOPHY PURTON
ASSOCIATE DIRECTOR



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ANGEL PLACE, LEVEL 8, 123 PITT STREET
SYDNEY, NSW 2000, AUSTRALIA
GADIGAL COUNTRY



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From: Richard Murphy >
Sent: Tuesday, 21 January 2025 2:20 PM
To: Pushkar Thakur
Cc: Neil Kelleher >; Sophy Purton
Subject: RE: Response to your comments

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Hi Pushkar,
Could you please send a draft agenda and list of invitees?
I'll then try and find the right person for you to talk to.

Richard Murphy
Senior Floodplain Officer - Water Floodplains & Coast
Hunter Central Coast Branch
Biodiversity and Conservation and Science
Department of Climate Change, Energy, the Environment and Water (DCCEEW)



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From: Pushkar Thakur [REDACTED] >
Sent: Monday, 20 January 2025 2:54 PM
To: Richard Murphy [REDACTED]
Cc: Neil Kelleher [REDACTED]; Sophy Purton
[REDACTED]
Subject: Re: Response to your comments

Hi Richard,

Hope you have been well and happy new year to you and family. Our planner on the project, Sophy Purton (copied) and I wanted to discuss the outcome of Gateway Determination with you and wondering if you have a window soon.

Regards,
Pushkar
Sent from my iPhone

On 15 Jun 2023, at 5:53 am, Richard Murphy
[REDACTED] > wrote:

Hi Pushkar,

Your response states that the risks to life from residents sheltering in place is low. You also suggest a number of mitigation options to further reduce risk to life.

While I have not had a detailed look at your proposal, your approach looks reasonable. The Department will provide formal comments when we receive your proposal from Planning. However, my initial thoughts is that you will need to prepare a Flood Emergency Response Plan (FERP) for the site. The FERP will inform future managers of the site how to manage flood risk. The FERP will need to document:

1. The recommended response to a flood emergency (in this case you are recommending sheltering in place)
2. The flood behaviour during large flood events (e.g. hazard of isolating flood waters, PMF and 1% hydrographs, how fast water will rise and how long it will last, flood extents and depths)
3. The risks of sheltering in place (e.g. disruption of essential services, medical emergency, fire etc.)
4. What warnings are available (e.g. Bureau of Meteorology severe weather warning and severe thunderstorm warnings)
5. How to interpret BOM weather warnings. At this site, the flood-producing weather events most-likely to cause severe flooding are east coast lows and ex-tropical cyclones.
6. Who is responsible for monitoring the flood/weather warnings. (e.g. residents or building management)
7. What mitigation options are required. (e.g. ongoing education to future residents, flood marker, water level gauge etc)
8. What actions are required by residents and management during a flood emergency.
9. Who is responsible for maintaining the recommended mitigation options. And what maintenance is required
10. How often does the FERP need to be reviewed. And who is responsible for doing the review.

You will also need to consider how the FERP will be communicated to all residents and staff so that they are aware of the risks and the procedures that should be followed in the event of a flood emergency.

Hope this helps,

Richard Murphy
Senior Natural Resource Officer

Biodiversity Conservation Division | Department of Planning and Environment



6 Stewart Avenue, Newcastle West NSW 2302

Locked Bag 1002, Dangar NSW 2309

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From: Pushkar Thakur [REDACTED]
Sent: Wednesday, 14 June 2023 4:38 PM
To: Richard Murphy [REDACTED]
Cc: 'Anthony Barthelmess' [REDACTED]
Subject: Response to your comments

Hi Richard,

Thank you for your time on the call earlier today and sharing your point of view around managing risks to the inhabitants during the flood event. I have spent better part of the day discussing this with our flood engineer and have got itemised responses as below. We believe these responses should cover everything we discussed and hopefully allay any further concerns you have.

The overriding theme is that even during PMF we are in a very robust and safe building design. Below general comments apply to our site. This commentary is provided alongside PMF modelling output that we have provided in the report.

“The ‘critical duration’ PMF event is the 45 minute storm. This PMF produces the worst-case inundation around the site, and would isolate people in the building for less than 1 hour. There are longer duration PMF events that would also isolate the site but overall, I would not expect the site to be isolated for more than 3-4 hours in any event. I note that the probability of the PMF occurring in any one year at this location is 1 in 10 million (ARR, 2019).

Further, the whole point of having FFL’s above the PMF (which has been achieved at considerable cost to amenity and construction) is an acknowledgement of refuge on site being the appropriate strategy. We sacrificed significant commercial outcomes to deliver into the Council’s demand of FFL’s above the PMF, which is not the case for any development around us.

The final issue to acknowledge is that the reason refuge on site is proposed is because of the inundation of the public road network. This has nothing to do with the development – in particular as the ‘development’ is a planning proposal which in itself has nothing to do with flooding. For example, if we developed a compliant footprint, we would be dealing with worse flood outcomes. We are going higher and narrower to achieve a better development outcome than what the current zoning permits. There is not a single piece of zoned land in Terrigal that won’t be isolated during this event, because of the inundation of the public roads. We have gone above and beyond of what is legislated and made

significant FSR sacrifices to achieve a building that is built only on ~20% of the site, leaving rest of the land to carry waterflow into the creek and is designed in such a way that during 1% aep it allows for a suitable low level of hazard being H1/H2 at the main corner of building “

Keeping the above general comment as a preamble, please allow me to respond to each of the points raised by you:

1. **How often will the residents be isolated? The current analysis looks at the 1%, but we need to know about more frequent floods. (Response)** - According to the report the period of inundation and isolation for occupants will be approximately 1 hour during the 1%AEP event critical storm and no more than 2-3 hours during the non-critical storms. In the Council's opinion, this duration of isolation is reasonable given that it would largely coincide with the storm itself. PMF durations are similar for critical storm and just 3-4 hours of isolation being recommended. Again, very manageable and most importantly it is the best and safest outcome.
1. **Are the parts of development where people can become trapped? (Response)** No. The whole building FFL including the parking crest has been designed to be above pmf at a significant cost and time to us. Not to mention the significant amount of FSR and floor space that was sacrificed to achieve this outcome.
1. **What ongoing education is required to enable to residents to manage the isolation risks? (Response)** Given the short duration of critical storm, where most people would not get out anyway due to weather condition, we believe the best course of action is to let the storm pass while people are sheltered in place. Having said that and as discussed with you over the phone, strata will monitor any 1% aep/pmf event warnings and inform residents as and when required. We also expect that we will have fair warning from the emergency services if a weather bomb equivalent to pmf levels is expected. Although I do note that given pmf is rarest of rare situation, we do not expect that happening without plenty warning and news media covering any such upcoming events. With the advanced warning and strata notices, we believe people would be able to manage their safety or evacuate in advance. Please refer to page 20 of the flood report that covers the TARP response plan. I also note that during 1% aep event, entry and exit at the corner is still low hazard levels being H1/H2.
1. **How will residents get information and warnings during a flood event? (Response)** As mentioned above, strata managers can be tasked with that

responsibility. But at end of the day, people are fully connected to the internet and news these days and given that our building is still generally safe (with Terrigal drive/Charles Kay corner being H1/H2 hazard), we do not expect residents will become trapped unless they plan to stay indoors. Also noting that main factor being critical storm duration. Which is at most 1 hour including for pmf events, if any.

1. **Is any warning available: (Response)** We are happy to provide guidelines to follow in event of SES warning of storms which could be permanently notified within the lobby of the building. General guideline would be to stay at home and not leave until the storm recedes. I again note the point that even in 1% aep event, the corner is H1/H2 hazard being low hazard.
1. **How long will the residents be isolated for? (Response)** No more than 1 hour during worst critical storm and in general no more than 4 hours during storm events.
1. **What happens if residents try to get home during a storm event? (Response)** we cannot control events outside of the site. But again, I would note that people would be aware of storm protocols and generally the building corner is low hazard even during 1% aep.

I hope the above response is to your satisfaction and addresses your concerns. I also confirm that the Pmf modelling outputs are in the report alongside 1% aep modelling output.

Regards,
Pushkar

Pushkar Thakur | Managing Director | LoftusLane Capital Partners



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From: Richard Murphy



Sent: Tuesday, 13 June 2023 10:58 AM

To: Pushkar Thakur
Subject: RE: Comments on the report

Hi Pushkar,

I have had a preliminary look at the flood modelling and I have no issues with what is presented. However I will have a closer look when you make your formal submission.

In regards to shelter in place, more analysis is required to better understand the risks. This will include:

How often will the residents be isolated? The current analysis looks at the 1%, but we need to know about more frequent floods.

Are the parts of the development where people can become trapped?

What ongoing education is required to enable residents to manage the isolation risks?

How will residents get information and warnings during a flood event?

Is any warning available?

How long will the residents be isolated for?

What happens if residents try to get home during a storm event?

Richard Murphy
Senior Natural Resource Officer

Biodiversity Conservation Division | Department of Planning and Environment

[REDACTED]
[REDACTED]
6 Stewart Avenue, Newcastle West NSW 2302
Locked Bag 1002, Dangar NSW 2309
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-----Original Message-----

From: Pushkar Thakur [REDACTED]
[REDACTED] 13 June 2023 10:09 AM
To: Richard Murphy [REDACTED]
Subject: Comments on the report

Hi Richard,

Hope you are back after your break. As discussed with you, I have informed the flood engineers that in general you are happy with the

modeling and its findings. You also believe that shelter in place appears to be the right strategy for this particular development but you have a few questions that you would like clarification on.

Could you please advise if my understanding above is correct and also would be great if I could please have your clarification questions re shelter in place so we can get those addressed to your satisfaction before progressing the formal submission.

Kind regards,
Pushkar

Pushkar Thakur
Managing Director | LoftusLane Capital Partners



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