

**From:** [Sophy Purton](#)  
**To:** [Jane Anderson](#)  
**Cc:** [Tahlia Hutchinson](#); [Pushkar Thakur](#)  
**Subject:** RE: 310 Terrigal Drive, Terrigal - Gateway Determination Review  
**Date:** Friday, 13 June 2025 2:00:20 PM  
**Attachments:** [Prometheus Planning Peer Review - 310 Terrigal Drive.pdf](#)  
[Additional submission to the IPC.pdf](#)

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Hi Jane,

Thank you kindly for the ability to provide additional information to the IPC, following our onsite visit.

The applicant has engaged Prometheus Planning to undertake a Peer Review of the DPHI's assessment of the Planning Proposal. Specifically, Dan Simpkins (former Director, Central Coast and Hunter region), has reviewed the Departments findings as it relates to both the strategic merit and site-specific merit considerations and has concluded that the proposal retains sufficient strategic and site merit to proceed.

We have also undertaken a review of other planning proposals and development applications within flood prone land, to understand the reasonableness of the DPHI assessment's. From our own independent review, it is clear that the assessment has been applied harshly and unfairly, noted that a number of PP's have progressed to Gateway which significantly greater hazards than the minor isolated instance that we have before us.

Ultimately, the NSW Flood Risk Management Manual was introduced to enable appropriate development of land within flood prone areas and this is supported by Shelter in Place for up to 6 hours infill areas. We have categorically demonstrated a best practice response to this matter and kindly request that this be reviewed, especially in the context of other approvals, both at a DA level and PP level where there are far greater impacts than what is experienced at this site.

We have demonstrated that the risk can be managed and mitigated to an acceptable level and that the development is capable of being built in a safe manner, ensuring future residents also remain safe.

Once again, we thank the IPC for accepting the additional information and we look forward to receiving your feedback.

Many thanks,

**SOPHY PURTON**  
ASSOCIATE DIRECTOR

D  
M  
E

**SHAPING  
CITIES AND  
COMMUNITIES**



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

# **SUBMISSION TO IPC ADDITIONAL CONTEXT AND SIMILAR PROPOSALS 310 TERRIGAL DRIVE, TERRIGAL**

Ref: GR-2025-1

On behalf of Loftus Lane Capital  
May 2025



# EXECUTIVE SUMMARY

We have further elaborated on the current context of the area, demonstrated acceptability of much higher hazards and density by the DPHI elsewhere and, most importantly, undertaken an independent peer review of our planning proposal by a highly regarded planning expert.

In doing this we have focused on:

- Showcasing a recently approved boarding house DA across the road from our site with similar density
- Demonstrated consistency of our planning proposal with The NSW Flood Risk Management Manual Principles
- Select examples of recent planning proposals and DAs in NSW that have been supported by the DPHI despite a much higher density proposed in H5/H6 hazard areas
- **Undertaking an independent peer review of our planning proposal by Daniel Simpkins, who until recently was the Director of DPHI, Central Coast & Hunter and a known authority on planning matters within the Central Coast region**



# CURRENT CONTEXT

The Department of Planning's decision to not support the current planning proposal has primarily been influenced by the proposed increase in density in a flood affected area.

We would like to request the IPC to consider that across all major event with an exception of PMF, the current development and surrounding footprint is low hazard (H1-H3). Mappings for these events being 1 in 20 year, 1 in 100 year, 1 in 200 year and 1 in 500 year was provided to the panel during our presentation.

There is only a short 40-50 minute window during PMF that the site is affected by H5 hazard with rest of the PMF majorly being affected by low hazard.

In its evaluation of a recent DA for 59 Terrigal Drive, The Central Coast Council has approved a boarding house that has similar flood characteristics and hazard levels as 310 Terrigal Drive

The site in example is highlighted in the red box which sits directly opposite 310 Terrigal Drive. Adopted flood planning RL for habitable floor levels for this approval was at RL 4.40 which is nearly 1 meter below the proposed RL for 310 Terrigal Drive.

**Density: 9 units were approved on 740 sq.m. site, much higher density compared to proposed density of 38 units on 4,200 sq.m.**



# CURRENT CONTEXT

The NSW Flood Risk Management Manual was issued during 2022. This was a major update to the 2005 NSW Floodplain Development Manual. The intent from government is to enable appropriate development of land within flood prone areas. We have adequately addressed the manual and mitigated all potential impacts.

The DPHI's assessment is contrary to these principles more so because they have applied far more lenient approach in supporting other planning proposals and DAs that are affected by far more severe flood hazards and risks.

**Principle 1 Any proposed Emergency Management strategy should be compatible with any existing community Emergency Management strategy.**

The local emergency management plan encourages maintenance free measures without significant cost or risk added to emergency services personnel. The emergency management for this development complies with this statement. This is achieved by implementing shelter in place. Shelter in place does not require the attention of emergency services during a flood event considering the short duration of the events. This reduces cost and risk.

**Principle 2: Decisions should be informed by understanding the full range of risks to the community**

Site specific DCP mandates that a Flood Emergency Response Plan (FERP) be drafted and be managed by the strata. Building managers and strata will be responsible for managing requirements for Shelter in Place and run an ongoing awareness and educational seminars to ensure residents are up to date on flood risks and fully prepared to act on instruction.

**Principle 3 Development of the floodplain does not impact on the ability of the existing community to safely and effectively respond to a flood.**

The current flood model demonstrates no adverse impact on surrounding infrastructure or residents. In fact, the proposed development enhances the community's safety by acting as a refuge for the nearby residents whose dwellings are not designed to withstand extreme floods and not appropriate for sheltering in place during flood events.

**Principle 4 Decisions on redevelopment within the floodplain does not increase risk to life from flooding.**

The site is already zoned for residential dwellings. Additional dwellings are sought to be vertically developed above PMF levels with no increased risk to life due to flooding

**Principle 5 Risks faced by the itinerant population need to be managed.**

A well managed Shelter in place strategy backed by a site-specific FERP has been developed for the purpose of eliminating these risks and to provide safe and secure refuge above flood levels.

**Principle 6: Recognise the need for effective flood warning and associated limitations**

Flood warning signals, weather support apps, road warning apps and a self locking garage door mechanisms have been proposed as part of the emergency response plan.

**Principle 7: Ongoing community awareness of flooding is critical to assist effective emergency response.** Please refer to Principle 2



# **EXAMPLES OF RECENTLY APPROVED DEVELOPMENTS WITH MUCH HIGHER FLOOD HAZARDS AND VERY HIGH DENSITY UPLIFT**



# FLOOD AFFECTED EXAMPLES

In the recent past, the DPHI has supported multiple Planning proposals with very high flood hazards. Despite hazards over H5, these developments have been recommended for approval on the basis that risks are either manageable or that the proponents can undertake further studies at a later stage.

Risks and densities associated with some of these proposals are much higher than that at 310 Terrigal Drive. We present below a few examples of such planning proposals to demonstrate contrary approach taken by the DPHI.

## Example 1: Moore Point Planning Proposal

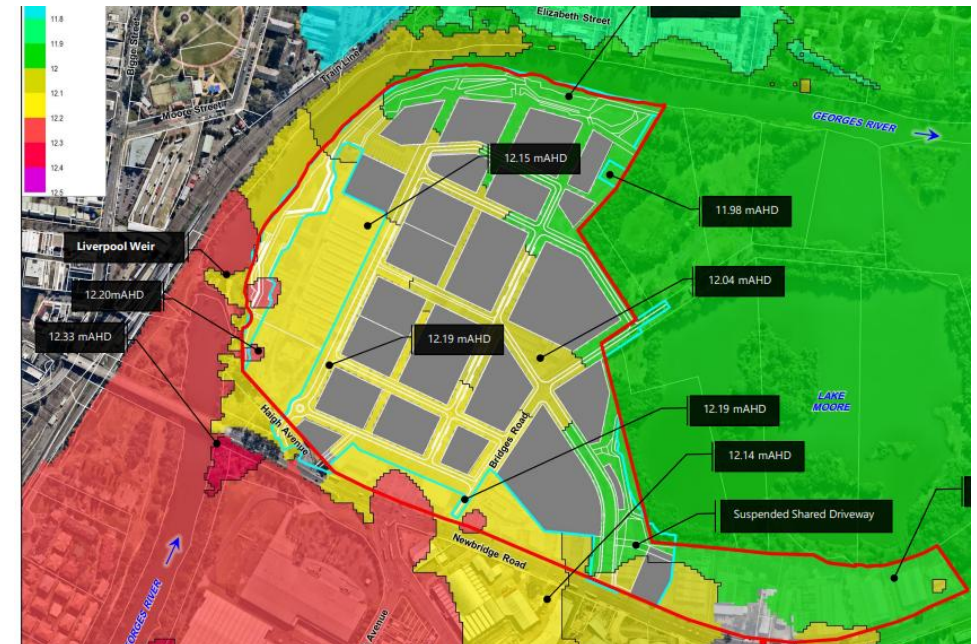
The Moore Point Planning Proposal sought to rezone land from industrial usage to mixed usage including multiple high rise residential tower.

The Department approved this project by way of Gateway Determination advising the proponent to undertake further work.

The adjacent image is post-development PMF water depth for the example site where gray is buildings raised over water depths of over 10 meter across most of the site demonstrating the entire site falls mostly within H6 hazard.

The DPHI conditionally supported a density of over 10,000 dwellings in a H6 area.

PP Link: <https://pp.planningportal.nsw.gov.au/ppr/post-exhibition/moore-point>





# FLOOD AFFECTED EXAMPLES

## Example 2: DA for 39 to 43 Hassall Street Parramatta

The IPC recently approved the DA for the above site.

The local council’s flood engineers deemed the site as high hazard during the 1% aep and above flood event.

This a very good example of IPC taking a risk-management based approach in its evaluation of development and approving a development on the basis that such risks can be managed.

This example also demonstrates acceptability of Shelter in place as a risk management strategy by the Department of Planning, the IPC and all major stakeholders.

The adjacent image is an excerpt from the flood study report highlighting Shelter in Place being most appropriate approach to flood risk management.

We recognise this is a DA but the DPHI supported a density of over 200dwellings in an area which is H5/H6 area across all major flood events.

Link to the Case:

<https://www.ipcn.nsw.gov.au/cases/2023/12/novus-build-to-rent-39-43-hassall-street-parramatta>

Evacuation		
3	Reliable access for pedestrians required from the site to an area of refuge (including shelter in place) above the PMF level, on site (e.g. second storey) or off site.	<p>Sheltering in place is the adopted emergency response strategy for this proposed development</p> <p>The development will provide unrestricted access via stairs from the basement to Levels 1 and above, which is 1.1 m above the riverine PMF flood level.</p> <p>All of the building’s floors above – and not including – the ground floor can therefore function as a PMF refuge. The designated communal flood refuge is on Level 2, which is accessible via the stairs and is 4.9 m above the riverine PMF level.</p> <p>GRC review finds that the proposed development complies in this regard.</p>
4	Applicant is to demonstrate the development is consistent with any relevant flood emergency response plan, flood risk management plan or similar plan.	<p>From Molino Stewart’s 20 June 2023 letter:</p> <p><i>“The Parramatta LGA Local Flood Plan (NSW SES, 2019) states that:</i></p> <p><i>1.6.1 The protection and preservation of human life (including the lives of responders and the community) is the highest priority.</i></p> <p><i>The proposed development prioritises the protection and preservation of human life. As local streets in the Parramatta CBD are subject to hazardous flash flooding with little or no warning time, the most appropriate flood emergency response strategy for the site is vertical evacuation, for site occupants to shelter in place above the reach of the PMF. This strategy prevents site occupants from coming into contact with hazardous floodwaters and site occupants would not need to shelter for significantly longer than 6 hours.</i></p>



### **Example 2: Kellyville Bellavista TOD rezoning**

## The Department of Planning undertook rezoning of large swathes of land in 2024 along Kellyville and Bella Vista Metro stations

**The local Hill Shire Council advised the Department that they have serious concerns in relation to the proposed rezoning**

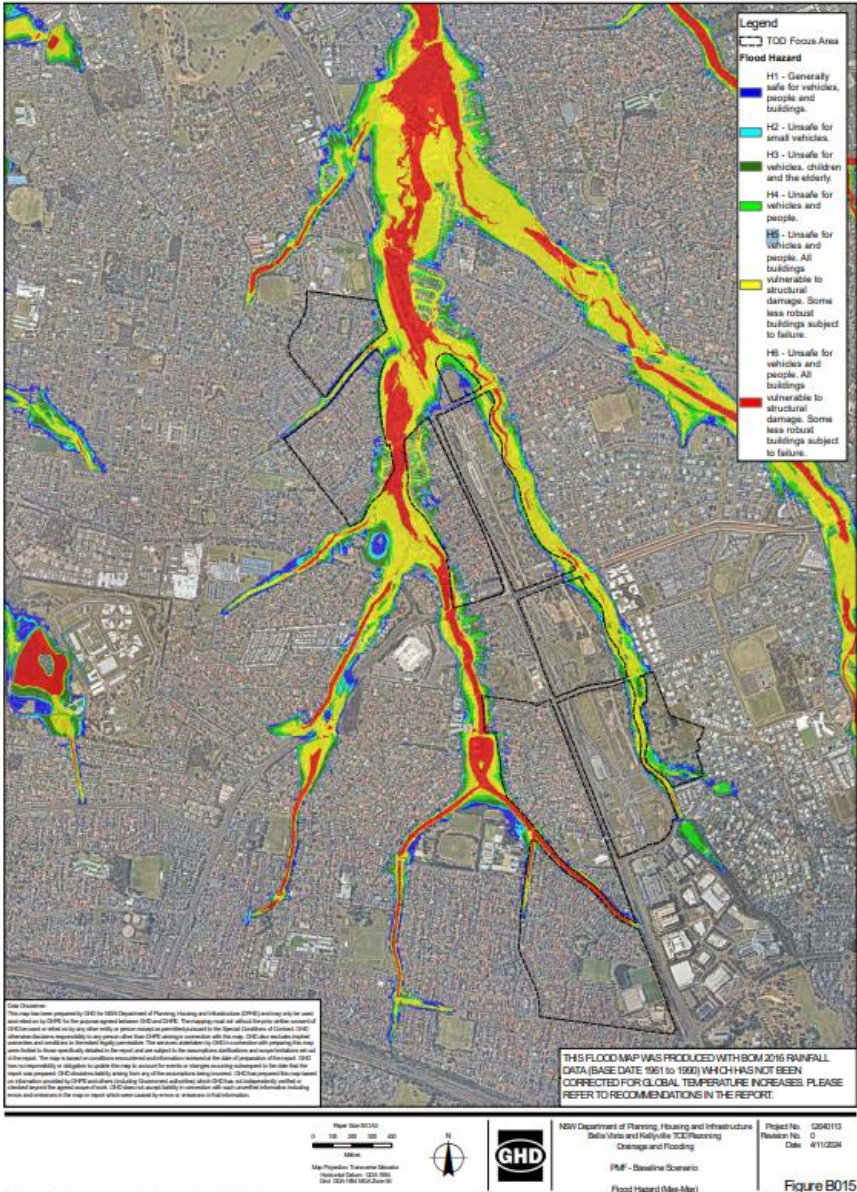
**Council's submission highlighted serious issues with the proposal, including inadequate infrastructure, insufficient road**

**The Department of Planning undertook flood studies of the precinct only focusing on flooding from the Caddies Creek, Elizabeth Macarthur Creek and associated waterways.**

**The adjacent diagram presents the PMF hazard levels from the abovementioned studies. All areas in yellow and black are H5/H6.**

**This study ignored the Overland flood behaviour hence overland areas show no hazard.**

**PP Link:** <https://pp.planningportal.nsw.gov.au/draftplans/made-and-finalised/bella-vista-and-kellyville-state-led-rezoning>





# QUESTIONS & ANSWERS



GATEWAY DETERMINATION PEER REVIEW

310

TERRIGAL DRIVE



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# Foresight and Fire

## Lighting the Way

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Prometheus means forethought.  
To act beyond impulse by looking  
into the future.

For humanity, Prometheus defied  
Zeus by stealing fire from the gods  
in a fennel stork. With fire,  
humanity developed civilization.

We celebrate Prometheus for this  
mischievous and inquisitive spirit,  
and the act of empowerment.



# Cutting through Complexity

Prometheus Planning has been engaged by the proponent to undertake an independent peer review of the Department of Planning, Housing and Infrastructure's (the department) Gateway assessment report.

Specifically, we have tested the department's work against three benchmarks: technical rigour, evidentiary support for conclusions, and alignment with the *Central Coast Regional Plan 2041*, the endorsed *Central Coast Local Housing Strategy*, ministerial directions and other relevant guidelines.

The site is zoned for residential purpose. A position reaffirmed through successive instruments, including the Gosford LEP 2014 and, most recently, the consolidated Central Coast LEP 2022.

The department's strategic-merit critique departs from the regional plan's page-21 methodology and introduces strategic merit tests never required for planning proposals.

Key housing-supply, density-optimisation and mode-shift outcomes explicitly supported by both the regional plan and endorsed local housing strategy have been given limited weight, while hazard considerations have been elevated beyond the balance set by those strategies.

If the department regards the regional plan as deficient in its treatment of resilience, that should be remedied by revising the plan. It should not become a de facto hurdle for a planning proposal that demonstrably follows the plan's adopted methodology.

Flood-risk work for the proposal is comprehensive: hydraulic modelling confirms a finite but sufficient evacuation window, and the design satisfies the *Shelter-in-Place Guideline* should evacuation become unsafe. This appears to follow the hierarchy of response set out in the government's policy framework.

In my professional opinion, the proposal retains sufficient strategic and site merit to proceed subject to conditions. Should these changes amount to a material alteration, the *Environmental Planning and Assessment Act 1979* provides for resubmission without prejudicing due process.



**Dan Simpkins**

Founder  
Prometheus Planning

# Gateway determination Peer Review

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*A peer review has been undertaken of the department's Gateway determination conditions in light of the department's Gateway assessment report and relevant documentation submitted with the planning proposal.*

# Gateway Condition 1

**The proposal has not demonstrated sufficient strategic merit as it does not give effect to the *Central Coast Regional Plan 2041* and has not provided sufficient justification to demonstrate consistency with:**

**Objective 5: Plan for ‘nimble neighbourhoods’, diverse housing and sequenced development.**

## **Strategic intent of the ‘nimble neighbourhoods’ objective**

The *Central Coast Regional Plan 2041* asks council to create nimble neighbourhoods – places able to adapt to changing household types, support residents as they age, and let young people remain in the communities where they grew up.

Rigid low-density controls that are hard to amend work against this intent.

Accordingly, the objective specifically invites council to review bulk, scale and density controls where they are preventing this flexibility.

## **How the planning proposal answers that strategic intent**

The site sits inside an established, highly serviced urban area that is already sought-after for housing.

By allowing a higher density on the land, the proposal would broaden the local housing mix and give older residents, downsizers and young couples additional options close to existing support networks.

In this respect the department’s Gateway assessment is correct in stating the proposal is consistent with the nimble-neighbourhoods objective, because it removes an unnecessary regulatory barrier to the very housing diversity that the objective promotes.

## **The department’s reliance on *Housing 2041*’s resilience pillar is misplaced**

The department’s Gateway assessment report argues the proposal’s inconsistency with the *Housing 2041* resilience pillar (which focuses on matching housing to community and environmental risk).

However, the *Environmental Planning and Assessment Act 1979* requires regional plans to include strategies and actions for achieving each objective.

For the nimble-neighbourhoods objective the *Central Coast Regional Plan 2041* lists no strategy that links it to *Housing 2041*'s resilience measures.

Without such a link, any non-compliance with the resilience pillar should not be a valid ground for not allowing the proposal to progress subject to conditions.

### **Omission of the requested strategy-level analysis**

When the department provided the adequacy assessment to council on 9 April 2024 it specifically asked for a detailed assessment against the relevant regional plan's strategies and performance outcomes. Council supplied that material.

This request was consistent with the methodology in the "How to use Part 2 'Objectives'" section (p.21) that directs practitioners on how to apply the regional plan to planning proposals.

Yet the Gateway assessment report provides no explanation of how it weighed the strategies or performance outcomes.

This lack of assessment with the regional plan's methodology diminishes the weight that can be given to the department's assessment.

### **Desired density under the Regional Plan and Local Housing Strategy**

The deficiency is compounded by the department providing no analysis of the regional plan's desired-density settings, even though density is integral to the nimble-neighbourhoods objective.

Applying the regional plan's methodology, council classified the site as 'inner-suburban' and because it lies within 800 metres of a mapped public-transport corridor the plan assigns it a desired density of 75 dwellings per hectare.

The regional plan's desired densities have been translated, with the department's endorsement, into council's local housing strategy.

Desired (or optimal) density is one of the three 'where-we-want-to-be-in-2041' elements (p.31), intention to be read in concert with the other plan's objectives.

By omitting discussion of whether the proposal meets this benchmark, the Gateway assessment report misses an opportunity to provide strategic-merit context for the concerns the additional dwellings represents a significant increase under section 9.1 Ministerial direction 4.1.

### **Density as an enabler of transport and neighbourhood mixed use**

Achieving the desired density is not an end in itself, it is the lever that underwrites frequent public transport (p. 45) and creates the critical mass for viable local services.

Density is a principal lever for delivering the regional plan's Objective 4, which frames accessibility through a three-scale structure: neighbourhood, centre and region. The plan seeks to reinforce the focus on the neighbourhood, not just centres.

Objective 3 explains that inner-suburban areas should let residents reach *most* daily needs on foot or bike and rely on 15-minute public-transport trips for larger centres, such as Erina and Terrigal, for daily needs. Not all trips to everyday needs need to be by walking and cycling. The focus is on widening choice and reducing car dependency.

It is noted the draft Central Coast Strategic Regional Integrated Transport Plan recently identified the connection between Terrigal and Erina along Terrigal Drive as a 'core' bus service seeking to provide rapid and frequent services. The plan also proposes improvements to walking and cycling for Terrigal Drive.

Council's assessment shows the site can meet the walking-and-cycling outcomes (cafés, recreation facilities, schools, childcare and open space are all within the catchment). Higher densities on the site will lift patronage to assist the viability of frequent buses to Erina and Terrigal.

In short, meeting the desired density benchmark is what turns the 15-minute-neighbourhood concept from aspiration into reality. Without it, neither the local services nor the wider public transport network can be made viable.

### **Need for a balanced Gateway condition**

Taken together, the *Central Coast Regional Plan 2041*, the department endorsed *Central Coast Local Housing Strategy* and planning proposal all point to the same conclusion: higher density on this site is strategically intended.

The department's focus on an unrelated *Housing 2041* lens introduces a test that the regional plan itself does not require and that the planning proposal was never asked to address.

### **Recommendation**

Because condition 1 of the Gateway determination rests on a misplaced test, its retention would be inconsistent with the methodology set out in the *Central Coast Regional Plan 2041*, along with the integrated policy position of promoting increased density adopted by both the department and council.

For reasons of fairness, clarity and strategic consistency, condition 1 should be removed.



## Objective 7: Reach net zero and increase resilience and sustainable infrastructure

### Strategic intent of the objective

Objective 6 aims to drive the Central Coast toward net-zero emissions, while increasing resilience and supporting sustainable infrastructure.

Core actions include shifting everyday travel away from reliance on private cars, improving local air quality, fostering a circular economy and ensuring that new development is planned and designed with climate-change risks front of mind.

The objective treats climate-response measures (emissions reduction and hazard avoidance) as complementary rather than competing goals.

### How the planning proposal answers that intent

The proposal focuses growth on an already-urban zoned site with existing bus services, an emerging cycling network and a walkable catchment of daily needs.

By adding mixed-use housing here instead of on the urban fringe, it is expected to generate 30–40% fewer private-car kilometres per dwelling than equivalent greenfield housing.

The design incorporates raised floor levels, on-site asset-protection zones and dual-road egress, demonstrating that higher density and risk mitigation can coexist on the same parcel.

### The department's reliance on local strategic-planning strategies is misplaced

In refusing strategic consistency, the Gateway assessment report cites Strategies 7.7 and 7.8 which direct local strategic planning documents to avoid zoning new suburbs in extreme-hazard areas.

The regional plan's methodology (p.21) distinguishes those 'local plan making' strategies from those applying to planning proposals.

Treating Strategies 7.7 and 7.8 as pass-fail tests for a planning proposal extends them beyond their intended scope and overlooks the regional plan's built-in flexibility for infill redevelopment where hazards can be satisfactorily managed.

### Consistency with the endorsed Local Housing Strategy

Council's *Central Coast Local Housing Strategy* was endorsed by the department in 2024. No departmental objection to the above strategies was recorded at the time, indicating an accepted policy position that the current proposal continues to follow.

### Omission of the required strategy-level analysis

For planning proposals, the relevant consideration under Objective 6 is Strategy 7.5: protect sensitive land uses from major transport corridors through siting and design.

The department flagged this strategy in its adequacy review and council supplied additional design detail. The Gateway assessment report is silent on whether the response satisfies the strategy.

The absence of that analysis leaves the inconsistency conclusion without an articulated evidentiary base using the methodology of the regional plan.

### How the planning proposal meets the performance outcomes

*Air-quality protection:* The mixed-use buildings are set back from the adjacent arterial road; ground-level uses are non-sensitive (retail and commercial), while ventilation intakes for dwellings are located on upper levels.

*Flood management:* Finished floor levels exceed the 1% AEP flood height plus climate-change freeboard; car-parking entries are graded to prevent inflow; critical utilities are located above flood level.

*Bushfire protection:* A 25-metre inner asset-protection zone is wholly contained on-site; landscaping uses low-flammability species; water supply and hydrant spacing comply with *Planning for Bush Fire Protection 2023*.

*Evacuation and access:* Two independent road connections allow simultaneous emergency-vehicle ingress and resident egress, meeting the Rural Fire Service performance benchmark.

Collectively, these measures demonstrate that the community's exposure to natural hazards can be reduced to an acceptable, manageable level.

### Need for a balanced Gateway condition

Objective 6 requires decision-makers to balance emission-reduction benefits with hazard-management imperatives.

A Gateway assessment report that focuses solely on residual flood and bush-fire risk - without weighing the substantial mode-shift and air-quality gains - presents an incomplete picture and risks undermining the Central Coast's broader net-zero pathway.

### Recommendation

Because condition 1 of the Gateway determination rests on a misplaced test, its retention would be inconsistent with the methodology set out in the *Central Coast Regional Plan 2041*, along with the integrated policy position of reducing car emissions, mode-shift and air quality adopted by both the department and council.

For reasons of fairness, clarity and strategic consistency, condition 1 should be removed.

## Narara District Planning Priority 5: Identify appropriate urban expansion opportunities to ensure a sufficient supply of safe, diverse and affordable housing.

### Strategic intent of the district-based planning priority

The *Central Coast Regional Plan 2041* divides the LGA into four districts so land-use decisions reflect each area's distinct landscape, infrastructure and housing market profile.

To safeguard future communities, planning priority 5 lists eight locational criteria - including avoidance of flood-planning areas and natural-hazard exposure - intended to steer greenfield rezoning toward the safest, least-constrained land.

### How the planning proposal relates to that intent

The proposal seeks to *intensify* (not expand) an existing R1 General Residential zoned site through mixed-use infill development, not to rezone new greenfield land.

It therefore plays a complementary, but different role in the housing pipeline: meeting demand by using land that is already serviced, inside an established urban footprint and within a 15-minute public-transport catchment of Erina and Terrigal.

### Need for a balanced Gateway condition

By conflating a greenfield expansion priority with an infill intensification proposal, the department's condition 1 overlooks the strategic benefits of putting more homes close to jobs, services and public transport.

It therefore assesses only one side of the risk-benefit ledger that the regional plan asks decision-makers to examine.

### Recommendation

Because condition 1 of the Gateway determination rests on a misplaced test, its retention would be inconsistent with planning principles set out in the *Central Coast Regional Plan 2041*. For reasons of fairness, clarity and strategic consistency, condition 1 should be removed.

# Gateway Condition 2

**The proposal has not adequately demonstrated site-specific merit in relation to flood risk and has not provided sufficient justification to demonstrate consistency with Section 9.1 Ministerial Direction 4.1 Flooding.**

## **Ministerial Direction 4.1 - why it matters and what has been lodged**

Direction 4.1 requires any rezoning on flood-affected land to apply contemporary flood-risk-management practice, avoid shifting emergency-response or recovery costs to government, and demonstrate that any significant population uplift will not compromise life safety or evacuation performance.

To address those tests the proponent has lodged:

- A Flood Impact & Risk Assessment (FIRA) with modelling to the Probable Maximum Flood (PMF).
- A time-distance evacuation model for Terrigal Drive and Charles Kay Drive.
- A draft Flood Emergency Response Plan (FERP) that keys its triggers to SES "Watch-Prepare-Go" warnings.
- A revised site-specific DCP chapter that hard-codes PMF-level finished-floor heights, an automatic flood-gate to the basement and a PMF-rated communal refuge sized at over 2 m<sup>2</sup> per person for 24 hours.

The proposal would lift the site's potential yield from the 20–25 dwellings already potentially permissible under the the *Central Coast Local Environmental Plan 2022* and *State Environmental Planning Policy (Housing) 2021* to 37–50 dwellings (depending on the SEPP).

That is a net increase of between 14 to 25 additional dwellings. The department regards even 14 extra dwellings is significant given the flood setting, and this is the reason the department considers for the proposal's inconsistent with the direction (p.16 of the Gateway assessment report).

## **Summary of flood behaviour at the site - timing and severity**

*Flooding type:* urban flash-flooding from a creek that discharges to Terrigal Lagoon. No riverine back-water or coastal surge influence.

*Warning time:* around 50 minutes from rainfall onset in 1% AEP and around 25 minutes in PMF until no evacuation is permitted.

*Flood peak:* around 70 minutes from onset in 1%AEP and around 45 minutes in PMF flooding reaches peak level.

*Hazard class at the building:* after the footprint was shifted, all habitable floors sit in H4 (low-hazard fringe) in the PMF. A narrow landscaped strip east of the building remains H5, but no occupied or access area lies within it.

The department has also confirmed that the proposal demonstrates that there will be no adverse impacts off site, or those impacts are within an acceptable level.

Isolation is therefore short (less than one hour) and predictable, a key pre-condition for shelter-in-place solutions under the 2025 Guideline.

### **Where the advice of council and the department/BCS diverges**

Central Coast Council accepts the revised FIRA, classifies the building zone as H4 and supports a PMF-level refuge as an appropriate mitigation for the short flash-flood window.

The department and Biodiversity Conservation Science (BCS) appear to treat the whole site as “high-hazard floodway”, invoke *Shelter-in-Place Guideline* item 8(c) (no refuge in H5/H6) and conclude the proposal is inconsistent with Direction 4.1.

The difference appears to therefore be whether the H5 area external to the building footprint disqualifies the much larger raised H4 platform.

### **On-site risk management and shelter-in-place compliance**

*Refuge floor:* foyer and café slab at RL  $\approx$  5.8m AHD, which is about 0.6m above PMF water level.

*Capacity:* greater than 2m<sup>2</sup> per resident for the worst-case 120-person cohort; dedicated toilets, potable-water tank and backup generator specified in the proposed revised site-specific DCP chapter.

*Basement:* ramp crest RL 4.6m AHD (1%AEP + 0.5m). Hydraulically actuated flood-gate and twin sump pumps tied to the generator keep cars and electrical plant dry.

Because both the building and its access way remain at less than H4 and isolation is less than 2 hours, the proposal satisfies all three mandatory Shelter-in-Place Guideline tests (that is flash-flood only; onset < 6h; not subject to H5/H6).

The building's protected path from the foyer to Charles Kay Drive stays within the H4 fringe even at PMF peak, and no part of the refuge or access route sits in H5/H6.

Given the existing residential zoning and permissibility of residential flat buildings, shelter in place appears applicable. The department/BCS indicate they remain concerned with people moving around the wider area in a high hazard category.

### **Hazard on roads and evacuation**

The department/BCS asserts that both Terrigal Drive and Charles Kay Drive are subject to H5/H6 hazard during the PMF.

The FIAR confirms that at the peak of the PMF event depths on those roads reach 0.9 to 2.2m, placing them in H5 category for a short period.

For the 1%AEP there is up to around 55 minutes of safe evacuation to Scenic Highway via Charles Kay Drive. Shelter in place will be mandatory for around 44 minutes, with evacuation available again at 105 minutes from rain event.



For the PMF there is around 25 minutes of safe evacuation with shelter in place mandatory for around 74 minutes, with evacuation available again at 100 minutes.

While evacuation is possible, the FIRA recommends shelter in place be adopted at all time due to the short periods of flood events and short peak hazard time ranging up to 74 minutes for the PMF. The FIRA outlines that evacuation rises the risk of underestimating surrounding conditions causing unforeseen danger to lives.

The department and BCS concerns are understandable. NSW's flood framework identifies off-site evacuation as the preferred emergency-management strategy.

Both the *NSW State Flood Plan* and the relevant local flood plans emphasise that, wherever practicable, people should self-evacuate to land outside the flood-affected area.

The Shelter-in-Place Guideline recognises, however, that evacuation is not always achievable. Limited warning time, large resident populations, or constrained road capacity can make mass evacuation unsafe or impossible. In those circumstances, a well-designed shelter-in-place option becomes the fallback strategy.

For this proposal, flood modelling shows there is a finite window for safe evacuation before access routes are cut, in the case of the PMF less than half-an-hour.

It is noted that the upgrades to the intersection of Terrigal Drive and Charles Kay Drive was undertaken by Transport for NSW in 2014-2016.

Should that evacuation window close, the development is designed to meet the Guideline's shelter-in-place performance criteria, ensuring occupants can remain safely on site until floodwaters recede.

Having both a viable evacuation window and a compliant shelter-in-place option builds redundancy into the emergency plan. The potential harm or risk appears to be from human error, not structural. There will be a automatic lock installed for the garage and act as a barrier to exit.

Concerns that dual strategies might confuse residents are addressed by the Central Coast Local Emergency Management Plan and the Hunter–Central Coast Regional Emergency Management Plan, which set out clear agency roles, communication protocols and traffic-management responsibilities during the response phase of any flood event.

Despite this, the proposal has been accepted as meeting the Shelter-in-Place Guidelines and this is the recommended approach to be adopted at all times in the FIRA.

Additionally, the proposed revised site-specific DCP chapter includes a requirement that a site specific Flood Emergency Plan be submitted with future development applications. The Plan is to be circulated, managed and adhered to by all occupants of the building.

The Flood Emergency Plan is to be reviewed and updated as required once every five years.

This proposed requirement should be considered as part of taking a risk-based approach to concerns of people moving around the site or being caught out during a flood event. Despite it being made clear that the preferred approach is shelter-in-place at all times, and this is something that can safely be accomplished.

On balance, Central Coast Council's position appears more reasonable that the proposal is consistent with section 9.1 Ministerial direction 4.1. The increase in dwelling capacity is not considered significant.

While the proposal should progress subject to conditions, these conditions should include consultation with NSW SES to confirm the proposal's shelter in place will not likely result in a significant increased requirement for government spending and can be accommodated in the Local Emergency Management Plan and Flooding Sub Plan.

### **Planning proposal, site-specific DCP chapter and voluntary planning agreement package**

Given the matters associated with the potential human error associated in a flood event, Central Coast Council and the proponent should investigate a voluntary planning agreement progressing with the planning proposal, along with increasing the requirements in the site-specific DCP chapter.

Both the voluntary planning agreement and site-specific DCP chapter could include a cap on the FSR. This should be part of an amended Gateway determination.

### **Recommendation**

To ensure flood-risk mitigation is suitably robust, transparent, and proportionate to the proposal's strategic merit, Condition 2 of the Gateway Determination should be amended to proceed subject to NSW SES confirming prior to public exhibition adequate emergency-management resourcing; the site-specific DCP is updated to impose a clear FSR cap and embed flood-resilient design controls; and a voluntary planning agreement with Central Coast Council be considered that mirrors the FSR cap and secures developer contributions council considers necessary.

If these changes constitute a material alteration, the planning proposal may be resubmitted under the *Environmental Planning and Assessment Act 1979*.

# Gateway Condition 3

**The proposal has not adequately demonstrated that the proposal would result in improved social and economic outcomes.**

## **Why the two agencies reach different strategic conclusions**

Both council and the department agree that medium-density housing is needed on the Central Coast.

But they give very different weight to the risk-avoidance versus infill-supply strands of State and local policy.

The Gateway assessment report treats the flood-hazard elements in the local housing strategy and local strategic planning statement (LSPS) as threshold controls: land mapped H3–H6 or more than a short walk from a nominated centre should not be up-zoned no matter how well it is serviced. The department therefore concludes the site's flood hazard classification and distance from centres limit the proposal's strategic merit.

By contrast, council applies the same LSPS and local housing strategy as a call to unlock under-utilised urban land where trunk services already exist. Council regards the corner location, frequent bus stops and walk-cycle links to Terrigal and Erina as meeting the 15-minute-neighbourhood test and sees risk being managed through a site-specific DCP and DA processes, rather than avoided outright.

Until consultation has occurred the the NSW RFS any inconsistency of the proposal with the section 9.1 Ministerial direction 4.3 remains unresolved.

## **What the Planning Proposal would actually deliver**

The revised controls (25m height and FSR1.3:1) translate into about 38–40 dwellings above the 14–20 already permissible on the vacant R1 General Residential zoned site. This represents an uplift of roughly 20 additional homes, plus a 150m<sup>2</sup> neighbourhood café.

The local housing strategy identifies Terrigal's coastal suburbs as high-amenity infill locations where diversity and supply are most constrained.

The proposal squarely targets that gap by introducing apartment stock not otherwise available in the immediate catchment.

The Independent Planning Commission will need to decide whether housing-supply benefits outweigh the hazard-avoidance directives in determining if the proposal has, or has not, adequately demonstrated if it would result in improved social and economic outcomes.

# Peer Reviewer Curriculum Vitae

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*Prometheus Planning is built on a track record of cutting through complexity to deliver results.*

*With 20 years of government experience applying strategic planning to expedite planning proposals and development applications to realise a clear vision.*

# DAN SIMPKINS

TOWN PLANNER AND  
ECONOMIST



[REDACTED]



[REDACTED]



[REDACTED]



[www.prometheusplanning.com.au](http://www.prometheusplanning.com.au)  
(Founder and principal)

## PROFILE

20 years of government experience applying strategic planning to expedite planning proposals and development applications to realise a clear vision. This pragmatic mindset is applied in senior executive roles to operational reforms and leading highly talented teams.

## LEADERSHIP

- Lead teams to do what has not been done before.
- Lead teams to trial, test and collaborate to drive reforms.
- Lead teams to be pragmatic and solutions-focussed.
- Lead teams with the clarity and competency to be empowered.

## EDUCATION

### MASTERS OF POLITICAL ECONOMY

University of Sydney  
2010 - 2012

### BACHELOR OF ECONOMICS

University of Wollongong  
2002 - 2006

## EXPERIENCE

### DIRECTOR, CENTRAL COAST AND HUNTER

Department of Planning, Housing and Infrastructure  
2019 - 2024

- Reduced average rezoning timeframe from 1,200 to 350 days.
- Resolved 40 historical rezonings removing 53,000 assessment days.
- Delivered 2 regional plans that raised density standards, applied 15 minute neighbourhoods and set new post-mining land uses.
- Rezoned 5,000 homes for a land council and state-owned corporation.

### DIRECTOR, STRATEGIC PLANNING

Department of Planning and Environment  
2016 - 2019

- Won Planning Institute award for delivering 8 regional plans.
- Delivered planning framework unlocking \$600 million of development.
- Delivered new Ministerial directions for Landcom.

### DIRECTOR, SYDNEY COORDINATION

Department of Premier and Cabinet  
2016 - 2016 (Secondment)

- Appointed recovery coordinator following natural disaster declaration involving multiple recovery committees.





12 JUNE 2025