

Pariter
Level 23, Deutsche Bank Place
126 Phillip Street
Sydney NSW Australia 2000

Attn: Michael Cardillo

14 April 2025

Dear Michael,

SSD-63475709 Tumbi Umbi Retirement Living Project

Please find enclosed a response to the submissions received on the Tumbi Umbi Retirement Living Project from DCCEEW (dated 11 December 2024 and 28 January 2025) and Central Coast Council (dated 9 January 2025).

Yours faithfully



Kat Duchatel

BSc. Env. CEnvP EIANZ #691

BAM Accreditation No. BAAS17054



Submission	Response
DCCEEW – 11 December 2024	
2.0 Works on waterfront land 2.1 Recommendation - Post determination Department of Planning, Housing and Infrastructure requests the proponent to ensure works within waterfront land are designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land (DPE 2022). Explanation Site constraints of bushfire and flood risks have been identified within riparian areas where modifications are proposed. The design and construction of works within waterfront land of the mapped 2nd order watercourse must consider the Guidelines for Controlled Activities on Waterfront land.	Section 3.6 the project BDAR provides a watercourse assessment which demonstrates that the drainage channel is a constructed concrete lined channel. Under Schedule 4 Exemptions - Part 2 Controlled activities exemptions (28 <i>Activities on waterfront land if river is concrete lined or in pipe</i>) of the <i>Water Management (General) Regulation 2018</i> (WM Reg.) a controlled activity, and therefore application of the Guidelines, is not required. Notwithstanding, the proponent intends on restoring the drainage channel and easement to provide an improved aesthetic and ecological corridor. A fully structured riparian corridor (i.e., in accordance with the Guidelines) is not feasible due to fire hazard asset protection requirements and the need to maintain unimpeded flood flows within the drainage easement. A Vegetation Management Plan (écologique, July 2024) has been prepared to guide the restoration of the riparian corridor and its ongoing maintenance (including fuel reduction management).
DCCEEW Conservation Programs, Heritage and Regulation (CPHR) – 28 January 2025	
CPHR generally concur with the comments and justifications provided in the Biodiversity Development Assessment Report and Vegetation Management Plan (écologique, 2024). Recommended action: Condition mitigative and management measures identified in the BDAR and VMP (écologique, 2024).	Noted
Central Coast Council – 9 January 2024	

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Planning - Water Management Act 2000 It is unclear whether the proposed development is located within 40 metres of a watercourse which would require a controlled activity approval under the <i>Water Management Act 2000</i>. The proposed development is to be clearly indicated in relation to the watercourse to determine whether the development is ‘Nominated Integrated Development’.	Section 3.6 the project BDAR provides a watercourse assessment which demonstrates that the drainage channel is a constructed concrete-lined channel. Under Schedule 4 Exemptions - Part 2 Controlled activities exemptions (28 <i>Activities on waterfront land if river is concrete lined or in pipe</i>) of the <i>Water Management (General) Regulation 2018</i> (WM Reg.) a controlled activity, and therefore application of the Guidelines, is not required. ‘Nominated Integrated Development’ applies to local development. This proposal is being assessed as State Significant Development (SSD-63475709), which is discussed in Section 1 of the BDAR.
Part 3: Environmental Controls - 3.5 Tree and Vegetation Management It is noted that a BDAR and Vegetation Management Plan (VMP) has been submitted with the SSD application and are on exhibition. There is not sufficient time for Council to undertake a detailed technical review of the BDAR. It would be expected that DCCEEW would provide any BDAR review comments to DPHI. However, any approval should include conditions that the mitigation measures in the BDAR and the requirements of the VMP are implemented by the proponent. The current VMP states implementation is voluntary, and that the performance measures are not a “conditional compliance requirement” (section 5). Implementation of the VMP is a biodiversity mitigation and management measure for the direct and indirect impacts of the	The Applicant consulted with the Hunter Central Coast CPHR group of DCCEEW during the planning phase of the proposal. CPHR have reviewed the BDAR (see CPHR submission) and have recommended that mitigative and management measures identified in the BDAR and VMP (écologique, 2024) be conditioned. Implementation of the VMP is not a mitigation measure specified in the BDAR, it is supplementary to the proposal’s landscape plan. MLG, as part of the development, have proposed to landscape the drainage easement to provide an improved aesthetic and ecological corridor. Section 2.1 of the VMP explains why riparian restoration and implementation of a VMP is not a legal requirement. See also previous responses to DCCEEW – 11 December 2024 and Central Coast Council – Planning above. The VMP was prepared to guide how the proposed landscaping shall be implemented and maintained with particular regard to the following site constraints, which include: + The flood prone nature of the land, and need to maintain flow through the drainage easement, and

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development, and as such implementation should form part of any conditions of approval. Council would also request that copies of VMP certification reports should also be forwarded to the consent authority and Council's Ecologist when they fall due, the current VMP only requires reporting to MLG. Refer to Ecology comments for further information.	+ Bush fire prone land immediately west of the drainage easement, and maintenance required to ensure fuel loads are managed, and tree shape and canopy cover, shrub cover, and grass height are managed at specified levels. Notwithstanding, copies of relevant VMP reports will be provided to Council for information.
ECOLOGY As identified in the riparian restoration area plan provided, a Vegetation Management Plan (VMP) should be prepared for the drainage corridor. Council's Flora and Fauna Guidelines 2019, provide some information on VMP requirements. The VMP should also integrate with NSW DPE Water requirements. Being an SSD, the department will review the VMP with comment usually provided by Council. Items the VMP should address include: + The VMP area needs to be clearly defined and should encompass most of the drainage corridor adjacent the precinct. + Identify vegetation management zones, APZs, weed density/other management issues which need to be addressed. + Management actions detailed using the 'SMART' goals approach (Specific, Measurable, Achievable, Reasonable and Time bound). + Management actions should be staged across a minimum three phases including pre-development, development and post development (ongoing, for a minimum five years).	A VMP has been prepared and submitted with the SSDA. The VMP already clearly defines the VMP area in Figure 1-2, and identifies management zones, management actions, weed species (Section 2.3), weed control (Section 4.2), planting program (Section 4.5), performance measures (Section 4.7 and monitoring and reporting requirements (Section 4.8). It should be noted that all restoration zones within the VMP's extent will be managed in accordance with the recommendations made by the Bushfire Specialist (Blackash 2024). These recommendations have been incorporated into the landscape plan, plant species selection, planting densities and locations (see Appendix A. Plant Species Schedule); and how the area is to be maintained to ensure fuel loads are managed (Section 4.6 Maintenance). The VMP covers a 3yr timeline that allows for an approximate 6month practical completion timeframe and 30 months establishment and ongoing maintenance timeframe. Beyond this timeframe the drainage easement being on private land will continue to be managed by MLG. Monitoring and reporting would continue as part of MLGs overarching management and maintenance practices.

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+ Identify weed species in the VMP area and provide appropriate control techniques. + Provide a plant schedule and identify nurseries that could be engaged to supply local provenance plants. + Provide best practise methodology on planting technique and required maintenance of plantings. + Consider providing interpretive educational signage at strategic areas along the footpath on wetland ecology and biodiversity.	The proposed landscaping of the drainage easement aims to provide an aesthetically pleasant outlook for aged residents. As the land is private, it is unlikely to be a suitable location for interpretive educational signage.
Note, copies of VMP certification reports should be forwarded to the consent authority and Council's Ecologist when they fall due.	The VMP is a voluntary landscape project on private land and will continue to be managed by the MLG as both aesthetics for aging residents and to ensure bushfire risks are managed. Notwithstanding, copies of relevant VMP reports will be provided to Council for information.