

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

Attn: Michael Cardillo

24 February 2026

Dear Michael,

SSD-63475709 Tumbi Umbi Retirement Living Project

Please find to follow a response to the further submission received on the Tumbi Umbi Retirement Living Project, including the latest and further submission from Central Coast Council (dated 5 February 2026).

Included are the previous responses provided, that further context.

- + Central Coast Council – 22 August 2025
- + Central Coast Council – 9 January 2024
- + CPHR (DCCEEW) – 28 January 2025
- + DCCEEW – 18 August 2025
- + DCCEEW – 11 December 2024

Yours faithfully



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Table 1. Response to Central Coast Council (5 February 2026)

Submission	Response
PREAMBLE – The proposed Vegetation Management Plan (VMP) in its current form does not meet Council’s Flora and Fauna Guidelines nor does it demonstrate best-practice standards for riparian ecological restoration associated with a State Significant Development. Council recommends that the VMP be revised and conditioned as a mandatory, enforceable, ecological management document, including a 5-year maintenance period, along with the recommendations outlined in Council’s previous submission regarding this proposal. Refer to the Ecological comments provided below for further information.	
ECOLOGY Council advise that several key elements of the Vegetation Management Plan (VMP) have not been resolved in the amendment. The applicant’s amendments to the VMP do not satisfy the ecological intent or technical restoration requirements outlined in Council’s earlier submission. The following issues remain with VMP: + The VMP is framed incorrectly as voluntary landscaping rather than an ecological mitigation measure to alleviate the direct and indirect impacts to biodiversity resulting from the SSD	It is important to reiterate the context of the development and purpose of the VMP, which appears to have been misinterpreted. Specifically: + The proposal’s impacts on biodiversity values were assessed compliantly under the BC Act and reported in the project BDAR (écologique, 2025). + Most of the development site is located on a vacant grassed area that is maintained by mowing. + Approximately 0.14 ha of planted native vegetation (located in five different locations ranging from 0.01 to 0.04 ha; including street trees) will be cleared. + Surveys of the development site did not find evidence of any threatened species. + The development site is not located on waterfront land and is not required in principle (as an SSD) to provide a riparian restoration VMP (refer to response to DCCEEW dated 18/08/2025 in Table 3). + The project BDAR identifies mitigation measures to alleviate impacts on biodiversity values (which are considered only negligibly present within the development site). The VMP is not included as a mitigation measure in the BDAR, instead it is stated as an additional and beneficial measure that is proposed, as follows:

Submission	Response
	<i>“Further, the applicant intends on restoring the drainage channel and easement to provide an improved aesthetic and ecological corridor. A fully structured vegetated riparian zone is precluded at this location due to fire hazard and asset protection requirements. However, in combination with the site wide landscaping, the proposal will result in a positive impact on the subject land’s biodiversity values.”</i> + The proposed landscape plan (Taylor Brammer, 15/07/2025) will plant 164 native tree species that are commensurate with the PCTs 4020 and 4044. + Approximately 81% of the proposed native tree plantings are located outside of the proposed VMP extent. This represents over five (5) times the quantity of all trees that will be cleared from all areas for the proposal; a substantial increase in native canopy cover than currently exists; and which alleviates the modest amount of clearing for the development.
+ The VMP does not meet a 5-year maintenance period	As explained in previous responses to Council submissions dated 22 August 2025 (see Table 2) and 9 January 2024 (see Table 5): + The VMP covers a 30mth timeline that allows for an approximate 6month practical completion timeframe and 24 months establishment timeframe + Thereafter ongoing maintenance will be undertaken in perpetuity by the MLG in line with the VMP’s objective of maintaining an aesthetically pleasant outlook for aged resident, within the constraints of: ■ The flood prone nature of the land, and need to maintain flow through the drainage easement, and ■ The bush fire prone land immediately west of the drainage easement, and maintenance required to ensure fuel loads are

Submission	Response
	managed, and tree shape and canopy cover, shrub cover, and grass height are managed at specified levels. Maintenance in perpetuity exceeds 5years.
+ The VMP does not adopt SMART principles or multi-phase staging,	Council's examples of SMART targets include: + To reduce weeds to less than 10% cover in any 1000m² area within Year 1 and to less than 5% in any 1000m² area by Year 5. + To achieve 90% survival rate of all tubestock planted at year 5. + To ensure there are no areas larger than 4m² that are devoid of native ground cover. The VMP does apply these principles, which are found in the VMP as follows: + Section 4.5.3 Practical completion (6 months) ■ Minimum 90% per cent survival rate of each species planted in all zones ■ Maximum of 10% weed cover in restoration zones (unless option to retain existing grassland is undertaken) Maximum of 20% weed cover in regeneration zones (allows for the staged retention of any potential habitat provided by introduced vegetation. + Table 5-1 Completion of primary weed control ■ 100% of revegetation management zones treated (zones 2 & 3) ■ 100% of herbaceous weed control and 50-80% of woody weed control completed in Zone 1 (dependent on habitat provision – to be determined during tender phase) + Table 5-1 Completion of secondary weed control

Submission	Response
	■ At intervals of not more than four weeks following the completion of primary weeding ■ All areas where primary weed control has been undertaken ■ All herbaceous weeds should be managed to be at very-low percentage cover levels, (as a minimum 10% cover, or better in Zone 1). + Table 5-1 Defects Liability Period (24 months) ■ Minimum 90% per cent survival rate of each species planted ■ Maximum 5% weed cover in Zone 2 ■ 100% of Zones 2 and 3 maintained by slashing (and guidance provided as to frequency required to maintain at 100mm height). The above performance measures cover 30 months after which time maintenance in perpetuity commences. At this time performance measures would be guided by the handover reporting as specified in Table 4-1 of the VMP.
+ The VMP offers insufficient detail on local provenance planting, planting densities and weed management, and	VMP Section 4.5.1 identifies that sufficient lead time is required to enable locally sourced plant stock, and that: + Plant procurement shall either be undertaken by the Principal or the Contractor (to be determined on engagement of Contractor). + Most commercial nurseries that supply native plant stock have the capacity to provide suitable seed or other propagative materials (from provenance source) without the need for targeted collection of seed/ propagation materials. Planting densities and stock size are specified in the planting schedule and site plans provided in the proposal's Landscape Plan. The VMP Appendix A has been updated to show the indicative riparian area's landscape planting schedule. Noting that the VMP has referenced both the following:

Submission	Response
	+ The riparian restoration area illustrated in the Landscape Plans as shown in Figure 3-1 of the VMP. + The planting schedule in Appendix A that refers to the respective areas show on the Landscape Plans. The canopy trees are being installed as advanced stock, with planting specifications also provided in the proposal's Landscape Plan. Section 4.1 of the VMP specifies the qualifications required for bush regeneration works in Zone 1, which is the following minimum qualifications and experience: + A Certificate III in Conservation and Land Management and/or Certificate III in Natural Area Restoration. + Membership of the Association of Australian Bush Regenerators (or the prerequisite qualifications and experience for membership). + A minimum of 500 hours practical bushland regeneration under an experienced supervisor. The certified and experienced bush regeneration contractor engaged for the project will be sufficiently skilled to undertake the range of weed control techniques specified in Section 4.2.1 of the VMP (which includes: slashing to remove biomass, selective spraying of weeds with herbicides; cutting/scraping and painting deep rooted woody weeds and climbers with hand tools, chainsaws and brush cutters and painting cut stumps with herbicide; and selective hand removal of weeds). It is considered unnecessary to further detail what each method entails. The inclusion of prescriptive weed control methods in VMPs commonly receives negative feedback from the bush regeneration industry. It should also be noted that Zones 2 and 3 must be managed to prevent bushfire hazard and shall be slashed to remove foliage (fuel build up) so that the height of all understorey vegetation (either existing or planted) is

Submission	Response
	maintained at a height of 100mm. This will most likely be more suited to landscape contractors with a wider range of machinery available.
+ The VMP minimises opportunities for community education.	As per response provided 9 January 2024 (see Table 5): + 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.
As a result, the VMP in its current form does not meet Council's Flora and Fauna Guidelines nor does it demonstrate best-practice standards for riparian ecological restoration associated with a State Significant Development.	Council's Flora and Fauna Guidelines have been considered as far as practical. Especially as approximately half of the VMP (Zones 2 & 3) require maintenance work that is more akin to landscape contracting (i.e., slashing of the groundcover to prevent fuel build up; and tree and shrub lopping and trimming to maintain canopy of shrub foliage as specified in Section 4.6.1 of the VMP). The proposed VMP will improve existing native and mostly planted vegetation through rehabilitation. Due to the flood and bushfire risk at the Site ecological restoration is not possible. NOTE: State Significant Developments most commonly revert to the Controlled activities – Guidelines for vegetation management plans on waterfront land (DPE, 2022), which in this instance does not apply. The Author is further aware of the following relevant guidelines: + Good practices in riparian rehabilitation Benchmarks for Environmental Trust funded projects (2020 State of NSW, Department of Planning, Industry and Environment and the Natural Resources Commission) + Oliver et al., (2024) Measuring the success of ecological restoration: practical guidance note, NSW DCCEW. + 'Standards Reference Group SERA (2021) National Standards for the Practice of Ecological Restoration in Australia. Edition 2.2. Society for Ecological Restoration Australasia (SERA).

Submission	Response
	The above guidelines all commonly relate to “best practice” (or similar) for restoration of ecological systems or communities that’s performance can be measured against a benchmark or control reference site. At best, implementation of the VMP will reallocate the existing land to another land use with ecological benefits, or what the Standards Reference Group SERA (2021) describe as ‘the creation of a designer ecosystem’.
Given these deficiencies, Council recommends that the VMP be revised and conditioned as a mandatory, enforceable, ecological management document, including a 5-year maintenance period, along with the recommendations outlined in Council’s previous submission.	We respectfully disagree that the VMP be revised and conditioned as a mandatory, enforceable ecological management document. This conflicts with the ‘mandatory’ maintenance of flood conveyance and reduced fuel loads.

Table 2. Response to Central Coast Council – 22 August 2025

Submission	Response
ECOLOGY	
Council still recommends a 5yr Vegetation Management Plan (VMP) maintenance period, rather than the 3 years proposed.	The riparian zone will remain under the control and management of the Mingara Leisure Group (MLG). Table 5-1 (VMP implementation schedule) identifies the following time periods: + a 6mth establishment period post practical completion + a further 24mth maintenance period (which constitutes a defects liability period) + maintenance in perpetuity following the defects liability period. In perpetuity management of the VMP area supersedes the 5yr VMP maintenance period requested.

Submission	Response
	Table 5-1 also outlines ongoing maintenance requirements, which are to be undertaken in perpetuity (including weed control, planting management and fuel management).
Council would concur with the comments of DCCEEW, that the mitigation and management measures identified in the final BDAR and VMP be conditioned for implementation at the relevant stages of development. This is to include preparation of a Biodiversity section within the Construction Environmental Management Plan (CEMP).	Agreed, however implementation of the VMP should apply to the post-construction stage of the development, i.e., at a time that all construction phase activities (including channel restoration works) will not require any disturbance to the VMP area.
FLOODPLAIN DEVELOPMENT	
The Flood Impact Assessment shows an isolated increase in flood level in the existing watercourse presumably because that is where flow is being directed. The increase is shown to be greater than 300mm during the 1%AEP event. Floodplain Management acknowledge that this increase does not affect any neighbouring properties however cannot be sure that it is not going to have a detrimental impact on the existing natural habitats within the watercourse. Floodplain Management recommend that an ecologist provide comment about the significance (if any) of this impact. If there is not predicted to be any ecological impact resulting from this development Floodplain Management have no further issues.	The existing drainage channel adjacent to the site is concrete lined and the downstream wetland was constructed in the late 1990s. The constructed wetland was planted with macrophytes that are true aquatic species and capable of surviving various inundation levels. The 1% AEP flood level differences are shown in Figure 1 and the wetland shown in photo plates 1 & 2. Native vegetation growing on the batters of the existing channel also comprise terrestrial and semi-aquatic plant species (e.g., sedges, rushes, aquatic grasses and paperbarks); and that found in Forested Wetland vegetation formation and Coastal Forested Floodplain class. These wetland communities have evolved under periodic flooding conditions that would last longer than that of a post-development 1% AEP event. Temporary, infrequent increases in water levels of >300mm are considered highly unlikely to impact on wetland flora or fauna at this locality, or further downstream of the site.

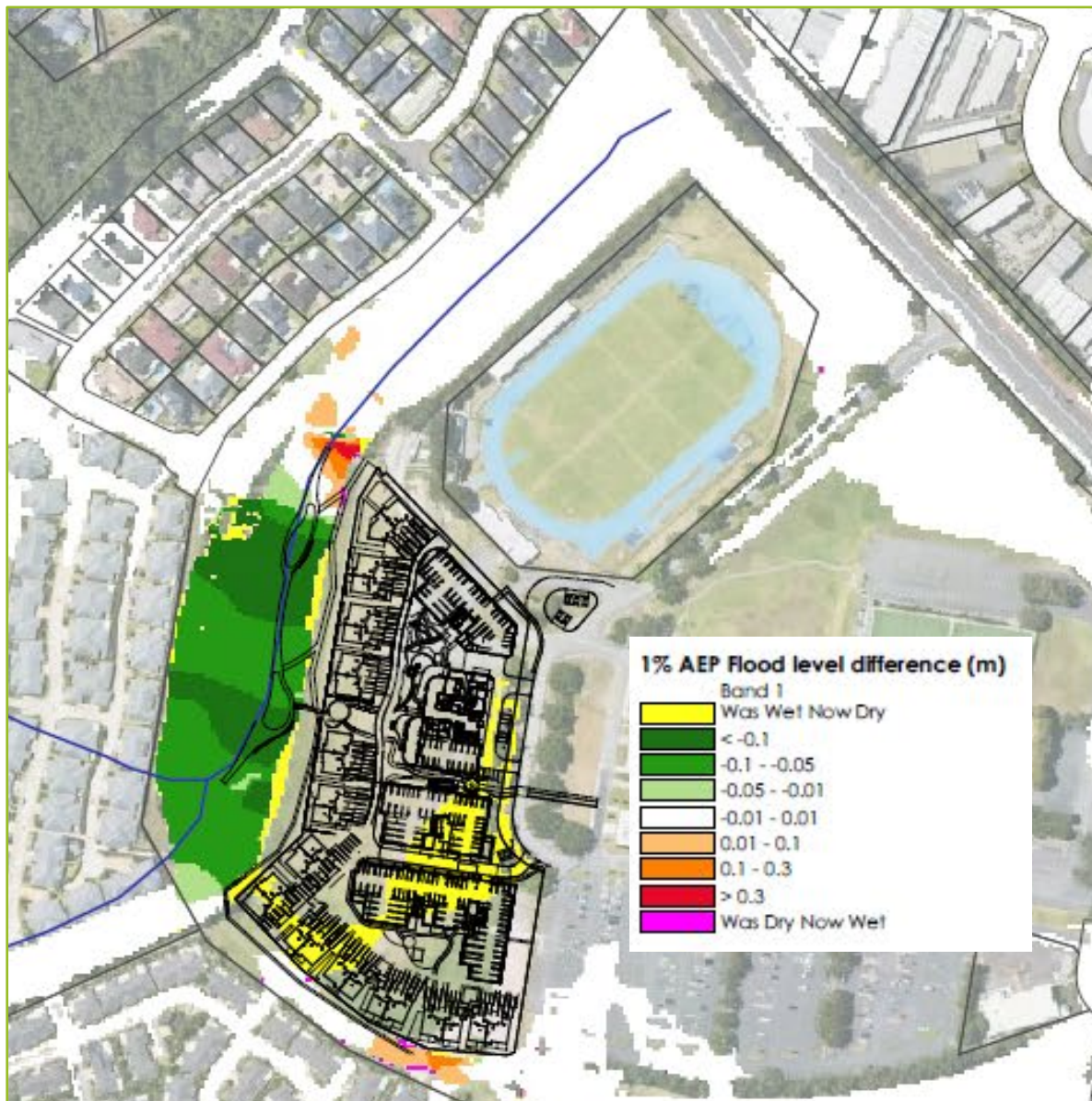


Figure 1. 1% AEP flood level difference



Photo 1: drainage channel and constructed wetland shown in area of potential 300mm increase during 1% AEI (viewed from south-southwest)



Photo 2: constructed wetland shown in area of potential 300mm increase during 1% AEI (viewed from southeast)

Table 3. Response to NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) – 18 August 2025

Submission	Response
ACTIVITIES ON WATERFRONT LAND Works within waterfront land be designed and constructed in accordance with the Guidelines for Controlled Activities on Waterfront Land. The design and construction of works within waterfront land of the mapped 2nd Strahler order watercourse must consider the Guidelines for Controlled Activities on Waterfront land.	As per the response provided to DCCEEW's submission dated 11 December 2024, Section 3.6 of the project BDAR provides a watercourse assessment. In summary: + Assessment of historical imagery shows that the existing drainage swale to the west of the development site was constructed in the early 2000s in tandem with the constructed wetland (northwest of the development site). Historical imagery from 1965 to 2005 only indicates man-made channels with no evidence of a naturally occurring watercourse. + Waterfront land is negated in this instance as the drainage line is concrete lined and exempted under the WM Reg. specifically Schedule 4 Exemptions - Part 2 Controlled activities exemptions: ○ 28 Activities on waterfront land if river is concrete lined or in pipe ○ Any activity carried out on waterfront land relating to a river where the channel of the river is fully concrete lined or is a fully enclosed pipe channel. + The proponent intends on restoring the drainage channel and easement to provide an improved aesthetic and ecological corridor, noting that a fully structured riparian corridor is not feasible due to fire hazard asset protection requirements and the need to maintain unimpeded flood flows within the 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).

Table 4. Response to DCCEEW – 28 January 2025 & 11 December 2024

Submission	Response
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
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).

Table 5. Response to Central Coast Council – 9 January 2024

Submission	Response
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 development, and as such implementation should form part of any conditions of approval.	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

Submission	Response
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). + Identify weed species in the VMP area and provide appropriate control techniques.	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. 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.

Submission	Response
+ 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.	
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.