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17 July 2025

Alison McCabe
Chair
Hunter & Central Coast Regional Planning Panel

By email

Dear Ms McCabe

**Development Application No. DA 1295/2023 – Community Title Subdivision
Site: 49-65 Wentworth Avenue, Doyalson**

We act for Doylo Lifestyle Group Pty Ltd (**our client**), the developer of this site (**Site**).

As you are aware, the Hunter & Central Coast Regional Planning Panel (**Panel**) considered the above development application (**DA**) at its briefing on the 18 February 2025 and subsequently issued a record of deferral on 4 March 2025 (**Deferral**).

The Panel's Deferral included the following comments:

The residents who presented to the Panel also raised concerns regarding the potential local impacts arising from the Ash Dam at the Lake Munmorah Power Station.

The Panel understands that the development site was zoned some years ago, and that the Department of Health did not reply to the referral made at the rezoning stage.

The Panel considers that this application should be referred to Department of Health as the subdivision of the land is the first stage in anticipating a range of uses including residential – not withstanding that the development is for subdivision and infrastructure works only.

As recommended by the Panel, Council referred the DA to the Department of Health which provided comments in a letter addressed to Council dated 23 April 2025 (**DOH Letter**).

In the DOH Letter, it is suggested that the applicant consult with the community on concerns about contamination associated with surrounding land uses, particularly power stations and associated infrastructure such as coal ash dams.

For the reasons set out below, further community consultation in relation to these matters for the purposes of the Panel finalising its determination of the DA is unwarranted and unnecessary. The relevant surrounding land uses are closely and actively being monitored by the appropriate environmental and dam safety regulators, and managed by their owners. Both sites are subject to specific regulation by the NSW Environment Protection Authority (**EPA**), and by Dams Safety NSW whose primary responsibility is ensuring that owners of dams manage safety risks and comply with the applicable legislation.

On the question of contamination, extensive investigations by qualified technical experts have confirmed the Site's suitability for future residential land uses.

Regulation of power stations and ash dams

As the Panel would be aware, there is a strict regulatory framework under which coal fired power stations and coal ash repositories are operated, rehabilitated and, where necessary, remediated.

Our Ref 121001930:121001930

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The Site is located in proximity to two power stations and associated infrastructure:

1. The former Lake Munmorah Power Station owned by GPM and associated ash dam (Colongra Lake); and
2. The Vales Point Power Station operated by Delta and associated ash dam (Mannering Lake).

The former Lake Munmorah Power Station is regulated under Environment Protection Licence (**EPL**) 759 and is subject to extensive environmental monitoring and reporting obligations overseen by the EPA, and annual dam safety obligations overseen by Dams Safety NSW. By way of example, GPM's website discloses that the former Lake Munmorah Power Station is subject to:

- Pollution Incident Response Management Plan required by EPL 759;
- Regular environmental monitoring, for which data required by EPL 759 is made publicly available;
- A voluntary management proposal made under the *Contaminated Land Management Act 1997*; and
- Annual Dam Safety Standards reporting to the regulator under the *Dams Safety Act 2015*. In this regard, reports for the past four years are available which demonstrate the dam owner's compliance with the dam safety standards set out in the *Dams Safety Regulation 2019*.

We understand from our client's discussions with GPM that historical areas of the ash dam where there was previously exposed ash have now been almost completely re-vegetated, and the balance of the ash area is retained under water. Further, GPM has informed our client that it undertakes additional dust monitoring over and above what is required by EPL 759 which confirms that dust is not generated by the ash dam.

Similarly, the Vales Point Power Station is regulated under EPL 761 and is subject to extensive environmental monitoring and reporting obligations overseen by the EPA, and annual dam safety obligations overseen by Dams Safety NSW. Delta has the following information publicly available on its website:

- Pollution Incident Response Management Plan required by EPL 761;
- environmental monitoring data required by EPL 761; and
- Annual Dam Safety Standards Reports for 2025.

Contamination investigations

As the Panel is aware there have been extensive investigations undertaken at the Site to confirm its suitability for future residential land uses. Those investigations have concluded that the Site can be made suitable subject to remediation and management of non-friable asbestos and aesthetic impacts as outlined in the Remediation Action Plan dated 3 October 2019.

The Panel can therefore comfortably conclude that the Site is suitable for the proposed development from a contamination perspective.

Further, while we do not consider it necessary, our client has instructed JBS&G to prepare a response to the specific matters raised in the DOH Letter concerning particular contaminants of potential concern. Please see the letter prepared by JBS&G which accompanies this letter.

We trust that this satisfies the Panel's comments and that the Panel will now move promptly to determine the DA.

Yours sincerely



Felicity Rourke

Partner

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JBS&G 70432 | 169,375 (Rev 0)

L01 - Response to DoH Letter (Rev 0)

17 July 2025

Brett Elliss
Chief Commercial Officer
Doyalson Wyee RSL Club Ltd
Via email: brette@doylo.com.au

Responses to Department of Health Letter RE: DA/1295/2023

Dear Brett,

1. Introduction and Background

JBS&G Australia Pty Ltd (JBS&G) was engaged by Doyalson Wyee RSL Club Ltd (DWRSL) for the provision of environmental services associated with the Doyalson Wyee RSL Club, located at 49-65 Wentworth Avenue, and 80-110 Pacific Highway, Doyalson, NSW (the site).

In 2018 a Preliminary Site Investigation (PSI¹) of the site was undertaken by GHD Pty Ltd (GHD). In 2019 JBS&G prepared a number of environmental report for the site including a Detailed Site Investigation (DSI², JBS&G 2019a), a Remedial Action Plan (RAP³, JBS&G 2019b) for the proposed development, and a Human Health Risk Assessment (HHRA⁴, JBS&G 2019c) for oand an Interim Environmental Management Plan (IEMP⁵, JBS&G 2019d) for ongoing use of the site under the land use at the time. JBS&G have also been made aware of a Statement of Environmental Effects (SEE⁶) prepared by SLR Consulting Pty Ltd (SLR), however, this document has not been sighted by JBS&G.

As part of the current engagement with DWRSL JBS&G were provided with the following letter from the NSW Department of Health (DoH) regarding Development Application (DA) 1295/2023:

- *Re: DA/1295/2023 Doyalson RSL Club, 49 Wentworth Ave, 80, 90, 100, 110, 120 Pacific Hwy Doyalson, prepared by NSW DoH, for Mr David Farmer, Council General Manager, Central Coast Council, NSW DoH reference No: CD25/24009, dated 23 April 2025 (NSW DoH Letter)*

This letter provides responses to the queries raised by the NSW DoH from a land contamination perspective and is subject to the Limitations in **Attachment A**.

¹ Urbis Pty Ltd Doyalson Wyee RSL Structure Plan Preliminary Site Investigation Report GHD Pty Ltd, dated 8 May 2018 (GHD 2018)

² Doyalson Wyee RSL Club Ltd c/o Urbis Pty Ltd – Detailed Site Investigation, 49-68 Wentworth Avenue and 80, 90, 100 and 110 Pacific Highway, Doyalson, NSW. JBS&G Australia Pty Ltd ref. 56387/123975 Rev B, dated 6 September 2019 (JBS&G 2019a)

³ Doyalson Wyee RSL Club Ltd c/o Urbis Pty Ltd – Remedial Action Plan, 49-68 Wentworth Avenue and 80, 90, 100 and 110 Pacific Highway, Doyalson, NSW. JBS&G Australia Pty Ltd ref. 56387/124948 Rev B, dated 3 October 2019 (JBS&G 2019b)

⁴ Doyalson Wyee RSL Club Ltd c/o Urbis Pty Ltd – Asbestos in Soils Assessment, 49-68 Wentworth Avenue and 80, 90, 100 and 110 Pacific Highway, Doyalson, NSW. JBS&G Australia Pty Ltd ref. 57611/125538 Rev 0, dated 1 November 2019 (JBS&G 2019c)

⁵ Doyalson Wyee RSL Club Ltd c/o Urbis Pty Ltd – Interim Environmental Management Plan, 49-68 Wentworth Avenue and 80, 90, 100 and 110 Pacific Highway, Doyalson, NSW. JBS&G Australia Pty Ltd ref. 57611/125365 Rev 0, dated 1 November 2019 (JBS&G 2019d)

⁶ Statement of Environmental Effects. SLR Consulting, dated 2023 (SLR 2023, unsighted by JBS&G).

2. Responses to NSW DoH Letter

The NSW DoH Letter outlines a number of questions pertaining to the contamination status of the site and other environmental considerations. JBS&G have provided responses in **Table 2.1** below.

Table 2.1: Responses to NSW DoH Letter

NSW DoH Comment	JBS&G Response
Contamination	
Please advise why PFAS compounds have not been included as Contaminants of Potential Concern in Table 5.1 of the Conceptual Site Model, and further addressed in the RAP, SEE and IEMP	PFAS was identified as a CoPC in the DSI (JBS&G 2019a); however, it was assessed at the time as not presenting an unacceptable risk to human health or the environment. In line with relevant EPA made and approved guidelines, PFAS was therefore not included in the RAP as a CoPC requiring remediation or management. Notwithstanding, the RAP acknowledges a data gap relating to fill materials that were previously inaccessible. As such, further characterisation of site fill material for PFAS will be required as part of future assessment works.
Please advise whether the human health risk assessment referred to above has been completed or is relevant to the current application and/or future site development. If the assessment has been completed, please provide the report	JBS&G completed a HHRA for asbestos in fill in 2019 (JBS&G 2019c). The assessment concluded that asbestos impacts within fill at depth did not pose an unacceptable health risk under the site conditions at the time. The HHRA recommended implementation of an IEMP to remain in place until site remediation is undertaken.
Air Quality, Noise and Vibration Impacts	
Please confirm whether the control measures (noise, vibration and dust) described in the RAP will be applied to the works proposed under the current application.	Yes, the control measures described in the RAP (JBS&G 2019b) will be applied to the works proposed under the application.
Please confirm that environmental impact assessments including identification of appropriate mitigation measures, have been completed to the satisfaction of Council as the Appropriate Regulatory Authority, and made available to the Hunter and Central Coast Regional Planning Panel (the Panel) if the Panel so requires.	We acknowledge that Council is the regulatory authority responsible for the assessment and regulation of contamination at this site under the State Environmental Planning Policy (Resilience and Hazards) 2021. JBS&G has prepared all land contamination reports in accordance with the requirements of the SEPP (Resilience and Hazards) 2021 and relevant NSW EPA-made and approved guidelines. All necessary documentation will be provided to Council, as the consent authority, to support future remediation and/or redevelopment approvals and to ensure compliance with Council's regulatory expectations.
Community Concern	
Submissions by community members indicate concern about contamination associated with surrounding land uses, particularly power stations and associated infrastructure such as coal ash dams. We suggest that the applicant consult with the community on these concerns and the potential relevance to this site.	Refer to Allens letter.
Suggested Conditions of Approval	
If the application is approved, we suggest that conditions be applied to ensure that: 1. The site is comprehensively assessed for the presence of contaminants of potential concern, including contaminants that may originate beyond the site boundaries and having potential to be	JBS&G recommends that the RAP (JBS&G 2019b) be submitted with the DA, and that any future development consent require the preparation of a Validation Report in accordance with EPA-made or approved guidelines. This report should certify that the site is suitable for its proposed land uses.

NSW DoH Comment	JBS&G Response
detected on the site. Appropriate management strategies should be identified including an Unexpected Finds Protocol. The assessment is to be to the satisfaction of the Appropriate Regulatory Authority. 2. The Conceptual Site Model is revised to include PFAS compounds, and that site investigations are completed to accurately assess the risk of PFAS compounds, with any necessary remedial and management measures identified. 3. The proposed works do not present a risk to human health, including that of site works, through exposure to contaminants, including unexpected finds. 4. The surrounding community and site workers are not adversely affected by air quality (particulate matter and odour) and noise and vibration impacts. 5. The applicant consults with the community to discuss and resolve concerns about contamination affecting the site, and real and perceived risks to health. This should include establishing a works schedule that minimises disruption, and a process to enable the community to report and have actioned, any concerns relating to environmental impacts and health.	The RAP includes an Unexpected Finds Protocol (Section 8.1) and incorporates Work Health and Safety (WHS) provisions to protect site workers and the surrounding community during remediation works. The site has been the subject of a PSI and a DSI. These included a desktop review of the site and surrounding land uses, which informed the development of a robust Conceptual Site Model including on-site and off-site potential sources of land contamination. This model guided a comprehensive sampling and analysis program, which included soil, surface water and groundwater characterisation, the outcomes of which were used to define the required extent of remediation, as documented in the RAP prepared for the site. As noted above, JBS&G has prepared all land contamination reports in accordance with the requirements of the SEPP (Resilience and Hazards) 2021 and relevant NSW EPA-made and approved guidelines. Provided the WHS provisions outlined in the RAP (JBS&G 2019b) are implemented, the identified land contamination issues are not considered to pose an unacceptable health risk to the site or surrounding receptors. The chronology of key events and assessments which concluded that the Site can be made suitable for the proposed land use subject to remediation/management of non-friable asbestos and aesthetic impacts as per the RAP (JBS&G 2019b) is outlined in Attachment B.

Should you require clarification, please contact the undersigned on 0414 681 521 or by email rlil@jbsg.com.au.

Yours sincerely:



Ryan Lill
Senior Environmental Consultant
JBS&G Australia Pty Ltd

Reviewed/Approved by:



Nathan Cussen
Principal – Contaminated Land
JBS&G Australia Pty Ltd

Attachments:

- Attachment A Limitations
- Attachment B Chronology of Key Events

Attachment A Limitations

This report has been prepared for use by the client who has commissioned the works in accordance with the project brief only, and has been based in part on information obtained from the client and other parties. The report has been prepared specifically for the client for the purposes of the commission, and no warranties, express or implied, are offered to any third parties and no liability will be accepted for use or interpretation of this report by any third party.

The advice herein relates only to this project and all results conclusions and recommendations made should be reviewed by a competent person with experience in environmental investigations, before being used for any other purpose. This report should not be amended in any way without prior approval by JBS&G, or reproduced other than in full including all attachments as originally provided to the client by JBS&G.

Sampling and chemical analysis of environmental media is based on appropriate guidance documents made and approved by the relevant regulatory authorities. Conclusions arising from the review and assessment of environmental data are based on the sampling and analysis considered appropriate based on the regulatory requirements or agreed scope of work.

Limited sampling and laboratory analyses were undertaken as part of the investigations undertaken, as described herein. Conditions between sampling locations and media may vary, and this should be considered when extrapolating between sampling points. Chemical analytes are based on the information detailed in the site history. Further chemicals or categories of chemicals may exist at the site, which were not identified in the site history and which may not be expected at the site.

Changes to the conditions may occur subsequent to the investigations described herein, through natural processes or through the intentional or accidental addition of contaminants. The conclusions and recommendations reached in this report are based on the information obtained at the time of the investigations.

This report does not provide a complete assessment of the environmental status of the site, and it is limited to the scope defined herein. Should information become available regarding conditions at the site including previously unknown sources of contamination, JBS&G reserves the right to review the report in the context of the additional information.

Attachment B Chronology of Key Events

Date	Document	Author	Findings/Conclusions
8 May 2018	Preliminary Site Investigation	GHD	A number of potential contaminant sources and their respective addressees were identified. A detailed site investigation should be undertaken.
6 September 2019	Detailed Site Investigation	JBS&G	PFAS was initially identified as a CoPC and after assessment found to not be a risk and closed out. Non friable asbestos at 4 sample locations were discovered on the site which presented an aesthetic issue and potential human health issue requiring remediation or management. Isolated anthropogenic materials located to a limited area of the site represents an aesthetic issue requiring remediation and management. A RAP be developed to render the site suitable for proposed sensitive land (SEPP 55). An HHRA be undertaken to determine whether the risk to site users is not unacceptable.
3 October 2019	Remediation Action Plan	JBS&G	Development of the RAP to inform remediation strategies at the time of development works.
1 November 2019	Human Health Risk Assessment – Asbestos in Soils	JBS&G	No unacceptable risks to site users were identified. No unacceptable aesthetic issues or potential for contaminant migration was identified. That the EMP development concurrently with the HHRA be implemented.
2 November 2019	Interim Environmental Management Plan	JBS&G	DLG implements the IEMP across the site.