

5 June 2026

Jack Turner
Team Leader
NSW Department of Planning, Housing and Infrastructure
6 Stewart Avenue
Newcastle NSW 2300

Re: Application of Voluntary Land Acquisition and Mitigation Policy – Receptor 121

Dear Jack,

1 Introduction

The air quality impact assessment (Airen 2025) that accompanied the Amendment Report (EMM 2025) for the HVO Continuation Project (the Project) concluded that dust concentrations and deposition levels would comply with the NSW Government's Voluntary Land Acquisition and Mitigation Policy (VLAMP) criteria at all private sensitive receivers not subject to existing air quality acquisition rights, with the exception of Lot 8 in DP 3005.

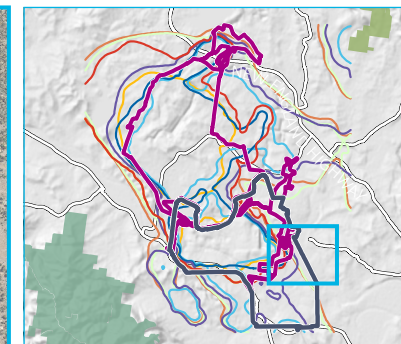
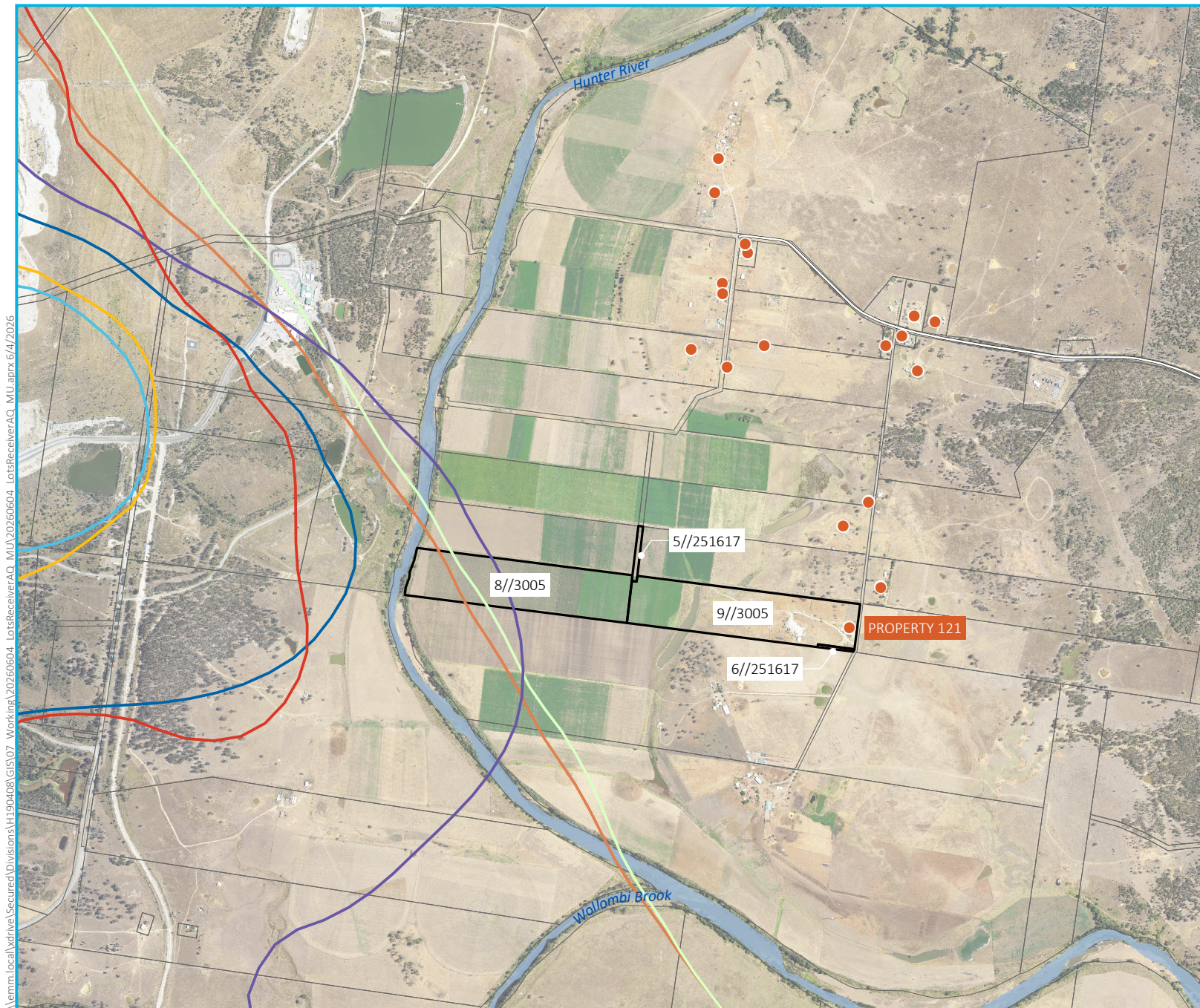
In response to the Department's request for clarification regarding the calculation of the VLAMP criterion relating to impacts on more than 25% of privately owned land associated with Receptor 121, the following information is provided.

The total landholding associated with Receptor 121 includes four contiguous lots comprising:

- Lot 8 in DP 3005
- Lot 9 in DP 3005
- Lot 5 in DP 251617
- Lot 6 in DP 251617.

Lot 8 in DP 3005 and Lots 5 and 6 in DP 251617 are vacant lots, while the existing dwelling (Receptor 121) is located on Lot 9 in DP 3005.

It should be noted that Lot 5 in DP 251617 is owned jointly by the owner of Receptor 121 and Anotero Pty Limited.



KEY

Receptor location

- Private - residential

Extent of VLMAP criteria from all assessment years

- Days above 50 $\mu\text{g}/\text{m}^3$ PM_{10} (increment)
- Annual average PM_{10} (cumulative)
- Days above 25 $\mu\text{g}/\text{m}^3$ $\text{PM}_{2.5}$ (increment)
- Annual average $\text{PM}_{2.5}$ (cumulative)
- Annual average TSP (cumulative)
- Annual average deposited dust (increment)
- Annual average deposited dust (cumulative)

Existing environment

- Major road
- Cadastral boundary
- Named watercourse
- Named waterbody

INSET KEY

- HVO North development consent boundary
- HVO South development consent boundary
- Major road
- NPWS reserve
- State forest

Receptor 121
Figure 1

Source: EMM (2025); HVO (2026); Airen (2026); ABS (2021); DCSSS (2024); GA (2009)

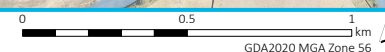


Figure 1 shows Receptor 121 and the contiguous landholding in relation to the air quality impact assessment findings (Airen 2025).

Page 24 of the VLAMP states that:

A consent authority should only apply voluntary acquisition rights where ... the development is predicted to contribute to exceedances of the acquisition criteria set out in Table 3 ... on more than 25% of any privately-owned land where there is an existing dwelling or where a dwelling could be built under existing planning controls.

For Lot 8 in DP 3005, approximately 42% of the single lot is predicted to exceed the annual average deposited dust (cumulative) acquisition criterion.

The application of the VLAMP criterion depends on the interpretation of the term "land" and, specifically, the denominator used in the calculation of the affected area percentage.

The VLAMP defines "land" as "the whole of a lot, including contiguous lots". It states:

Land ... means the whole of a lot, including contiguous lots. In certain circumstances this may also include non-contiguous lots, as outlined in this policy.

Accordingly, two potential interpretations may be considered – an assessment at the individual lot level and an assessment at the broader landholding level.

2 Assessment at the individual lot level

Under this interpretation, Lot 8 in DP 3005 is considered independently.

The relevant calculations are:

- Total lot area: approximately 16.85 ha.
- Area predicted to exceed the annual average deposited dust criterion: approximately 7.13 ha.
- Percentage of lot affected: approximately 42%.

On this basis, more than 25% of Lot 8 in DP 3005 is predicted to exceed the annual average deposited dust acquisition criterion. In addition, Lot 8 is a separate legal parcel, and, in our understanding, a dwelling could potentially be constructed on the lot under existing planning controls, subject to obtaining the necessary development approvals¹. It is noted that the lot is constrained by a range of matters, including access and flooding. These matters would need to be satisfactorily addressed in any development application to the consent authority (Singleton Council) before approval is granted for the construction of a dwelling house.

Subject to a dwelling house being permissible with consent, under this interpretation, the VLAMP acquisition criterion would be met.

3 Assessment at the broader landholding level

An alternative interpretation is that the VLAMP criterion should be assessed across the broader contiguous landholding associated with Receptor 121 comprising Lots 8 and 9 in DP 3005 and Lots 5 and 6 in DP 251617.

This interpretation is based on the VLAMP definition of "land", which includes contiguous lots.

¹ Lot 8 is zoned RU1 Primary Production under the *Singleton Local Environmental Plan 2013*. Under this zone, dwelling houses are permissible with development consent.

Under this approach:

- Total landholding area: approximately 35.25 ha.
- Area predicted to exceed the annual average deposited dust criterion: approximately 7.13 ha.
- Percentage of landholding affected: approximately 20%.

On this basis, less than 25% of the contiguous landholding is predicted to exceed the annual average deposited dust acquisition criterion. Accordingly, the VLAMP acquisition criterion would not be met.

4 Summary

In summary, the annual average deposited dust criterion is predicted to be exceeded across approximately 7.13 ha of land associated with Receptor 121. Depending on whether the VLAMP criterion is applied to Lot 8 in DP 3005 individually or to the broader contiguous landholding comprising Lots 8 and 9 in DP 3005 and Lots 5 and 6 in DP 251617, the proportion of affected land is approximately 42% or 20%, respectively.

The above information is provided for the Department's consideration in determining the application of the VLAMP acquisition criterion to Receptor 121 and whether the relevant assessment unit is Lot 8 in DP 3005 or the broader contiguous landholding associated with the property.

Should you have any queries regarding this matter, please do not hesitate to contact me on 0488 939 500.

Yours sincerely



Brett McLennan

Director

bmclennan@emmconsulting.com.au

References

Airen 2025, *HVO Continuation Project Amendment, Air Quality Impact Assessment*, Airen Consulting Pty Ltd.

EMM 2025, *HVO Continuation Project, Amendment Report*, EMM Consulting Pty Ltd.