

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

DETERMINATION OF MAJOR PROJECT NO. 06_0232

(FILE NO. S06/00600)

I, the Minister for Planning, having considered Section 75J(2) of Part 3A of the *Environmental Planning & Assessment Act 1979*, determine the major project referred to in the attached Director-General's Environmental Assessment Report, by **giving of approval** to the major project referred to in the attached Schedule 1 subject to the conditions of approval in Schedule 2 and the Statement of Commitments in Schedule 3.

This approval applies to the plans, drawings and documents cited by the Proponent in their Environmental Assessment, Preferred Project Report and Statement of Commitments, subject to the conditions of approval in Schedule 2.

The reasons for the imposition of conditions are:

- (1) To ensure the site is appropriately managed for the proposed use;
- (2) To adequately mitigate the environmental and construction impacts of the development;
- (3) To reasonably protect the amenity of the local area; and
- (4) To protect the public interest.

Tony Kelly MLC
Minister for Planning

Sydney,

2010

Text in red is amendments made by MOD 1 modified on 23 October 2010 – (Note: modifications made to Conditions A2 and C1 superseded by MOD 2).

Text in blue is amendments made by MOD 2 modified on 15 December 2010 – (Note: modifications made to Conditions A2 and C1 superseded by MOD 3).

Text in green is amendments made by MOD 3 modified on 15 February 2011.

Text in purple is amendments made by MOD 5 modified on 31 July 2017.

SCHEDULE 1

PART A — TABLE

Application made by:	NSW Sport and Recreation
Application made to:	Minister for Planning
Major Project Number:	06_0232
On land comprising:	Lot 100 DP 1088254
Local Government Area	Wingecarribee
For the carrying out of:	Southern Highlands Regional Shooting Complex
Capital Investment Value	\$5.1 million
Type of development:	Project approval under Part 3A of the EP&A Act
Determination made on:	
Determination:	Project approval is granted subject to the conditions in the attached Schedule 2.
Date of commencement of approval:	This approval commences on the date of the Minister's approval.
Date approval is liable to lapse	5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act.

PART B — DEFINITIONS

In this approval the following definitions apply:

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

BCA means the Building Code of Australia.

CEMP means Construction Environmental Management Plan.

Construction means the demolition of buildings or works, the carrying out of works, including bulk earthworks, and erection of buildings and other infrastructure covered by this approval.

Council means Wingecarribee Shire Council.

Department means the Department of Planning and Environment or its successors

~~**Department** means the NSW Department of Planning or its successors.~~

DPI means the NSW Department of Primary Industries.

~~**DECCW** means the NSW Department of Environment, Climate Change and Water, or its successors~~

~~**Director** means the Director of the Strategic Assessment Branch of the Department.~~

~~**Director General** means the Director General of the Department.~~

ENM means excavated natural material as defined in the *Excavated Natural Material Order 2014* under Part 9, Clause 93 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

EPA means the NSW Environment Protection Authority.

Environmental Assessment means the document titled *NSW Sport and Recreation Southern Highlands Regional Shooting Complex Environmental Assessment* (Volumes 1 & 2) prepared by GHD and dated February 2008.

Incident means a set of circumstances causing or threatening material harm to the environment, and/or an exceedance of the limits or performance criteria in this consent.

~~**Executive Director** means the Executive Director of the Urban Renewal and Major Sites Division within the Department.~~

~~**Major Project No. 06_0232** means the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.~~

Mitigation means activities associated with reducing the impacts of the development prior to or during those impacts occurring.

Minister means the Minister for Planning (or delegate).

MOD 5 means the modification request prepared by Creative Planning Solutions Pty Limited, Version 1.4, dated 28 October 2016, to modify Major Project No. 06_0232, as varied by the Response to Submissions report prepared by Creative Planning Solutions Pty Limited, dated March 2017.

New Ranges means ranges approved for the site (other than the existing 800m range and ancillary facilities), as well as new ancillary facilities and infrastructure on the site to service those new ranges.

OEH means the NSW Office of Environment and Heritage.

OEMP means Operational Environmental Management Plan.

POEO Act means the *Protection of the Environment Operations Act 1997*.

~~**Project** means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies: the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.~~

Preferred Project Report means the document titled *NSW Sport and Recreation Southern Highlands Regional Shooting Complex Submissions Report* prepared by GHD dated July 2008.

Proponent means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Secretary means the Secretary of the Department (or nominee).

Special Event means an event that may result in the variation of Condition A6, Condition A7 and/or Condition A8 of this approval, in so far as they relate to that event, with respect to the days or hours of use or an event that occurs on a public holiday.

Statement of Commitments means the Statement of Commitments (as they apply to this project) made by the proponent.

Site has the same meaning as the land identified in Part A of this schedule.

VENM means Virgin Excavated Natural Material as defined in the POEO Act.

Week means from Monday to Sunday, inclusive.

SCHEDULE 2

CONDITIONS OF APPROVAL

MAJOR PROJECT APPLICATION NO. MP 06_0232

PART A – ADMINISTRATIVE CONDITIONS

A1 *Development Project Description*

Project Approval is granted only to the carrying out of the following works for the purposes of the Southern Highlands Regional Shooting Complex:

- Retention of the existing rifle range (800m), clubhouse, amenities block and access roads;
- An additional rifle range (500m x 100m);
- A new pistol range (50m x 140m);
- A new combined range for rifle and pistol shooting (200m x 85m);
- A new shotgun range;
- A new indoor air range (21m x 17m x 6.5m); and
- New supporting facilities and infrastructure including:
 - Clubhouse and toilet facilities;
 - Access roads connecting Wattle Ridge Road to the clubhouse and shooting ranges;
 - Diesel generator, solar panels, water supply tanks and septic system;
 - Sealed parking areas for approximately 180 cars; and
 - Ponds for water quality control and fire fighting purposes.

A2 *Development Project in Accordance with Plans and Documentation*

The *Development Project* shall be generally carried out in accordance with the *NSW Sport and Recreation Southern Highlands Regional Shooting Complex Environmental Assessment* dated February 2008 prepared by GHD and all Appendices, except where varied by the *Preferred Project Report NSW Sport and Recreation Southern Highlands Regional Shooting Complex Submissions Report* prepared by GHD dated July 2008, including the revised *Statement of Commitments* and all Appendices, and as amended by the modification *application request* prepared by Communities NSW – Sport and Recreation dated 19 October 2010 including the following drawings for the 500 m rifle range and 200 m combined rifle and pistol shooting range:

Drawing Number	Rev	Date	Prepared by
21-17850-C004	1	11 October 2010	GHD
21-17850-C010	1	11 October 2010	GHD
21-17850-C003	2	11 October 2010	GHD

The *application Project* is further amended by the modification *application request* prepared by Communities NSW – Sport and Recreation dated 21 December 2010, and supplementary details on the septic systems provided by GHD on 31 January 2011, including the following drawings for the 2 sign-in control booths:

Drawing Number	Rev	Date	Prepared by
21-17850-SH06	A	17 December 2010	GHD
21-17850-SH07	A	17 December 2010	GHD
21-17850-SH07	A	17 December 2010	GHD
21-17850-SH08	A	17 December 2010	GHD
21-17850-SH09	A	17 December 2010	GHD
21-17850-SH10	A	17 December 2010	GHD
21-17850-SH11	A	17 December 2010	GHD

The Project is further amended by the modification request (MOD 5) prepared by Creative Planning Solutions Pty Limited for the Office of Sport dated 28 October 2016, Version 1.4, including the *Section 75W – Modification of Minister's Approval* where varied by the *Southern Highlands Regional Shooting Complex Response to Submissions* report prepared by Creative Planning Solutions Pty Limited dated March 2017, including the revised Statement of Commitments at Appendix B and the following drawings:

Drawing Number	Rev	Date	Prepared by
A001	G	June 2016	DStudio
A101	I	June 2016	DStudio
A102	D	May 2016	DStudio
A103	D	May 2016	DStudio
A104	A	June 2016	DStudio
A105	A	June 2016	DStudio
A201	N	June 2016	DStudio
A202	L	June 2016	DStudio
A205	J	June 2016	DStudio
A301	P	June 2016	DStudio
A302	O	June 2016	DStudio
A307	J	June 2016	DStudio
A402	E	June 2016	DStudio
A801	E	June 2016	DStudio
A802	D	June 2016	DStudio
A803	E	June 2016	DStudio
A804	E	June 2016	DStudio
A805	E	June 2016	DStudio
C-SC-101	05	27 May 2016	Arcadis
C-SC-201	09	09 June 2016	Arcadis
C-SC-202	07	31 May 2016	Arcadis
C-SC-203	09	09 June 2016	Arcadis
C-SC-231	04	24 March 2016	Arcadis
C-SC-251	08	09 June 2016	Arcadis
C-SC-252	08	09 June 2016	Arcadis
C-SC-301	05	02 February 2017	Arcadis
C-SC-401	01	13 May 2016	Arcadis
SKC013	01	27 February 2017	Arcadis
SK014	01	27 February 2017	Arcadis

A3 *Inconsistency between plans and documentation*

In the event of any inconsistency between conditions of this project approval and the plans and documentation referred to in [Condition A2](#) above, the conditions of this project approval prevail.

A4 *Offsets Agreement*

The lease of 323 hectares of land from the Department of Lands by the Illawarra Regional Shooting Association is to be relinquished, any shooting licenses be withdrawn, and the land to be transferred to the Dharawal National Park. Evidence ~~from DECCW~~ of the transfer of land is to be provided to the ~~Secretary Department of Planning~~, prior to the first Occupation Certificate, or commencement of use of the new ranges on the site.

A5 *Consolidation of shooting clubs*

Once all shooting ranges and facilities are constructed on the site, the Illawarra Regional Shooting Association and the Phoenix Pistol Club are to relocate all its shooting activities to the subject site.

A6 Use of the existing 800m range

The existing 800 m range is permitted to be used on Saturdays and Sundays between 10 am and 5 pm, as per Schedule 4 of this approval, until such time as the range is used for 4 four days per week.

The existing 800 m range may be used up to 4 four days per week (including weekends) and prior to the satisfaction of the Part B, C and D conditions of this approval, subject to an Interim Operational Management Plan being submitted to, and approved by the satisfaction of the Secretary Department of Planning.

The Interim Operational Management Plan is to include:

- (a) Operational days of the shooting complex, and maximum number of shooters each day at the 800 m range;
- (b) Measures to manage any military use at the 800 m range;
- (c) Details of noise monitoring at the 800 m range, as required by Condition A11A of this approval; ~~Attended noise monitoring to be undertaken on the first 3 occasions of use of the 800 m range from the date of this approval, thereafter, quarterly in the first twelve months of operations (aligned with each season) and annually thereafter to confirm noise levels from firearms measured at residences comply with appropriate limits. The monitoring must include that of the known noisiest firearms being used on the 800 m range.~~
- ~~(d) Compliance monitoring results for the shooting complex to be posted within 7 days on a website and submitted to the Department of Planning and to Council to allow for public access to this information.~~
- (e) Bushfire sub-plan and emergency and evacuation procedure plan including days when no shooting is permitted;
- (f) Methods to encourage the use of non-lead based ammunition;
- (g) Details of the management of the range including clean up of spent cartridges; and
- (h) Details of the location of warning signage on the site boundary or for bushwalkers.

A7 Hours of Use – Outdoor Ranges

- (a) All outdoor ranges shall not operate for more than 4 four days in any week, Mondays to Sundays (ie. there shall be no shooting on any outdoor range for at least 3 three days a week). The hours of use of the outdoor ranges on these 4 four days shall be between 10 am and 5 pm each day. No shooting is permitted on any of the outdoor ranges after 5 pm, ~~except for Special Events (refer to Condition A10).~~
- (b) Shooting on public holidays is not permitted except for Special Events (refer to Condition A10).

A8 Hours of Use – Indoor Range

The indoor range is permitted to operate for 7 seven days per week between 9 am and 5 pm and ~~3 three~~ nights per week between 5 pm and 10 pm. Shooting on public holidays is not permitted except for Special Events (refer to Condition A10).

A9 Firearm Noise Limits

~~The noise from firearms or use of the site must not exceed 75dB(L) peak hold at the boundary to any existing private property with a residential dwelling, or where this is more than 30 metres from a dwelling, at the most affected location within 30 metres of the dwelling. This is to apply during prevailing weather conditions.~~

The noise from firearms or use of the site must not exceed LZpeak 75 dB at the following locations:

- (a) at the south-western end of Rocky Waterholes Road, Hill Top (representing the existing residences at 1, 2 and 4 Rocky Waterholes Road); and
- (b) at Nattai Road, Hill Top, adjacent to the western entrance to Wattle Ridge Farm (representing the existing residence).

The assessment of noise compliance from the Southern Highlands Regional Shooting Complex shall be undertaken in accordance with the EPA's *Target Shooting Ranges: Application Note for Assessing Noise Compliance* (2015).

A10 Special Events

- ~~(a) Up to 3 regional, state or national competitions, also known as Special Events can be staged at the shooting complex each year. Special Events may be held on public holidays. Written notice shall be provided to the Department at least 30 days prior to the start of each competition.~~
- ~~(b) Variations to other conditions of this approval may be considered for these special events, subject to the approval of a management plan by the Director General of the Department of Planning. The management plan shall include details of the events schedule, number of competitors, and any additional mitigation measures required to address noise, traffic or other amenity impacts.~~
- (a) Up to three Special Events can be staged at the shooting complex each year. Special Events may be held on public holidays.
- (b) At least 60 days prior to the commencement of any Special Event, a Special Event Management Plan must be prepared and submitted to the satisfaction of the Secretary. Unless otherwise agreed to by the Secretary in writing, the Management Plan must:
 - (i) include evidence of community notification;
 - (ii) justify any variation to the conditions of this approval;
 - (iii) include a Traffic Management Plan endorsed by Council;
 - (iv) include details of the events schedule, number of competitors and complaints management; and
 - (v) any additional mitigation or management measures required to address noise, traffic or other environmental impacts.
- (c) A Special Event Management Plan must be finalised and approved prior to the commencement of the event to which it relates.
- (d) At least one week prior to the commencement of any Special Event, the proponent must notify the community via a notice published in the local newspaper outlining the days and hours of the event, where the Special Event Management Plan can be viewed and how complaints can be made through the methods outlined in Condition E6.
- (e) A copy of any approved Special Event Management Plan must be placed on the proponent's website prior to the commencement of the event.

A11 Independent Auditing and Reporting

- ~~(a) A report shall be prepared each year for the first three 3 years of operation, and once every three 3 years thereafter, by an independent auditor chosen by the Department of Planning to demonstrate compliance with this project approval and conditions. A copy of the report shall be posted on a website and submitted to the Department of Planning and to Council.~~
- ~~(b) Copies of all other reports required by this project approval, including the results of all noise testing, shall be posted on a website and submitted to the Department of Planning and to Council.~~
- ~~(c) Upon 12 months of the operation of the shooting complex, the independent review referred to in Condition A10(a) above, shall be carried out by a suitably qualified person selected by the Department of Planning. The review shall address the shooting complex's compliance with all conditions of approval during its operation and make a recommendation to the Department as to the appropriate operating hours for the continued operation of the complex based on the management activities implemented and the compliance with the conditions.~~
- (a) Each year for the first three years of operation of the new ranges, and every three years thereafter, unless the Secretary directs otherwise, the proponent must commission and pay the full cost of an Independent Environmental Audit of the Project. This audit must:
 - (i) be conducted by a suitably qualified, experienced and independent auditor whose appointment has been endorsed by the Secretary;
 - (ii) include consultation with the relevant authorities;
 - (iii) assess the environmental performance of the Project and assess whether it is complying with the requirements in this approval, and any other relevant approvals (including any assessment, plan or program required under these approvals);
 - (iv) review the adequacy of any approved strategy, plan or program required under the abovementioned approvals; and
 - (v) recommend measures or actions to improve the environmental performance of the Project, and/or any strategy, plan or program required under these approvals.

- (b) The first audit report prepared in accordance with Condition A11(a) must recommend appropriate operating hours for the continued operation of the complex based on the management activities implemented and compliance with the conditions of approval.
- (c) Within three months of commissioning an audit, or as otherwise agreed by the Secretary, the proponent must submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

Note: *The audit team must be led by a suitably qualified auditor, and include relevant experts in any other fields specified by the Secretary.*

A11A Firearm Noise Monitoring

The following noise monitoring requirements apply to the first use of the 800 metre range for four days a week and the first use of the new 50 metre and 500 metre ranges:

- (a) Attended noise monitoring must be undertaken quarterly in the first twelve months of operations (aligned with each season) and annually thereafter to confirm noise levels from firearms measured at the locations specified in Condition A9 comply with appropriate limits. The monitoring must include that of the known noisiest firearms being used on the range and be undertaken in accordance with the EPA's *Target Shooting Ranges: Application Note for Assessing Noise Compliance* (2015).
- (b) The first round of attended noise monitoring must be undertaken on the first occasion of use or as soon as practicable thereafter. The proponent must keep records of any occasion where attended noise monitoring could not be carried out due to adverse weather conditions (e.g. high wind speeds) or high levels of background noise. This information must be presented to the Secretary or EPA on request.
- (c) Attended noise monitoring results for the shooting complex must be posted within seven days on the proponent's website and submitted to the Secretary and to Council to allow for public access to this information.

Note: *Ideally attended noise monitoring should be aligned with each season. Should adverse weather conditions or background noise prevent monitoring from being undertaken within a particular season, monitoring must be undertaken as soon as practicable thereafter and must still be undertaken at least four times spread evenly throughout the first year of operations.*

A12 Lapsing of Approval

The project approval will lapse **five 5** years after the approval date in Part A of Schedule 1 of this project approval unless specified action has been taken in accordance with Section 75Y of the Act.

A13 Compliance with Relevant Legislation and Australian Standards

The proponent shall comply with all relevant Australian Standards and Codes (including Building Code of Australia) and obtain all necessary approvals required by State and Commonwealth legislation in undertaking the project.

PART B—PRIOR TO CONSTRUCTION OF NEW SHOOTING RANGES

B1 Construction and Environmental Management Plan (CEMP)

A Construction and Environmental Management Plan **must be prepared and submitted to the satisfaction of the Secretary** ~~shall be submitted and approved by the Department of Planning~~ prior to the commencement of any new works on site.

The CEMP is to include, but not be limited to, the following requirements:

- (a) A vegetation clearing protocol including minimisation of vegetation removal and procedures for the identification of hollow bearing trees on the site and the relocation of any nesting and/or denning species.
- (b) Any fill to be used on the site to be clean.
- (c) Construction hours to be consistent with Council's standard hours of construction.
- (d) When remediation works are to be undertaken and the methods to be used.

- (e) Management of construction noise and construction traffic noise to minimise (as far as practical) the impact in the vicinity of the subject site.

B1A Updated Construction Environmental Management Plan

The proponent shall review and update the Construction Environmental Management Plan (CEMP), prepared in accordance with Condition B1 of this approval, to the satisfaction of the Secretary. The updated CEMP must:

- (a) be approved by the Secretary prior to the commencement of construction of any works approved under MOD 5 to this approval;
- (b) identify the statutory approvals that apply to the Project;
- (c) be consistent with the requirements of the EPA's *Interim Construction Noise Guideline* (2009);
- (d) include details of the volume, location and type of VENM or ENM proposed to be used on the site; and
- (e) include details of complaints management.

B2 Ecological Management Plan (EMP)

An Ecological Management Plan shall be submitted and approved by the ~~Secretary Department of Planning~~ prior to the commencement of any new works on the site.

The EMP is to include, but not be limited to the following requirements:

- (a) Additional spring surveys and reporting for koalas, owls and microbats.
- (b) All weed management activities must be undertaken by qualified bush regenerators using established bush regeneration techniques.
- (c) The development and implementation of a program for the testing for the presence of *Phytophthora cinnamomi* and the implementation of hygiene measures to prevent the introduction and or spread of the pathogen and weeds during earthworks, survey, monitoring etc.
- (d) A bushfire management plan should be developed to ensure that an appropriate fire regime is applied at the site. Alternative methods to encourage the recruitment of priority species should be considered in areas where it is not possible to undertake large scale ecological burns.
- (e) The development and implementation of a program that prevents the removal of bush rock from the site.
- (f) All hollow bearing trees, stags and Yellow Bellied Glider feed trees which are proposed to be retained on the site must be identified by a suitability qualified person and suitably marked and protected prior to any construction works commencing at the site.
- (g) Any landscaping at the site must be undertaken with native species endemic to the local area.
- (h) That all other undertakings by the proponent in relation to ecology outlined in Section 7 – Mitigation Measures of the Supplementary Ecological Assessment (July 2008) should also be implemented.
- (i) Any other environmental works detailed in the Submissions Report.

B3 Soil, Water and Contamination

- ~~(a) A Soil and Water Management Plan shall be prepared to meet the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual – the "Blue Book". A copy of the Plan shall be submitted to the Department of Planning.~~
- ~~(b) The design capacity of the amended soil wastewater treatment and disposal system for the proposed shooting complex, including upgrade or transfer of the wastewater system at the existing Hill Top rifle Range, must be based on average and peak wastewater loads expected to be generated at the site.~~
- ~~(c) The amended soil mound must be located at least 100 metres from the Rocky Waterholes Creek or any other perennial or intermittent creek or watercourse, and at least 40 metres from any drainage depression and dam.~~
- ~~(d) A detailed water cycle management plan (WCMP) for the operation of the complex prepared by a person with knowledge and experience in the preparation of such plans which is to incorporate the elements of Appendix E of the Environmental Assessment. The WCMP shall also include:~~

- ~~(i) Sedimentation ponds for water quality management are to be designed and sized a proposed in the memorandum and associated sketch SK024 addressed to NSW Sport and Recreation from GHD (dated 7 May 2009) and otherwise are to be consistent with the requirements outlined in Volume 1 of the NSW Landcom's Soils and Construction: Management of Urban Stormwater (2004) manual, the "Blue Book".~~
- ~~(ii) The management or disposal of overflow and/or water from the proposed water quality control sedimentation ponds located along the ranges;~~
- ~~(iii) Management of the existing dam located on the proposed shooting complex site;~~
- ~~(iv) Identification and management of the risks associated with the use of water from the proposed water quality sedimentation ponds for fire fighting purposes; and~~
- ~~(v) Procedures and responsibilities for inspection, monitoring and maintenance of all water quality management structures (swales, diversion channels or earth berms, sedimentation ponds, rainwater tanks and drainage works).~~
- ~~(e) Plans and procedures for the remediation of any contaminated soils on the site.~~
- ~~(f) Emergency procedures for spill management of any contaminants including diesel.~~
- ~~(g) Ongoing monitoring plan, including monitoring of vegetation health, solids within and around all ranges, stop butt material, sedimentation ponds, groundwater monitoring, rainwater and the pre and post construction water quality of Rock Waterholes Creek for the key contaminants associated with the development. This plan must incorporate exception reporting as well as annual reporting of outcomes to the Sydney Catchment Authority, with the reporting identifying appropriate mechanisms to modify management practices and procedure where deleterious impacts on vegetation and water quality are demonstrated.~~
- ~~(h) Methods for achieving neutral or beneficial impact on water quality.~~

A detailed Water Cycle Management Plan (WCMP) for the operation of the complex must be prepared in consultation with the EPA and WaterNSW and be submitted to the satisfaction of the Secretary prior to the construction of the new ranges, as approved under MOD 5 to this approval. The WCMP must be prepared by a suitably qualified person(s), incorporate the elements of Appendix E of the Environmental Assessment, and in accordance with the requirements outlined in Chapter 2 of the NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual – the "Blue Book". The WCMP must include the following details:

- (a) water quality management and stormwater design including appropriately sized sedimentation ponds consistent with the memorandum and associated sketch SK024 addressed to NSW Sport and Recreation prepared by GHD (dated 7 May 2009);
- (b) the management or disposal of overflow and/or water from the proposed water quality control sedimentation ponds located along the ranges;
- (c) the management of the existing dam located on the proposed shooting complex site;
- (d) the management of risks associated with the use of water from the proposed water quality sedimentation ponds for fire-fighting purposes;
- (e) procedures and responsibilities for inspection, monitoring and maintenance of all water quality management structures (swales, diversion channels or earth berms, sedimentation ponds, rainwater tanks and drainage works); and
- (f) a Soil and Water Management Plan that includes:
 - (i) the design capacity of the amended soil wastewater treatment and disposal system for the proposed shooting complex, including upgrade or transfer of the wastewater system at the existing Hill Top Rifle Range, based on average and peak wastewater loads expected to be generated at the site;
 - (ii) evidence the amended soil mound will be located at least 100 metres from the Rocky Waterholes Creek or any other perennial or intermittent creek or watercourse, and at least 40 metres from any drainage depression and dam;
 - (iii) details of the design, installation, operation and maintenance of the wastewater treatment system (including irrigation scheduling, wet-weather storage and soil monitoring programs) to demonstrate the quantity of effluent/solids applied does not exceed the capacity of the amended soil mound to effectively utilise the effluent/solids;
 - (iv) plans and procedures for the remediation of any contaminated soils on the site;
 - (v) emergency procedures for spill management of any contaminants including diesel;

- (vi) an ongoing monitoring plan, including monitoring of vegetation health, soils within and around all ranges, stop butt material, sedimentation ponds, groundwater monitoring, rainwater and the pre and post construction water quality downstream of the stormwater detention basins at the site for the key contaminants associated with the Project. This plan must incorporate exception reporting as well as annual reporting of outcomes to WaterNSW with the reporting identifying appropriate mechanisms to modify management practices and procedure where deleterious impacts on land, vegetation and water quality are demonstrated; and
- (vii) methods for achieving neutral or beneficial impact on water quality.

B4 Shotgun Range pond

The shotgun range pond is to be relocated to the north, outside the watercourse but can be located within a drainage depression. The sedimentation pond is to be designed so as to maximise the capture of stormwater runoff from the shotgun range and that the overflow outlets are located on the sides of the pond (ie. in the east and west to increase the flow path and avoid direct discharge into the watercourse).

B5 Earthworks for Sedimentation Ponds

All earthworks associated with the construction of sedimentation ponds are to be located at least 20 metres from any watercourse.

PART C—DURING CONSTRUCTION OF NEW SHOOTING RANGES

C1 Vegetation clearance

The vegetation clearing for the shooting ranges, internal roads and facilities shall be undertaken in a staged manner. Approval is granted for the clearing of vegetation associated with the 500 m rifle range, 50 m pistol range, clubhouse and ancillary works.

Until such as time as construction of the clubhouse commences, the cleared area for the clubhouse building is to be re-vegetated and not to be used for parking.

Prior to any further vegetation clearing for any other ranges and/or facilities, written authorisation shall be obtained from the ~~Secretary Director General~~ once documentation is provided confirming the funding agreements and timing for completion of the other ranges and/or facilities, and that a management plan for the additional clearing has been approved by the ~~Secretary Department of Planning~~.

C2 Rural Fire Service Requirements

- (a) At the commencement of buildings works and in perpetuity the property around the proposed clubhouse and indoor air pistol range shall be managed as follows:
 - (i) Northwest for a distance of 60 metres as an inner protection area and 25 metres and an outer protection area;
 - (ii) Northeast for a distance of 40 metres as an inner protection areas and 20 metres as an outer protection area;
 - (iii) Southwest for a distance of 50 metres as an inner protection area and 20 metres and an outer protection area;
 - (iv) Southeast for a distance of 40 metres as an inner protection area and 20 metres as an outer protection area;
 - (v) As outlined within *Planning for Bushfire Protection 2006* and the RFS document *Standards for asset protection zones*.
- (b) Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of *Planning for Bush Fire Protection 2006* for the proposed clubhouse and indoor air pistol range.
- (c) New construction shall comply with Australian Standard AS3959-1999 Construction of buildings in bush fire-prone areas Level 1 for the proposed clubhouse and air pistol range.
- (d) Arrangement for emergency evacuation are to comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

C3 Imported Soil

The proponent must:

- (a) ensure that only VENM or ENM is used as fill on the site;
- (b) keep accurate records of the volume, location and type of fill to be used; and
- (c) make these records available to the Department or EPA upon request.

PART D – PRIOR TO COMMENCEMENT OF USE OF NEW SHOOTING RANGES**D1 Works As Executed Plans**

Prior to commencement of shooting activities, one (1) full set of works as executed plans, and other supporting documentation including further studies and revised plans required by this approval, shall be submitted to Council for information purposes only.

D2 Operational ~~and~~ Environmental Management Plan (OEMP)

~~An Operational and Environmental Management Plan should be prepared in consultation with DECCW and shall be prepared and submitted to the Department of Planning for approval prior to commencement of use of new ranges.~~

~~The OEMP is to include, but not be limited to the following requirements:~~

- ~~(a) Operational days of the shooting complex, and maximum number of shooters each day on each range, to reflect the usage figures in the Preferred Project Report;~~
- ~~(b) Attended noise monitoring to be undertaken on the first 3 occasions of use of each range/facility, thereafter, quarterly in the first twelve months of operations (aligned with each season) and annually thereafter to confirm noise levels from firearms measured at residences comply with appropriate limits. The monitoring must include that of the known noisiest firearms being used at the shooting complex;~~
- ~~(c) Compliance monitoring results for the shooting complex to be posted within 7 days on a website and submitted to the Department of Planning and to Council to allow for public access to this information;~~
- ~~(d) Bushfire sub-plan and emergency and evacuation procedure plan including days when no shooting is permitted;~~
- ~~(e) Design of ranges and management practices in accordance with the US EPA Best Management Practices for Lead at Outdoor Shooting Ranges as well as and including regular clean up of spent bullets and target fragments;~~
- ~~(f) Erosion, sediment and stormwater controls;~~
- ~~(g) Methods to encourage the use of non-lead based ammunition;~~
- ~~(h) The proposed fencing and range danger areas approved by the NSW Firearms Registry; and~~
- ~~(i) Ongoing environmental auditing and reporting.~~
- ~~(j) Trees along the embankment of the existing dam on the site, located adjacent to the proposed new clubhouse, are to be removed and that trees be kept clear from the embankments of all the sedimentation ponds, to minimise the possibility of trees damaging the dam.~~

~~An Operational Environmental Management Plan should be prepared in consultation with the EPA and to the satisfaction of the Secretary prior to commencement of use of the new ranges.~~

~~The OEMP replaces the Interim Operational Environmental Management Plan approved under Condition A6 of this approval and is to include, but not be limited to the following requirements:~~

- ~~(a) operational days of the shooting complex, and maximum number of shooters each day on each range, to reflect the usage figures in the Preferred Project Report;~~
- ~~(b) details of noise monitoring at each range, as required by Condition A11A of this approval.~~
- ~~(c) bushfire sub-plan and emergency and evacuation procedure plan including days when no shooting is permitted;~~
- ~~(d) details of the design of ranges and management practices in accordance with the US EPA Best Management Practices for Lead at Outdoor Shooting Ranges including regular clean up of spent bullets and target fragments;~~

- (e) the approved Water Cycle Management Plan required by Condition B3 of this approval;
- (f) erosion, sediment and stormwater controls;
- (g) methods to encourage the use of non-lead based ammunition;
- (h) the proposed fencing and range danger areas approved by the NSW Firearms Registry;
- (i) details of ongoing environmental auditing and reporting;
- (j) a description of the procedures to be implemented for managing, responding to and reporting any incidents, complaints and non-compliances with statutory requirements; and
- (k) a protocol for periodic review of the plan.

D3 Road Safety Improvements

- (a) The following road safety improvements shall be carried out at the proponent's expense in consultation with Council:
 - (i) warning signage along Wilson Drive at the railway crossing to warn of narrow bridge and sharp bend;
 - (ii) line marking along the length of West Street and the sealed section of Wattle Ridge Road; and
 - (iii) other line marking and signage at relevant intersections to improve safety warnings and sight distances.

- (b) The proponent shall prepare a maintenance schedule for the unsealed section of Wattle Ridge Road to the entrance to the site and enter into an agreement with Council in relation to the funding, responsibility and timing for carrying out of these maintenance works. Evidence of the agreement with Council shall be submitted to the [Secretary Department of Planning](#) for approval prior to the commencement of the use of the new shooting ranges.

If no agreement has been reached ~~within 3 months of the date of this approval, or 4 weeks after submission of the information to Council (whichever occurs first)~~ prior to the commencement of use of the new ranges, the matter is to be decided by the ~~Director General~~ [Secretary](#) of the Department ~~of Planning~~.

- (c) A report of the traffic conditions in the vicinity of the site and at key intersections shall be prepared by a suitably qualified traffic consultant, 12 months from the commencement of the use of the new shooting complex. The report shall identify any changes in traffic conditions, and additional measures that may be required to address any additional traffic impacts on the local community. The report shall be submitted to the ~~Secretary~~ [Director General](#) for approval.
- (d) The traffic report, identified in (c) above shall also address pedestrian safety around the local primary school. The report on traffic and pedestrian safety shall undertake baseline data collection prior to commencement of the use of the shooting complex, at key times of the day and week, for comparative purposes.

D4 Acoustic Shelters

Acoustic shelters shall be provided for the existing range (at the 800m firing point) and the new outdoor ranges. The shelters shall be constructed of an acoustically absorptive material and in accordance with the measures outlined in the detailed plans provided in the Preferred Project Report.

D5 Fencing and Warning Signs

All fencing and warning signage around the site, and closure of any bushwalking tracks within the range danger areas is to be in place prior to the commencement of the use.

D6 Removal of Trees

Trees along the embankment of the existing dam on the site, located adjacent to the proposed new clubhouse, are to be removed prior to the commencement of use of the new ranges.

PART E – OPERATION OF THE SHOOTING COMPLEX

E1 Storage of firearms

No firearms or ammunition is to be kept on site when the shooting complex is not in use, with the exception of special events referred to in Condition A10 of this Approval, in which case firearms and ammunition may be stored on site subject to approval by the NSW Police, under the provisions of the relevant legislation.

E2 Power Generator

The diesel power generator is to be located in a suitably designed and constructed in a sound proof building so that its use does not have any adverse effects on surrounding residents.

E3 Sedimentation Ponds

The embankments of all sedimentation ponds must be kept clear of trees, to minimise the possibility of damage to the dam.

E4 Revision of Strategies, Plans and Programs

Within three months of:

- (a) approval of a modification; or
- (b) completion of an audit under Condition A11,

the proponent must review, and if necessary revise, the strategies, plans, and programs required under this approval to the satisfaction of the Secretary.

Note: This is to ensure the strategies, plans and programs are updated on a regular basis, and incorporate any recommended measures to improve the environmental performance of the Project.

E5 Access to Information

The proponent must:

- (a) make copies of the following publicly available on its website:
 - (i) the documents referred to in Condition A2;
 - (ii) all current statutory approvals for the Project;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) a comprehensive summary of the monitoring results of the Project, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - (v) a complaints register updated on a monthly basis;
 - (vi) any independent environmental audit of the Project and the proponent's response to the recommendations in any audit;
 - (vii) any other matter required by the Secretary; and
- (b) keep this information up to date, to the satisfaction of the Secretary.

E6 Complaints Procedure

The proponent must ensure that the following are available on the proponent's website for community complaints:

- (a) a 24-hour telephone number on which complaints may be registered;
- (b) a postal address to which written complaints may be sent; and
- (c) an email address to which electronic complaints may be transmitted.

E7 Complaints Register

The proponent must:

- (a) record details of all complaints received through the means listed under Condition E6 in an up-to-date Complaints Register. The Register must record, but not necessarily be limited to:
 - (i) the date and time of the complaint;

- (ii) the means by which the complaint was made (eg. telephone, mail or email);
 - (iii) any personal details of the complainant that were provided;
 - (iv) the nature of the complaint;
 - (v) any action(s) taken in relation to the complaint, including any follow-up contact made;
 - (vi) the date and time any action was taken in response to the complaint; and
 - (vii) if no action was taken in relation to the complaint, the reason(s) why no action was taken;
- (b) make the register available for inspection by the Secretary or EPA upon request; and
 - (c) maintain a record of all complaints for at least four years after the complaint was made.

E8 Incident Reporting

- (a) Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventive measures. That report must be submitted to the Secretary no later than 14 days after the incident or potential incident.
- (b) The proponent shall maintain a register of accidents, incidents and potential incidents. The register shall be made available for inspection at any time by the EPA or the Department.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed [Development Project](#). Any costs in the relocation, adjustment or support of services shall be the responsibility of the proponent.

AN2 Roads Act, 1993

A separate application shall be made to Council for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

- (1) erect a structure or carry out a work in, on or over a public road, or
- (2) dig up or disturb the surface of a public road, or
- (3) remove or interfere with a structure, work or tree on a public road, or
- (4) pump water into a public road from any land adjoining the road, or
- (5) connect a road (whether public or private) to a classified road.

AN3 Stormwater Drainage Works or Effluent Systems

Works that involve water supply, sewerage and stormwater drainage work or management of waste as defined by Section 68 of the *Local Government Act, 1993* require separate approval by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

AN4 Temporary Structures

An approval under Section 68 of the *Local Government Act 1993* must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the *Local Government Act 1993* to certify the structural adequacy of the design of the temporary structures.

AN5 Excavation – Historical Relics

Should any historical relics be unexpectedly discovered then all excavations or disturbance to the area is to stop immediately and the Heritage Council of NSW shall be informed in accordance with Section 146 of the *Heritage Act, 1977*.

AN6 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

AN7 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning and Assessment Act, 1979*. This assessment has not involved any assessment of the application of the Commonwealth legislation. It is the proponent's responsibility to consult Environment Australia to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN8 TransGrid Easement

Written consent from TransGrid will be required if any road works are required in the TransGrid easement area.

SCHEDULE 4

1. The licensee of the property must implement a Facility Management Strategy which includes the centralised booking of the use of the facility and for each day that the Range is being used, the recording of:
 - The number of shooters using the facility;
 - The start and finish times;
 - The number of vehicles on the property; and
 - The number of visitors on the property.
2. The strategy must also provide for:
 - The security of the facility so that only authorised usage occurs;
 - Enforcing the approved limits on the number of shooters; and
 - Complying with the approved hours of operation, namely 10.00am to 5.00pm.
3. The strategy must be made available to Council upon request.
4. The licensee must provide Council with an Operational Environmental Management Plan (OEMP) to address any existing and potential impacts upon water quality arising from the use of the facility.

Note: The OEMP should be modelled on the OEMP suggested by [WaterNSW the Sydney Catchment Authority](#) for the regional complex and must be implemented immediately upon approval by Council.

5. The number of shooters on the property must not exceed the following on any occasion:

Day	Max No. of Shooters	Day	Max No. of Shooters
<i>1st Saturdays</i>	<i>12</i>	<i>1st Sundays</i>	<i>10</i>
<i>2nd Saturdays</i>	<i>12</i>	<i>2nd Sundays</i>	<i>10</i>
<i>3rd Saturdays</i>	<i>12</i>	<i>3rd Sundays</i>	<i>8</i>
<i>4th Saturdays</i>	<i>12</i>	<i>4th Sundays</i>	<i>10</i>
<i>5th Saturdays</i>	<i>Nil</i>	<i>5th Sundays</i>	<i>10</i>
<i>Annual competitions*</i>	<i>20</i>		

* Note: Maximum of 4 annual competitions per year and must be held on a weekend.

6. The licensee shall provide a report on each anniversary of this approval providing such information as required by Council to substantiate compliance with the above conditions of approval.
7. Appropriate warning signs or barriers advising of the danger of trespass shall be erected in accordance with the requirements of the licensing authorities.
8. A radio telephone or other similar means of communication for use in case of emergency shall be kept on site during use of the range.