



Planning Assessment Report

Application to Modify the Minister's Approval for Southern Highlands Regional Shooting Complex

Major Project 06_0232 MOD 2

1 BACKGROUND

The Minister for Planning approved a project application for the Southern Highlands Regional Shooting Complex on 1 March 2010 subject to conditions, for the following:

1. Retention of the existing rifle range (800m) and ancillary facilities;
2. An additional rifle range (500m x 100m);
3. A new pistol range (50m x 140m);
4. A new combined rifle and pistol shooting range (200m x 85m);
5. A new shotgun range;
6. An new indoor air range (21m x 17m x 6.5m); and
7. New supporting facilities and infrastructure including:
 - Clubhouse and toilet facilities
 - Internal access roads
 - Diesel generator, solar panels, water supply tanks and septic system
 - Sealed parking for approximately 180 cars
 - Ponds for water quality control and fire fighting purposes

Stage 1 of the shooting complex will consist of the first 3 ranges (the existing 800m range, new 500m rifle range, and 50m pistol range) and new supporting facilities and infrastructure. Construction of the remaining 3 ranges (200m combined range, shotgun range and indoor air range) will be subject to future funding agreements.

On 19 October 2010, the proponent submitted a Modification application under section 75W of the Environmental Planning and Assessment Act 1979 (the Act) seeking approval to modify the project by amending the location of the 500m rifle range and 200m pistol and rifle range.

The Modification application was submitted to the Department following the commencement of Land and Environment Court Class 4 proceedings in which the Hill Top Residents Action Group Inc sought a declaration that the Minister administering the Sporting Venues Authority Act (the respondent) had cleared land in breach of the terms of the project approval. The clearing undertaken was consistent with the Modification application lodged with the Department.

The breach of the project approval was referred to the Department's Compliance team and a penalty infringement notice was issued to the proponent on 12 November 2010.

On 23 October 2010, the approval was modified under 75W of the Act by amending the location of the 500m rifle range and 200m combined rifle and pistol range, and adjacent sedimentation ponds.

On 4 November 2010, the proponent requested that the project be further modified under 75W of the Act by amending plan 21-17850-C003 Rev. 0, which showed the incorrect location of the 50m pistol range. The application was duly made on 15 November 2010, when the application fee was received.

2 THE PROPOSED MODIFICATION

The proposed modification seeks approval to amend Condition A2 – Development in Accordance with Plans, which was amended under Modification 1 on 23 October 2010. The amended condition included the approval of drawing number 21-17850-C003 Rev. 0 dated 11 October 2010 prepared by GHD. The proponent states that this drawing shows the 50m pistol range in the incorrect location. The modification seeks to amend this plan to show the correct location of the 50m pistol range, and therefore be consistent with the other approved plans, and the vegetation clearing that has been undertaken for this range (refer to Figure 1).

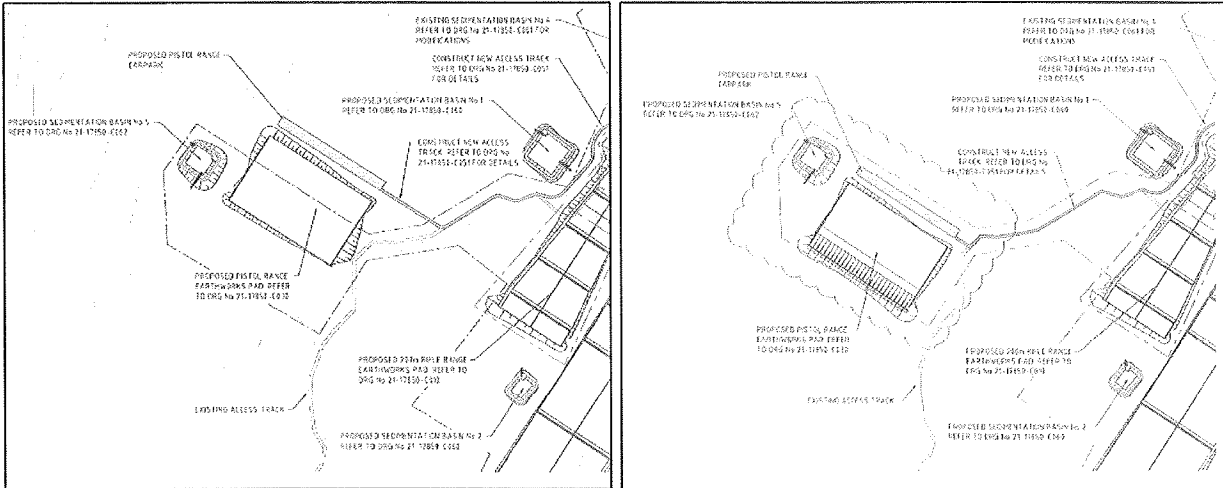


Figure 1. Drawing 21-17850-C003 Rev. 0 on the left incorrectly showing the range outside the survey area (dashed line), and proposed amended plan on the right, showing the range within the survey area.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify his approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval.

The proposed modification seeks to change the terms of Modification 1 of the Minister's determination by amending condition A2 – Development in Accordance with Plans and Documentation. Accordingly, the modification will require approval.

Section 75W(3) of the Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) that must be addressed before the consideration by the Minister or his delegate. DGRs have not been issued for the modification because the application is only to correct an error on one of the approved plans. Therefore, no further assessment requirements are necessary.

Section 75W(4) of the Act gives the Minister the authority to modify the approval (with or without conditions) or disapprove the modification. Following consideration of the proposed modification (see below), the Department recommends the modification be approved.

4 CONSULTATION

As the proposed modification essentially seeks to correct an error, it was considered that public notification of the modification application was not necessary. The application was placed on the Department's website after the application had been duly made. The Department received one submission from a member of the public. Issues raised include concerns about the change in the location of the sedimentation pond associated with the range, including impact on native flora and fauna, and adequacy of design; and that the Sydney Catchment Authority should be required to approve the new pond location.

5 CONSIDERATION

50m Pistol Range

The proponent states in the application that drawing 21-17850-C003 Rev 2 should replace drawing 21-17850-C003 Rev 0 approved under Modification 1, thereby correcting an error on the plan regarding the location of the 50m pistol range.

The location of the 50m pistol range on drawing 21-17850-C003 Rev 2 is consistent with drawing 21-17850-SK101 Rev 0 which was also approved as part of the Mod 1 application. Both of these plans show the 50m range generally within the surveyed area for this range (shown dashed on the plans). Supplementary survey information submitted by the proponent on 24 November 2010 demonstrates that the vegetation cleared for the 50m range is also consistent with the location of the range shown on both of these plans.

The proposed revised plan for the 50m pistol range is therefore considered to be satisfactory.

The proponent advised the Department on 24 November 2010 that the Soil and Water Management Plan (SWMP) dated September 2010 also shows the incorrect location of the 50m pistol range and therefore an amended SWMP was submitted.

Sedimentation Pond

In response to concerns raised in the public submission, the proponent advised the Department on 24 November 2010 that the location of the sedimentation pond has been moved since the initial project approval. The proponent stated that the pond was shifted to a more suitable location that required less excavation to receive all runoff from the cleared area, and that the function of the pond is not affected by the change in location.

The Department considers that the amended location of the pond is acceptable as it is generally in the same location to that shown in the original approval, ie. on the north western side of the pistol range. The location of the pond is also consistent with the Soil and Water Management Plan (SWMP) dated September 2010 that was prepared to satisfy Condition B3 – Soil, Water and Contamination. A drawing in the SWMP also showed the pistol range itself in the incorrect location, but that drawing has since been amended to show the correct location. The revised location of the pond requires less excavation and therefore less soil disturbance than the originally proposed location, and does not result in a notable increase in vegetation removal. The environmental impact is therefore considered to be acceptable and further approval from the Department or the Sydney Catchment Authority for the amended pond location is not considered necessary.

Therefore it is considered acceptable to modify the approval by modifying Condition A2 by replacing plan reference 21-17850-C003 Rev. 0 with plan reference 21-17850-C003 Rev. 2 (**Tag A**).

Condition C1 – Vegetation Clearance

The Department is also recommending that Condition C1 of the approval is amended. An error was made in the wording of the condition for Modification 1. It is recommended that the condition be revised so that the management plan for additional clearing be approved by the Department of Planning, instead of DECC. This reflects the original wording of the condition when the project application was approved on 1 March 2010.

6 CONCLUSION

The proposed modification is considered to be acceptable as it corrects errors and inconsistencies in plans showing the location of the 50m pistol range, and formalises the location of the adjoining sedimentation pond. Condition C1 will also be amended to require the Department of Planning to approve any management plans for additional vegetation clearance, as was required by the original project approval. The impacts of the modified plan to correct the error is negligible and therefore worthy of support.

7 DELEGATION

The Minister has delegated his functions in relation to modifying an approval under s75W of the EP&A Act under the Instrument of Delegation gazetted 5 February 2010.

8 RECOMMENDATION

It is recommended that the Executive Director, Plan Making and Urban Renewal:

- consider the Minister's project approval for the Southern Highlands Regional Shooting Complex dated 1 March 2010 and modification 1 dated 23 October 2010;
- consider the Director General's Environmental Assessment Report for the Southern Highlands Regional Shooting Complex dated February 2010, including attachments;
- consider the documentation submitted to the Department in support of the proposed modification;
- approve the proposed modification under section 75W of the EP&A Act; and
- sign the attached Instrument (**Tag A**)

Prepared by:

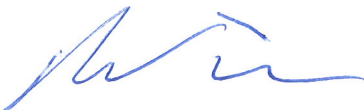


Michelle Cramsie
Senior Planner
Strategic Assessment

Approved by:



Simon Bennett
Team Leader
Strategic Assessment



Michael File
Director
Strategic Assessment



Giovanni Cirillo
Executive Director
Urban Renewal and Major Sites