

Submission re Section 75W Modification application

Major Project No 06-0232 Modification No. 5

Reference to paragraph of the application is provided as I comment where possible

Page 5 1.1 Aims of this document - second set of dot points

I believe consistent with previous noise tests undertaken by The Acoustic Group that the results reported and used to support this application are flawed and inconclusive - with inadequate data sets for all firing points tested for each gun (not 50 shots at each firing point tests). The tests are invalid According to the requirements of Chapter 164 which was required to be applied for the testing and data sets. **I believe none of the results cannot be relied upon.**

Previous correspondence provided to the Department of Sport in relation to the incompetent noise testing being undertaken by TAG and variance with actual results taken in field by independent witnesses, from those reported by TAG, some examples are attached. Based on every other test, the December 2015 testing undoubtedly also provides flawed data that does not enable or prove the outcomes proposed. I implore the Department of Planning to adequately compare the analysis provided to you by the HTRAG previously today, to confirm the inaccuracies and inadequacies of the tests that the proponent is asking you to rely upon for this application.

Conflict of interest

- The Department of Sport's third noise consultant, i.e. The Acoustic Group consultant Stephen Cooper as is evident in his CV, has a long and healthy relationship as the "preferred noise consultant" and regular employee of literally dozens of gun clubs in NSW and appears to be the Sporting Shooters Association of Australia, the largest shooting Groups Association in Australia's, regular noise consultant.
- Its reasonable to assume that a consultant provides their employer with, where possible, a desired outcome. The GHD June 2010 test did not provide the Department of Sport with a "desired outcome" so then Cooper/TAG was employed i.e. the SSAA/gun clubs noise consultant

I request an investigation in relation to whether there is a perceived vested interest/pecuniary interest - not declared by TAG/Cooper - in relation to his long and financial involvement with the SSAA and over 25 other ranges for income (as described by Cooper in his resume). This interest whether pecuniary or perceived requires the Department of Planning to condition the consent to require the Department of Sport in consultation with the EPA and the key Hill Top Resident stakeholders HTRAGI , to appoint a truly independent noise consultant to redo all compliance testing prior to determining this application - and to undertake new compliance testing into the future - to ensure the accuracy and adequacy of tests that will be used to support this or any other application.

This will give the public faith that truly independent and honest noise testing can be carried out /or that compliance noise testing now and in the future be undertaken by the EPA.

Case in point: Recent noise testing at Guyra for the purpose of a Shooting Complex Application (rejected by Guyra Council) was undertaken by TAG - The methodology used by Cooper/TAG is not consistent with what he knows is required, and data was inadequate and obtained at locations that favoured the shooters (biased) and was not in accordance with Chapter 164 which TAG is well aware of (considering claims as the self-professed “expert” in gun range noise testing and claims of being involved in writing that Gun noise chapter to imply such “expertise”). This of course makes you ask why then did Cooper haphazardly ignore that guideline when it suited him for the Guyra Test?? Bias and obvious inability to provide reliable, accurate and truly independent noise testing by TAG for shooting ranges appears to be the case. He used a pick and mix of noise control for unrelated noise sources that allow more lenient hours of use, eg for jackhammers, insufficient data sets, insufficient firing line testing, inappropriate locational monitoring and testing, (to propose a “story” that attempted to enable the SSAA Applicant’s preferred hours of use, despite them having no relationship to the data collected if analysed in line Chapter 164 and its memos and directions at that time by EPA were applied appropriately. The Guyra Council refused he application. the attached submission relating to that Noise test at Guyra should be considered in relation to the obvious “pecuniary interest” issue.

Having attended and witnessed the noise data collection of the Hill Top noise tests myself over the years (except the invalid not notified non complaint test of April 2016) I absolutely state that my data collected by myself alongside the TAG monitors, is just as accurate and arguably sufficiently in conflict on factual not subjective grounds with the TAG reports. I have previously discussed these anomalies with Paul Dorm at Hill Top – if he is still involved? and he was willing to meet to discuss and consider them but this has never occurred.

The noise test supplied as a compliance test dated 21 April 2016 was undertaken without any contact with the residents of the required on residence monitoring locations. Nor any notification to HTRAGI or Hill Top residents at all. This is despite the Minister for Sport previously agreeing that all noise tests be notified to HTAGI two weeks in advance and he enabled the HTRAGI to not only attend but also provide an independent weapons expert on the range to “keep the shooters honest” for all noise testing. No resident refused on site monitoring they were not asked. When I was alerted to the fact that this noise test had been carried out and that it was going to be used for the application, I **have written confirmation by Vicki Haddock of the DoS (which can be provided) that the test was NOT in fact a “compliance” test but was just for “DoS information”. It should not therefore be considered as “a legitimate consent compliant noise test” and any results from it should be discarded in relation to this application.**

++ I request the Department of Planning investigate the noise test “if it is to be used in any way to inform this Application for compliance” as a breach of the noise testing condition of the current Consent in relation to monitoring locations and discard it as having any ability to inform any decision on the medication application.

Please advise me if this apparent breach will be investigated.

Page 6, section 1.3 para 1

I applaud the Department of Sports decision to control the \$20m+ taxpayer funded Shooting complex to ensure all profits to be returned to NSW taxpayers not held by private shooting clubs and so as to be more accountable to the public.

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Dot point 1

YES – moving to averaging not only **is unworkable in terms of independent monitoring for breaches of noise control** but also enables regular noise over the 75db level

Claims by the applicant that no noise impact is worsened by this “averaging” are **ludicrous** – how could noise over 75 even lets say up to 100 balanced out by noise of say 50 resulting in an average of 75 not enable louder noise~!!!!??? **THE MIND BOGGLES THAT THEY THINK THAT IS THE CASE.**

An unquantifiable increase in noise is enabled (whether it is used is irrelevant) – it is enabled.!!!

Unless an **upper limit for any single gun shot noise emanating from the complex is set** then its free slather later justified with averaging.

The unfortunate consequence as was obvious to the PAC is that with multiple ranges operating – **no breach could be determined cause the ranges would have multiple guns firing at any point in time from multiple range, from multiple calibres so it would be absolutely impossible for any breach to be proven!!**

Unless the condition of averaging stipulated that the averaging had to be for one gun calibre only on one single range (impossible) and provide a cut of point for any noise, then the condition is in fact unable to even be tested for breach.

EPA seem to not understand that for testing even if averaging was permitted for EACH calibre individually, for independent compliance monitoring for the purpose of breaches - once operation is commenced it is unenforceable as untestable.

Is the EPA able to provide an officer at any hour on a weekend every weekend into the future to be on call to attend Hill Top residences when the shooters are shooting high powered weapons at the lets say 800m range with noise emanating at 100dbl at residents that they intend to balance out with noise emanating from the pistol range at 50 dbl??

cause that would be a breach but unless the EPA go and witness it immediately no breach can be determined~~~...

Averaging must only apply to one single gun type and calibre at any point in time – not a mix of guns – for compliance purposes then the averaging of a “complex” emission of noise is impossible.

PAC stated correctly that regulatory surveillance and enforcement would be impossible.

No PROTECTION IS AFFORDED THE RESIDENTS

THE PAC STATED THAT THE NEEDS OF THE RESIDENTS WERE MORE IMPORTANT THAT THE DESIRES OF THE SHOOTER

Surely that is obvious – it was to the PAC. The level of absolute 75 was put in place to enable breaches to be monitored easily. NO other method enables that for a “complex” operating multiple ranges.

Previously the PAC noted:

*“Council advised that it is **difficult to monitor, enforce or verify breaches of noise limits given the technical nature of the noise controls, lack of appropriate monitoring equipment and lack of technical expertise. Council considered that the conditions as recommended would be unenforceable**”*

Lets me ask you this – even if the DOS TAG noise tests were adequate which I dispute, and as per their application and the Department of Planning believes that they can keep noise under 75dbL anyway (as they say they will) – then WHY WOULD THEY NEED AVERAGING – CLEARLY IT IS TO ENABLE LOUDER NOISE - NOT JUSTS TO ACCOUT FOR WIND OR EXTRANEIOUS NOISE AS THAT IS ACTUALLY A RED HERRING AND COMPLETELY **IRRELEVANT AS THOSE SUSPECT MEASUREMENTS ARE DISCARDED every time BY THE consultant** Anyway~~~...!!!

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References to Noise testing undertaken August 2014 cannot be relied upon as discussed Above I dispute their accuracy (see attachment) which gives different outcome to the Cooper report.

Nothing other than the attempt to apply “averaging” that already existed and has been attempted before and discarded by experts previously appointed by the DoP, is proposed in terms of noise limit here.

It should be noted NO community stakeholders like the HTRAG, despite this 10 year saga at Hill Top over noise, was consulted in relation to the **EPA guideline** proposed to be applied here! Despite the EPA being aware of our request for consultation **and need for it** and despite the guideline being obviously driven to “firm up” noise issues for this specific development and into its future. It smacks of bias/corruption IMO ~!!.

To ensure equity to all stakeholders and transparency of process.

Anyone with historical knowledge over the last 10 years that this development consent has been contested, would know that running averaging of gun noise up the flagpole again is tantamount to bullying of residents by the Department of Sport driven by the Shooting clubs to placate them.

The political imperative of the NSW Government to keep on side with the Shooters Party no doubt influences this consent in every way and has been proven previously and the subject of statewide public media attention.

The Minister for Planning has a political imperative to his party, and they benefit by approving this to sure up votes in the Upper House with the Shooters Party.

CONFLICT OF INTEREST

DEPARTMENT OF PLANNING DETERMINING DEPARTMENT OF SPORT APPLICATION

This application should be referred to a Planning Assessment Committee PAC for determination (as has been the case for this **same noise modification application previously which was refused**) where an independent Government Appointed Noise Expert can wade through the very technical issues so critical to this determination. The Minister for Planning has a conflict of interest - it is a Government project, and his political party depends for the passage of legislation upon the support of the Shooters Party, which is the political representative and driver OF THIS DEVELOPMENT. THIS IS IMPORTANT TO SHOW THERE IS NO ‘HAND IN GLOVE’ RELATIONSHIP BETWEEN THE DEPARTMENT OF PLANNING AND THE DEPARTMENT OF SPORT and THE SHOOTERS PARTY.

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Where is the independent Consultants **Environmental Impact Study/Assessment** that should have been required for the Clearly substantial modifications and environmental impacts that will result from changes to range layouts/retention basins, proposed contamination issues.

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Noise test 21 April is invalid – no community representatives were notified – no on resident locations were used – the results are not valid and cannot be used for any purpose.

Page 24 – Interim Operational Plan changes proposed points

- (a) **No “Nights” are enabled by the noise limit proposed** for any outdoor range.
No addition of “night shooting” is permitted for them and any such change would be subject to a new modificatoino application. This request should be rejected and implies that night shooting is permitted at outdoor ranges which it is NOT and cannot be with a 75db noise limit for future range status. Only the indoor range has permission for night shooting – this should be spelled out.
- (c) The interim operation plan only relates to the 800m range? So why is there a need to include “new ranges” in the document as it is not related to other ranges. This paragraph is ambiguous and inaccurate as the ranges must be tested with the Loudest permissible firearm that is permissible on the individual range – NOT the 800m range firearms. !!

This brings up the point that the Licence for use of firearms at the range is regularly and seriously changed in terms of higher calibres and louder guns Around about every 3 years – the most recent licence is not discussed in this application

I refer to the changes in the Range Licences obtained through FOI in relation to guns and events permissible at the 800m range.

Date	Guns (new)	Events (new)
Police say circa 1997	Category A Only Rifles No specific details	
2002 Southern Highlands Rifle Club	New application Categories A & B Centrefire rifle up to 11.50 mm Blackpowder firearm to .70 Rimfire Rifle of a calibre up to 5.6 mm (22) Cat B - Shotgun) Shotgun to 12 gauge – not larger than 6 shot	Rimfire metallic silhouette Benchrest Clay target Three position rifle Field rifle General target practice
2005 Southern Highlands Rifle Club	NEW APPLICATION Includes previous guns from 2002 licence + Shotgun up to 7 shot.	Rimfire metallic silhouette Benchrest Clay target Three position rifle Field rifle General target practice This licence was cancelled 29/8/2007 the licence amended and taken over by SHRSI without development consent until August 2008 – the range may have operated without valid licence to the range consent applicant.

29 August 2007 SHRSCI ***denotes loudest guns as advised by the NSW Firearms Registry changes to categories, gun types, larger calibre	NEW application –(Category A B add H PISTOLS *Air pistols to 4.5mm *Blackpowder Muzzle Loading pistol to 19.05 mm *** *Rimfire pistol to 5.6mm *Centrefire pistol to 1.43mm *Shotguns to 12 gauge (no shot limit) Rimfire rifle 5.6 mm *Air rifle 5.6 mm *Centrefire rifle to 12.5mm “Military” Exempt (.338 lapua magnum and .50cal BMG) *** *Blackpowder Muzzle Loading Rifle to 19mm ***	Rimfire metallic silhouette Benchrest Clay target Three position rifle Field rifle General target practice *ISSF Matches *Service Pistol *Rimfire Pistol Metallic Silhouette *Blackpowder Pistol *Simulated field and game Shotgun *Air rifle metallic silhouette *Three position air rifle *Service Rifle *Fullbore classification rifle *F class fullbore rifle *Lever action rifle *Big Game Rifle *Three position Blackpowder ML Rifle *Three Position Centrefire rifle
2010 (renewal is required every 3 years) SSAA Newsletter June 2011 says	All above plus “Centrefire rifle to 12.5 mm Except .338 lapua magnum and .50 cal BMG (Military Exempt)	As above .50 cal BMG are prohibited from recreational shooters can bring down an aircraft and penetrate armoured vehicles and both have a range of up to 2000m.
2010 onwards	????????????????	

++++What is the current range licence enabling??? I request the Department of Planning demand the Department of Sport provide to the public prior to any determination of this application the current Range Licence to confirm that the guns previously tested are actually in fact the “loudest” now enabled by the current licence! One that is received I request a copy and the opportunity to update this submission based upon any changes that have occurred that may affect the testing that has been undertaken or that will be undertaken”.

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A7 Point (a)

There is no night time use even at average 75. ADDING NIGHT TIME HOURS TO THE CONSENT in relation to outdoor ranges (without specifying this only applies to the indoor range) e OR ITS RELATED DOCUMENTS OPENS THE DOOR FOR NIGHT TIME SHOOTIN WHICH IS NOT PERMISSIBLE

I ABSOLUTELY OPPOSE THE ADDITION OF NIGHT TIME HOURS BEING INCLUDED IN ANY WAY THAT IMPLIES ANYTHING OTHER THAN PROHIBITION.

ANOTHER MODIFICATION Application Would be required to even consider night time use and this seems to be a “sneaky” way of Adding it to the consent.

A10 Special events!!

Surprise!~! “12” instead of was it 3 or 4?? Special events proposed now to be just randomly Added– what events, what impacts??? No numbers, no discussion - This is a random escalation of use that has no details as to the impact on other stakeholders or traffic~!!! It should be refused!! The document makes no reference to Anything to do with this change except to change it– did they think no one would notice???

Providing as they propose for these random added events just a schedule (wish list) with no ability for community consideration of those impacts – i.e. with no concern for the impact at all is just plain ignorant of resident needs, considered to be the usual bullying and totally unacceptable.

A11

(a) Why is there any justification for an independent auditor to be removed from the role of assessing compliance with the consent in terms of NOISE??

- a. **Yearly** auditing should be enforced to protect the community not “as required”

(c) It appears it is being proposed that the EPA audits the EPA~~~~..... ???

I object – of course an **independent auditor** must audit the noise compliance ~!... In fact I request that the EPA undertakes all noise testing for compliance and breach and the Department of Planning appoint the independent auditor for noise compliance.

No change can be made to the hours of use of the Complex based solely upon recommendations to the Department of Planning!! A modification application with all due process would be required. This is not acceptable.

This is not a “review” it is an **“audit”** by an Independent “auditor” - language is everything~ ...the devil is in the detail – the wording is ambiguous and incorrect.

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(b) **NO** – this should not reference not the noisiest firearm being used on the 800m range (it might not be the noisiest gun permissible on another range!~ which is what is required to be tested by the EPA i.e the noisiest firearm licenced to be used at each

individual range or the noisiest firearm being used at the WHOLE complex according to the licence tested on all ranges!!... (refer to requirement to investigate current range licence)

It should be noted that each range may have a different Range Licence so all licences are required to be renewed regularly and they should be required to be made public and /or provided to the Department of Planning to ensure the “loudest” licenced guns permissibly are update to be those tested into the future.

Page 70/226 (of pdf document paging) Preferred Project Report states: (this is a consent document)

“The noise impacts, including traffic noise, of any proposal to increase site usage would be subject to detailed investigation once the new ranges have been built. This would involve noise measurements, at the nearest sensitive receivers, of all firearms (recreational and military) used and fired in their respective ranges.”

Measurement results may trigger additional measures such as:

- Altering the acoustic design at the ranges;
- Restriction of firearms used on the site; and
- Restriction of the use of certain firearms to specific ranges.

Monitoring any new firearm with a potential to be louder than existing firearms used and proposed to be used on site to ensure it does not affect the allowable maximum site usage.

Clearly the purpose of noise restrictions in any guideline or legislation is to have an absolute limit for the “type of noise” as measured at receptors and to be equitable to ALL stakeholders. .

As the 800m range is closest to the village (but not the Wattle Ridge Property) the limit has to be the same for all ranges. If the noise emanating from the other ranges happens to exceed 75 averaged, how would a resident know whether the gun they are hearing that is measured in excess of 75 is coming from which range.!. Any noise restriction must apply to the whole complex. Therefore the level should remain at an absolute 75 for the whole complex just as it cannot be for only a specific range. It has already been recognised that the noise measured at the Wattle Ridge Property will be more adversely affected once the Pistol Range and other ranges come into operation.

All references to noise in DoS and DoP documents previously relative to the complex as reasons for the noise limits in the consent and required to be implemented by the consent are documented here:

My comments in BLUE – everything else is a direct quote with red for emphasis

Director Generals Report: Feb 2010

(SECOND consent which removed some of the first consent constraints requested in the withdrawn modification application No. 1)

5/41 (Refers to PDF document paging - not page numbers on the document itself)

Assessment

The Department has considered the submissions and the IHAP report, and assessed the merits of the proposal, and is satisfied that the impacts of the proposed development have been addressed via the proponent's Preferred Project Report, the Statement of Commitments and the Department's recommended conditions. Furthermore, the proposal adequately addresses the Director General's environmental assessment requirements for the project.

Conditions have been recommended, with the key conditions as follows:

- Reduced use of the outdoor ranges to 4 days a week, with shooting on these ranges restricted to 10am-5pm;
- Noise from firearms must not exceed 75dB(L) peak hold at the boundaries of residential dwellings;

Supports use of Future range table

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3.2 PREFERRED PROJECT REPORT

On 21 July 2008, the proponent submitted a report titled Submissions Report, hereafter referred to as the Preferred Project Report (PPR). This report was also submitted to the IHAP for their consideration. The PPR included additional reports to address issues relating to noise, traffic, contamination and ecological issues. The changes made to the proposal can be summarised as follows:

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The proponent proposed changes to operating hours, seeking to commence shooting earlier at 9:00am, and reducing night time shooting to 8:00pm during daylight savings time for the existing 800m rifle ranges and the shotgun range.

- Revised figures provided for predicted usage rates of each range and revised traffic figures.
- Additional detail on membership numbers and trends for each club, existing shooting location and alternatives to the site.
- Additional consultants report considering noise impacts, soil and water contamination, flora and fauna studies.
- Additional plans were provided for proposed clubhouse and indoor air range, parking layout and acoustic shelters at firing points.

3.3 S75W APPLICATION TO MODIFY THE PROJECT APPROVAL (WITHDRAWN)

On 25 May 2009, the proponent submitted an application under s75W of the Act, to modify a number of conditions of the previous Minister's project approval. The modification application was placed on the Department's website and was publicly exhibited for 16 days from 11 June until 26 June 2009.

As the project approval was declared by the Land and Environment Court to be invalid and void, the modification application was formally withdrawn on 5 February 2010. However the proponent requested that the information provided in the modification application still be considered in this report. **++++So clearly matters were reconsidered in relation to gun types and noise permissible and days of use for the 800m range for the second consent!.**

The proposed amendments to the application were as follows:

(a) Allow the existing 800m range to operate 2 days per week as per the previous DA approval, from the date of the project determination (as the DA approval will be extinguished by the approval of the Part 3A application)
(b) Allow the use of the existing 800m range for 4 days per week **without the need for an operational and environmental management plan and without triggering any independent auditing conditions;**

(c) Allow the use of high powered firearms (e.g. centre fire firearms, .308, army rifles etc) on the existing 800m range;

i.e. remove the condition limiting their use on the 800m range

(d) Allow shooting between the hours of 9 am and 10am on the 4 days per week permitted, to a maximum noise level of 75dB(L) peak hold (the noise level for shooting between 10am and 5pm),

The Department has agreed to consider these issues in the assessment of this project application.

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Department's recommendations

It should be noted that if the Part 3A application is not approved, the Council issued Development Consent would continue to be in force. Therefore, it is considered reasonable to permit the 800m range to continue operating as it has done under the Council issued approval without the need for additional mitigation measures.

However, based on concerns raised in the agency and public submissions, **the Department considers that any intensification of the use of 800m range from 2 to 4 days per week should require additional management plans and monitoring to control the use of the range.**

Therefore, it is recommended that an interim operational management plan be prepared for the intensification of use of the 800m range only. A more detailed operational management plan will need to be submitted prior to the construction or operation of the remaining ranges. The plan is recommended to address the following:

(a) Operational days of the range, and maximum number of shooters each day on the range.
(b) Measures to manage any military use of the range, noting any Federal government powers.

Given the increase in use of the 800m range from 2 to 4 days per week, and that it is the closest range to existing residences, it is considered reasonable for noise

monitoring to be undertaken for the use of this range. Therefore it is recommended that attended noise monitoring be undertaken on the first 3 occasions of use of the 800m range for 4 days per week, from the date of this approval, and thereafter, quarterly in the first twelve months of

(over Page to 23/41) operation (aligned with each season) and annually thereafter to **confirm noise levels from firearms measured at residences comply with appropriate limits (ie 75dB(L) peak hold).**

The monitoring must include that of the noisiest firearms being used on the 800m range.

(.50 cal bmg and .338 lapua magnum was included for Military use in the Licences 2007 and 2010 but this has been ignored by the Department of Sport and they have not been tested – they are larger calibres than .308 or the SR25 and 98 sniper rifles.) **ALL THE COMPLIANCE NOISE TESTS SINCE 2010 HAVE BEEN NON-compliant for testing of loudest guns.**

5.3 NOISE – FIREARMS

In response to concerns raised in the submissions and the IHAP, the PPR included a more extensive consideration of the types of firearms to be used, additional noise measurement locations, cumulative impact of firearm noise, impacts of different weather conditions, and possible noise mitigation measures. A report was prepared by Norman, Disney and Young on behalf of the proponent and submitted with the PPR. This report conducted additional noise testing with more receivers, additional noise modelling and impacts of weather conditions on noise levels.

The IHAP report states that after considering the EA and subsequent information, domestic and military firearm noise levels will reach up to 75dB(L) **peak hold (the most appropriate noise recording for firearms)** under adverse weather conditions at the nearest residential properties. In addition, **the frequency of firearm shots will increase significantly on current levels and expose the community to a greater amount of firearm noise, up to 10 times that of the existing 800m range.**

As a result, the **IHAP made a number of recommendations**, which include the following:

- **All outdoor ranges** should not operate for more than 4 days per week **including weekends, between 10am and 5pm.**
- Shooting can be allowed between 9am and 10am and up to 8pm during summer daylight savings time **if the shooting is inaudible at private property boundaries.**
- Noise from firearms must not exceed 75dB(L) peak hold at the boundary to any existing or possible future private property with a dwelling.
- **Where practical, schedule the use of high powered firearms (eg. 0.308, 12 gauge shotgun and 0.357 magnum) on the new ranges and limit such firearms on the existing 800m range.**
- **Adoption of acoustically absorptive material in all proposed external range shelters.**

- Attended noise monitoring should be undertaken quarterly in the first twelve months of operations (aligned with each season) and annually thereafter to confirm noise levels comply with appropriate limits.

Department's recommendations

The Department considers that reducing the operation of the shooting complex **to 4 days a week is reasonable based on the usage rates presented in the PPR**, with less than 40 shooters predicted on 197 days per year (54% of the year), and membership patterns, with all but 2 of the clubs having seen a decrease in membership since the late 1990s. **Given the projected member numbers and usage rates, the facility could operate more intensely but for fewer days per year.**

It is also considered that reducing the available days will provide a balance for shooters needs and residential amenity given the predicted increase in shooting activity.

It is considered that the recommended starting times in the Environmental Noise Control Manual (ENCM) guidelines (the use of which are **supported by DECCW**) **should not be reduced**, as it has not been demonstrated that this is necessary for the clubs to operate adequately, especially as there will be an additional 2 ranges in use for the first stage of the complex. However, the recommendation by the IHAP that shooting could occur between 9am and 10am, and 5pm and 8pm where noise is inaudible (ie. less than 60dB(L)) at private property boundaries, **is not supported, as the proponent has advised the Department that the types of firearms to be used on the ranges will exceed 60dB(L) peak hold at private property boundaries and therefore this noise restriction cannot be complied with.**

DoP confirm the use of the guideline for all aspects of the range use i.e times, days of use and dbi levels..

The Department recommends that the **75dB(L) peak hold noise limit be measured at existing properties with a residential dwelling**, and not to future residential dwellings that may be permitted under the Draft Wingecarribee LEP as this LEP is still under consideration and may change further.

It is also recommended that the new ranges, which are further away from residents, have noise **monitoring for the first 3 occasions of the use of each range**, and annual noise monitoring thereafter, **to ensure compliance with noise limits.**

(i.e. if they cannot comply the use is lessened or mitigation is used again supporting the requirement that if the noise level is raised to average 75 (effectively allowing louder than 75), the days of use must be reduced.

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High powered rifles are proposed to be used on the 800m range as they are used to compete in long distance shooting events. It is not practical to hold these events on other ranges which are further away from residents as these ranges are too short. Therefore it is considered reasonable to allow high powered rifles to be used on the 800m range, **subject to the maximum noise level of 75dB(L) peak hold, to address residents concerns.**

The Department's recommended conditions on shooting noise have been included in the approval, as either individual conditions or requirements to be addressed within the Operational and Environmental Management Plan.

Appendix D to Director General Report – Summary

IHAP Recommendations and Department of Sport Comment

Shooting Noise

- Outdoor ranges limited to 4 days per week, including weekends, between 10am and 5pm as frequency of firearm shots will increase significantly on current levels and expose the community to a greater amount of firearm noise

Department Comment

Agree – condition recommended for standard operating hours for the outdoor ranges to be 4 days a week between 10am and 5pm.

- Adopt acoustically absorptive material and all proposed external range shelters.

Department Comment

Agree - condition recommended.

++++ Where possible, schedule high powered firearms on new ranges.

Department comment

Do not agree – high powered, big bore rifles used on the longest range (800m). “In any case, firearm noise still needs to meet noise requirements recommended below” (Which is 75dbL.)

- Minimise military use as much as practical.

Department Comment

Agree - addressed by Condition for an Operational and Environmental Management Plan (OEMP).

- Noise from firearms not to exceed 75dB(L) at the boundary to any residential property. Department Comment **Agree** - condition recommended.

The application to apply averaging should fail.

The DG in his report of February 2010 clearly sets out a progressive sequence of reasoning and determination and the evidence is that he was well aware that the noise may go over 75db. He still recommends to the Minister that he only apply a condition limit

of **NO MORE THAN 75db for the development. Absolute.** This balanced the needs of the shooters who wanted 4 days per week with the needs of the residents to peace and quiet and some form of reasonable amenity he said.

Where project noise exceeds the criteria, the approach universally adopted in NSW is to modify the project so as to reduce the noise received at sensitive receptors, or if that cannot be done, **to buy out the receptors or offer financial compensation or noise proof the homes i.e. Sydney airport.** That approach is reflected in the Statement of Commitments which requires modification by introducing noise barriers etc if project noise exceeds the criteria. For that reason, it is unnecessary to change to averaging simply because noise in excess of 75dl is attempted to be permitted and the only way it can be after failing previously too make breaches go away by applying a higher noise limit with averaging. Higher noise was foreseen - indeed, it may have been likely - and the solution was contained in the conditions themselves.

Cooper has written previously: The consequence of generating noise levels higher than that in the current approval can still be addressed by way of the guidelines but **could from the resident's perspective result in a further reduction in the number of days the range may be used each week !!**

Residents and other stakeholders cannot and should not have to tolerate 90db when the limit is 75. 75 to **90 is a "DOUBLING"** of perceived noise **not a 20% increase** as it would seem. **That is the only thing for the Department of Planning needs to consider.** What measure of noise could be delivered with any change in noise level from absolute!

+++++++If the Department even contemplates an average there should be an absolute limit on the loudest noise able to be generated e.g. 80dbL - for a set number of shots over a set period of time to ensure a free for all of random noise is not hoist on the community nearby.

Excessively loud noise from the shooting range on the weekends is an unfair and unacceptable impact on peaceful family life and creates disturbing and distressing emotions. Any escalation of that distress will result in illness and legal cases for compensation. It would only be the result of a lack of duty of care to the residents by the Department of Planning.

Historical documents will prove the Hill Top range was to close in 2008 as the lands had been turned to Conservation area and the Department of Environment could not continue the lease of land.

The impact of lessening the noise restriction and the resulting inability to monitor or control what guns will be used in the future or enable even larger guns to be used and still comply, will cause **intolerable distressing noise and further loss of value in property.**

AMENITY is a consideration under the heads of consideration for planning and you will recognise that the amenity afforded by the increase in any noise level by averaging noise

measurements down is unacceptable and unfairly disadvantages resident who are affected to an extent that is unequitable yet affords unfair advantage to the shooters.

The purpose of the current limit is to ensure residents don't have to listen to noise that is louder than 75 at any point in time and that is the only realistic way to limit such disturbing, distressing and impulsive noise. Noise over that limit at any time should restrict days of use even further.

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Firearm noise levels and characteristics Para 4

NO – according to PAC the maximum allowable limit of 75dbL absolute was considered to be the only enforceable and monitorable way to deal with the noise issues - even if it did not comply with EPA recommendations/guidelines – note the document is a guideline!! Not legislation!!>

Again the reference to the Draft Industrial Noise Guideline is completely irrelevant – only the EPA Shooting range noise documents are relevant to this proposal. They require residential on site monitoring locations and thus must not be removed from the consent requirements. More smoke and mirror. Without the independent residential location monitoring and witnessing by residents the Noise consultant may set up in locations (as has been attempted previously and well documented) that give the data a bias towards compliance. No resident location required by the current consent has ever been refused access for noise testing EVER. Implications they have are not true.

NO NOISE AT THE COMPLEX IS PERMITTED TO EXCEED 75 – THIS WAS HARD FOUGHT FOR AND UPHOLD NUMEROUS TIMES BY THE MINISTER FOR PLANNING WHEN ISSUING THE ORIGINAL CONSENT (after considering application of averaging) and by the PAC (after considering application of averaging and different noise limits for different ranges) – why - CAUSE IT'S THE ONLY WAY TO ENABLE INDEPENDENT NOISE MONITORING FOR COMPLIANCE BY THE RESIDENT STAKEHOLDERS without alerting the user!. AVERAGING CANNOT BE MONITORED FOR COMPLAINTS ACROSS 200 DIFFERENT SHOOTING POINTS NOR IS IT POSSIBLE TO REPLICATE OR DETERMINE WHICH GUNS WERE NON COMPLAINT OVER ANY PERIOD – THE CONDITION WOULD BE UNWORKABLE.

Pages 4 & 5 of the PAC determination

After deliberate and intense investigation with the shooting clubs, the State and the Council and resident stakeholders, the PAC determined that an absolute noise level of 75dB was appropriate for all ranges and refused to alter the consent absolute limit and permit averaging as requested by the proponent:

Page 11 /12 PAC determination

“However, this approach (averaging) is not suitable for enforcement purpose. It requires active co-operation and action from the entity against which legal action

may be taken (e.g. access, number of shots to be fired specific calibres, etc). It cannot be undertaken unannounced, either in response to complaints or on the regulator's own initiative; and it requires the regulator to have the equipment and trained personnel to conduct the tests and interpret the results (or employ a noise consultant to do this).

"The Commission agrees that of the options considered, an absolute limit provides the only feasible option for enforcement in response to complaints or own-initiative inspections by the regulator.

"Protection of residential amenity must be the primary consideration and the range (sic complex) noise limit must be able to achieve this even if it requires implementation of mitigation measures from the outset."

The Proposed change to the very well considered and workable limit of absolute 75dbI is ABSOLUTELY OPPOSED.

Finally unless an EPA Acoustic Consultant appointed to monitor noise breaches is available between 10am – 5pm 7 days a week on permanent call out ???and can on site then distinguish, from resident receiver locations,!!!! which gun noise is coming from which range and from which gun, any "Averaging" permitted for noise limit purposes - is useless for the purpose of monitoring a breach as it is technically and physically impossible to do so - and "averaging" in fact enables continuous breach,with no remedy and no limit for noise at all at the complex.

Propose Change to monitoring locations requirements:

PAC reported:

"Council considers noise monitoring should continue to be carried out on private properties"....

- Legislation for noise testing worldwide and Australia wide for all types of noise compliance requires testing to be at the most affected boundary or wall of the impacted location. (lots of internet references including Vic gun noise guideline)
- **The Acoustic Group /Department of Sport have at times previously and for the last "test" not attempted to contact any resident nor sought access to any residence even though the consent condition required it.**

- They seek now to justify their progressive non compliance with the consent condition requirement and entrench their haphazard approach to the locational requirement.
- Acoustic Group has previously attempted to place noise receivers in locations that were buffered by the residences and bushland instead of placing noise receivers at **the most affected boundary with 30m of the house at the residences at cul-de-sac end of Rocky Waterhole Road and residences in Starlight Place.** (Statutory declarations are available if required). Acoustic Groups previous justification for using such location is non evidence based, inaccurate and misleading and has been disputed by residents at those locations in relation to a statement made about one location “only being used for “military weapons testing” Perhaps Cooper received inaccurate information re that location. Because of this lack of compliance with consent receiver locations the latest Acoustic Group test used to support this application is actually invalid and non-compliant and in breach of consent conditions in relation of measuring noise to obtain worthwhile reliable data.
- Department of Sport scheduling and organisation of noise testing provides enormous opportunity to contact residents directly or through HTRAG. An up to date database of contact information for all relevant receptors, has been provided to the Department of Sport and the Department of Planning for use for all noise tests. Any difficulty in contacting residents should require the Department of Sport to contact HTRAG who will within 24 hours ensure easy access to all residential properties required to be tested.
- The Department of Sport should in all cases give HTRAG at least two weeks notice of all noise testing dates and access to residences will be ensured or external locations nearly discussed and agreed if required.
- Independent monitoring of all noise tests by representatives of the resident group HTRAG and/or local Councillors and/or the Department of Planning has been permitted and agreed to ensure the appropriate guns and receptors are used as it is obvious the current and some previous noise tests have been non compliant and the Shooters and Department of Sport and their noise consultant often carry out noise tests that are not compliant with the noise test criteria that is truly representative of “use”.
- If access is not possible **only the resident can nominate the external location they believe is “equivalent” or bias is ensured. This can be in consultation with the Department of Sport’s consultant, but not without consultation with the resident.**
- The only logical reason to propose the removal of the requirement re on residence monitoring, and/or permit the proponent to determine an “equivalent” location - would be to further enable distortion of the noise testing in favour of the proponent. All affected residents, at current approved monitoring residences, have been consulted by HTRAG and the Department of Sport numerous times **and they do not agree** that the Proponents noise consultant (who has a perceived pecuniary interest in outcomes) should determine “equivalent locations.