



Office of
Environment
& Heritage

DOC16/611951
MP 06_232 MOD 5

Ms Joanna Bakopanos
Team leader Industry Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Bakopanos

Southern Highlands Regional Shooting Complex (MP 06_0232 MOD 5)

I refer to your letter received by the Office of Environment and Heritage (OEH) on 30 November 2016, requesting comments on an application to modify the Southern Highlands Regional Shooting Complex located at Wattle Ridge Road, Hill Top in the Wingecarribee local government area.

OEH understands that the Office of Sport proposal to modify the consent is currently on public exhibition and includes the following:

- modifications to the 500m and 50m ranges to improve the lead management, remediate design and maintenance methods at the ranges and lower firearm noise propagation,
- modification to the approved plans, and
- revised Statement of Commitments.

OEH has reviewed that the documentation and provides comments in attachment 1.

If you have any further questions about this issue please contact Marnie Stewart on 9995 6868 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely

S. Harrison 03/02/17

SUSAN HARRISON
Senior Team Leader Planning
Regional Operations

ATTACHMENT 1

OEH understands that proposed modifications primarily relate to changes to the 500m and 50m ranges to improve the lead management, remediate design and maintenance methods at the ranges and lower firearm noise propagation. The Section 75W modification report states that all of the proposed modification works will take place within the site areas that have already been cleared of vegetation.

Conservation Agreement

The site is subject to a Conservation Agreement under the *National Parks and Wildlife Act 1974*. The Conservation Agreement defines 3 zones across the site:

- Zone 1 - Bushland area
- Zone 2 - Proposed future development area
- Zone 3 - Existing Development area.

The Conservation Agreement Zone 1 boundary general follows the E2 Environmental Conservation land use zone boundary and Zones 2 and 3 the SP1 Special Activities land use zone boundary. The Conservation Agreement is an identified mitigation/management measure under the current Statement of Commitments in the Minister's approval.

In regard to the development, OEH understands that part of the pistol range infrastructure has been constructed within Zone 1 - Bushland area. The new clubhouse as originally proposed with asset protection zone (APZ) requirements would also impact on Zone 1. Under the Conservation Agreement, this development is not permitted within Zone 1. The Office of Sport have proposed a modified boundary between Zone 1 and Zone 2 which ensures that no conservation area is lost from Zone 1 when allowing for the construction of the proposed clubhouse and APZ and existing pistol range infrastructure.

OEH notes that the plans including the Soil and Water Management Plan and Water Cycle Management Plan do not reference the Conservation Agreement. It is therefore recommended that the modification application include a plan depicting the location of the Conservation Agreement zones in relation to the existing facilities and proposed modifications and that the management plans are updated to include the Conservation Agreement area and its relevant requirements. It is advised that OEH seeks to ensure that further works will be undertaken within Conservation Agreement Zones 2 and 3 only and that construction activity will not adversely impact upon Zone 1 (with amended boundaries). The amended proposal should be designed to avoid and minimise direct and indirect impacts upon vegetated areas and native fauna, and demonstrate that lead and any other contaminants, wastewater and sediment from all of the ranges is appropriately managed and will not enter the Conservation Agreement area including waterways.

OEH Estate

The amended proposal should also be designed to avoid and minimise indirect impacts upon the surrounding Bargo State Conservation Area and Nattai National Park. In this regard, consideration should be given to the requirements in OEH's *Guidelines for developments adjoining land managed by the Office of Environment and Heritage* at:
<http://www.environment.nsw.gov.au/resources/protectedareas/development-land-adjoining-130122.pdf>

Statement of Commitments

OEH notes that revised Statement of Commitments includes an amendment to the offsets package. The original Statement of Commitments states:

Mitigation/ management measures	Timing
An offset package, involving: • Addition of 552 hectares of the Yengo National Park; • Addition of 1,956 hectares to the Bargo State Conservation Area; and • Subject to the further development of the proposal, creation of the Dharawal State Conservation Area (323 hectares).	Completed / on receipt of approval for the proposal

The proposed revised Statement of Commitments states:

An offset package, involving: • Addition of 552 hectares of the Yengo National Park; • Addition of 1,956 hectares to the Bargo State Conservation Area; and • Subject to the further development of the proposal, creation of the Dharawal State Conservation Area (323 hectares).	Completed in February 2007.
	Completed in February 2007.

OEH raises no concern in regard to the amendment to the timing for the addition to Yengo National Park and Bargo River State Conservation Area to 'completed' as these additions have been delivered to the OEH estate.

OEH however, does not support the proposed amendments to leave the timing blank for the addition to Dharawal National Park. In regard to the timing of the addition to Dharawal National Park, as DPE is aware condition A4 Offset Agreement of the Minister for Planning's approval states:

"The lease of 323 hectares of land from the Department of Lands by the Illawarra Regional Shooting Association is to be relinquished, any shooting licences 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 Department of Planning, prior to the first Occupation Certificate, or commencement of use of the new ranges on the site".

It should be noted the Office of Sport has engaged with OEH to seek support to amend condition A4 specifically to remove the timing requirement for delivering the Dharawal offset. As detailed in the attached OEH correspondence to Office of Sport dated 27 April 2016, which remains relevant to this proposed modification, OEH has advised Office of Sport that this outcome is unacceptable as it would result in an open ended condition that would permit the development to commence with no timeframe for transfer of the offset land. OEH reiterated this position in a meeting with the Office of Sport as recently as 29 November 2016. OEH therefore does not support the proposed amendment to draft Statement of Commitments proposed as part of the subject modification application and recommends that the timing in the revised Statements be Commitments reflect the timing required under condition A4 Offsets Agreement in the consent.

(END OF SUBMISSION)



Office of
Environment
& Heritage

DOC16/193051

Ms Vicki Haddock
Project Director, Asset Management & Procurement
Office of Sport
Locked Bag 1422
SILVERWATER NSW 2128

Dear Ms Haddock

I refer to your letter of 8 April 2016 to the Office of Environment and Heritage (OEH) about the Southern Highlands Regional Shooting Complex. In particular, I am responding to your proposal to submit a modification application to the Department of Planning and Environment (DPE) to amend the condition 'A4 Offsets Agreement'.

By way of background, the Southern Highlands Regional Shooting Complex Major Project No. 06_0232 was approved by the Minister for Planning in March 2010 under Part 3A of the *Environment Planning and Assessment Act 1979*. To accommodate the proposal, 1,036 ha of land was excised from the Bargo State Conservation Area. To offset this significant excision from the Bargo State Conservation Area, 2831 ha of land was to be added to the OEH reserve system. The expansion of the Hill Top Rifle Range into a Regional Shooting Complex and the offset package were the subject of a Cabinet Minute (153-2004) and the subsequent *National Parks and Wildlife (Adjustment of Areas) Act 2006* excised the required land from State Conservation Area and delivered the Crown land additions to Yengo National Park (552 ha) and Bargo State Conservation Area (1956 ha). The Dharawal State Conservation Area (323ha) addition is to be delivered by compliance with the A4 Offsets Agreement condition.

The land identified for transfer to the now Dharawal National Park contains extensive areas of upland swamp and is considered to be of high conservation value for both its biological and catchment protection values. The addition is a long standing reserve proposal that has been announced by the Government for addition to the reserve system. Recommendation 3.3 of the 2004 Cabinet Minute specifically states "that the Crown land addition to the Dharawal State Conservation Area of 323 ha be achieved via gazettal once planning approval is obtained for the regional shooting complex".

Since 2009, OEH has made numerous approaches to DPE, the Office of Sport and Crown Lands attempting to progress the transfer of the land. OEH has also been seeking confirmation of the status of the Aboriginal land claim issues since July 2011.

I acknowledge your advice that Crown Lands is still unable to confirm a timeframe to complete the assessment of land claims and therefore, the Office of Sports proposes to submit a modification application to DPE to amend condition A4. The proposed amendment is specifically to delete the requirements that the land be transferred to OEH prior to the first Occupation Certificate, or commencement of use of the new shooting ranges.

OEH is unable to agree to the Office of Sport's request that OEH support the proposed amendment to condition A4. OEH is of the view that such an amendment would result in an open ended condition that would permit the development to commence with no timeframe for transfer of the offset land. Given this considerable uncertainty, it is likely that the condition would be unenforceable. This outcome would be unacceptable to OEH as there would be a risk that this Cabinet agreed offset requirement would not be fulfilled. It should also be noted that the current NSW Biodiversity Offsets Policy for Major Projects, which is a government endorsed policy, requires offsets to be secured before development commences.

If the proposed modification application is pursued, OEH will be put in a position where it will be forced to lodge a formal objection to the amendment with DPE. OEH continues to maintain that the most appropriate way to resolve this matter is for the land claim assessment process to be accelerated and a determination be made and that this should be focus of discussions between the agencies at this point.

If you would welcome an opportunity to discuss this matter with you and can be contacted on 8837 6096 or at david.trewin@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Trewin', with a stylized flourish at the end.

DAVID TREWIN
Regional Manager Greater Sydney
Regional Operations

27/4/2016