

Modification of Minister's Approval

Section 75W of the *Environmental Planning and Assessment Act 1979*

As delegate for the Minister for Planning, under the Instrument of Delegation executed on 16 February 2015, I approve the modification of the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Anthea Sargeant
Executive Director

Sydney

31 July

2017

File: 10/01178

SCHEDULE 1

Project Approval (MP 06_0232), granted by the former Minister for Planning on 1 March 2010 for the Southern Highlands Regional Shooting Complex at 430 Wattle Ridge Road, Hill Top, in the Wingecarribee local government area.

SCHEDULE 2

This approval is modified as follows:

1. Delete the definitions for 'DECCW', 'Director', 'Director-General', 'Executive Director', 'Major Project No. 06_0232' and 'Project' and insert the following definitions in alphabetical order:

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.

Department means the NSW Department of Planning and Environment or its successors.

DPI means the NSW Department of Primary Industries.

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.

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.

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

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.

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 the project described in Condition A1, Part A, Schedule 2 and the accompanying plans and documentation described in Condition A2, Part A, Schedule 2.

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.

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

Week means from Monday to Sunday, inclusive.

In Schedule 2, Part A: Administrative Conditions

2. Delete all references to "Development" in Conditions A1, A2 and AN1 and replace with "Project".
3. Delete all references to "Director-General" and replace with "Secretary".
4. Delete all references to "the Sydney Catchment Authority" and replace with "WaterNSW".
5. In Condition A2:
 - a. Delete the word "generally" and replace with "carried out";
 - b. Delete the words "including the revised Statement of Commitments";
 - c. Delete the first and third instances of the word "application" and replace with the word "request";
 - d. Delete the second instance of the word "application" and replace with "Project"; and
 - e. Insert the following immediately after the second table of drawings:

"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

6. In Condition A3 insert the words "in Condition A2" immediately after the words "referred to".
7. In Condition A4:
 - a. Delete the words "from DECCW"; and
 - b. Delete the words "Department of Planning" and replace with "Secretary".
8. In Condition A6:
 - a. Delete the number "4" and replace with the word "four" in both instances of the number.
 - b. Delete the words "and approved by" and replace with "the satisfaction";
 - c. Delete the words "Department of Planning" and replace with "Secretary".
 - d. Delete parts (c) to (h) and replace with the following new part (c) to (g):
 - (c) Details of noise monitoring at the 800 m range, as required by Condition A11A of this approval;
 - (d) Bushfire sub-plan and emergency and evacuation procedure plan including days when no shooting is permitted;
 - (e) Methods to encourage the use of non-lead based ammunition;
 - (f) Details of the management of the range including clean up of spent cartridges; and
 - (g) Details of the location of warning signage on the site boundary or for bushwalkers.
9. In Condition A7:
 - a. Delete the number "4" and replace with the word "four" in both instances of the number.
 - b. Delete the number "3" and replace with the word "three".
 - c. Insert the words ", except for Special Events (refer to Condition A10)." at the end of part (a).
10. In Condition A8 delete the numbers "7" and "3" and replace with the words "seven" and "three", respectively.
11. Delete Condition A9 and replace with new Condition A9 as follows:

A9 *Firearm Noise Limits*

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).

12. Delete Condition A10 and replace with new Condition A10 as follows:

A10 *Special Events*

- (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.
13. Delete Condition A11 and replace with new Condition A11 as follows:

A11 Independent Auditing and Reporting

- (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.*

14. Immediately after Condition A11 insert new Condition A11A as follows:

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.*

15. In Condition A12, delete the number "5" and replace with the word "five".

In Schedule 2, Part B: Prior to Construction of New Shooting Ranges

16. In Condition B1:

- a. Delete the words "shall be submitted to and approved by the Department of Planning" and replace with the words "must be prepared and submitted to the satisfaction of the Secretary".

17. Insert new Condition B1A immediately after Condition B1 as follows:

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.

18. In Condition B2, delete the words "Department of Planning" and replace with "Secretary".

19. Delete Condition B3 and replace with new Condition B3 as follows:

B3 Soil, Water and Contamination

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.

In Schedule 2, Part C – During Construction of New Shooting Ranges

- 20. In Condition C1, delete the words “Department of Planning” and replace with “Secretary”.
- 21. Immediately after Condition C2 insert new Condition C3 as follows:

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.

In Schedule 2, Part D – Prior to Commencement of Use of New Shooting Ranges

- 22. Delete Condition D2 and replace with new Condition D2 as follows:

D2 *Operational Environmental Management Plan (OEMP)*

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.

- 23. In Condition D3, part (b):
 - a. Delete the words “Department of Planning” and replace with “Secretary”;
 - b. Delete the words “within 3 months of the date of this approval, or 4 weeks after submission of the information to Council (whichever occurs first)” and replace with “prior to the commencement of use of the new ranges”.
 - c. Delete the words “of Planning”.

24. Immediately after Condition D5 insert new Condition D6 as follows:

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.

In Schedule 2, Part E – Operation of the Shooting Ranges

25. Immediately after Condition E2 insert new Conditions E3, E4, E5, E6, E7 and E8 as follows:

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 (e.g. 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.

In Schedule 3 – Statement of Commitments

- 26. Delete the Statement of Commitments in Schedule 3 and replace with new Statement of Commitments dated 24 May 2017.