

14 July 2011

Mr Michael File
The Director, Strategic Assessment
Department of Planning
GPO Box 39
Sydney NSW 2001



Dear Mr File

**RE: Your Reference MP06-0232 Mod 4
Southern Highlands Regional Shooting Complex - Request for
Modifications**

Reference is made to your letter dated 10 June 2011 regarding the above mentioned matter.

This matter was considered by Council at its meetings of 22 June 2011, and 13 July 2011. On both occasions Council resolved to strongly oppose the modifications proposed in MP06-0232 Mod 4. A copy of the report made to the Council meeting of 13 July 2011, and the resulting Council resolution is attached, and forms part of Council's submission.

Council has received many complaints over the years regarding the noise emanating from the Southern Highlands Regional Shooting Complex. Council feels that the proposed modification will not improve noise amenity in the area and is not in the interests of the wider community.

As part of the assessment process, Council requests that the Department of Planning and Infrastructure make suitable arrangements to conduct a demonstration of the increased noise levels at the complex involving Councillors, Council staff, concerned residents and the Local Member for the Electorate of Goulburn, the Hon Pru Goward MP. Further, Council requests invitations also be extended to the Minister for Sport and Recreation, the Hon Graham Annesley MP, the Minister for the Environment, the Hon Robyn Parker MLC, the Minister for Planning, the Hon Brad Hazzard MP, the Minister for Communities, the Hon Victor Dominello and the Minister for The Illawarra, The Hon Gregory Pearce MLC, to attend the demonstration.

Please note that Council has made representations to these parties suggesting their inclusion in a demonstration process. Council has received a reply from the Minister for The Illawarra, The Hon Gregory Pearce MLC, who has indicated his willingness to such a demonstration with preferred dates of either 20, 22, or 23 September 2011. This is forwarded for your consideration.



If you require any further information on this matter please contact Council's Manager Environment and Sustainability, Barry Arthur, on Phone: 4868 0852 during normal business hours.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Barry Arthur', written in a cursive style.

B Arthur

MANAGER ENVIRONMENT & Sustainability

Encl: Excerpt Wingecarribee Shire Council Report – 13 July 2011
Excerpt Wingecarribee Shire Council resolution – 13 July 2011



o-EP6 Southern Highlands Regional Shooting Complex – Request for Modification of Approved Project MP 06-0232 Mod 4

Environment

Reference: LUA07/1364 PN 1761300 PN1580700
Responsible Officer: Manager Environment and Sustainability

PURPOSE

This report outlines a proposed response to the Department of Planning and Infrastructure that opposes the modification of operating noise conditions for the Southern Highlands Regional Shooting Complex.

SUMMARY

Communities NSW – Sport and Recreation are seeking modifications to their approval for the Southern Highlands Regional Shooting Complex. The proposed modifications would relax the noise operating conditions for the complex. It is recommended that Council make a submission to the Department of Planning and Infrastructure opposing the proposed modifications.

DESCRIPTION OF PROPOSAL

BACKGROUND

The former Minister for Planning approved (with conditions) the current operation of the Southern Highlands Regional Shooting Complex on 1 March 2010.

On 14 June 2011 Council was notified of an application seeking modification of the conditions of approval. A Weekly Circular item outlining this modification was forwarded to Councillors on 16 June 2011. At the Council meeting of 22 June 2011 Council made the following resolution:

- “1. *THAT Council make a submission to the Department of Planning strongly opposing the Modification of the Major Project Determination for the Southern Highlands Shooting Complex in relation to Condition A9 - (Firearm Noise Limits).*
2. *THAT Council strongly oppose the implementation of the method of assessment and use of log averaging proposed for noise testing.*
3. *THAT Council consider advice from its Manager Environment & Sustainability and the Hill Top Resident Action Group Noise and Planning Consultants, in relation to the content of Council's submission.*
4. *THAT Council make representations to the Member for Goulburn, the Hon Pru Goward, MP, in the following terms:*



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- (a) *Expressing Council's strong opposition to the Department of Sport and Recreation's application to modify the conditions for the Southern Highlands Shooting Complex at Hill Top.*
 - (b) *Requesting the Member for Goulburn, the Hon Pru Goward, MP, to make representations to the Minister for Sport and Recreation on behalf of Council and the local residents requesting:*
 - (i) *Withdrawal of his Department's modification application.*
 - (ii) *Requesting cessation of works at and ongoing operation of, the Southern Highlands Regional Shooting Complex at Hill Top, due to its unacceptable impact on residents, recreational users of the **adjoining** World Heritage Area and National Parks and the environment.*
 - (iii) *Investigation of a suitable alternative location.*
 - (iv) *In the event that the Southern Highlands Regional Shooting Complex remain at Hill Top, the Department of Sport and Recreation accept responsibility for the sealing of Wattle Ridge Road.*
5. THAT Council make representations to the relevant State Government Ministers inviting them to the approved Southern Highlands Regional Shooting Complex at Hill Top to meet with Councillors, Council staff and concerned residents AND THAT a demonstration of the increased noise levels (decibels) be conducted at that time AND FURTHER THAT this requested demonstration be held prior to the determination of the application to modify the conditions of consent".

DETAILS OF PROPOSAL

Communities NSW – Sport and Recreation has submitted a request to the Department of Planning and Infrastructure in accordance with Section 75W of the Environment Planning And Assessment Act seeking to modify the former Minister for Planning's approval of the Southern Highlands Shooting Complex. The modifications being sought are as follows:

- 1. Condition A9 Firearm Noise Limits – increase the maximum noise of firearms for the 800m range only from 75dB(L) peak hold to 85dB(L) peak hold, and apply logarithmic averaging in measuring this condition.
 - 2. Condition A6(d) Use of Existing 800m Range – increase the time period for noise compliance testing results to be lodged from 7 days to 30 days.
 - 3. Condition D4 Acoustic Shelters – delete the requirement for an acoustic shelter at the 800m range.
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Consideration of Proposed Modifications

Condition A9 Firearm Noise Limits

This modification would increase the permitted noise levels being received by residents. Gunshots at the proposed level of 85dB(L) peak hold would be perceived by residents as being twice as loud to the previously permitted 75dB(L).

The applicant claims the modification is necessary as the shooting complex would have to significantly alter/reduce the extent of shooting disciplines to meet the current approved noise limit. The applicant claims their initial application was seriously flawed and underestimated the noise impact on residents.

This rationale for an increase in noise limits does not have the interests of the residents in mind. There is no consideration in this argument of what is environmentally acceptable for the residents, and it assumes that the Independent Hearing and Assessment Panel (IHAP) would have approved a higher noise level merely if it had been presented with higher noise data. It assumes that the 75dB(L) peak hold level was not set for the benefit for nearby residents.

There is no consideration in the application for any mitigation or control measures to reduce the noise impact. The only response identified is an attempt to change the conditions which they are currently in breach of. This shows a complete lack of consideration of the impacts on residents.

The 75dB(L) peak hold limit is still being considered acceptable for the 500m shooting range, as it is only the limit for the 800m range that they are seeking to modify. It does not make sense to have two separate noise levels being considered as acceptable for the residents. It will make little difference to the residents whether the noise is coming from the 500m or the 800m range. The thing that will make a difference to the residents is the level of the noise being received, and there cannot be 2 levels of acceptability.

It is also proposed to measure the limits specified in this condition by applying a logarithmic averaging of results. Logarithmic averaging of the noise levels will produce a result which is lower than the maximum levels being heard by the residents. This lowering of calculated results would potentially be greater if they include all shots that are fired at the range (even those inaudible to the residents) in the averaging calculation. This would not be a real measure of impact or dose on the residents.

One issue that is still not considered in the noise amenity issue is there is no control on the total number of shots being fired. Under the existing condition, a shot of 75dB(L) peak hold could be fired once or a thousand times and still comply with this condition. Cumulative impact and dose on residents should be considered and either conditioned with appropriate noise descriptors, or invoke the precautionary principle and apply noise limits that are likely to be more residentially acceptable i.e. not increase the conditioned noise limits.

Condition A6(d) Use of Existing 800m Range

This is more of an administrative modification and doesn't necessarily impact on the noise amenity of the area. If the noise limit and/or method of measurement of testing compliance for consent condition A9 is modified, noise test monitoring should recommence for the period from the approval and first use of the range and seasonally for one year, as that is the intent of



the condition's inclusion in the consent in the first place, i.e. that the noise criteria be tested for compliance. Any change to the noise criteria should of course be tested for compliance for a period of one year.

Condition D4 Acoustic Shelters

The applicant seeks to remove a condition requiring the construction of an acoustic barrier at the 800m firing point on the 800m range.

The applicant's supporting noise reports admit that the 800m big bore rifle range will result in noise levels greater than 75dB(L) peak hold at residential receivers to the east and south-east when shooting from a firing point greater than 400m. This shows that an acoustic noise barrier is required at this point and should not be removed from the consent conditions.

This condition should also be retained in the interests of other users of the Wattle Ridge Road precinct, the Bargo State Conservation Area, and Nattai National Park, which the barrier is also likely to significantly benefit.

Again, this reiterates the point highlighted above where the applicant is not showing any consideration in applying any mitigation of control measures to reduce the noise impact. The only response identified in their submission is an attempt to change the conditions which they are in breach of. This shows a complete lack of consideration on the impacts on residents.

Conclusions

The proposed modifications are not supported. The information provided in the modification application highlights that there were serious flaws in the original proposal and this has resulted in a poor planning outcome which should not be resolved by the relaxing of operating conditions. Apart from determining this modification application, it is the belief that the flaws of the original application warrant a cessation of works at, and ongoing operation of, the Southern Highlands Regional Shooting Complex at Hill Top, due to its unacceptable impact on residents, recreational users of the adjoining Nattai National Park and Bargo State Conservation Area.

STATUTORY ASSESSMENT

The application is being assessed by the Department of Planning and Infrastructure in accordance with Section 75W of the Environment Planning And Assessment Act and is seeking to modify the former Minister for Planning's original approval. Council does not have an assessment role in this application, but does have the opportunity to make a submission to the Department of Planning and Infrastructure for their consideration.

RELATED COUNCIL POLICY

N/A

CONSULTATION

Council's Manager of Environment and Sustainability attended a submission presentation meeting with the Department of Planning and Infrastructure, Communities NSW – Sport and Recreation, and representatives of the Hill Top Resident Action Group, where the applicant



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outlined the proposed modifications and the Department of Planning and Infrastructure detailed the determination process.

The Manager of Environment and Sustainability has also consulted with representatives from the Hill Top Resident Action Group and their noise consultant on this matter. A number of the key points raised in relation to the modifications have been included in this report.

SUSTAINABILITY ASSESSMENT

- **Environment**

The modifications propose an increase in the allowable noise impact on the residents of Hill Top. Opposing these modifications will attempt to preserve this environmental amenity.

- **Social**

The modifications propose an increase in allowable noise impact on the residents of Hill Top. Environmental noise has an impact on community wellbeing, and quality of life. Opposing these modifications will attempt to preserve the environmental amenity for residents living in the nearby village of Hill Top.

- **Broader Economic Implications**

There are no Broader Economic Implications resulting from the proposed modifications.

- **Culture**

There are no cultural implications resulting from the proposed modifications.

- **Governance**

There are no Governance implications resulting from the proposed modifications.

RELATIONSHIP TO CORPORATE PLANS

There are no management plan issues or implications identified in this report.

BUDGET IMPLICATIONS

There are no budget issues or implications identified in this report.

RELATED COUNCIL POLICY

There is no related Council Policy on this matter.

OPTIONS

Council has already resolved (22 June 2011) to make a submission to the Department of Planning strongly opposing the Modification. No other new option is proposed on this matter.

ATTACHMENTS

There are no attachments to this report.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 13 July 2011

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

RECOMMENDATION

1. THAT Council make a submission to the Department of Planning and Infrastructure strongly opposing the modifications proposed for the Southern Highlands Regional Shooting Complex (Application No: MP06_232 Mod 4), AND THAT a copy of this Council report and resolution be forwarded to the Department of Planning and Infrastructure as part of its submission.
 2. THAT Council as part of its submission request that the Department of Planning and Infrastructure, as part of its assessment process, make suitable arrangements to conduct a demonstration of the increased noise levels at the complex involving Councillors, Council staff, concerned residents and the Local Member for the Electorate of Goulburn, The Hon Pru Goward MP.
 3. THAT invitations also be sent to the Minister for Sport and Recreation, the Hon Graham Annesley MP, the Minister for the Environment, The Hon Robyn Parker MLC, the Minister for Planning, The Hon Brad Hazzard MP, the Minister for Communities, The Hon Victor Dominello and the Minister for The Illawarra, The Hon Gregory Pearce MLC, to attend the demonstration.
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Voting on the Motion

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MOTION moved by Clr J R Clark and seconded by Clr J G Arkwright:

1. **THAT** Council make a submission to the Department of Planning and Infrastructure strongly opposing the modifications proposed for the Southern Highlands Regional Shooting Complex (Application No: MP06_232 Mod 4), **AND** **THAT** a copy of this Council report and resolution be forwarded to the Department of Planning and Infrastructure as part of its submission.
2. **THAT** Council as part of its submission request that the Department of Planning and Infrastructure, as part of its assessment process, make suitable arrangements to conduct a demonstration of the increased noise levels at the complex involving Councillors, Council staff, concerned residents and the Local Member for the Electorate of Goulburn, the Hon Pru Goward MP.
3. **THAT** invitations also be sent to the Minister for Sport and Recreation, the Hon Graham Annesley MP, the Minister for the Environment, the Hon Robyn Parker MLC, the Minister for Planning, the Hon Brad Hazzard MP, the Minister for Communities, the Hon Victor Dominello and the Minister for The Illawarra, The Hon Gregory Pearce MLC, to attend the demonstration.

PASSED