

15 July 2011

Julie and Troy Cook

[REDACTED]

Hill Top 2575

**Submission re Mod 4 MP 06-0232
Southern Highlands Regional Shooting Complex Inc.**

The shooting noise is heard **in my home**.

My husband is a shift worker and only gets Sunday off so does not need to be tormented with loud gun noise.

GENERAL:

Environmental impact study on recreational users and fauna of proposed change to 85db (Log average) has not been undertaken for National Parks

The DGEARS for the project application required the proponent to:

"Identify and address visual, noise, odour and air quality impacts during operation of the facility upon adjoining DECC land and ensure proposal does not impact upon the amenity of park users."

The Modification application has significant environmental impacts that have not been addressed and the Department of Planning should require the Department of Sport to submit an EA for the increased noise in light of the redundancy due to inaccuracy of their "justification" arguments that mislead the Department to accept that the application to raise the noise limit from 75 to 85 "only recognises what has occurred since 1985".

- Acoustic Group measured "L3" Powerlines at 100 – 107db (test October). This is "equivalent to" and in some cases further away than areas of the National Park lands (DECC now OEH lands surrounding the site) and areas of the 1000ha site itself in the E2 zone still permitted for bushwalking. The Nattai National Park, Blue Mountains World Heritage, Bargo State Conservation Area and Bargo River State Conservation Area are within 500m of the 800m range and are enjoyed for recreational pursuits such as bird watching, bushwalking, horseriding and nature loving and are open for public access 24/7. Clearly, Noise levels in surrounding lands at a distance of around half km will be approx 100dB This is dangerous to human hearing if exposed for any significant portion of the day.
- The 800m range 800m firing point (L6) has been measured by Acoustic Group at 132db - this is within 100m of the Road/Parks
- According to the Acoustic Group tests noise levels in the national parks in the vicinity of the complex will range from 100-130db!.(Acoustic Group L 6 and L1 locations). The impact on the amenity of park users will be intense and dangerous.
- It should be noted that only 1/150th of the guns being used at one time at the complex have been tested during noise tests i.e. one gun firing at a time. This is not representative of the cumulative impact of the impulsive noise that will emanate from the ranges when 150 shooters are all firing at once. Obviously even if they all fired within a minute of each other at least two shots will overlap increasing the noise level in anyone's book!.

- Tests do not have to comply with relevant standardised criteria except “loudest gun” which requires barrel length, ammunition, angle of firing, number of shots, duration of shots etc. to be set as criteria or else tests are hap hazard and each test does not relate to the other. This has not been done at the national parks areas impacted by the ranges.
- .338 lapua and .50cal BMG now permissible for army use (2007 & 2010 range licence) have **never been tested**.
- Changes in the gun types and sizes and events possible at the 800m range have occurred in 2002, 2005, 2007 and 2010 licences ensuring the use of the largest loudest guns at the site.
- There are 7-10 firing points at the 800m range (7 targets but they put up to 15 shooters along the firing lines at any time). These firing points move all over the length of the range, the closest to the road/parks being the 800m firing point which is within 100m of the road/parks; 60 static firing points at 500m range within 200m of the road/parks; 90 firing points at Pistol Range; (all first stage and being built now) all within 100m of the public areas on Wattle Ridge Road and the NPWS lands.
- There are another 25 firing points at the 200m range (2nd stage) and 20 points at the shotgun range which is less than 50m from the road/parks (2nd stage).
- The 500m range, pistol range and 200m ranges were all moved **100m closer to the national park lands/road with Modification 2 and no environmental impact study for noise was undertaken then either**.
- Acoustic Group states in his document dated 28 Feb Page 1 " The new ranges have a similar setback from Wattle Ridge Road to that for the 800m range"
- Any increase in permissible noise levels that at residences can be averaged down to 85 will result in an even high level of noise at the national parks than that measured to date which makes the surrounds entirely dangerous for all other stakeholders. The shooters have to wear ear protection what about protection for other stakeholders?
- Please investigate if the OEH NPWS will be issuing ear protection to NPWS lands users in the vicinity of the ranges
- Has the application be referred to OEH for comment.
- My peaceful enjoyment of the national park lands will be destroyed – I have a right to the peaceful enjoyment of this public asset.
- My horse riding in the area will be severely impacted by the startle flight reaction of the impulsive gun noise emanating from the range on my horse. It will be dangerous and the increase in noise is unacceptable.
- Weekends are the only time most recreational users access the national parks yet that is the most invasive days of use of the ranges.

Use of Chapter 164 - As Chapter 164 is to be applied to assess the application the use of it must be as per the tables.

The guideline is not a pick and mix as it suits the proponent nor should be applied that way by the Department of Planning. Any “mix and match” in favour of extra days of use that are not consistent with what is permitted by the table for the particular db level will severely disadvantage residents and other stakeholders such as national parks users who expect equity in relation to application of the guideline to balance the needs of shooters, residents and national park users.

Departure from the ENCM criteria would only be acceptable to increase impacts on surrounding residents where the national interest justified it eg during wartime. There

could be no conceivable argument of national interest here. If a new method of assessment is to be adopted, as urged by Mr Cooper, then new noise goals and criteria will be necessary, properly based on socio-acoustical surveys or national standards, which seek to achieve the purpose of noise assessment - to produce a respectful amenity for residents having regard to ambient conditions.

Non compliant noise tests

All compliance noise tests for the 800m range carried out by The Acoustic Group instructed by the Department of Sport are non-compliant with consent requirements. This is possibly due to inadequate detail of requirements for compliant noise tests being provided to the Consultants by the Department of Sport and due to lack of knowledge by the Consultant as to how the tests should be carried out in relation to method etc.: the Acoustic Group consultant

- Did not use loudest military guns (did not use 338 lapua magnum military weapons SR25 or SR 98 or M4, or .50 cal BMG).
- Shotguns were not tested but were tested by all other consultants who documented they are loud.
- Did not document calibre used – any statement now would be retrofitting and unreliable
- Did not use the guns permitted in the licence 2007 as the Department of Sport was misled by the SHRSCI and did not know what sizes and types of guns were added to the licence at that time.
- Acoustic Group tests do not record or regulate ammunition type used or standardise the size of the barrel of the gun i.e. barrel size, angle of firing, ammunition type (shelf or hand load) variations results in variation of noise emitted by up to 20-25db. The Acoustic Group Consultant would be aware with his level of expertise and his knowledge of worldwide BMP that the barrel size and ammunition are relevant to noise tests yet he did not address this in any way either in practice or in his write up. His adequacy and expertise in these noise tests is insufficient. If he has the knowledge and expertise he documents, then he should have ensured consistency of representative use of the guns he tested. It is a serious oversight for the noise tests commissioned by the Department of Sport and the consultant may have been solely under instruction as to what to do - but as “the expert” would have been obliged to advise the Department of Sport what is BMP but appears to have not done that or not been required to carry it out.

The following web link clearly documents this and is current BMP. Cooper should have been aware of this fact and even if not aware of this particularly concise article his previous expertise would have alerted him to this factor previously yet he has not applied it to the tests.

<http://www.rdth.org/publicHearing20091006/Carried%20Forward%20RDTH%20E-Copies/RDTH-7%20Gunfire%20Sound%20Data%20&%20Explanation%20for%20HPB%20070417.pdf>

- Cooper’s “log average” method appears to be unique to Cooper and is not supported by the OEH or its predecessors/ENCM (refer Memo 1993).
- Guns used were “mixed” in some tests i.e. there was no differentiation of which gun was which gunshot measurement.
- Cooper includes inaudible shots in his averaging (not arithmetic average of representative shots as is required by the Memo of 1993.).
- Locations of tests (most affected residential boundaries) were not tested. In fact Cooper discards the required A3 Lyrebird Close location after October and does not revisit it regardless of the fact that it was required to be tested and all previous tests

showed it to be consistently measuring 80-85db. Cooper when asked on 14 June was "it is quiet there" !! NO clearly its not!.

- Cooper made clear at the Department of Planning meeting on 14 June that he had been instructed by the Department of Sport which guns to use. He was not instructed to use the loudest guns and then did not apply his expertise to ensure the tests were representative of the "loudest guns" possible on the range taking into consideration the barrel and ammunition to be used, separation of gun type for firing point or location of receiver.

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 not only dozens of gun clubs in NSW but appears to be the Sporting Shooters Association of Australia, the largest shooting club in Australia's regular noise consultant. Doesn't Cooper have a conflict of interest? A normal person would say yes. His results cannot be relied upon as "unbiased and truly representative" of all stakeholder interests i.e. Shooters and residents.
- Cooper does not appear to have acted for residents affected by gun noise to any degree that would change a "conflict of interest" opinion or surely he would have documented that in his resume as evidence of "equity". It's not unreasonable to assume that any 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" and then Cooper was employed i.e. the SSAA/gun club noise consultant!.
- Cooper's statement that a "log average" (which favours shooting groups as it enables the inclusion of "non audible" shots in the average) further supports the view that Cooper has an unreasonable conflict of interest (or insufficient expertise). Cooper is ignorant of the fact that an "arithmetic average" and stricter criteria than he used i.e. use of only representative noise test measurements and separation of specific guns to specific firing locations was clarified for the ENCM Chapter 164 guideline in 1993. Details I find it hard to believe Cooper was not aware of, considering what he documents as his expertise. Clearly in the case of this Development the fact a "shooting club" noise consultant was found to enable the Department of Sport to discredit previous noise tests and retrofit a "new noise test model" i.e. "Cooper's model" to provide a benefit to shooters and unfairly disadvantage residents for all future noise tests.
- As the tests carried out to ensure compliance of the 800m range since 2010 by the Acoustic Group do not comply with consent requirements they cannot be considered "representative" of the noise and are deemed invalid. **They should not be relied upon as accurate data for the purpose of this modification application, or for any other purpose.**

In the interests of transparency and equity:

- **The Department of Sport should be required to engage a noise consultant in consultant with the Department of Planning and the Hill Top Resident Action Group so as to afford all parties equity and to provide a transparent process which is accountable to the community stakeholders as well as the proponent. There is no reason for the Department of Planning the compliance authority to not instruct such action**
- **Such action would reassure the community that the Department of Planning are not complicit with the Department of Planning and are affording all stakeholders equity in the process.**

Matters to be assessed in the Modification Application

1. Increase permitted noise level from 75db to 85db at the 800m range (Condition A9)
2. Apply logarithmic average to noise test results. (A9)
3. Remove requirement for acoustic shelter at the 800m firing point of the 800m range.(D4)
4. Amend the descriptor of “location” at which noise tests are to be carried out at residences to “or equivalent.....” (A9)
5. Remove requirement to continue noise tests as per the consent condition
6. Independent Audit of noise for the complex annually and request for “expert” instruction of the Department of Planning auditor.
7. Change of reporting period for noise tests from 7 days to 30 days. (A6(d))

In the case of 1, 2, 3, 4, and 5 the base arguments and “justifications” to support the requests in all cases are irrelevant, unenforceable, flawed, inaccurate, misleading, not evidence based or incomplete. Detail is provided below – **all requests should fail.**

In the case of 6. I make comment

In the case of **7** I have no argument and **the request is not opposed.**

1. Lift noise limit from 75db (Peak Hold) Lin (absolute) to 85db

- **The proponent states that the use has not changed since “1985.”** i.e. the noise now always has been the noise... This statement is misleading and inaccurate and the information relied upon by the Department of Sport for the application and provided to them by the “user group” – the Southern Highlands Regional Shooting Complex Inc consortium of shooting clubs has been **purposely misleading and inaccurate.**

The statement is false and should not be relied upon for the purposes of assessment of the application.

Such inaccuracy of the statement was acknowledged by the Department of Sport Project Officer John Shipway in the presence of Michael File and Michelle Cramsie at the meeting on 14 June at the Department of Planning.

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 and the licence amended and taken over by SHRSCI without development consent until August 2008 – range may have operated without valid licence to the range consent applicant.

<p>29 August 2007 SHRSCI</p> <p>***denotes loudest guns as advised by the NSW Firearms Registry</p> <p>changes to categories, gun types, larger calibres</p>	<p>NEW application –(Category A B & add H PISTOLS</p> <p>*Air pistols to 4.5mm</p> <p>*Blackpowder Muzzle Loading pistol 19.05 mm ***</p> <p>*Rimfire pistol to 5.6mm</p> <p>*Centrefire pistol to 1.43mm</p> <p>*Shotguns to 12 gauge (no shot limit)</p> <p>Rimfire rifle 5.6 mm</p> <p>*Air rifle 5.6 mm</p> <p>*Centrefire rifle to 12.5mm</p> <p>“Military” Exempt (.338 lapua magnum and .50cal BMG) ***</p> <p>*Blackpowder Muzzle Loading Rifle to 19mm ***</p>	<p>Rimfire metallic silhouette</p> <p>Benchrest</p> <p>Clay target</p> <p>Three position rifle</p> <p>Field rifle</p> <p>General target practice</p> <p>*ISSF Matches</p> <p>*Service Pistol</p> <p>*Rimfire Pistol Metallic Silhouette</p> <p>*Blackpowder Pistol</p> <p>*Simulated field and game Shotgun</p> <p>*Air rifle metallic silhouette</p> <p>*Three position air rifle</p> <p>*Service Rifle</p> <p>*Fullbore classification rifle</p> <p>*F class fullbore rifle</p> <p>*Lever action rifle</p> <p>*Big Game Rifle</p> <p>*Three position Blackpowder ML Rifle</p> <p>*Three Position Centrefire rifle</p>
<p>2010 (renewal is required years)</p> <p>SSAA Newsletter June 20 says</p>	<p>All above plus</p> <p>“Centrefire rifle to 12.5 mm</p> <p>Except .338 lapua magnum and .50 cal BMG (Military Exempt)</p>	<p>As above</p> <p>.50 cal BMG are prohibited from recreational shooters can bring down an aircraft and penetrate armoured vehicles and both have a range of to 2000m.</p>

This licence was renewed in 2010. Recent correspondence since the application was lodged with the Department of Sport states that the SHRSCI (consortium of clubs) advised the licence was unchanged at 2010. This needs verification as up till June 2011 the same group said the licence remained unchanged since 1985!! The range didn't come into use till 1986 actually and obviously numerous changes have been made since that time that have escalated the use and most recently in 2007 and 2010 made significant changes to the noise that can emanate from the range and which to date has not occurred to its full extent as clearly the escalation of use from 1000 shooters pa on that range to 4200 shooters per annum has not occurred yet.

This hasn't occurred for a number of reasons the major reason being the number of shooters coming to the range is not as will be the case when the complex is in full use. Also, any range can be used by any shooter as contrary to the “non evidence based and unenforceable “justifications” offered by the Proponent as to “use” of the 800m range, the ranges are able to be used by anyone who walks in off the street by filling in a form. There is no ability for the Department of Planning to monitor, regulate or control the number of users from other clubs at any time for this or any other range of the complex once it comes into full operation.

The information in relation to guns and noise, provided in the application cannot be relied upon as it is simply not true. Clearly the use has escalated incredibly since 1985 and more recently in 2007 hence the increase in complaints.

The use of big guns on the 800m range will not diminish (600, 700, 800 firing points) (Appendix 2) and in fact will increase with the 1200 pa shooters on that range moving to 4200 pa with no ability to limit the use of big guns on the range that do not only fire from the 800m firing point, but no ability to monitor or limit the number of shooters who wish to use them. **The application should fail.**

- **The proponent states that no complaints have been received by Council** re the previous use of the range to March 2009 when it became a Part 3a project approval. It should be noted also that complaints have been received by Michelle Cramsie of the Department in relation to the range in the past and as recently as 16 June 2011. John Shipway from the Department of Sport has himself received direct complaints from me in the past.

Les Pawlak Manager Environmental Assessment Wingecarribee Shire Council on 5 July confirmed in writing to me that Council has received numerous written and phone complaints about the Shooting Range at Hill Top on issues of compliance in relation to queries about the escalation of gunfire, use outside permitted hours of 10am – 5 pm; excessively loud gunfire; gunfire on days when the range is not permitted to be used and the like.

Local residents have made numerous complaints to the Bowral Police and those complaints are in process of a GIPAA request and can be supplied to the Department of Planning if required.

Council and residents (including myself) have confirmed that phone calls other than those documented have occurred where Council may not have kept written record. This was apparent when the statement was made at the Council meeting in 2009 that no complaints had been received as a more thorough check of Council records reveals complaints documented on the dates listed below. Copies of these documents can be obtained by the Department of Planning or verified with Mr. Pawlak.

30/05/2007;
31/05/2007;
20/09/2007;
19/10/2007;
13/10/2007;
22/01/2008;
30/04/2008;
13/07/2008;
14/07/2008;
18/09/2008.

The statement is false and should not be relied upon.

The application should fail

- **The Department of Sport incorrectly applies the “existing” range table from Chapter 164 instead of the “Future range” table for the 800m range. They assert that the increase from 75dbL to 85dbL therefore continues to permit 7 days per week use but they will limit use to 4 days per week.**

IF the 85dbL is approved use must be restricted to 2 days per week including any army use – and of course 80dbL will result in 3 days per week including army use). There is no other outcome as The Department of Planning is bound by the Chapter 164 guideline to determine the application.

If the Department wishes to “pick and mix” and not implement the guideline as it stands today, then the application must be rejected until such time as the Office of Environment and Heritage (Premier and Cabinet) develops a legislated replacement Guideline to administer and control Shooting Range Noise in NSW. Otherwise the only option is for the Department to apply other relevant Noise legislation that exists in NSW such as the Industrial Noise Legislation and guidelines. Such application of new legislation would require the modification to be resubmitted so appropriate submissions in relation to that new method of assessment to be used to consider such application is exhibited for public comment in light of such a significant change to the assessment method.

Obviously the Department of sport seek to enable 85dbL and 4 days per week by continuing with their inaccurate “existing” range statements in relation to which part of the guideline should be used to determine days of use. The 800m range has never been “existing” under the Guideline as it came into being after the Guideline!. The Consent, land lease and all documentation relating to the establishment of the range at Hill Top clearly show it came into being in late 1986.

The future range status is further supported by the facts

- the use has increased from 1200 pa to 4200 pa,
- use of guns since 1985 has increased exponentially to the largest and most extensive range of guns and gun categories and event types available in NSW. It started as a rifle only range – now its rifles, pistols, shotguns and air rifles! And includes military weapons right up to .50 cal bmg (that’s machine gun bullets) and .338 lapua magnum!. These guns are banned to recreational users in NSW but the army are permitted to use them
- Noise emanating from the range has absolutely increased since it started in 1986.
- Expansion of the 800m range to a 6 range complex required it to be considered “future” even if it had come into effect prior to 1985 and was “existing” at the time of the guideline

There is no doubt it is “future range” as is the rest of the complex.

John Shipway admitted at the meeting on 14 June he had been unaware and therefore misled by the SHRSCI group about use of the range in relation to the massive increase in types and loudness of weapons permissible on the range and that

he “assured the meeting” in fact that “nothing had changed”. Clearly the information being supplied to the Department of Sport and then to the Department of Planning should not be relied upon in any aspect of the application unless independently verified by the Department of Planning.

I request the Department of Planning to independently verify that the licence was not further changed or increased in 2010 from that in 2007 and that the licence be monitored three yearly to ensure the licence enables only what was permissible in the 2007 licence in the future as it existed at the date of consent. I request a copy of the licence to verify those details for myself.

I also request the Department of Planning examine for itself the register of use of the 800m range for the 12 months from June 2010 to June 2011 to establish the number of users. The use if not 4000 is not what is enabled in the consent. i.e The impact on residents has increased in types and loudness of guns used but the numbers will show that it will massively escalate in occurrence from that which has already been disturbing to residents once it comes into full use. There has been no significant increase in use but there certainly has been significant increase in noise. Hence the request.

If the Chapter 164 is used, then the application of 85dbl (averaged or not) requires the use to be restricted to 2 days per week.

The guideline has been supported by all Government agencies and consultants to date. And has been employed by the Department of Sport and the Department of Planning to date for all assessment of the proposal. Should any modification of noise limit for the ranges be approved by the Department of Planning the only result can be:

“Future range” i.e. 800m range

75 dbL 4 days use

80 dbL 3 days use

85 dbL 2 days use

At 85 dbL if the army use the range one day per during the week then only one day can be used for recreational use. If the army use the range 2 days per week then the range cannot be used by recreational users that week.

The Department of Sport office John Shipway admitted in the meeting 14 June in the presence of the Department of Planning’s Michael File and Michelle Cramsie that mitigation with acoustic barriers, or earth mounds as required by the Statement of Commitments is “expensive and they have no budget” and that is the only “true” reason they have applied to raise the limit i.e. mitigation is not budgeted for and other options open to them in the Statement of Commitments i.e. restriction on the types of guns used at the complex and the 800m range or eg. allocating particular guns to other ranges, **is simply something the shooters don’t want to do!!!**. Those are the only opportunities though that are afforded them by the consent. NOT A LESSENING OF THE GUN NOISE LIMIT.

Permitting such escape from the commitment in the consent to mitigate noise at the expense of the community is unreasonable, irrational, unprecedented and unacceptable. **Lack of budget is not a consideration under the Heads of Consideration for applications in relation to EP&A Act is it?? I don't think so.**

That is the only “accurate” reason the application has been lodged. All other justifications have no basis in fact.

The application should fail

- **The 800m range should be separated out from “the complex” noise level consent condition and operate under a different level to the other ranges.**

The consideration of this request has many components

1. Types of guns used on each range
2. Days of use for types of guns
3. Ability to manage and control and monitor gun noise emanating from each range not just during noise tests when the gun types are able to be controlled?

The purpose of noise restriction is not to backfill “whatever is measured at residences from a particular range due to changes in the licences now or in the future. It is not a moveable feast of noise limits upwards – the goal should be if anything to be able to move noise limits downwards cause the impact has lessened!. As the Department of Planning is aware, and as was unknown to the Department of Sport during the process of the development application right up to the consent, the 2007 gun licence applied for by the SHRSCI added other categories of guns, and changed the size of guns permissible on the range. Clearly the guns tested to date were more than likely the types and sizes enabled in previous licences i.e. smaller calibres and possibly they may have been able to be compliant with the 75 dbL

The changes including changes to army guns in the 2007 licence may result in noise higher than 75 dbL. There is no evidence any of those “changes” are what has been tested to date, changes in types and barrels that may not have even been used by shooters prior to June 2010 but are now being used /

The noise application is being requested to enable these “unknown previously” changes for “more and louder guns” and “more types and louder events”.

HOWEVER, as stated in the PPR quoted below, if new guns are introduced they have to be tested to comply with the consent!! NOT raise the noise limit – or, mitigation is required. There is no other option. Changing the noise limit at the 800m range is not an option. Those louder guns i.e any changes from 2005 to 2007 are not permissible if they do not comply with the 75db limit. Any guns in that licence that change noise upwards from 2005 guns to the 2007 licence are non permissible unless mitigated. THAT testing has not occurred. !!.

If they cannot comply they are non permissible or require mitigation with acoustic treatments, limits on use or movement to other ranges where the noise impact will not create an impact over 75 db. There is no option to raise the noise limit to 85 to enable the guns.

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. “

i.e. one limit for whole complex

Clearly this was written when the Department of Sport assumed the 800m range was “as it always had been in relation to gun use” but as already established, the change in licence to larger guns and different types of guns e.g. muzzle loading pistol to 19mm was unknown to the Department of Sport with the gun use licence changed in 2007 and the SHRSCI clubs still misleading the Department of Sport that “nothing has changed”.

The licence the Department of Sport’s GHD and Disney noise tests relied upon was the 2005 licence. Evidence being the .338 lapua magnum and .50 cal BMG have not been used in tests to date and would have been .

The early increase of use of the 800m range was unforeseen when the PPR was written and the commitment is applicable to all ranges into the future – including the 800m range. As the Department of Sport instructed the Consultant which guns to use for the tests, using a .308 with the calibre from the 2005 licence this noise test would not provide the same result as a .308 with the calibre from the 2007 licence. Clearly the exact guns in the 2007 licence have never been tested so some of those types of guns may be non permissible and their use in breach of the consent.

Clearly the purpose of asking for the increase in 85 dbl is to accommodate the “new guns” the clubs knew about as clearly they are instructing the Department of Sport as the consultant used for the noise tests is the Shooting Clubs consultant. They

obviously provided the consultant to the Department. The Department of Sport is required to complete the Statement of Commitment mitigation or not permit the louder guns on the range.

The Department of Sport seem to be unaware of the consent requirements. The detail of the guns permissible i.e. calibre is specific to what needs to be tested as is discussed in this submission in more detail further on with the “lone pine” document link. i.e. barrel size and calibre have an impact on noise by variation of 20-25db. The Sport Noise Consultant is well aware of the impact of such criteria on noise tests as an expert in gun noise tests yet omits to apply the criteria even for the limited types of guns he was instructed to test.

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 (if that were retained and 85 was enabled for the 800m range), 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 75 for the whole complex not for a section of it. 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 and that all tests to date cannot be relied upon by the Department of Planning as accurate anyway.

With various noise levels at different ranges, stakeholders are afforded no ability to monitor which guns at any time were “over the limit” as it would be impossible to determine what was being fired at the 800m range or the 500m range and which gun issued that noise!. Clearly the Department of Planning would have no way to monitor or control noise at all. At any location at the complex noise could be excessive i.e. 85 and the gun clubs will just say oh that was the 800m range!. Its ridiculous and impractical and cannot be controlled.

It affords other stakeholders, i.e. residents or independent monitoring at any given time no ability to determine where excessive noise is emanating from and therefore is unjust and unacceptable.

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 should fail. .

- The applicant’s consultant states that (sic) that the noise level was incorrectly measured and that it was unintentional for the level to be set at 75 and “had the Department of Planning (DG) and Minister known the noise could go over 75 they would have made the consent condition 85 dbL”.

(Refer appendix 1 – summary of all noise references from Dos and DoP consent related documents to date)

The fact is disputed by the documents of the Director General in his report dated February 2010. This statement is not evidence based

Clearly the use of 4 days per week and 75dbL was intentional having consideration to the fact that noise from the complex and 800m range as measured at residences might exceed the limit and that is why the mitigation options in the Statement of Commitments were put in place. The DG in his report of February 2010 made a clear statement that regardless of him removing D2(a) in his new consent the guns still had to comply with 75 and that would afford protection to the community. (He subsumed the request to remove condition D2(a) of the original consent **(Keneally**

March 2009 restricted use of big guns and army use on the 800m range as the noise impact was obvious to her when she attended residences during noise testing.)

The DG in his report of February 2010 (refer Appendix 1 - some relevant excerpts are already presented above) 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. He would still have that view as there is not reason for any other view.

The option he enabled when noise went over the limit are addressed in the Statement of Commitments, agreed by the Department of Sport, which they now wish to “ignore” cause it doesn’t suit them. He even recommended that any NEW guns should be tested to ensure they comply – not that the limit be raised!. i.e. the .338 lapua and .50 cal for example. They must comply!. The remedy for excessive noise at the development is **NOT and NEVER HAS BEEN an option to INCREASE NOISE LIMITS. (this relates to the previous argument in the previous point re Dept of Sports lack of knowledge of what has been introduced now in the current gun licence and instead of lifting the noise those gun changes should be non permissible or mitigated and/or restricted)**

Cooper is wrong – 75 absolute (not averaged) was put in place permanently to afford the community some measure of peace!. The purpose of noise assessment is to derive noise criteria specific to the project taking into account generally accepted noise goals, which are set out in the Industrial Noise Policy, Australian Standards, legislation and common law principles. It is not to back fit noise criteria around the maximum noise likely to be generated by the project, but that appears to be the approach implicit in Cooper's analysis. **(see previous excerpts from DG report and Appendix 1 references)**

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 the criteria simply because noise in excess of it is generated by the range. That possibility was foreseen - indeed, it may have been likely - and the solution to it is contained in the conditions themselves.

Even Cooper states: 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 !!**

The application should fail.

2. Logarithmic average of test results (A9)

It should be noted the EPA Memorandum dated 1993 instructs that an arithmetic average not a log average is the only suitable method for averaging under the ENCM guideline Chapter 164 .

Cooper's "log average" method for gun noise is unique to Cooper and is not supported by the OEH or its predecessors/ENCM

Further, the consent condition does not refer to use of the Guideline but simply states that "75db Peak Hold is the limit"

The application of a "log average" is therefore not possible as it is not the method recommended by the guideline.

The application of "average" to the wording of the consent condition is not possible as the condition is not referencing the Guideline.

The application must fail

Averaging results even if possible, of course unfairly distorts the noise experienced by receptors by transforming measurements in favour of the shooters e.g. noise of 90+ and 60 + can be averaged to 75!! .

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. My family and I will have to bear the impact of 90+ db in real life not on paper!. That is the only thing for the Department of Planning to consider.

My husband works 6 days per week and has Sundays off to enjoy the outdoors of our back yard and the national parks with our family. We can hear the gun noise IN OUR HOUSE now with 12 shooters on a weekend at the 800 m range – what measure of hell will you deliver with any change in noise level to permit even larger guns to still appear compliant as would be the case if you enable averaging?.

Excessively loud noise from the shooting range on the weekends is an unfair and unacceptable impact on our quiet and peaceful family life and creates distressing emotions in us all and we are not happy any longer in our home. 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 of the residents by the Department of Planning.

We moved to Hill Top in 1998 and the shooting range was relatively quiet. There was no plan for expansion and the 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. We would have sold out of here and/or bought elsewhere if we had known that the noise from the range would escalate over 75 db and now it is too late as who will buy our property in Hill Top knowing that the gun noise is going to continue to escalate. The real estate agent says our property

has devalued \$100,000 from the gun complex approval and we may not even be able to sell up and move on at all.

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 me and my family intolerable distressing noise and further loss of value in our 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 our family to an extent that is unequitable yet affords unfair advantage to the shooters.

The expertise of the Acoustic Group Consultant in relation to gun noise tests (in light of his recommendation of "Log Average") is questioned as in previous argument re lack of consent compliant noise test criteria used by AG to date.

The purpose of the limit is to ensure I 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 an absolute limit.

Cooper accommodates even inaudible shots in his log average. This is absolutely unacceptable as it unfairly distorts the results in favour of the shooters.

I can hear this in my home with 12 shooters now not using the biggest guns – the army sounds like cannons and they haven't even started using the .338 and .50 cal yet – averaging at 85 will enable noise at a level of 100+ - that is dangerous to human hearing – you cannot permit it.

The application should fail.

3. Removal of 800m acoustic Shelter (D4) (Refer appendix 2)

IT SHOULD BE REMEMBERED by Department of Planning staff that:

- In relation to the arguments proposed by the Department of Sport to justify the removal of the 800m firing point acoustic shelter the Department of Sport in the presence of Michael File and Michelle Cramsie from the Department of Planning admitted the only reason they could not build acoustic barriers which was their only remedy for excessive noise, was financial. All other “justification” is smoke and mirrors to alleviate that consideration which is not an assessment criteria under the EP& A Act.

Therefore close scrutiny has been applied to the other “justifications”.

- Department of Sport has nominated two clubs to move off the 800m range once the 500m range is operational: Illawarra Regional Shooting Association (IRSA) (who are required by the consent to move all their shooting activities to the complex) and SSAA Illawarra.

The purpose of this statement which cannot be enforced is to imply less use of the 800m firing point. In real terms though this means for the 800m firing point:

Dos PPR says 800m range use per annum 4150 shooters, of that:

IRSA

703

SSAA ILL

400

If these two clubs vacate the 800 range completely (which cannot be enforced unless in the consent) it reduces use at the 800m range to min 3,000 shooters pa. This is still a 200% increase in use/noise at that range from that permitted in the original Council consent. It does not restrict types of guns used in any way. The current Range Calendar (attached **APPENDIX 2**) **showed no details of where the IRSA or SSAA shoot from** and I have removed their “names” from the calendar schedule altogether to show what it will look like if they leave – all it does is open up the calendar to use by other clubs who can use the 800m point!. So there is no “reduction” of use as a result. There is no ability to monitor or enforce any club’s use of any range or any firing point on the 800m range **unless it is written into the consent**. Therefore the “justification” has no credibility in relation to the application and “movement of these clubs” is both irrelevant and misleading **and in fact may result in more use of the range and the 800m firing point by other users that was not previously undertaken by those two clubs.**

The applications should fail

- **The application states that “competitions” at the 800m firing point of the range are for one club only and they occur only every 8 weeks. (Appendix 2)**

That is not accurate as documented on the SHRC Calendar which clearly shows the 800m point is used every 6 weeks and sometimes twice a month (October) even if only weekends are taken to consideration as schedule at this point in time.

The PPR shows 4000 shooters on the range pa. 3000 if the shooting clubs names no longer use the range – something had is unenforceable unless written into the consent.

Feeling up numerous weekend days and the further two days per week that are not even documented for use on the calendar enables the point to be used more often rather than less often. There is no limit on where the army can use the range and they may take up two days a week with louder guns at the 800m firing point for sniper rifles!.

It also shows that the long range points closest to the road i.e. the 600, 700 and 800 points are each used at least 9 times per year.

In any case **neither of the two clubs “moving” activities away from the 800m range are the club that runs the competitions from the 800 firing point** so the impact of the IRSA and SSAA Illawarra ceasing use at the 800m range **has no impact on the use of the 800m firing point.**

There is no reduction in big bore events or use of the loudest guns on the range at any firing point or limit on the number of shooters who may use the range in the future.

The Department of Sport says the Calendars detail “events/comps”. General practice and use is not affected. Walk in use by unlicensed gun owners simply by filling in a form is now permitted on all ranges in NSW and the 800m firing point can be used for that.

The justification is irrelevant and unenforceable and should not be assessed. It should be noted cooper said that the firing points 500, 600, 700 and 800 all were in excessive 75db for the larger guns (these events are in red on the calendar).

The application should fail

4. Change location at residence to be “or equivalent location” (A9)

The Acoustic Group states that they don't want to “trespass” and that accessing properties may not be possible so they should arbitrarily nominate what they consider to be “equivalent to” locations instead of the “worst affected boundary of the property or if the boundary is more than 30 metres from the dwelling, within 30 metres of the dwelling”(sic).

- 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 noise guideline)
- **The Acoustic Group and Department of Sport never attempted to contact any resident nor sought access to any residence for noise tests 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 placed 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.** Acoustic Groups 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 onlyu being used for “military weapons testing” Perhaps Cooper received inaccurate information re that location. (Statutory declarations are available if required). Because of this lack of compliance with site locations the Acoustic Group tests are non-compliant with the consent condition's location requirements.
- 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, will be 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 will ensure easy access to all residential properties required to be tested.
- The Department of Sport should in all cases give HTRAG at least 48 hours notice of noise testing dates and access to residences will be ensured.
- Independent monitoring of all noise tests by representatives of the resident group HTRAG and/or local Councillors and/or the Department of Planning is requested so as to ensure the appropriate guns and receptors are used as it is obvious noise tests to date have been completely non compliant and the Shooters and Department of Sport and their noise consultant cannot be relied upon to carry out noise tests compliant with the noise test criteria that is truly representative of “use”. (refer previous argument re non compliant noise tests to date).
- 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 reason to remove the requirement and/or permit the proponent to determine an “equivalent” location would be to further distort the noise testing in favour of the proponent as relevant affected residents have been consulted by HTRAG and they do not agree that Acoustic Group determined “equivalent

locations” to date represent the most affected or “equivalent” location in relation to testing at their property.

- There is no justification for alteration to the consent requirement regarding location of testing as all residents that are required to be tested have agreed to enable their properties to be accessed at the most affected boundary or within 30 m of the house at the most affected boundary to assist the Department of Sport with the compliance testing.

The application should fail

5. Remove requirement to continue noise tests as per the consent condition

- The proponent states that the testing has been done to date is enough to not require them to continue with the required testing. Clearly none of the noise tests are compliant as proven in this submission earlier so there is no justification for removal of the requirement to continue testing.

As the testing of the 800 m range shows breach and non compliance with existing consent it is premature to remove the requirement for further compliance testing to one year hence

If the noise limit and/or method of measurement of testing compliance for consent condition A9 is modified, noise test monitoring must recommence from the consent date for one year as per the original condition as that is the intent of the condition's inclusion, to ensure the ranges operate within the new consent.

No tests for 800m range since expansion 2010 have been compliant in testing method to date.

Where is the AUTUMN TEST ?? (breach of existing consent).

Testing should recommence immediately for the ongoing year with compliant method and standardised criteria once established. This is an opportunity for the Department of Planning to ensure that BMP is used for the future noise tests and that the criteria for noise testing is equitable for all stakeholders including residents, recreational users and native animals.

The application should fail

6. Independent Auditing of the complex use in relation to Noise by the Department of Planning.

Clearly the applicant infers the Department of Planning may appoint an Independent Auditor in relation to noise for the complex who would disagree with the Acoustic Group Consultant in relation to methods of measuring gun noise. Clearly the Acoustic group Consultant is errant in his method and application of that method for all his noise tests to date, as previously proven.

Any decision by the Department of Planning to take instruction from the Acoustic Group Consultant in relation to Annual Auditing of Noise issues for the complex now or in the future, should result in the opportunity for the Hill Top Resident Action Group Noise Consultant to be in attendance at those discussions so as to ensure equity and accuracy of what is instructed. This will provide a transparent and equitable process for the development as should be afforded the community which will be so severely impacted by it.

In conclusion

There is nothing in the submissions by the Department of Sport and the Consultant Acoustic Group to support the application that has any merit in relation to the requests numbered 1, 2, 3,4 and 5 in my submission. In relation to 6, reporting timeline there is no objection.

In light of there being no compliant noise tests since June 2010 in relation to locations, guns used and method used by the consultant, all noise tests for the 800 range the consent condition requiring that monitoring should be recommenced for the following year in accordance with consent criteria and the guidelines so as to be compliant with the consent requirements. All noise tests to date are discredited and invalid.

The unbiased independence of the shooting groups and unbiased reporting by the Acoustic Group consultant is in question. The Department of Sport should be required to engage a noise consultant in consultant with the Department of Planning and the Hill Top Resident Action Group so as to afford all parties equity and to provide a transparent process which is accountable to the community stakeholders as well as the proponent. Such monitoring should be overseen by community representatives to afford equity to the community during noise tests – there is not reason to refuse this if governance is truly transparent and democratic .

The continuance of the Acoustic Group consultant as the “consultant” for the Department of Planning could be acceptable but ONLY if the method required to be used is as per the guideline , a standardised agreed set of criteria for what is tested in consultation with the HTRAG is established, and monitoring by HTRAG of all noise tests was organised by the Department of Sport to provide a truly equitable process. Otherwise as has been proven to be the case in the past, the process is tainted with a cloud of suspicion, non-compliance and real or perceived conflict of interest.

The consent is absolute and does not refer to the guideline in determining the 75 threshold limit so no change to the consent is supported except for item 6 i.e. the change in reporting timeline, which has no detrimental impact on other stakeholders

These are not trivial matters to me and my family. The detail is important as that is the crux of the whole thing. It is not a simple application as the Department of Sport would have you believe nor correcting a “technical error”!. . The Department of Planning is required o equitably execute the task of assessment . It is also the responsibility of the Department of Planning’s to ensure that if the Independent Auditor seeks instruction from the Acoustic Group Consultant in relation to Noise at the complex now and/or in the future, that it is ensured that is balanced with instruction from the Noise Consultant for HTRAG to ensure equity to all stakeholders and transparency of process.

This application should be referred to the PAC for determination under delegation because the Minister 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 of the users of the range whose interests the project serves. THIS IS IMPORTANT TO SHOW THERE IS NO ‘HAND IN GLOVE’ RELATIONSHIP BETWEEN THE DEPARTMENT OF PLANNING AND THE DEPARTMENT OF SPORT.

Yours sincerely,

Julie, Troy, Elle and Brittni Cook.

Appendix 1

All references to noise in DoS and DoP documents relative to the complex as reasons for the noise limits in the consent and required to be implemented by the consent)

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

15/41

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 are 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 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 dbL 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 85 the days of use must be reduced to 2.)

24/41 ++++++ and here it is

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.

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Department's recommendations

A condition is recommended for a report to be prepared every year for the first 3 years of operation, and then every 3 years thereafter, **by an independent auditor chosen by the Department of Planning**, demonstrating compliance with the conditions of approval. These reports, along with copies of all other report to be submitted, including results of attended noise monitoring, are to be posted on a website and submitted to the Department of Planning and Wingecarribee Shire Council.

31/41

Recommendation Wingecarribee Council

- Appropriate standards used for noise, ignores cumulative impact of firing. (amenity impact and for nocturnal species).
- Frequency and size of special events usage to be clarified.
- More detail required on numbers of shooters, which impacts noise and traffic.
- Military and police uses to be clarified, numbers and types of firearms.

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IHAP Report - The opinions of the **noise and planning experts are still considered to be relevant for the assessment of this proposal.**

A copy of the IHAP report is at Appendix C of this report. A summary of their recommendations, and Department's response is at Appendix D.

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8 Conclusion

The Department has assessed the EA and PPR, considered the submissions, and IHAP report in response to the proposal. The key issues relating to the development are noise, traffic, ecological impacts, contamination, bushfire, safety and security, usage of the complex and management regimes for the site.

The Department has considered these issues and a number of conditions are recommended to ensure the satisfactory addressing of these issues, which include the following:

- **Reduced operating hours for external ranges;**
- **The noise from firearms must not exceed 75dB(L) peak hold at the boundary to any existing private property a residential dwelling;**
- **Additional acoustic measures at firing points** and for the proposed generator;

Operational, construction and ecological management plans to be prepared and implemented. These will address issues such as construction noise, construction traffic, ongoing noise monitoring, contamination management, bushfire management and management of threatened flora and fauna on the site;

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.

Appendix 2
Calendar 2011 for 800m range as off Southern Highlands Rifle Club at 14 July 2011
Pink was SSAA Illawarra or IRSA

SAT 1 Jan	200 + 300m Centrefire Field + 310 Cadet	300 m = Presidents Trophy R2 of 3. Best stage to count
2011		
SUN 2 Jan		
SAT 8 Jan	30 + 60 + 90m Rimfire Field	400m = 2 stages practice
SUN 9 Jan		
SAT 15 Jan	Rimfire Metallic Silhouette	500m = Presidents Trophy R2 of 3. Best stage to count
SUN 16 Jan	ISRC	ISRC
SAT 22 Jan	100 + 300m Centrefire Field + 310 Cadet	600 = Fred Hayes Trophy Day 1 of 2 H'cap
SUN 23 Jan		
SAT 29 Jan	30 + 60 + 90m Rimfire Field	700m = 2 stages practice
SUN 30 Jan	74 PC & Pheonix PC Longarms Practice Day (5th Sunday)	
SAT 5 Feb	100 + 300m Centrefire Field + 310 Cadet	800m = 2 stages practice (SHRC)
SUN 6 Feb		
SAT 12 Feb	30 + 60 + 90m Rimfire Field	300m = Presidents Trophy. R3 of 3. Best Stage to count
SUN 13 Feb		
SAT 19 Feb	Rimfire Metallic Silhouette	400m = 2 stages practice.
SUN 20 Feb	ISRC	ISRC
SAT 26 Feb	200 + 300 Centrefire Field + 310 Cadet	500m = Presidents Trophy R3 of 3. Best stage to count
SUN 27 Feb		
SAT 5 Mar	100 + 200m Centrefire Field + 310 Cadet	600m = Fred Hayes Trophy. Day 1 of 2 H'cap
SUN 6 Mar		
SAT 12 Mar	30 + 60 + 90m Rimfire Field	700m = 2 stages practice

SUN 13 Mar		
SAT 19 Mar	Rimfire Metallic Silhouette	800m = 2 stages practice
SUN 20 Mar	ISRC	ISRC
SAT 26 Mar	200 + 300 Centrefire Field + 310 Cadet	300m = Norm Gash Memorial Best stage to count H'cap
SUN 27 Mar		
SAT 2 Apr	100 + 300m Centrefire Field + 310 Cadet	400m = Norm Gash Memorial Best stage to count H'cap
SUN 3 Apr		
SAT 9 Apr	30 + 60 + 90 m Rimfire Field	500m Presidents Trophy. R3 of 3. Best Stage to count
SUN 10 Apr		
SAT 16 Apr	Rimfire Metallic Silhouette	700m Practice 2 Stages
SUN 17 Apr	ISRC	TBA
SAT 23 Apr	200 + 300m Centrefire Field + 310 Cadet	Easter Saturday 800m = 2 stages
		ANZAC Trophy
SUN 24 Apr		
SAT 30 Apr	30 + 60 + 90m Rimfire Field	300m Practice 2 Stages
SUN 1 May	IRSA Service Rifle	
SAT 7 May	200 + 300m Centrefire Field + 310 Cadet	400m Practice 2 Stages
SUN 8 May		
SAT 14 May	30 + 60 + 90m Rimfire Field	600m - Tasmanian Postal Shoot
SUN 15 May		
SAT 21 May	Rimfire Metallic Silhouette	600m - Albert Burrows Memorial Trophy–Day 1 of 2 or alt day Tasmanian Postal
SUN 22 May	ISRC	ISRC
SAT 28 May	100 + 200m Centrefire Field + 310 Cadet	500m = 2 stages practice

SUN 29 May		
SAT 4 June	100 + 300m Centrefire Field +.310Cadet	700m = Norm Gash Memorial Best stage to count
SUN 5 June		
SAT 11 June	30 + 60 + 90m Rimfire Field	800m = 2 stages practice
SUN 12 June		
SAT 18 June	Rimfire Metallic Silhouette	300m = 2 stages practice
SUN 19 June	ISRC	ISRC
SAT 25 June	200 + 300m Centrefire Field +.310Cadet	400m = 2 stages practice
SUN 26 June		

SHRC Inc. Calendar for 2011

SAT 2 July	100 + 300m Centrefire Field + .310 Cadet	SHRC AGM
SUN 3 July		
SAT 9 July	30 + 60 + 90m Rimfire Field	600m- 2 stage practice
SUN 10 July		
SAT 16 July	Rimfire Metallic Silhouette	700m - Alf Wakeling Trophy H'cap 1 of 2
SUN 17 July	ISRC	ISRC (TODAY!) THE NOISE IS MASSIVE (semi AUTO)
SAT 23 July	200 + 300m Centrefire Field + .310 Cadet	800m - Alf Wakeling Trophy H'cap 2 of 2
SUN 24 July		
SAT 30 July	Rimfire/Black Powder/or Sighting in Day	300m = 2 stages practice
SUN 31 July		
SAT 6 Aug	100 + 200m Centrefire Field + .310 Cadet	400m – 2 stage practice
SUN 7 Aug	ISRC	ISRC
SAT 13 Aug	30 + 60 + 90m Rimfire Field	500m - Albert Burrows Trophy – Day 2 of 2
SUN 14 Aug		

SAT 20 Aug	Rimfire Metallic Silhouette	600m = 2 stages practice
SUN 21 Aug	TBA 5th Sunday	TBA 5th Sunday
SAT 27 Aug	200 + 300m Centrefire Field + .310 Cadet	700m = 2 stages practice
SUN 28 Aug		
SAT 3Sept	100 + 300m Centrefire Field + .310 Cadet	800m = 2 stages practice
SUN 4 Sept		
SAT 10 Sept	Rimfire Metallic Silhouette	300m = 2 stages practice
SUN 11 Sept	ISRC	ISRC
SAT 17 Sept	30 + 60 + 90m Rimfire Field	400m = 2 stages practice
SUN 18 Sept		
SAT 24 Sept	200 + 300m Centrefire Field + 310 Cadet	500m = 2 stages practice
SUN 25 Sept		
SAT 1 Oct	100 + 200m Centrefire Field + 310 Cadet	600m Starlight Trophy 10-shots in 1x5-min exposure x2
SUN 2 Oct		
SAT 8 Oct	Rimfire Metallic Silhouette	700m = 2 stages practice
SUN 9 Oct	ISRC	ISRC
SAT 15 Oct	30 + 60 + 90m Rimfire Field	800m – 2 stage practice
SUN 16 Oct		
SAT 22 Oct	100 + 200m Centrefire Field + 310 Cadet	300m – 2 stage practice
SUN 23 OCT		
SAT 29 Oct	Rimfire/Black Powder/or Sighting in Day	400 m 2 stages - Henry Larkin Trophy
SUN 30 Oct	IDRCA 700 & 800 + AGM	IDRCA 700 & 800 + AGM
SAT 5 Nov	200 + 300m Centrefire Field + .310 Cadet	500m = 2 stages practice
SUN 6 Nov		
SAT 12 Nov	Rimfire Metallic Silhouette	600m = Presidents Trophy R1 of 3.

SUN 13 Nov	ISRC	ISRC
SAT 19 Nov	30 + 60 + 90m Rimfire Field	700m = 2 stages practice
SUN 20 Nov		
SAT 26 Nov	100 + 200m Centrefire Field + 310 Cadet	800m – 2 stage practice.
SUN 27 Nov		
SAT 3 Dec	100 + 300m Centrefire Field + .310 Cadet	300m Presidents Trophy R1 of 3
SUN 4 Dec		
SAT 10 Dec	Rimfire Metallic Silhouette	500m – Presidents Trophy R1 of 3
SUN 11 Dec	ISRC	ISRC
SAT 17 Dec	200 + 300m Centrefire Field + .310 Cadet shoot	400m = 2 stages Christmas
SUN 18 Dec	ISRC	ISRC
SAT 24 Dec	Range Closed Christmas Weekend	Range Closed Christmas Weekend
SUN 25 Dec	Range Closed Christmas Weekend	Range Closed Christmas Weekend
SAT 31 Dec	30 + 60 + 90m Rimfire Field	600m – 2 stage practice.

PPR document numbers from Department of Sport
Calendar of use
800 metre range

Number per range/ per month	800m	500m	Pistol	200m	Shotgun	Total
Total range per annum	4147	3108	2270	2283	2882	14690
% of use per range	28%	21%	15.50%	15.50%	20%	100%