


14 July, 2011

The Director, Strategic Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Fax: (02) 9228 6570

**Re: MODIFICATION TO THE APPROVED PROJECT APPLICATION FOR
THE SOUTHERN HIGHLANDS REGIONAL SHOOTING FACILITY
Reference MP 06_0232 Mod 4**

My Dear Director,

We have received your notification about the proponent's further request to modify the former Minister's Determination on this issue. We find the proposed modification preposterous and our comments on the various issues are provided hereunder.

As you are aware, we have lodged objections, comments and suggestions about the major expansion of the previously small rifle range at Hill Top consistently over the lengthy period that it took for the former Minister to approve the project and we have lodged further objections post that approval. Our most recent objection was submitted in June 2009. In total we have made approximately 10 submissions on this matter.

It seems that the proponent, acting on behalf of the SHRSC, intends to continue to seek modifications to the former Minister's approval until such time that they get their own way or they simply out live the objectors, such as ourselves, who just wish to enjoy the peaceful amenity of their private land holding without being continually subjected to the noise of gunfire. Gunfire is gunfire is gunfire – nothing can change this fact nor the impact that subjecting citizens to the sound of gunfire can have on an individuals or communities mental health and well being. The proponent's actions are a form of "death by a thousand cuts" causing yet more stress and anxiety within our community.

Further, it is alarming, given the recent abolition of Part 3A of the planning process, that the proponent is seeking to modify the approval via the current Minister. Should not this matter now rest with our Local Government Authority?

We understand the power that the Shooters Party holds within the Legislative Council but surely our concerns about our life being impacted by the major expansion of the range (and particularly by the proposed significant increase in noise level) must have some weight with our elected representatives and the current Minister.

Position Statement.

We are opposed to the entire application. The grounds for our opposition are briefly detailed below. One could analyse the proponents submission and the attendant reports in detail but we will attempt to be brief and touch on only the salient points.

Additionally we feel that any capitulation on, or watering down of, the conditions imposed by the former Minister will simply lead to continuous requests to further erode that Minister's Determination (a quote from our prior submission of 23 June 2009 and somewhat prophetic).

For our part we believe that the former Minister has been generous to the proponent in the original Determination and that far stricter conditions should have been imposed to protect our amenity of our property. Additionally the former Minister allegedly altered the Development Approval for the rifle range to reportedly "legalise" certain construction work that was in contravention of the Approval. Such action "reportedly" voiding an anticipated legal outcome that would have had an adverse impact on the further development of the rifle range. Hard to believe but apparently true.

If it is still possible for the proponent to have the conditions detailed in the Determination relaxed by the current Minister, then it is still possible for the current Minister to provide the residents of Hill Top with a better outcome than presently exists eg more stringent noise conditions. In view of the proponent's current actions we can no longer accept that the existing 800m rifle range should be given any special consideration because of its longevity. Therefore, we contend that the existing 800m rifle range is now, because of changed operations, a "future" range and should have the appropriate "future" range noise constraints applied to all shooting operations undertaken thereon.

We commend you to review our various submissions on this issue and request your careful consideration prior to any further action being undertaken which may detrimentally affect our ability to enjoy the amenity of our property.

Disclosure Statement.

Neither of us has made any reportable political donations in the previous two years, or ever for that matter.

Presumably the proponent has provided a similar declaration on behalf of themselves and their "clients" eg The Shooters associated with the SHRSC, each and every one of them.

Disclosing of Identity.

We request that our identity is not disclosed under section 75H of the EPA Act 1979.

Our Comments.

In addition to the above statements, we offer the following comments on the proponent's request.

1 - It concerns us that the proponent, the successful proponent, now wants to modify the consent - again. One wonders where the parity is between the proponent and the opponent(s) in this particular planning environment.

2 - Proponents Letter hand dated 13/5/11.

Section - Additional matters for consideration:

- We note that the proponent has confirmed that the June 2010 noise monitoring testing showed that the firearm discharge exceeded the mandated noise levels. This shows that GHID simply reported the results without fear or favour. Testing after this time indicated (anecdotally) that the noise levels recorded were even higher than the June test. Given this result, under no circumstances should the testing regime be relaxed now or in the future. On the contrary given the actual results of these tests, the frequency of testing needs to be increased because clearly the range operators have no idea of the noise levels of the various armaments being utilised on the current range.
- We fully support the Proponent's concern about the "independent auditor" and suggest that the auditor not only be qualified, but be fully independent of the proponent, the shooters or any other interest group eg the opponents. Under no circumstances should the "Acoustic Expert" (clearly aligned with the Shooters) be utilised for such testing.
- We note that the modification request fee has been paid by the proponent. Why aren't the shooters, the users of the facility, responsible for this cost? After all we have had to pay Council to obtain copies of the submissions and related costs associated with the lodgement of this objection. We do not get access to tax-payer funds to so do.

3 - The requested "Modifications".

We are opposed to all three modifications on the following grounds:

- A9 - Increase the maximum noise of firearms for the 800m rifle range only, from 75dB(L) peak hold to 85dB(Lin) peak hold.

Chambers Dictionary defines a "bel" as "a measure for comparing intensity of noises, electric currents, etc., the number of bels being the logarithm to the base 10 of the ratio of one to the other". The proposed increase is not simply an increase of 10 decibels. The proposed increase is logarithmic and exponential NOT linear. It is a significant and intolerable increase in the permissible noise pollution allowable on the 800m rifle range.

The Acoustic Group per medium of Steven E Cooper has provided two reports to the Communities NSW (Sport and Recreation). These reports and the Department seem to argue two main points:

- - the original noise testing measurements undertaken by GHD and NDY were incorrect. This conclusion is deduced by the author from a "desktop" analysis of the original noise measurement data circa 2008 and subsequent compliance noise measurement testing of the rifle range by GHD, and
- - the 800m range at Hill Top has been in existence since the mid 1980's and therefore it should be exempt from any noise limits at all.

Cooper's conclusions are based on his professed experience in the analysis of rifle range noise impacts. It should be noted that neither Cooper nor his company has undertaken any on-site noise measurements.

To give Cooper his due he does state in the conclusion of document 40.883.R1:ZDS - *"What consequences the technical errors by both GHD and NDY as to the reaction of the community is a matter that needs to be resolved."* (as written in Cooper's report) and *"How that matter is resolved will require some delicate and intense consultation. The consequence of generating noise levels higher than that in the current approval can still be addressed by way of the guidelines and could, residence perspective result in a further reduction in the number of days the range may be used each week."* (Again as written in Cooper's report) and further *"At the present time the big bore range should not be permitted to utilise any firing positions greater than 400 m so as to maintain compliance with the conditions of consent."* SHRSC and the Proponent seemingly chose to ignore this advice from their own consultant.

From the author's CV it seems that he does have considerable experience in this field. However, as a lot of his work appears to be on behalf of the Sporting Shooter's Association of Australia, his view may not be as objective or indeed as independent as other experts in the same field.

It should be noted that three acoustic "experts" have now been employed to determine the noise level to be imposed on the SHRSC. Apparently the proponent is satisfied that they have finally located an "expert" who gives them their desired result.

With regard to a), we do not have the technical expertise to effectively argue the intricacies of rifle range acoustics. What we can do however is restate the fact that an increase in the order of 10dB(Lin), as requested by the proponent (averaged or not) is not simply a linear increase but an exponential increase of significant magnitude, perhaps even a doubling of the noise impacts.

We also find the argument that future noise measurements should be expressed as "the logarithmic average of 75dB(L) peak hold" nothing more than a "convenient subterfuge" to accommodate and disguise the fact that the existing (and future ranges) will not be able to meet the current noise abatement requirements, or any noise abatement requirements for that matter, imposed on the SHRSC for the protection of residential amenity, schooling and other sufferers of noise pollution emanating from the SHRSC complex.

The logarithmic average seems to imply that by utilising this methodology one can somehow count shots that are audible, but below the ambient noise level and therefore not measurable, in order to "average" the actual sound of shots that can be measured thus reducing the overall noise impact of the gunfire on the impacted environment. Cooper's report 40.4883.R2:ZDS.

In the conclusion of the same report (40.4883.R2:ZDS) Cooper states *"The compliance testing is subject to the weather conditions and should be abandoned when there is excess wind and for the exposed location the limit for noise monitoring may very well be an average level of 1.5m per second with a maximum of gusts of 4m per second because in effect the noise levels at residential receiver locations are (in the context of other rifle ranges) relatively low."*

We estimate 1.5m per second to be 5.4kph and 4m per second to be 14.4kph, if our mathematics is correct. This might be difficult to achieve at Hill Top a breezy little place.

An ideal day for testing would have been Sunday 3rd July when it was dead calm. We "enjoyed" the clear uninterrupted sound of gunfire in stereo as it reverberated around the gullies of Western Hill Top for most of the day.

Cooper is 100% correct in his assessment that here in Hill Top our attendant environmental noise level is very low, just the way we like it. The major contributor to the environmental noise level is the wind. We would like to keep it that way! Less gun noise please!

With regard to b), we find this argument to be quite specious. It would only be valid if the 800m rifle range was being used by the same sporting shooters who were using the range prior to 2007, utilising the same firearms then in use.

The impact from the 800m rifle range is no longer the same as it was 25 years ago or even a few years ago for that matter. There are, we believe, more shooters using the range now than prior to 2007 given the current noise level.

Additionally, the variety and type of guns being employed on the range has significantly changed. Therefore it is entirely appropriate to impose a noise level restriction on the 800m rifle range. We contend therefore, that the use of the existing 800m rifle range has been so altered as to classify it as a "future" range. Accordingly it should be subject to the same noise limit proposed for a "future" range eg 71dB(L) peak hold. We fail to understand why this limit has not been set for all the "future" ranges proposed at the SHRSC.

We further contend that the former Minister's determination, that an appropriate noise level of 75dB(L) peak hold should be applied to the SHRSC, is very generous seeing that the limit for "future" ranges is 71dB(L) peak hold.

On page 5 of the report 40.883.R2:ZSC, Cooper states *"However in any event the additional ranges to be provided on the complex would be additional to the existing range and noise limits would be governed by the existing noise criteria that would apply to the 800 m range."* This statement appears to be at odds with the proponent's submission. We contend that the additional shooting ranges are "future ranges" and the noise limit to be applied to those ranges should be that specified in Chapter 164, if indeed this is the "bible" to be used for setting noise measurements. The proponent cannot seek to use Chapter 164 for some issues (logarithmic averaging) and ignore it for others (noise level limits).

We also note that Cooper states in document 40.4883.R2:ZSC that *"my draft guidelines were amended by the SPCC by lowering the recommended noise limits by 5 dB. Other than that adjustment the technical content of the guidelines are as I originally prepared for the committee."* Congratulations to the SPCC. As we are now into the second decade of the 21st Century, it is time to again update the noise limits set for rifle ranges and drop the limits by another 5 dB or greater to more accurately reflect the communities expectations of peace and quiet in today's society.

- A6 (d) - Increase the time period for noise compliance testing report to be lodged, from 7 days to 30 days. Apparently, even with the powerful computing technology available to almost everyone these days, the current requirement is too stringent. Our suspicious minds suggest that it has more to do with modifying and fiddling the results rather than providing the results in a timely manner. Being in a conciliatory mood (for reasons unknown) an extension of lodgement time for a further 7 days would appear more than adequate.

- D4 - Acoustic Shelter 800m firing point. This requirement seems quite explicit. However, seeing that the proponent has brought the matter up why is this shelter simply proposed for one firing position on the 800m firing range?

We do not have access to the PPR so we do not know what was originally proposed, therefore, why can't noise abatement shelters be constructed such that they can be used at ALL firing positions on the 800m firing range?

In other words a form of firing shelter that can be moved from firing position to firing position as required. In today's world such an arrangement is surely technically feasible and the materials utilised should not weigh more than a "p-handled" trolley can haul.

After all if there are only seven firing points available at each firing position, the range would only need seven acoustic enclosures to facilitate noise abatement at every firing point on the 800m range.

If such an arrangement is not possible (or is simply too simple to implement) then we would suggest the need for a mobile acoustic shelter to be provided for the 800m range which can be moved to any of the firing positions eg a mobile acoustic shelter.

Such arrangements, as proposed above, would surely solve a number of noise related problems associated with the upgrading of the formerly small Hill Top rifle range into the mega SHRSC.

We note that the proponent in their submission has identified a practical solution to the noise abatement problem quote *"Without any additional noise controls (such as earth mounds along the side of the range which would come at high cost and possible environmental impacts) there would be no reduction in noise from existing operations"*. This demonstrates two things 1), mounds may be preferable to acoustic shelters and should be more thoroughly examined, and 2) the operators of the range have no intention of modifying their behaviour to meet the current, and we suggest based on present results, any future noise restrictions. If appropriate noise limitation work is undertaken then it would be possible to negate the noise emanating from the SHRSC almost entirely. It just takes money and the will to get it done.

Our "Acoustic expert" seems to suggest that as the shooters move closer to the target end of the range, the noise pattern changes and the resulting noise impact on adjacent residential properties is less. We dispute this claim, especially as the aforementioned expert does not appear to have undertaken any actual field tests in the Hill Top area. Obviously the noise propagation pattern will depend on the type of weaponry used but it seems that some very loud weapons are being used over the shorter ranges if the noise levels being experienced are any guide.

CONCLUSION.

Director, as can be seen from our response, we are definitely opposed to any change in relation to;

- the noise limit set by the former Minister. In fact we believe that this limit is far too lenient. Additionally we are opposed to any change in the monitoring regime utilised by GHD and NDY.
- the requirement to construct Acoustic shelter(s) at the 800 m rifle range

However, we would support only a minor change to the report lodgement time frame from 7 to 14 days.

Further, it seems to us that by proposing a major change to the Firearm Noise Limits for the SHRSC, the proponent has opened a rather large can of worms. This is particularly so when the proponent postulates, based on The Acoustic Group reports, that the original noise assessment measurements were in error.

Therefore, the only way to ensure a fair and reasonable outcome is for the whole Noise Limit question to revert to Stage 1 eg undertake another round of noise measurements at the SHRSC 800 m rifle range.

We would propose (a more polite word than demand) that noise measurements be undertaken by GHD, NDY and The Acoustic Group to sort out once and for all what noise limits should be imposed on the SHRSC going forward and the measurement methodology to be adopted. We do not support the Logarithmic Average methodology.

We further propose that two sets of data be recorded by each of the three groups.

The first set of data would measure the noise produced by the 800 m rifle range prior to 2007. Obviously we can't travel back in time but this can be reasonably determined by using the Sporting Shooters and their firearms that were in use at that time.

The second set of data would measure the noise produced by the 800 m rifle range currently, using the Sporting Shooters and their firearms that are currently in use.

We would need to rely on the honesty of the SHRSC to achieve these outcomes which may be a step too far for some people.

Additionally the testing needs to be undertaken from each of the eight firing locations on the 800 m rifle range with all relevant firearms being used at each location.

Measurement of the noise produced needs to utilise both measurement methodologies detailed in the proponent's submission namely the "absolute maximum/arithmetic average" which I assume is the methodology adopted by GHD and NDY and "logarithmic average" methodology as is proposed in the modification request.

Each of the three parties will need to be present on the same day(s) and record their own observations at each observation point using the equipment best suited for the work.

The results can then be collated, analysed and a noise assessment report prepared by an independent body such as, but not necessarily restricted to, the National Acoustics Laboratory. Whoever does this analysis must be independent from all of the conflicting parties and contractors. Only in this way will any sense be made out of the conflicting arguments presented by the proponent and their most recent consultant.

It will also provide an opportunity to assess the quality and accuracy of Cooper's desktop assessment and criticism of GHD and NDY.

We note that the Chapter 164 Guidelines are now nearly 30 years old. One must seriously question whether these guidelines are relevant in today's socio environmental climate where people expect, in fact demand, that Government give more weight to issues such as noise pollution irrespective of past practices, and whether or not the Government needs to curry favour with the Shooters Party to have it's legislation passed in the Legislative Council. With the landslide victory for the current Government, NSW as a whole expects more of this Government than political expediency, a hallmark and much criticised trait of the previous Government.

In the absence of any further testing we DEMAND (a not very polite word) that the Minister apply a blanket "future range" noise limit of 71dB(L) peak hold (arithmetic average) to the whole of the SHRSC for the reasons outlined in this submission. We also demand that further shooting operations at the SHRSC be terminated immediately until the breach of the former Minister's determination in relation to Firearm Noise Limits is resolved.

Of course the Minister can only do this if he still has the power to make such decisions following the repealing of Part 3A.

We remain yours faithfully

CC: Pru Goward MP
CC: Wingecarribee Shire Council