



Blue Mountains Conservation Society Inc

ABN 38 686 119 087

PO Box 29 Wentworth Falls NSW 2782

Phone: (02) 4757 1872

E-Mail: bmcs@bluemountains.org.au Web Site: www.bluemountains.org.au

Nature Conservation Saves for Tomorrow

25 January 2017

**Tourism and Recreation Projects
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001**

Via the website facility

BMCS Submission opposing the Southern Highlands Shooting Complex 06_0232 Mod 5

1. Introduction

The area of interest of the Blue Mountains Conservation Society (BMCS) extends down to the southern end of the World Heritage Area and adjacent National Parks and State Conservation Areas.

BMCS strongly opposed the establishment of this shooting facility in 2006, not least because it involved excision of 1000 ha from the Bargo State Conservation Area (SCA). Under any circumstances, taking public land from the parks system for exclusive private use as a shooting complex was (and still remains) unacceptable.

Additional concerns raised were:

- Excision of reserves (or part thereof) should be enacted only in exceptional circumstances according to the Department of Environment and Conservation's Revocation of Land Policy, particularly if there are alternative sites outside NPWS lands. To what extent were alternative possibilities considered?
- To what extent did the Shooters Party (of that time) have input to the decision-making process?
- The proposed site was (and still is) within the Warragamba catchment and close to the Greater Blue Mountains World Heritage Area and Nattai Wilderness – this inevitably impacts upon nearby wilderness, as well as imposing additional noise and vehicular pollution on the Hill Top community.
- Approval would add a lead contaminant to Sydney's drinking water supplies and compromise the recreational use of the Bargo SCA.

The above is reiterated because BMCS believes that the original approval should not have been given. The proposal was half-baked and has been subject to several modifications to make the unsuitable site less detrimental to the amenity of impacted residents, the regional environment, and aboriginal heritage. Unfortunately, these changes failed to turn a sow's ear into a silk purse and now we are faced with yet another modification aimed at making the Southern Highlands Regional Shooting Complex (SHRSC) supposedly safer and more economically viable.

The SHRSC was conceived in haste so that NSW could attempt to match the Victorian facility. As with many hasty decisions, the SHRSC failed at that time and has now become increasingly unacceptable from the

public's viewpoint. **The Mod 5 proposal should be rejected and the land should be returned to the Bargo State Conservation Area.**

2. Office of Sport, Mod 5 objectives, and questions arising

The Office of Sport is responsible for this proposal. The Office of Sport is an executive agency related to the Department of Premier and Cabinet. It has responsibility for a broad range of services and facilities that are said to support and enrich the lives of people and communities across NSW. It specifically administers (*inter alia*) the Sydney International Shooting Centre in Western Sydney.

The Office of Sport has several divisions, but it seems that the Sport and Recreation Division makes grants to sports bodies. It is not entirely clear how such financial aspects work, but it would seem to be proposing to use taxpayers' money to modify the facility and in effect make it compliant. The Office of Sports' justification is that Mod 5 will allow the centre to operate consistent with established industry and compliance practices, effectively mitigate noise and improve the safety and environmental performance of the centre.

Mod 5 comprises a series of smaller modifications. These include physical modifications to the shooting ranges, and variations to conditions of approval that arise from the proposed physical changes. Modifications are also needed because of the recently introduced Environmental Protection Authority's (EPA) Note on noise determinations¹.

BMCS recognizes that there have been changes in relation to noise-detection methodology that have come about during the long delay in implementing the original approval of March 1, 2010. BMCS also notes that Mods 1-3 in the late 2010-early 2011 period were approved, but Mod 4 was rejected by the Planning Assessment Commission in May 2011. Since then, nothing of appreciable significance seems to have happened in terms of pursuing the matters of concern in 2011. This hiatus raises several questions:

- Why wasn't the SHRSC designed properly in the first place (apart from regulatory requirements)?
- What evidence exists that the project, which was originally approved in 2010, is able to be completed, in respect of the 500m and 50m ranges and the upgrade of the 800m range, with the committed \$7.7 million in NSW Government funding²?
- What evidence exists to show that the currently pathetic level of use³ justifies this environmental-, social- and heritage-related destructive use of taxpayers' money?

3. Offsets package is compromised and inadequate

The offset package comprises three things:⁴

- addition of 552 ha to the Yengo National Park – this supposedly took place in 2007;
- addition of 1,956 ha to the Bargo State Conservation Area – this supposedly took place in 2007; and,
- subject to the further development of the proposal, creation of the Dharawal State Conservation Area (323 hectares).

As the majority of the Dharawal SCA became a National Park on 26 March 2012⁵, it is not clear how the third portion of the offset would apply. In any case, should Mod 5 be approved, BMCS contends that the whole business of the 'offset-equivalence' should be revisited.

¹ <https://majorprojects.affinitylive.com/public/563220ca0c3e730a441d8a2557ac8543/EPA-noise-compliance-shooting-range.pdf>

² <https://majorprojects.affinitylive.com/public/7ff42f61f76bde9ae99ec1fd95916517/20160830%20SHRSC%20Community%20Consultation%20Report%20Final%20Oct.pdf>, Appendices E and F, pp26-27.

³ <https://sportandrecreation.nsw.gov.au/southern-highlands-shooting-complex-range-calendar>.

⁴ https://majorprojects.affinitylive.com/public/3f540f52e29b59b6e6ba73660f4b0351/Final%20Revision%20S75W%20Report_%2028%20Oct%202016.pdf, Section 6.3.3, p33.

⁵ <http://www.nationalparks.nsw.gov.au/visit-a-park/parks/dharawal-state-conservation-area>

The totally destructive outcome of excising 1000 ha to create the SHRSC in the middle of the Bargo Reserve is unconscionable. The excised area formed a significant part of a tract which connected the Woronora Plateau with the Nattai Plateau, and ultimately the southern Blue Mountains. Disrupting the continuity of this tract of temperate forest through clearing for the SHRSC has compromised important habitat and species-migration routes and, as such, constitutes an existing threat to the southern part of the Greater Blue Mountains World Heritage Area (GBMWhA).

How does one put a price on government-sponsored environmental vandalism, particularly when the outcome effectively facilitates shooting and associated noise within the encompassing reserve system?

4. Indigenous heritage

Throughout the documents, despite ‘consultation with the community’, little reference is made to indigenous heritage in either the KJA Report⁶ or the Section 75W report⁷. In fact, the only focus on indigenous heritage is in the proposed Statement of Commitments where it indicates⁸:

- where practicable, impact to the identified Aboriginal site Hill 1 be avoided – this to be addressed as part of the detailed design;
- if impact to the Aboriginal site Hill 1 cannot be avoided, then the artefact be collected or relocated away from the area of impact – this to be done before construction; and,
- continued consultation to occur with the Northern Illawarra Aboriginal Collective and the Illawarra Local Aboriginal Land Council – this to be done before and during construction.

BMCS is unconvinced that adequate consideration has been given to indigenous heritage at Hill 1 and elsewhere in the 1000 ha. Avoiding the Hill 1 site is largely at the discretion of the proponent who decides ‘what is practicable’. Then, if avoidance is ‘not practicable’, the proponent can collect and/or relocate any artefacts, irrespective of the significance of their location; this is not satisfactory – **independent authorities must be brought in to fully evaluate the Hill 1 site and any other sites – it should never be left to the discretion of the proponent.**

Of course, ongoing consultation (dot-point 3) is always desirable, but BMCS again emphasises that independent evaluation would greatly enhance the value of the ‘consultation’!

5. Additional concerns

BMCS would normally consider in detail the design and operating conditions relating to the proposals in Mod 5. But BMCS believes that the original consent should be revoked and any funding from government be put towards the design and construction of a new shooting facility at a site where environmental, social and heritage considerations are less critical. BMCS will therefore devote relatively little time to some of these additional concerns.

5.1 Operational objectives

The arguments for adopting the EPA Note recommendations, as opposed to the recommendations prescribed in the **current approval** for MP06_0232, are made in the Section 75W Modification Report, Section 6.2.1, pp22-23. Comment is also provided on the classification of ‘existing’ and ‘future’ ranges. The Office of Sport states that it seeks to operate the SHRSC consistent with the EPA Note because: (a) this Note is taken to represent established best practice, and (b) “...*current guidance provided by the NSW Government agency*

⁶<https://majorprojects.affinitylive.com/public/7ff42f61f76bde9ae99ec1fd95916517/20160830%20SHRSC%20Community%20Consultation%20Report%20Final%20Oct.pdf>

⁷https://majorprojects.affinitylive.com/public/3f540f52e29b59b6e6ba73660f4b0351/Final%20Revision%20S75W%20Report_%2028%20Oct%202016.pdf

⁸https://majorprojects.affinitylive.com/public/3f540f52e29b59b6e6ba73660f4b0351/Final%20Revision%20S75W%20Report_%2028%20Oct%202016.pdf, Section 6.5.2, p33.

*charged with the responsibility of protecting the environment”*⁹. The Office of Sport also acknowledges and accepts that the ‘future’ range criteria should be adopted for all ranges at the SHRSC.

BMCS is concerned about the ready acceptance of the EPA Note recommendations because:

- the EPA Note deals with the ‘general situation’, rather than the ‘specific situation’ as embodied in the **current approval** for MP06_0232 – for example, the specific situation involving proximity to environmentally sensitive lands and/or the Hill Top community could be a reason for having more rigorous restrictions;
- changes to the conditions of approval proposed in the Section 75W Modification Report, Section 6.2.1, pp23-26 **result in an extension of operating hours**, even though Mod 5 argues that ‘lower firearm noise propagation’ **has already been achieved** by the introduction of new acoustic design measures at the existing 800m range, and under the Mod 5 proposals **will be achieved** at both the 500m and 800m ranges; and,
- the statement by the Office of Sport that “...*the only way to increase the number of days or nights for which the ranges at the SHRSC can be used is to reduce firearm noise propagated from the site...*”¹⁰. There can be no question that the push for modifications is to facilitate noise-reduction in order **to extend the hours of operation and (hopefully, from Office of Sport’s viewpoint) enhance utilisation**.

5.2 Lack of clarity

Despite having read Section 75W Modification Report, Section 6.2 several times, there is a conflict between the work already done (mainly the 800m range), the various testing that has been, or is being, undertaken in relation to noise determination and refinement on the 500m range, and what is trying to be achieved overall. Furthermore, running all through this is the uncertainty of the proponent in trying to justify changes (i.e., Mod 5) without overtly stating the proposed outcomes will engender greater flexibility (= extended hours of operation), an increase in usage (including weekend operations and special events), and inevitably have a greater impact on the Hill Top community, the adjacent environment and aboriginal heritage.

To illustrate the lack of clarity:

- According to Section 6.2.1 p22, the **current A6 condition** of approval stipulates that the existing 800m range may only be used up to 4 days¹¹ per week, while condition A7 specifies that all outdoor ranges shall not operate more than 4 days in any week and not outside the hours of 10am to 5pm – so far so good!

In Section 6.2.1 p24, the **proposed A6** states that the existing 800m range is permitted to be used on Saturdays and Sundays between 10am and 5pm, but only until the time when the range is used in accordance with the future **daytime-use** recommendations contained within Table A1 (see p22) – for 75 dB this amounts to 4 days per week. This is then qualified as being subject to an Interim Operational Management Plan (IOMP) which *inter alia* must include the operational **days and nights** of the shooting complex, and maximum number of shooters each day at the 800m range.

By now, it is unclear whether or not the 4 operational days must include Saturdays and Sundays, or whether there is a restriction to 2 days which must be Saturday and Sunday. It is also unclear why the IOMP has included night-time operations, unless it is covering the possibility of lowering the noise to ~70 dB, at which point Table A1 allows 5 daytime and 1 night-time use.

⁹https://majorprojects.affinitylive.com/public/3f540f52e29b59b6e6ba73660f4b0351/Final%20Revision%20S75W%20Report_%2028%20Oct%202016.pdf, Section 6.2.1, p22. The cumbersome quote in item (b) presumably means the EPA or DPE (which encompasses the EPA!), but why not state it?

¹⁰https://majorprojects.affinitylive.com/public/3f540f52e29b59b6e6ba73660f4b0351/Final%20Revision%20S75W%20Report_%2028%20Oct%202016.pdf, Section 6.2.1, p23, para2.

¹¹ ‘Days’ as used would seem to encompass 10am to 10pm, but this is never made clear and becomes apparent when daytime and night-time use is used.

- If the proposed A7 hours of use for outdoor ranges (Section 6.2.1 p25) are now considered, it seems that the maximum number of usage days is as specified in Table A1 (for the pertinent noise-level) and that the 'days' can comprise daytime hours between 10am and 5pm and night-time hours between 5pm and 10pm. It stipulates that shooting on public holidays is not permitted except for Special Events and that, for Special events, the EPA may consider an extension of the times on both nights in one weekend provided such events occur no more than three times a year.

Special events are further covered under condition A10 which makes provision for up to 12 Special Events, 3 of which may be held on public holidays.

The level of obfuscation, or arguably obscurantism, is unsurprising, not least because: (a) Mod 4 was rejected by a PAC, (b) approval of the original proposal in which public land was effectively excised from an SCA for private purposes was truly outrageous, and (c) the threats posed to the environmental connectivity of the region and to the integrity of the GBMWA.

6. Conclusions

- The original proposal should have been rejected entirely; it wasn't, and now in the guise of Mod 5 the reasons for original rejection are to be exacerbated.
- Mod 5 should be totally rejected and the SHRSC shut down because it is economically unviable and certainly dangerous in its present form.
- The Mod 5 proposal fails to provide adequate answers in relation to funding and anticipated utilisation; proceeding with it would seem to be a drain on the public purse.
- The offset package would seem to be totally inadequate and should be revisited.
- Indigenous heritage is largely dismissed because doing anything about it is qualified by 'where practicable'.
- Reliance on the EPA Note as a basis for future operations is illogical; the original conditions were site-specific whereas the EPA Note recommendations comprise a 'one size fits all' approach.
- The Mod 5 proposal as presented is lacking in clarity and should be rewritten to avoid ambiguity and inconsistencies.



***Dr Brian Marshall,
For the Management Committee***

