

Planning Assessment Report

Application to Modify the Minister's Approval for Southern Highlands Regional Shooting Complex

Major Project 06_0232 MOD 1

1 BACKGROUND

The Minister for Planning approved a project application for the Southern Highlands Regional Shooting Complex on 1 March 2010 subject to conditions, for the following:

1. Retention of the existing rifle range (800m) and ancillary facilities;
2. An additional rifle range (500m x 100m);
3. A new pistol range (50m x 140m);
4. A new combined rifle and pistol shooting range (200m x 85m);
5. A new shotgun range;
6. An new indoor air range (21m x 17m x 6.5m); and
7. New supporting facilities and infrastructure including:
 - Clubhouse and toilet facilities
 - Internal access roads
 - Diesel generator, solar panels, water supply tanks and septic system
 - Sealed parking for approximately 180 cars
 - Ponds for water quality control and fire fighting purposes

Stage 1 of the shooting complex will consist of the first 3 ranges (the existing 800m range, new 500m rifle range, and 50m pistol range) and new supporting facilities and infrastructure. Construction of the remaining 3 ranges (200m combined range, shotgun range and indoor air range) will be subject to future funding agreements.

On 19 October 2010, the proponent submitted a Modification application under 75W of the Environmental Planning and Assessment Act 1979 (the Act) seeking approval to modify the project by amending the location of the 500m rifle range and 200m combined rifle and pistol range. Additional information was provided on 20, 21 and 22 October 2010.

Evidence was given in Land and Environment Court Class 4 proceedings commenced by the Hilltop Residents Action Group against the Minister Administering the Sporting Venues Authority Act (the respondent) on 21 October 2010 that the respondent had cleared land for the shooting ranges in breach of the project approval granted by the Minister. The respondent admitted that the clearing of the land was in breach of the project approval, but was consistent with the modification application lodged with the Department. The Court accepted the respondent's undertaking that further clearing would accord with the approval pending determination of the modification application, and did not make formal orders.

The breach of the project approval has been referred to the Department's Compliance team for investigation and appropriate action.

2 THE PROPOSED MODIFICATION

The proposed modification seeks approval to relocate the 500m rifle range and the 200m combined rifle and pistol range, and the sedimentation ponds associated with the ranges, approximately 100m further north towards Wattle Ridge Road.

The proponent's project consultant, Mr Alex Horton, states that moving the ranges will reduce the area of vegetation clearing from 105,000m² to 92,000m² and reduce the volume of fill required from 95,000m³ of imported fill, to a balance of cut and fill.

3 ASSESSMENT PROCESS

Section 75W(2) of the Act provides that a proponent may request the Minister to modify his approval of a project. The Minister's approval is not required if the project as modified will be consistent with the original approval.

The proposed modification seeks to change the terms of the Minister's determination by amending conditions of approval that relate to the approved plans, being A2 – Development in Accordance with Plans and Documentation, and C1 – Vegetation Clearance. Accordingly, the modification will require approval.

Section 75W(3) of the Act provides the Director-General with scope to issue environmental assessment requirements (DGRs) that must be addressed before the consideration by the Minister or his delegate. DGRs have not been issued for the modification because the potential impacts arising from the modification are addressed by the DGRs issued for the original application and the Environmental Assessment provided in response to the DGRs. It is considered that the impacts arising from the proposed modification are similar to the original proposal, and that no further assessment requirements are necessary.

Section 75W(4) of the Act gives the Minister the authority to modify the approval (with or without conditions) or disapprove the modification. Following consideration of the proposed modification (see below), the Department recommends the modification be approved.

4 CONSULTATION

Having considered the modification application and the views expressed by the proponent's project consultant, ecologist, and surveyor, the modification proposal is considered to be of minor environmental impact compared to the original approval, and therefore it is not considered necessary to publicly exhibit the proposed modification.

As a party to the Land and Environment Court proceedings, the Hill Top Residents Action Group is aware of the modification application which was specifically referred to in affidavits read in Court and also referred to in the terms of the undertaking made by the respondent in the proceedings. The Action Group is also aware, through evidence given in the proceedings, that the respondent requested that the Department deal with the modification application expeditiously so that the proponent can meet the requirements of the conditions of the original approval which do not permit clearing during the breeding season.

A submission was received from a member of the Hill Top Residents Action Group, and from Pikes Lawyers on behalf of the Action Groups and raised concerns about the modification application including the following:

- proposal to remove vegetation in the 200m range footprint to construct Pond 1;
- clarification of the distance of the amended range location from Wattle Ridge Road;
- impact of the relocation of the sedimentation ponds;
- approval is needed from the NSW Police for the revised range danger areas;
- the clubhouse location appears to have been moved;
- investigation of illegal clearing works.

These issues are considered as part of Section 5 below.

5 CONSIDERATION

The proposed relocation of the 500m range will necessitate the relocation of the 200m range as the two ranges are linked. The resultant location of the two ranges will be approximately 100m closer to Wattle Ridge Road as well as being further away from Rocky Waterholes Creek.

The amended location of the shooting ranges will reduce the extent of native vegetation to be removed (from 105,000m² to 92,000m²), and therefore has less impact on vegetation and habitat

loss compared to the original location of this range in the Environmental Assessment. As 95,000m³ of fill is no longer required to be imported onto the site to construct the range, there is less impact on the existing topography and resultant environmental impacts. The project approval permitted the clearing of some of the footprint of the 200m range in order to construct Pond 1, and this will also be permitted for the modification. The length of the internal access road to the two ranges will also be shorter, and will therefore also assist in reducing the impact of the shooting ranges on the natural environment. The stop butt located at the end of the ranges, used for collecting bullets, will be located further away from Rocky Waterholes Creek and is therefore likely to result in an improved outcome for water quality management.

Jayne Tipping was the principle ecologist for the project application and was responsible for the preparation of the Supplementary Ecological Assessment dated July 2008, and the Ecological Management Plan and additional Spring Surveys required by the project approval.

Ms Tipping reviewed the proposed relocation of the 500m and 200m ranges, and following discussions with Mr Brendan Ryan, the former senior ecologist who was team leader for the original field surveys and impact assessment of the proposal, responded that the amended layout of the shooting ranges is unlikely to result in additional impacts on threatened species known to occur or potentially occur at the site, for the following reasons:

- the revised footprint will not result in impacts on areas of the site that have not been previously surveyed or taken into consideration in the original assessment;
- the landscape and habitat features in the subject area are relatively homogenous and therefore unlikely to result in unique species being adversely affected;
- the amended location will also result in 1.3ha less vegetation clearing and therefore reduce the area of likely habitat to be removed on site for threatened species and other native flora and fauna on the site.

The Department is satisfied with the information provided on this matter.

The proponent's project consultant, Mr Alex Horton of GHD, advised the Department that the plans show the relocation of two of the sedimentation ponds (Pond Nos. 1 and 2) to suit the relocation of the ranges. Mr Horton advised that the amended locations of the ponds are in accordance with *Landcom's Soil and Construction: Managing Urban Stormwater (2004)*, as required by the project approval, and have been reviewed by the Sydney Catchment Authority (SCA). In addition, the amended pond locations are further away from the gullies that run through the site, further complying with SCA requirements. Mr Horton also advised that ponds contain the minimum storage volumes as specified in drawing SK024 to comply with condition B3(D)(i) of the project approval. The pond design is also consistent with the Soil and Water Management Plan that was submitted to the Department as part of the project approval.

Mr Horton also advised that some vegetation clearing occurred to allow the early construction of the ponds, which are required to be constructed prior to clearing for the ranges, in accordance with the Soil and Water Management Plan submitted as part of the project approval.

The Department considers that the information provided to address the amended design of the sedimentation ponds, and timing of the pond construction, is satisfactory.

It is considered that the amended location of the 500m range and 200m range will not result in any significant impacts on residents in the vicinity of the site, as the change in location of the shooting points (the noise source) from residents compared to the original location of the shooting points will be negligible. In any case, the conditions of approval relating to firearm noise will still apply.

The amended location of the ranges will result in a minor change to the range danger areas, however this issues is addressed by Condition A13 of the project approval which requires the proponent to obtained all necessary approvals required by State or Commonwealth legislation.

The location of the clubhouse is generally consistent with the location shown on the Base Plan in the Submissions Report that formed part of the project approval, and is therefore considered to be satisfactory.

The issue of any unauthorised vegetation clearing work that may have been carried out by the proponent is being investigated by the Department.

In summary, the modification works are considered to be of minor environmental impact, and that any environmental impacts can be mitigated through the application of the mitigation and management measures of the approved Construction Environmental Management Plan, and Ecological Management Plan, as well as the Soil and Water Management Plan prepared for the project. The other conditions of approval will still apply to the shooting complex in order to mitigate impacts.

Therefore it is considered acceptable to modify the approval by modifying the approved plans for the proposal, and conditions A2 and C1 accordingly (**Tag A**).

6 CONCLUSION

The proposed modification works are considered to be acceptable and generally consistent with the original approval. The modification works are considered to result in improved environmental outcomes due to the reduced extent of native vegetation to be cleared, and that fill is no longer required to be imported for the construction of the range. As there will not be any significant impacts on residents in the surrounding area as a result of the amended range location, the modification application is therefore worthy of support.

7 DELEGATION

The Minister has delegated his functions in relation to modifying an approval under s75W of the EP&A Act under the Instrument of Delegation gazetted 5 February 2010.

8 RECOMMENDATION

It is recommended that the Director General:

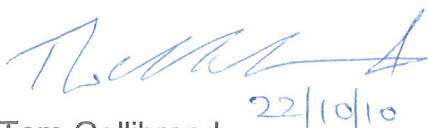
- consider the Minister's project approval for the Southern Highlands Regional Shooting Complex dated 1 March 2010;
- consider the Director General's Environmental Assessment Report for the Southern Highlands Regional Shooting Complex dated February 2010, including attachments;
- consider the documentation submitted to the Department in support of the proposed modification;
- approve the proposed modification under section 75W of the EP&A Act; and
- sign the attached Instrument (**Tag A**)



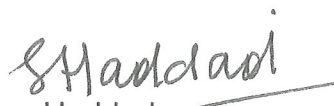
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