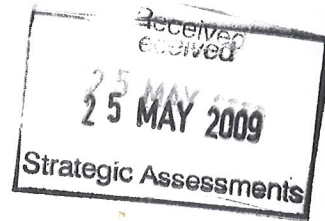


Sam Haddad
Director-General
Department of Planning
GPO Box 39
SYDNEY NSW 2001



Dear Mr Haddad

I refer to the Determination of the Minister for Planning dated 26th February, 2009 relating to the Hill Top Major Project (06_0232) to allow for the development of the present Hill Top Rifle Range into a regional shooting centre consistent with a decision of Cabinet in November, 2004.

NSW Sport and Recreation (as proponent for this development) seeks the Minister for Planning's modification of the Determination pursuant to Section 75W (2) of the Environmental Planning and Assessment Act as follows:

A1 Development Description – Implications for current 800metre rifle range

The Project Approval incorporates work allowed under the development for the site, noting the 'retention of the existing rifle range (800m), clubhouse, amenities block and access roads'.

Clarification is sought on the implications of the Project Approval for the existing 800 metre range which has operated since 1987 under consent conditions from the Wingecarribee Shire Council. The only structural work on this range relates to the commitment to undertake lead remediation of the stop-butt once the adjacent 500 metre rifle and 50 metre pistol range are built and operational (presently scheduled for January, 2010).

The priority of the shooters is to activate immediately the approval to operate the 800 metre outdoor rifle range for up to 4 days in any week, Mondays to Sunday (excluding Public Holidays) as provided in Development Consent A6. Use of this range would continue to be governed by NSW Police Firearms Registry calibre licence conditions. Further, Development Consent A8 imposing a firearms noise limit not to exceed 75dB(L) peak hold would also apply.

Allowing the 800 metre rifle range to operate for up to 4 days per week would permit the Army to return to the range under the approved Development Consent operating conditions. They have been denied access to the site for some time and are keen to re-establish it as a special weapons training venue given its unique training characteristics that meets their particular needs.

Accordingly, NSW Sport and Recreation seek a Determination by the Minister for Planning that would allow immediate application of Development Consent A6 without triggering, at this stage, those conditions as required in Parts B & D. However, Hill Top community expectations would be that noise monitoring was not deferred at the point that the extended four (4) days per week operations for the 800m range were commenced.

However, it is felt that the noise monitoring regime detailed in Development Consent D2(d) would be excessive at this time, given that the recent extensive noise testing from this range (operational now for 20 years) has shown that the noisiest firearms do not exceed the 75dB(L) peak hold level which is the firearm noise limit imposed under A8.

Accordingly, it is proposed that any modification of the Determination which allows immediate use of the 800m rifle range in terms of A6 should incorporate a requirement for noise testing of this range after three months of operation at four days per week. If this testing re-confirms that noise levels from the 800 metre rifle range are within the 75dB(L) peak hold limit, no further testing should be required. Subsequent noise testing would then be subject to D2(d).

It is our understanding that independent auditing and reporting requirements pursuant to Development Consent A9 would apply and relate to the operation of the expanded range facility, scheduled to commence in January, 2010.

Development Consent A6(b) – Restrictions on range use 9.00am – 10.00am

NSW Sport and Recreation seek variation to the noise limitation (60dB(L)) peak hold imposed on outdoor ranges during the period 9.00am – 10.00am on the 4 days approved use.

Noise restrictions imposed by DECC (EPA) limits the use of domestic and commercial machinery (lawn mowers, leaf blowers etc) in the AM, but not between 9:00am and 10:00am on any days of the week.

The firearms tested for noise monitoring purposes were the noisiest and all recorded (or were predicted) above 60dB(L) at the closest measuring point (.308 rifle; two military weapons; .357 Magnum pistol and 12 gauge shotgun). However, all were recorded (or were predicted) to be within the firearm noise limit of 75dB(L) peak hold as provided in Development Consent A8 and, therefore, permissible from 10:00am on the 4 days of approved use. Given that commercial and domestic machinery in and around Hill Top can operate without restrictions between 9:00am and 10:00am, it would seem reasonable to permit the full range of firearms on the 800m range between those times (subject to Development Consent A8).

This restriction effectively denies shooters the use of ranges between 9:00am and 10:00am for the majority of firearms approved (or to be approved for the new ranges by the NSW Firearms Registry). The effect of that restriction would preclude any competition shooting on the 800m range until 10:00am, and limit the capacity of organizers to complete competition prior to 5.00pm.

As per the Preferred Project Report application, we seek that Clause A8 noise limits be applied to the outdoor ranges during the period 9:00am to 5.00pm.

Development Consent B3 – Design specifications for sedimentation ponds

Regarding B3(d)(i) detailing design specifications for the sedimentation ponds, it is felt that the 1:100 year ARI 24 hour rainfall event is extreme in all the circumstances. This provision has significant implications for the total project.

In the Environmental Assessment documentation, NSW Sport and Recreation proposed that the ponds would be sized based upon the guidelines contained within Landcom's

Soil and Construction Volume 1 (4th Edition). This provided a total storage volume of 7,100m³ as compared with a storage volume of 47,000m³ required for the 100 year ARI event (in fact, an increase in sizing of a factor of seven).

The issues of concern for the project are:

- Given the size and complexity that arises from the 100 year ARI event design requirement, the increased cost impact will be drastic;
- The vegetation clearing and land excavation that will now be involved will have a marked impact on the landscape, much greater than planned; and
- The topography in and around the ranges might render construction of the ponds problematical in terms of the current requirement.

Additional information to support modification to B3(d)(ii), including a site plan detailing in general terms the sizing variation based on this condition, was provided to the Department by GHD on our behalf on the 7th May, 2009 and should be incorporated as part of this application.

Accordingly, NSW Sport and Recreation seek modification of this requirement to a lesser ARI 24 hour rainfall event, noting the sedimentation pond sizing included in the development proposal. It should be noted that, during the design life of the ranges, the site will be largely vegetated and sediment runoff will be severely limited.

Development Consent B4 – Shotgun Range pond

This condition requires NSW Sport and Recreation 'relocate the water detention pond adjacent to the shotgun range to prevent lead shot being captured in the pond'. We seek modification of this condition to allow retention of this pond in the position as detailed in the Environmental Assessment Report.

The configuration and alignment of the shotgun range in the Environment Assessment Report was deliberate, as was the placement of the sedimentation pond. It is known that the topography of the land in and around this range drains to a single point approximately 200 metres from the shooting points. By placing and designing the range this way, it allows water falling on the range to drain to one collection point.

It is known that clay targets and fired shot is scattered across a wide geographic area (unlike static target ranges) and the ponds placement 200m from the shooting points was to ensure the capturing of all water run-off as a final method of stopping lead leaving the site. Significantly, most clay targets fall in the first 100 metres which is upstream of the pond site, allowing hand collection and land clearing of the majority of targets well before reaching the pond. Lead ammunition that misses a clay target also falls less than 200 metres from the firing point, also before the detention pond.

We believe this is a sound environmental proposal to best manage water contamination beyond the shotgun range. Netting of the pond is an option for avifauna.

The topography downstream of the existing pond location into the valley drops away steeply, requiring substantial earth works and clearing, particularly at the current 1:100 year ARI 24 hour rainfall event.

Development Consent C1 – Staged vegetation clearing

Regarding the staged vegetation clearance, NSW Sport and Recreation seek modification to the Minister's Determination to allow additional vegetation clearing.

The current staged vegetation clearing detailed in Development Consent C1 permits removal of 11.5 hectares of vegetation (and subsequent land works). The remaining area (4.5 hectares) is for the 200 metre joint rifle/pistol range, indoor air range and shotgun range. There is a strong argument to clear the majority of the 16 hectares in the initial contract for vegetation clearing.

The 500 metre site approved for vegetation clearing is immediately adjacent to the 200 metre range, with sediment ponds to the west of the 200 metre site having to be cleared in any case to support the 500 metre site. Likewise, it would seem reasonable to clear vegetation for the future indoor air range, given it is contiguous with and incorporated within the new club house facility (which is to be built). There will be cost benefits to incorporate the majority of vegetation clearing in one contract and to confine the use of heavy earth moving equipment to one major clearing period.

Development Consent D2(a) – Scheduling of high powered firearms

NSW Sport and Recreation seek removal of the request that, where practicable, high powered firearms be scheduled on the new ranges and limit their use on the 800metre rifle range. No pistols will be allocated to the 800m rifle range, being a 'big bore' long distance range suitable for a limited number of centre-fire firearms (including the .308). The 800 metre rifle range will continue to provide shooters access to one of the few 'big bore' ranges in the State.

Development Consent E1 – Storage of Firearms and Ammunition

NSW Sport and Recreation and the Southern Highlands Regional Shooting Complex Inc support this requirement as it relates to the regular club activities of the facility. We understand the condition term 'when the shooting complex is not in use' as referring to those days that are not days as provided in A6(a) or being outside of the approved usage as provided in A7.

However, we seek modification to the Determination in respect to special concessions which may be granted pursuant to Development Consent D2((f)).

Where increased usage of the shooting complex is approved under D2(f), non-local participants would travel to the facility and, presumably, secure accommodation in the local area for the duration of the event. All firearm licence holders in NSW are subject to the general requirements for safe storage of weapons under Part 4 Section 39 of the Firearms Act 1996. This requires they take all reasonable precautions to ensure firearms are kept safely, are not lost or stolen and do not come into the possession of an unauthorized person. Whilst there are no specific regulations relating to the transportation of firearms, the NSW Firearms Registry has issued a 'fact sheet' detailing acceptable standards.

Sections 39, 40 and 41 of the Firearms Act specifically relate to requirements for safe keeping and storage of firearms and ammunition.

It is proposed that the Minister's Determination be modified to allow the temporary storage of firearms and ammunition overnight at the Hill Top facility during events approved under D2(f), such arrangements to be approved in advance by a representative of the NSW Police Force subject to requirements of Sections 39, 40 and 41 of the Firearms Act and any other conditions imposed by the Police Commissioner's representative.

Your assistance in having these matters considered would be appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Darryl Clout', with a stylized flourish at the end.

Darryl Clout
General Manager

22/5/09