



11 July 2008

Our ref: DB/08025

Ms Paula Poon
The Panel Secretariat
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Dear Ms Poon,

re: Proposed Southern Highlands Shooting Complex

Reference is made to your letter dated 8 July 2008 to Pikes Lawyers responding to the letter from Pikes Lawyers dated 1 July 2008. We provide the following by way of supplementary submission to the Panel on behalf of the Hill Top Residents Action Group Inc.

1. Flora and Fauna Investigations

A further report on the fauna on the site prepared by David Milledge and is contained in Attachment 1. The ecological values of the site from a flora perspective and the impacts of the development on these values have been addressed in the report prepared by Anne Clements also attached (Attachment 2). These reports and material already provided to the Panel lead to the conclusion that the site is of environmental significance and give rise to the following key ecological impacts and concerns:

- The project involves clearing and disturbing environmentally significant native bushland which is habitat for a number of threatened fauna species;
- The site comprises intact bushland of a high wilderness quality with no introduced or weed species recorded or observed. It has a high diversity of native plant species and is pristine old growth dry sclerophyll forest.
- The site has a healthy forest understorey with hollows and sandstone outcrops that are ideal nests for a range of native fauna species.
- At least two threatened species will be affected, the yellow bellied glider and the koala. In addition, 12 other threatened species are likely to occur on the site. This site has a rich diversity of native species. Trees show evidence of use by koalas and a range of marsupial gliders.
- The site is centred in an area that has been identified as providing an east-west fauna movement pathway between sandstone plateaux in the Nattai and

Nepean areas and the north-south pathway between Blue Mountains and Woronora Plateau. This is recognised in the very significant study undertaken as a joint project between the Sydney Catchment Authority and the Parks and Wildlife Group of the Department of Environment and Climate Change NSW. This study is titled "Terrestrial Vertebrate Fauna of the Greater Southern Sydney Region 2007" ("GSSR").

- The GSSR study area includes the land the subject of the proposed shooting complex yet the Government's environmental consultants failed to make any reference to this study.
- The GSSR identifies the "Bargo Linkage" as a high quality habitat for two key species that are likely to be reliant on the linkage, namely, the powerful owl and the rosenbergs goanna. The Proponents environmental study fails to consider any of these critical issues.
- The site was, until excised by special government legislation, part of a State Conservation Area which adjoins the World Heritage listed Blue Mountains National Park system.
- There is scat and scratching evidence of koalas on the site and koalas have been seen in the immediate locality. Known koala habitat tree species are on the site.

2. Traffic Impacts

Our supplementary submission in relation to traffic is contained in Attachment 3. This comprises a road safety audit highlighting the deficiencies in conditions on the road system and significant upgrades required for safe and efficient access to a regional shooting complex. It further highlights the fact that the site is not suitable for development and use as a regional sporting complex.

3. Noise Impacts

HTRAGI expresses its concern and disappointment that the HTRAGI noise expert was not given the opportunity to observe the additional noise testing being undertaken by the proponent despite an indication from the proponent that this would happen. Consequently we are not in a position to make any supplementary submission to the Panel.

We repeat the request made by Pikes Lawyers in their letter dated 1 July 2008 that HTRAGI and its panel of experts be given the results of all of the further noise studies which were undertaken by the proponent and any subsequent modelling and analysis and also given the opportunity to reply to the Panel concerning those additional investigations and studies.

4. Consideration of Alternative Sites

The DG's environmental assessment requirements issued in August 2007 include a requirement for the consideration of alternatives to the proposal as a key assessment requirement.

The decision to locate the facility at this site has already been made with the gazettal of the National Parks and Wildlife (Adjustment of Areas) Act 2006. The site was already excised

from the State Conservation Area and thus the out-come of the consideration of alternative locations in the EA has been predetermined.

The consideration of alternatives is limited and does not justify why 1,000 hectares of State Conservation Area adjoining a site listed on the World Heritage Register and available for use by the public of New South Wales was excised and handed over for the use of a few.

There is no reference to a site selection process or reference to any recognised site selection criteria. There is no assessment of whether this site meets any recognised site selection criteria for the location of a regional shooting complex.

No serious consideration has been given to alternatives, including alternatives closer to the main population base for the clubs whose shooting activities will be based at the facility – being Wollongong and the Illawarra. Furthermore the proponent has failed to properly identify and consider alternative sites currently controlled by the Department of Defence (DOD), particularly as the project application includes the use of the regional rifle range by Defence and the use of high powered military rifles.

The proponent operates under the Sporting Venues Management Act 2002. Section 7 of this Act requires the proponent to take into consideration, where relevant, the principles of ecologically sustainable development within the meaning of the Local Government Act 1993 in carrying out its functions. There is no evidence that these principles were taken into consideration in the identification of alternative sites or locations.

Given the clearly established environmental importance of the site and its location in relation to the village of Hill Top, there is no evidence to suggest that this site has the best potential to be developed as a regional shooting complex for the clubs nominated in the application.

5. Failure to Consider the Changing Nature of the Project

On 25 June 2008 the State Government assented to the Firearms Amendment Bill 2008. HTRAGI understands that the amendment permits individuals who do not hold a shooters licence and who are not members of the clubs forming part of the project to shoot at specified rifle ranges. It would therefore be possible, if approval is granted to the complex, for people to come to the site who do not have a shooters licence and shoot firearms under supervision. The recent firearm amendments will have significant ramifications for the residents of Hill Top and will permit an intensification of the use of the complex if it is approved. The Panel is requested to assess, or require the proponent to assess, the impacts of this increased potential use of the complex.

6. Conditions of Approval

HTRAGI is of the very firm opinion that the site has such significant environmental conservation value that the Panel could only recommend refusal of the proposal. Furthermore the proponent has failed to properly identify and consider alternative sites including sites currently controlled by the Department of Defence.

However, if the Panel forms the opinion that that the subject site (whole of the land including that part proposed for various purposes) has low environmental and conservation significance and no alternative sites are available (after an exhaustive investigation into such

sites), in those circumstances it would nonetheless be critical for the Panel to identify all relevant environmental controls to be placed upon the operation of the complex, and to inform the Minister accordingly. Given the range of rifles and shooting equipment proposed, the regional scale of the operation and the potential for this facility to be used by a significantly greater number of users (including those without firearms licenses) under the Firearms Amendment Bill 2008, HTRAGI is of the opinion that the most stringent environmental controls must be applied to the construction and operation of the facility. Controls are required in a number of areas including:

- Infrastructure upgrades and necessary upgrades to access roads;
- Management of contamination and associated impacts on Sydney's Water supply;
- Restriction on the type of firearm use at the complex and hours of use, including use during times of high fire danger;
- Appropriate noise attenuation controls with relevant criteria to address environmental harm;
- Traffic safety controls including upgrading sections of roads which are not of a standard to handle the increased traffic relating to the shooting complex;
- Hours of operation;
- Safety matters include perimeter fencing, risk of bushfire and restrictions on use at time of high fire danger.

It is not possible to draft such controls on the basis of the exhibited Environmental Assessment. Based on the additional investigations undertaken by HTRAGI and the further studies being undertaken by the proponent, HTRAGI intends to make further submissions in relation to these controls.

7. Public Scrutiny of Additional Studies and Information

HTRAGI maintains that the information provided to the public and to the decision makers in the EA is not sufficient to enable the full impacts of the proposal to be identified, assessed and commented on. Public examination of the additional studies and investigations requested by the Panel or undertaken by the proponent together with any response by the proponent to matters raised in the submissions or changes to the project should be re-exhibited with the public provided with the opportunity to make further submissions. HTRAGI seeks the right to comment on the proponent's responses to submissions presented on the Environmental Assessment (as prescribed in the terms of reference of the Panel).

8. Conclusion

We reiterate the request made to the Panel by Pikes Lawyers in their letter of 1 July 2008 for the Panel not to make a recommendation to the Minister in respect of this matter (unless it is a recommendation for refusal) until:

- HTRAGI is given the results of all of the further noise studies which were undertaken by the proponent and the opportunity to reply to the Panel concerning those additional studies.
- HTRAGI is given copies of all other supplementary studies undertaken by the proponent in response to the submissions and the Panel's requests;



- HTRAGI is given the opportunity to consider the proponent's response to submissions received by it during the exhibition period of the proposal as directed in the Panels terms of reference and to address the Panel by way of reply in respect of the matters set out in the proponent's response.

We look forward to hearing from you.

Yours faithfully
BBC Consulting Planners

A handwritten signature in blue ink, appearing to read 'Dan Brindle', is written over a light blue horizontal line.

Dan Brindle
Director