

Draft SEPP (Infrastructure) Amendment (Shooting Ranges) 2013

Submission by the Nature Conservation Council of NSW
December 2013

The Nature Conservation Council of NSW (NCC) is the peak environment body for New South Wales, representing more than 110 member organisations across the state. We have long-standing experience in state environmental assessment and planning. NCC objects to the Draft SEPP (Infrastructure) Amendment (Shooting Ranges) 2013 (the draft SEPP) for very similar reasons to the National Parks Association, on the following grounds.

1. NCC considers that shooting ranges that are privately owned or operated should not be the subject of the Infrastructure SEPP 2007 (the Infrastructure SEPP). The aims of this policy relate to infrastructure and services. The subject matters that the Infrastructure SEPP has to date dealt with relate directly to infrastructure or services that benefit the general public. To include shooting ranges in the matters to be dealt with by the Infrastructure is inappropriate, as they do not provide services or infrastructure to the general public. If shooting ranges were the subject of the SEPP, it would set a precedent for any private activity to be regulated by the Infrastructure SEPP.
2. cl 133(1) of the draft SEPP purports to apply to all lawful shooting ranges and makes them development without consent. This means that the draft SEPP would make shooting ranges that are existing uses permissible with consent. This cannot lawfully be done by a SEPP. The EP&A Act requires that the Act or regulation and not environmental planning instruments regulate matters relating to existing uses.
3. NCC is concerned that by making shooting ranges, which are currently existing uses, permissible on adjoining land, the expansion of shooting ranges onto these adjoining lands would be made lawful. This means that in the future some shooting ranges could potentially adjoin land, which is highly environmentally sensitive, such as national parks and water catchment areas.
4. The broad brush approach taken in the draft SEPP of making all lawful shooting ranges a permissible use and then permitting them on certain zonings on land adjacent to lawful shooting ranges, does not take into account current land uses including easements and road reserves. Given the potential hazards and environmental issues associated with shooting ranges (see below) allowing shooting ranges on adjoining land is likely to result in conflict with existing land uses as well as land uses on surrounding land. Sound planning dictates that consideration should be

given on a case by case basis as to whether it is appropriate to make a shooting range permissible and if so, whether adjoining land is also suitable for use as a shooting range. NCC is aware of one shooting range that is an inholding in a national park at Kariong. NCC is also aware of negotiations under way for re-location of existing shooting ranges and argues that any change of current status should be avoided lest this adversely affects desired outcomes in the public interest. A shooting range is not an appropriate use adjacent to a national park and this shooting range should remain a prohibited use.

In addition to these comments, NCC has a number of specific comments.

SPECIFIC COMMENTS

Environmental impacts of shooting ranges

The most significant environmental impacts from shooting ranges are:

1. Shot pellets can cause lead contamination of water and soil and be incorporated into the food chain. This poses the risk of lead being ingested by domesticated animals or wildlife. It may also pose a risk of ingestion of lead to humans or predators such as raptorial birds or quolls that consume animals contaminated by lead. This impact may extend outside the shooting range and range danger area because animals are mobile or because of transport of lead particles by water.
2. Stray shots using live ammunition are a hazard to people, domesticated animals and wildlife within the range danger area. Allowing roads to be within a range danger area puts people at particular risk. Stray shots may still pose a risk outside the range danger area.
3. Noise from firing of weapons can cause severe disturbance to humans and wildlife.
4. Live ammunition can cause fires and therefore poses a bushfire hazard.

Zonings of Land

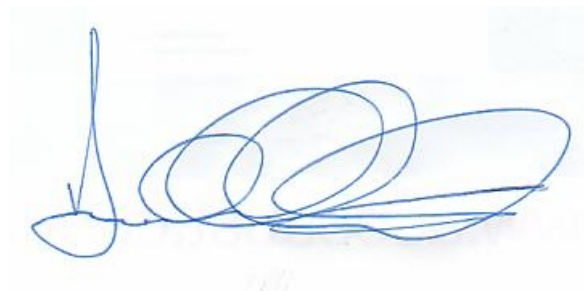
Under the draft SEPP, shooting ranges would be permissible inter alia on E2 Environmental Protection and E3 Environmental Management Zones. Given both the possibility of the environment being contaminated by lead and the risk of death, injury or disturbance to wildlife, as well as the possibility that threatened species may occur, allowing shooting ranges on land which has been identified as having environmental significance is totally inappropriate and would be inconsistent with the objectives of such zones.

Furthermore, allowing shooting ranges on these zones and potentially other zones, has the potential to undermine identified wildlife corridors, in particular, the Great Eastern Ranges Initiative.

Although not identified as being as environmentally significant, the same environmental impacts would occur on land with the other zonings making it also inappropriate to permit shooting ranges on such land. Threatened species could also occur on this land.

Conclusion

For the reasons set out above, NCC considers that the draft SEPP is fundamentally flawed both from a legal and a policy perspective. Shooting ranges are controversial developments that have significant environment impacts. It is imperative that proper site assessment occurs before any consideration is given to making any existing shooting range permissible with consent or expanding areas on which they would be permissible with consent. Shooting ranges should not be permissible on land zoned for environmental protection or environmental management.

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Prof. Don White, Chair