



Office of  
Environment  
& Heritage

**COPY**

Your reference: 13/16333  
Our reference: ED13/693

13 NOV 2013

Mr Sam Haddad  
Director General  
Department of Planning and Infrastructure  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Haddad

Thank you for your invitation to comment under section 34A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) on the draft *State Environmental Planning Policy (Infrastructure) Amendment (Shooting Ranges) 2013* (the 'proposed SEPP').

I note that the proposed SEPP will not change the current requirements of the EP&A Act relating to the assessment of impacts on critical habitat, threatened species, populations, ecological communities, and their habitats. I also note that the proposed SEPP will not affect the ability of a consent authority to impose conditions to ensure that impacts on threatened species and biodiversity are avoided or minimised to the greatest extent practicable.

I would also like to offer the following additional comments in relation to the proposed SEPP. I recommend inserting the following text in section 133 of the Proposed SEPP:

*'133(1)(c): except on land identified as an **environmentally sensitive area** (as defined by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008; see Attachment 1 for definition).*

This text is used commonly in SEPPs to exclude various uses that are incompatible with highly sensitive areas. In particular, this would ensure that any land held within the Office of Environment and Heritage (OEHS) estate that is not zoned E1, is exempt from the proposed SEPP.

*State Environmental Planning Policy (Infrastructure) 2007* requires public authorities to consult with the relevant public land manager, where a development adjoins public land. Given the potential for public safety and noise impacts from shooting range developments, I would like to request that a similar provision be made in the proposed SEPP.

This would ensure that adequate measures can be taken to safeguard public access and enjoyment of land, particularly with regard to the design of walking trails, picnic areas and visitor accommodation.

1203  
I appreciate your consideration of the above matters. If you have any further queries regarding these matters, please have your officers contact Amanda Lawrence, Director Conservation and Development Policy, OEH on 9585 6938 or by email at [amanda.lawrence@environment.nsw.gov.au](mailto:amanda.lawrence@environment.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sally Barnes'.

**SALLY BARNES**  
**Chief Executive**

cc: The Hon Brad Hazzard MP

## ATTACHMENT 1

### DEFINITION OF 'ENVIRONMENTALLY SENSITIVE AREAS'

'Environmentally sensitive area' means any of the following:

- a. the coastal waters of the State
- b. a coastal lake
- c. land to which *State Environmental Planning Policy No 14 – Coastal Wetlands* or *State Environmental Planning Policy No 26 – Littoral Rainforests* applies
- d. land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*
- e. land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World Heritage area declared under the World Heritage Convention
- f. land within 100m of land to which paragraph (c), (d), or (e) applies
- g. land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance
- h. land reserved under the *National parks and Wildlife Act 1974* or land to which Part 11 of that Act applies
- i. land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes
- j. land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Note: this definition comes from the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.