

Circular	PS 11-006
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Related	

Section 117 Direction – Shooting Ranges

The purpose of this circular is to provide councils and the community with information regarding a new direction by the Minister that applies when a relevant planning authority prepares a planning proposal relating to land adjacent to or adjoining existing shooting ranges.

Introduction

There are more than 354 shooting ranges of various types in NSW which have approval under the *Firearms Act 1996* and *Firearms Regulation 2006*.

Shooting ranges are generally located in rural areas. Where urban expansion occurs in close proximity to existing shooting ranges, land use conflicts can arise that affect the amenity of new uses as well as the operation of the shooting range.

To address this issue, the Minister has directed planning authorities to consider a number of key issues to ensure an appropriate balance is reached between the impact of existing shooting ranges and any proposed future land uses on adjacent and/ or adjoining land.

Overview of the direction

The direction seeks to ensure the following:

- that appropriate levels of public safety and amenity are maintained when rezoning land adjacent to an existing shooting range,
- that land use conflicts arising between existing shooting ranges and rezoning of adjacent land are reduced,
- that issues that must be addressed when giving consideration to rezoning land adjacent to existing shooting ranges are identified early in the plan-making process.

On land that adjoins or is adjacent to an existing shooting range, the relevant planning authority must consider the appropriateness of proposed future land uses. A planning proposal for that land must not seek to intensify land uses or permit land uses that are incompatible with the noise emitted by the existing shooting range.

However, a planning proposal that is inconsistent with this direction is permitted if the relevant planning authority can satisfy the Director-General of the Department of Planning that the provisions of the planning proposal are justified, and that consideration has been given to the objectives of the direction.

Timing of changes

The direction was made by the Minister and came into effect on 1 February 2011.

Further information

This and other Ministerial directions are available on the on the Department's website at <http://www.planning.nsw.gov.au>

For further information, please contact the Department of Planning's Information Centre on 1300 305 695.

Note: This and other Department of Planning circulars are published on the web at

<http://www.planning.nsw.gov.au/PlanningSystem/Circularsandguidelines/>

Authorised by:

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Important note: This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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3.6 Shooting Ranges

Objective

- (1) The objectives are:
 - (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,
 - (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,
 - (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.

Where this direction applies

- (2) This direction applies to all relevant planning authorities.

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must not seek to rezone land adjacent to and/ or adjoining an existing shooting range that has the effect of:
 - a. permitting more intensive land uses than those which are permitted under the existing zone;
or
 - b. permitting land uses that are incompatible with the noise emitted by the existing shooting range.

Consistency

- (5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:
 - (a) justified by a strategy which:
 - i. gives consideration to the objectives of this direction, and
 - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites) and
 - iii. is approved by the Director-General of the Department of Planning and is in force,
or
 - (b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or
 - (c) is of minor significance.

Note: In this direction, an “existing shooting range” means a shooting range the subject of a valid approval issued under the *Firearms Act 1996* and *Firearms Regulation 2006*, and includes the Range Danger Area of that shooting range.