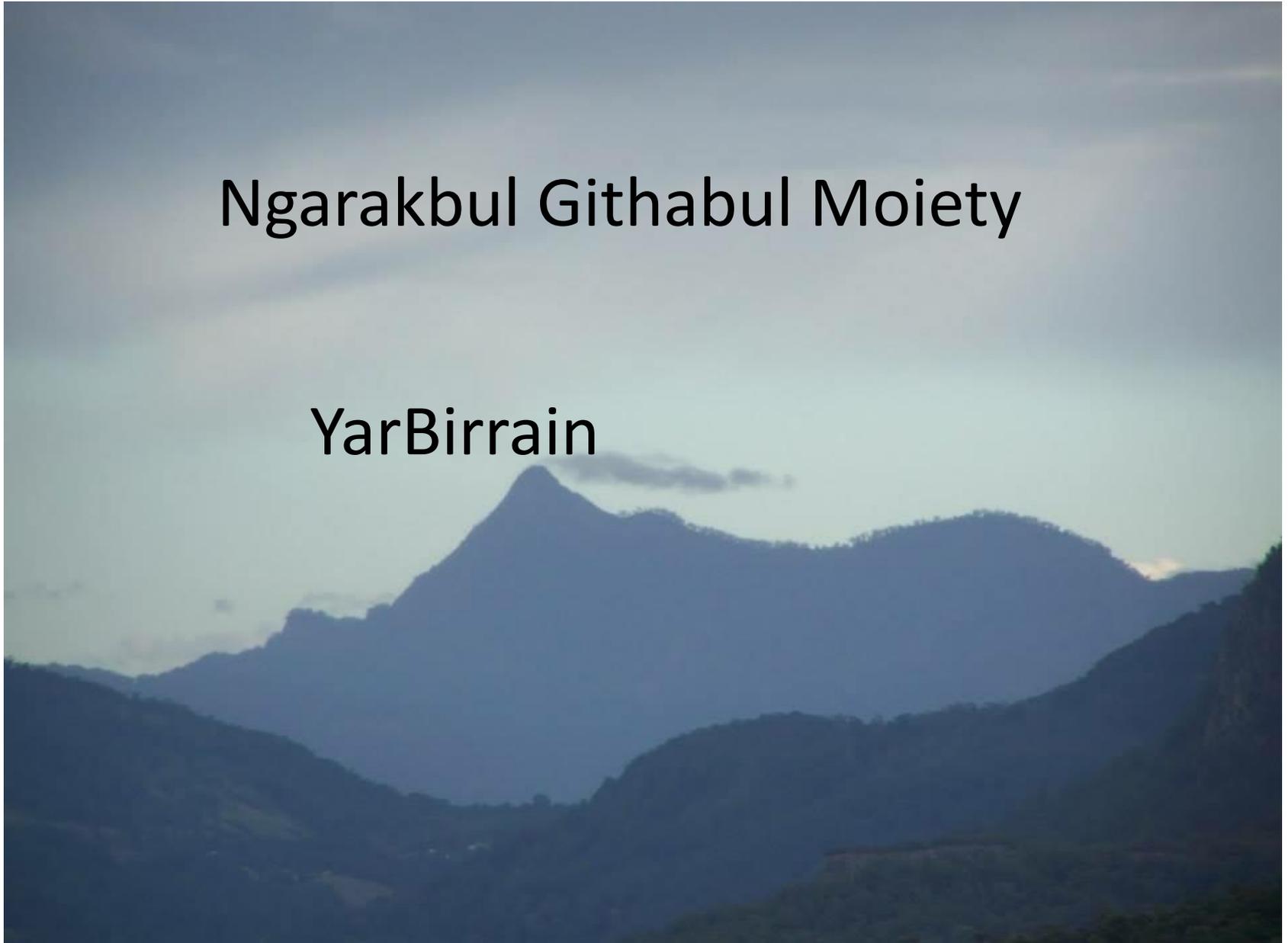


Conservation Of North  
Ocean Shores Inc.  
(CONOS Inc)

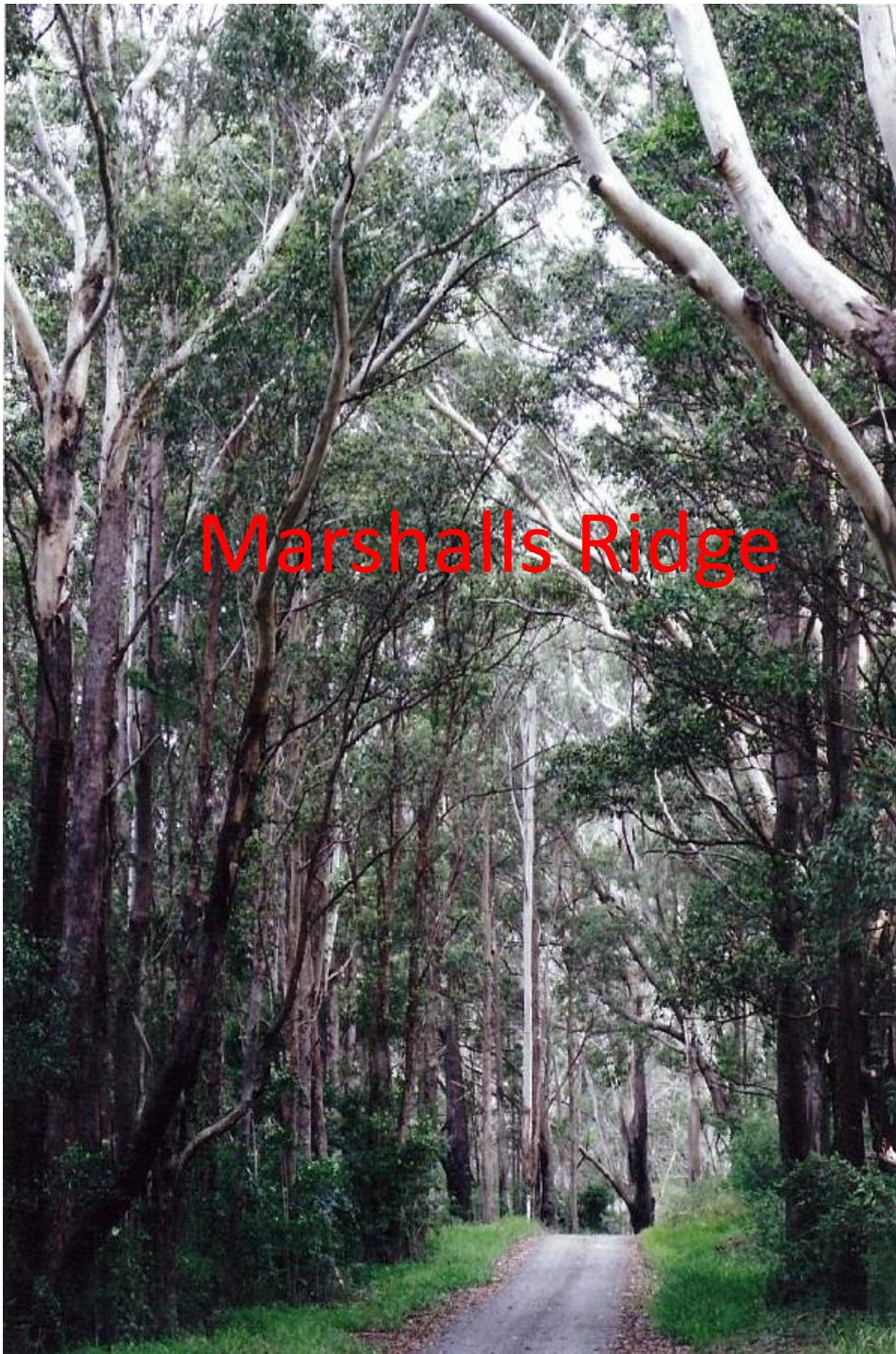
Protecting the north of  
Byron shire for over 25 years

# Ngarakbul Githabul Moiety

YarBirrain







Marshalls Ridge

Last Major Wildlife Corridor connecting  
hinterland World Heritage  
YarBirrain/Wollumbin/Mt Warning with coastal  
lowland forests



- The locality of the festival site is one of the most biologically diverse locations in NSW.

Over 50 threatened  
species;

- Over 470 plants  
species

- Numerous  
Aboriginal Sites

# Brolga



# Background

- Dept of Planning Assessment Report:
- “Prior to the approval of the trial period, the site had historically been used for a variety of agricultural purposes, including cattle grazing, dairy farming and some cropping (banana and sugarcane). “

# Black Bittern



- **1985** Government declares **SEPP 14 Wetlands** which later becomes part of Billinudgel Nature Reserve.
- **1987** CONOS Inc prevents bulldozing of a sacred site and **Government places a Protection Order** over areas at Nth Ocean Shores and Yelgun
- **1989** Government earmarks large areas of Nth Ocean Shores and Yelgun for inclusion into Nature Reserve
- **1990** Government commissions the **Simpson Inquiry** which results in large areas being zoned for environmental protection
- **1990** A brief archaeological study discovers 22 Aboriginal sites. **The Yelgun ridgeline is declared High Archaeological Sensitivity**

- **1995** Government purchases 325 ha and creates the **Billinudgel Nature Reserve**
- **1995** Areas next to the Nature Reserve at Nth Ocean Shores and Yelgun are protected by an **Interim Protection Order**
- **1996** Government purchases a further **350 ha to add to the Nature Reserve**
- **1997** Another 40 ha of **culturally significant land** at Wooyung is added to the Nature Reserve

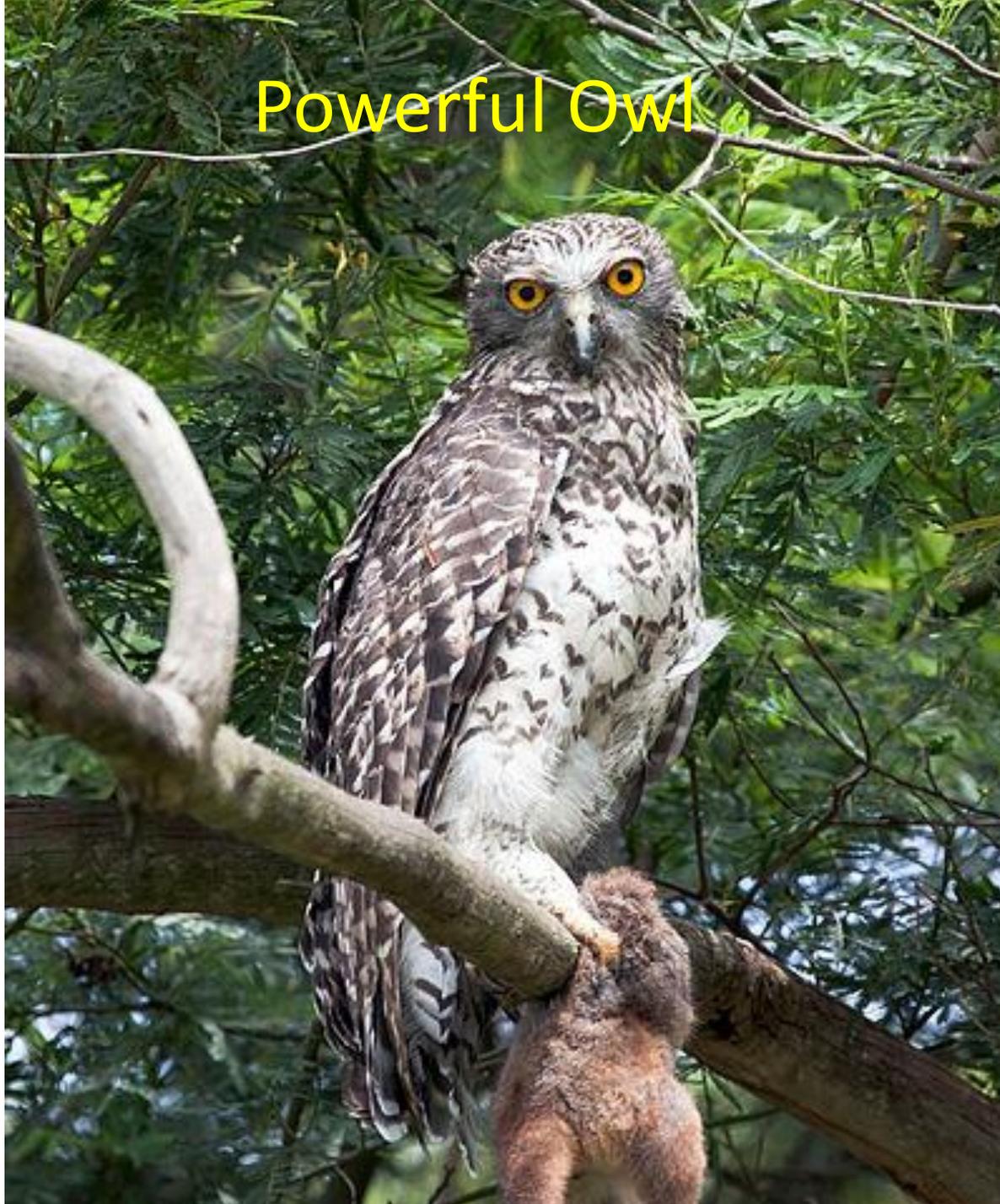
- **1997** The RTA re-drafts the planned Pacific Highway upgrade to avoid the SEPP 14 Wetlands and Nature Reserve
- **1997** Government places a **Stop Work Order** over an area, which is now the festival site, to stop habitat clearing
- **1997** A **second Commission of Inquiry (Cleland Inquiry)** recommends protection of the Marshalls Ridge Wildlife Corridor which runs through the festival site

- **1998** Government adopts the Cleland Inquiry zones including over the wildlife corridor within the festival site area.
- **1998** RTA invests \$4.5 million to enhance the wildlife corridor with an animal overpass and underpasses
- **2002** RTA purchases lands to add to the wildlife corridor

- **2002** Another **Stop Work Order** is placed over areas, which are now the festival site, to stop land clearing of the wildlife corridor
- **2002** Another **12 month Interim Protection Order** is placed over the wildlife corridor
- **2004** **Peat fires** burn for months underground along Marshalls Ridge releasing toxic smoke. A Declaration of Emergency is declared as the fire spreads

- **2005** Another **Stop Work Order** over the wildlife corridor is issued to stop land clearing
- **2006** Billinudgel Property Pty Ltd purchases the current festival site
- **2008** **Byron Council approves a one-off festival** on the site.
- **2009** **CONOS Inc successfully challenges** Byron Councils approval for the festival
- **2009** The wildlife corridor is identified as a **Climate Change Wildlife Corridor**

# Powerful Owl



# Tabled Petition

- CONOS Inc create a petition to the minister asking for a change of festival location
  - 1,700 signatories

# Bush Stone Curlew



# Patron lack of respect for the environment











# Qld Blossom Bat



# Experts with major concerns about the use of the wildlife corridor for festivals

**Dr Andrew Benwell (Ecologist with 20 years experience)**

 Edit

January 4, 2014 at 4:03pm 

The DPI recommends monitoring to study response of fauna to festival events, which amounts to recommending that the festival site be used for a large-scale ecological experiment. If the purpose of an area is for protection of biodiversity and threatened species, is it appropriate to allow these species to be exposed to a variety of different stresses to see if they persist or not? Is it ethically acceptable to use a high conservation value area to study the effects of human disturbance on wildlife?

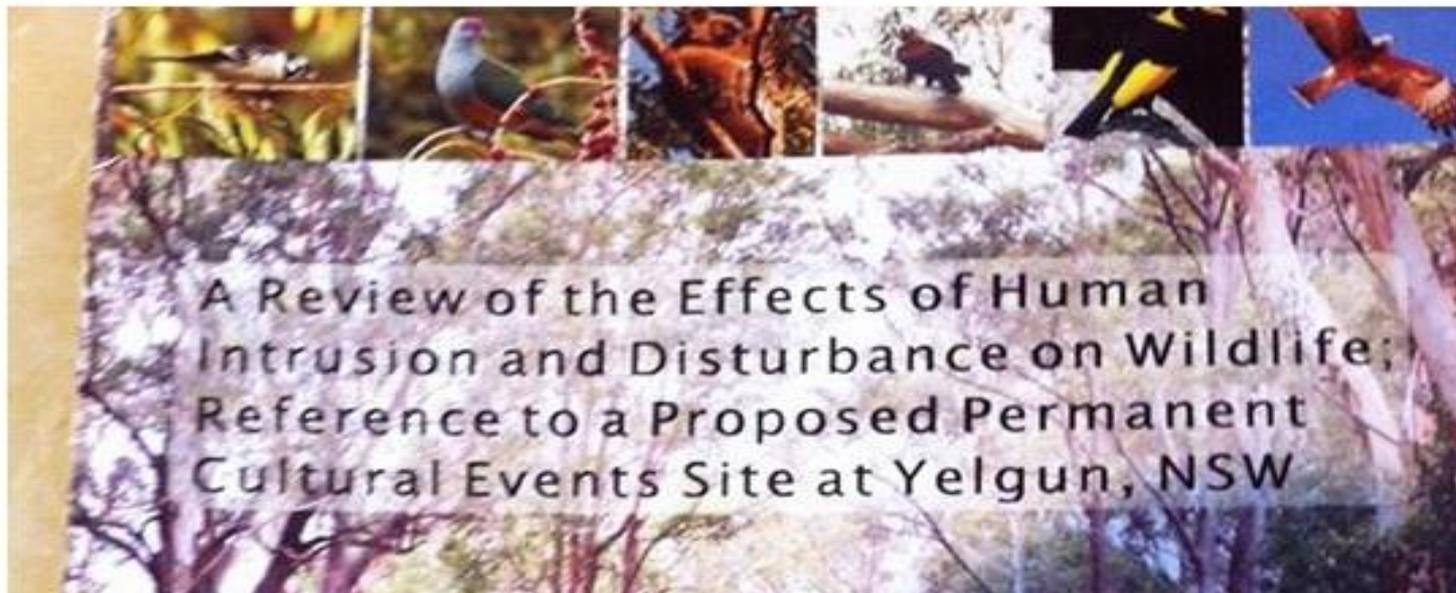
## Extract: A study into the likely impacts of the Yelgun festival on fauna (Benwell & Scotts, 2010)

Edit

February 3, 2014 at 10:04am

'In sensitive species, human activity within or adjoining wildlife habitat elicits various stress-related responses ranging from physiological responses (e.g. changes in chemical and hormone balances), to altered activity and time budgets (e.g. more vigilance and less foraging), to more drastic changes in activity known as escape or flight response (e.g. cessation of feeding or breeding behaviour and vacation of an otherwise suitable area of habitat).'

'At Yelgun, the sudden intrusion into the landscape of large concentrations of people, high levels of noise, artificial night lighting and other impacts are likely to act as an intense disturbance on a high proportion of species.'



- **David Milledge**

- **Fauna Ecologist with over 40 years experience**

- *“The Marshalls Ridges corridor, situated in one of the most biodiverse regions of the continent, is recognised:*
- *□ as a regionally significant corridor under NPWS’s 2003 KHC for NENSW, where it was recognised as a major hinterland to coast link; as a high priority climate change corridor in DECC’s 2007 Key*
- *Altitudinal, Latitudinal and Coastal Climate Change Corridors project undertaken for the NRCMA; and more recently, as a key corridor in both the Border Ranges Biodiversity*
- *Management Plan and the Northern Rivers Biodiversity Management Plan, representing formal government mechanisms for recovering threatened species.*
- *It is essential for maintaining biodiversity in the adjacent Billinudgel Nature Reserve.*
- *The importance of the site as a crucial component of the corridor is recognised by Council’s environmental (7) zoning of most of the extant vegetation under the current LEP.*
- *The significance of the site for biodiversity conservation has never been challenged.”*

# David Scotts (Wildlife Ecologist) 2012

 Edit

December 30, 2013 at 9:57am 

Wildlife Matters



David Scotts  
Wildlife Ecologist

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21 January 2012

**Submission to the NSW Planning and Assessment Commission  
concerning the proposed cultural events site at Yelgun**

Dear Sir / Madam,

**Summary: I urge you to reject the proposed cultural events site at Yelgun. I believe that the proposal contravenes the outcomes of a raft of preceding planning and assessment forums that have highlighted the**

# Gary Opit, Biologist

[Edit](#)

January 12, 2014 at 4:50pm 

"Endangered fruit-doves and other threatened and common bird and bat species need to migrate from the quiet mountain forests to the coastal forests in winter but their lowland habitat and food resources have been eliminated with 99% of lowland forests destroyed. Only this last far northern NSW wildlife corridor survives that allows endangered seasonal migrants to move from the mountains to the coast and these would be extremely stressed by the loud noises, lights, people, machinery, vehicles and other unaccustomed activities that they naturally associate with as predator-like and consequently attempt to avoid. These species are under extreme stress from continuous habitat destruction and this additional stress within the last flight corridor to the coast is unacceptable."

- **Christine Cherry, BSc (Hon)**
- 
- The only Flora and Fauna monitoring data collected that was able to be statistically analysed to give any real measure of impact was in the birds

# Wallum Frog-let



- ***North Byron Parklands Cultural Events Site – Assessment of EIS and Associated Documents for State Significant Development Application (SSD 8169), Commissioned by the Environmental Defenders Office***
- By Dr Martin Denny BSc (Hons) PhD FRZS MECANSW
- “By concentrating upon a limited number of flora and fauna species (Threatened species and Credit Species) **impacts upon individual species from anthropogenic noise and light, as well as high numbers of attendees, is not addressed.**”

- “Numerous examples can be found within the supporting documents analysing survey data that show that a number of species will be affected. In addition, there is no assessment of long-term changes in individual species.”

- “Added to these inadequacies is the **lack of assessment from edge effects and other indirect impacts** upon Marshall’s Ridge wildlife corridor. One further major inadequacy is the **lack of any short-term and long-term assessment of the effects** from anthropogenic light and noise, and attendee incursion upon the important **Billinudgel Nature Reserve.**”

- “There has been inadequate monitoring of the flora and fauna within the Nature Reserve and no long-term monitoring has been proposed – this is an important aspect overlooked in the overall assessment process.”
- Dr Martin Denny BSc (Hons) PhD FRZS  
MECANSW 26th February 2018

# Wallum Sedge Frog



# Noise and lights

- The project EIS relies upon interviews with a few zoologists to consider the potential impacts upon wildlife from noise and light.
- The EIS fails to review the large body of scientific literature that could have been used to assess the noise and light impacts
- Examples of the available literature follows -

Eg of literature that could have been used to assess the impacts of noise and lighting

- 1 Catherine P. Ortega Chapter 2: **Effects of noise pollution on birds**: A brief review of our knowledge Ornithological Monographs 74 (1): 6-22 2012
- 2 Jenny Newport, David J. Shorthouse and Adrian D. Manning **The effects of light and noise from urban development on biodiversity**: Implications for protected areas in Australia Ecological Management and Restoration 15 (3) September 2014

- 4 Nathan J. Kleist, Robert P. Guralnick, Alexander Cruz, and Clinton D. Francis Sound settlement: **noise** surpasses land cover in explaining **breeding habitat selection of secondary cavity-nesting birds**. *Ecological Applications*, 27(1): 260–273 2017
- 5 Clinton D. Francis and Jessica L. Blickley Chapter 1: Introduction: **Research and perspectives on the study of anthropogenic noise and birds** *Ornithological Monographs* 74 (1): 1-5 2012
- 6 Mitchell J. Francis, Peter G. Spooner and Alison Matthews The influence of urban encroachment on squirrel gliders (*Petaurus norfolcensis*): **effects of road density, light and noise pollution** *Wildlife Research* 42: 324–333 2015

- 7 Daniel S. Karp and Roger Guevara  
Conversational **Noise** Reduction as a Win–Win  
for Ecotourists and Rain Forest **Birds** in Peru  
*Biotropica* 43(1): 122–130 2011
- 8 Megan J. Larsen, Sally L. Sherwen, Jean-Loup  
Rault **Number of nearby visitors and noise  
level affect** vigilance in captive **koalas** *Applied  
Animal Behaviour Science* 154: 76–82 2014
- 9. Stephen Phillips The potential for short-  
term disturbances such as **music festivals to  
significantly influence the ranging patterns of  
koalas** warrants recognition of possible longer-  
term ecological consequences for planning  
and management purposes. *Australian  
Mammalogy* 38: 58–163 2016

- 10 Francis, C. D., Paritsis, J., Ortega, C. P. & Cruz, A. Landscape patterns of **avian habitat use and nest success** are affected by chronic gas well compressor **noise**. *Landscape Ecol.* 26, 1269–1280 2011
- 11 Barber, J.R., K.R. Crooks, and K. Fristrup. The costs of chronic **noise exposure for terrestrial organisms**. *Trends Ecology and Evolution* 25(3): 180–189 2010. 12 Schaub, A., Ostwald, J. & Siemers, B. M. **Foraging bats avoid noise**. *J. Exp. Biol.* 211, 3174–3180 2008 & Siemers, B. M. & Schaub, A. Hunting at the highway: traffic noise reduces foraging efficiency in acoustic predators. *Proc. R. Soc. B* 278, 1646–1652

- 13 Mancera, K. Facute The effects of acute exposure to mining machinery **noise** on the behaviour of eastern blue-tongued **lizards** (*Tiliqua scincoides*). *Animal Welfare* 26: 11-24 2017
- 14 Taylor, H. *Is Birdsong Music?* Indiana University Press, Indianapolis 2017
- 15 Billinudgel Nature Reserve Plan of Management NSW National Parks and Wildlife Service November 2000

Comb-crested Jacana



- In addition, CONOS Inc commissioned a study that includes over 75 references to literature:
- Benwell, A., Scotts, D. **A review of the effects of human intrusion and disturbance on wildlife, reference to proposed permanent cultural events site at Yelgun, NSW.** UnPubl. Study prepared for CONOS Inc.

Wompoo

Fruit Dove



Wompoo Fruit Dove, Bantayan Zoo, 6th May, 2015

# Breaches of Consent Conditions

- The Department of Planning (DOP) conducted their only compliance audit of the trial period and noted quite a number of breaches of consent conditions, but the Department issued only one Penalty Infringement Notice: \$3000 for breaching the noise limits. All other observations in that report resulted in recommendations

## Breaches acknowledged by the DOP.

- 1. 2014 SITG \$3000 PIN (Penalty Infringement Notice) for **breaching noise limits** (According to DOP, this is not listed in any DOP compliance report because it was published in the media in Nov 2014)
- 2. 2015 SITG \$3000 PIN for **breaching noise limits** (According to DOP, this is not listed in any DOP compliance report because it was published in the media in Dec 2015)

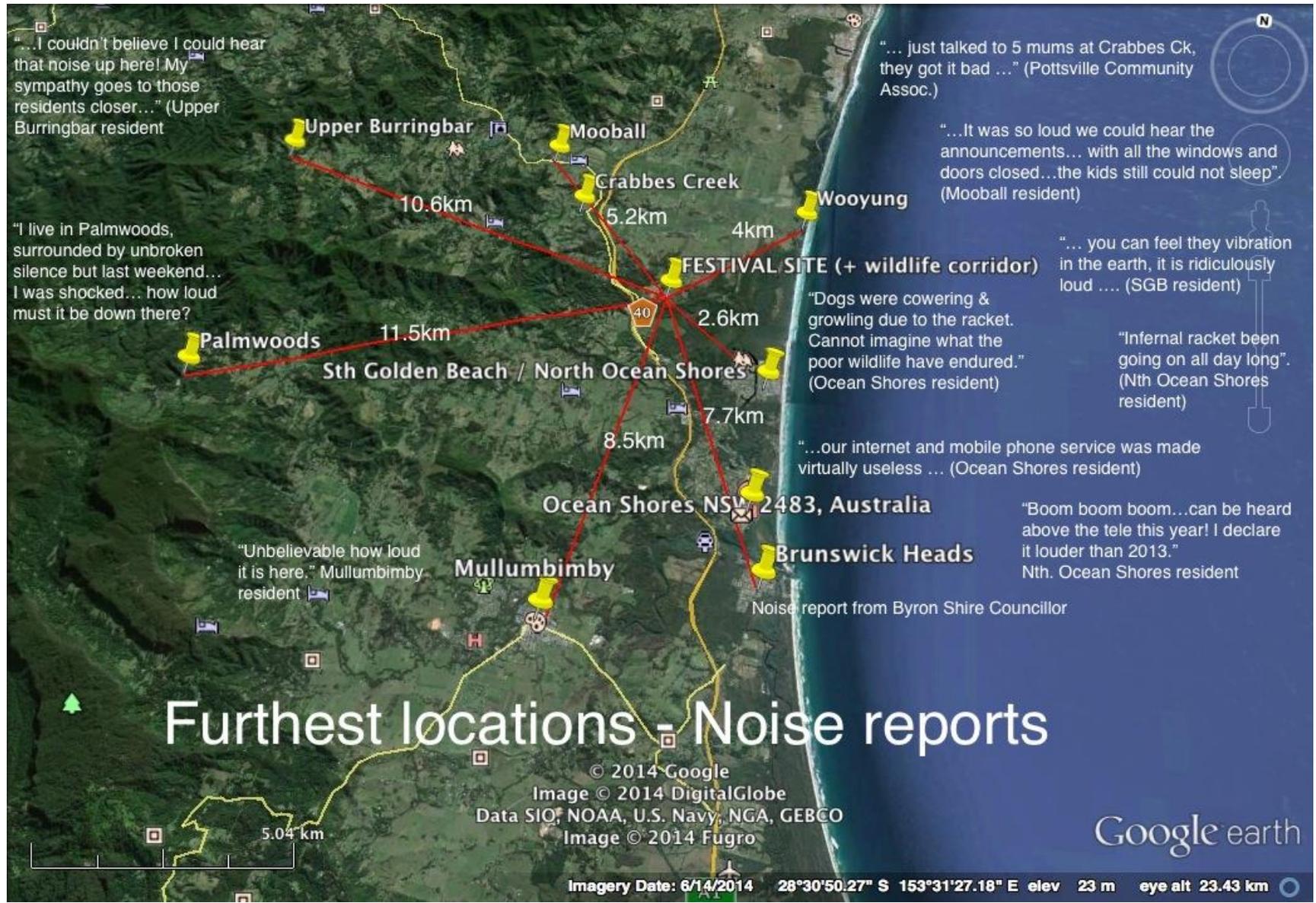
- 3. 2015 SITG OC (official citation) for **exceeding patron numbers** (DOP's July 2017 Compliance Report)
- 4. 2016 SITG OC for **exceeding patron numbers** (DOP's July 2017 Compliance Report)
- 5. 2016 Falls \$15,000 PIN for **exceeding patron numbers** (DOP's July 2017 Compliance Report)



- 6. 2016 Falls did not comply with allowed **hours of approval** (DOP said this was "recorded as a breach" in 2017 but no fine was apparently levied (correspondence with Scanlons July 2017)
- 7. 2017 SITG OC **regarding maps and plans** for event management (DOP's Sep 2017 Compliance Report)
- 8. 2017 SITG OC because **4 of 9 bonfires were not fenced** (DOP's Sep 2017 Compliance Report)

- 9. SITG 2017 OC for **campers in non-camping areas** (DOP's Sep 2017 Compliance Report)
- 10. 2017 SITG \$15,000 PIN for **exceeding patron numbers** (DOP's Oct 2017 Compliance Report)
- 11. 2017 SITG OC for **commencing temporary construction before allowable start date** (DOP's July 2017 Compliance Report)

# Noise disturbance up to 12 km away



## 7.3 Compliance

Noise compliance for SITG 2014 is as follows;

Table 16: SITG Noise compliance

Location	Event noise dB LAeq (15min) exceeds criteria by			
	Day	Evening	Night	
			Before midnight	After midnight
237 Jones Rd	+5	+9	+9	+9
251 Jones Rd	+4	+13	+13	+15
84 Yelgun Rd	-	+3	+6	-

Therefore, noise was found to be up to 15dB(A) above the criteria at the residential receiver locations.

The noise levels from SITG 2014 exceed the criteria by similar amounts compared to SITG 2013.

## 8. Conclusion

A noise assessment has been conducted for noise from Splendour In The Grass 2015. The noise was monitored at the residential receiver locations of 237 Jones Road Yelgun and 84 Yelgun Road Yelgun, as well as the E1 ecological site at Jones Road Yelgun.

The assessment revealed that noise emanating from the event, particularly during the evening and night periods, significantly impacted the amenity of the area.

Noise from the event was found to be up to 12dB(A) above the criteria at the residential receivers and up to 16dB(A) above the criteria at the ecological site when assessed against the same criterion.



Stephens

banded  
snake

# Camping within protected areas





# Off-site camping



# Pollution of waterways





Superb fruit dove



- The Environmental Impact Statement and the Dept of Planning Assessment

No impact?



- The specialist reports and assessment are **entirely focussed upon the event site** and pays very little attention to impacts beyond the site.
- 
- The EIS states that there are no changes in fauna populations over time within the Parklands festival site.
- 
- However, if we delve deeper into the specialist reports contained in the various Performance Reports we do find effects upon fauna on the festival site.

- For example:
- - SITG 2017 monitoring, (before/after/&during events), describes overall **bird and species counts were lower** than overall average values.
- - Similarly, the 2014 Performance Report describes **lower than average bird species counts**.

- - During and after the 2017 Falls event a number of **bird species showed a decline and did not recover** afterwards. These bird species included Sacred Kingfisher, Golden Whistler, Rufous Whistler, White Scrubwren, and Little Shrike-thrush.
- 
- - The 2013/14 Performance Report noted that there were **lower than usual birds counts** in some forest blocks close to the event.

- - Most of the specialist reports noted that **Flying Foxes** avoided trees that were illuminated by the **event lighting**.
- 
- - A number of the specialist reports observe that the data suggests **impacts upon Swamp Wallabies**.

- The EIS admits to not being able to find much published information on the effects of noise and light on fauna. Instead, the EIS draws its information of possible effects from interviews with zoologists. However, **there is considerable published information available describing numerous detailed impacts from noise and light upon fauna.**

- Examples of this literature have been shown on a previous slide in this presentation. These sources of information show that increased noise and light will affect a wide range of fauna. Birds, bats, marsupials such as koala, lizards and insects are all known to be affected by increased noise and light.



- The EIS states that impacted species will recover and move back into their usual ranges. However, this is an assertion not backed by evidence. In the long-term a decline in population number will very likely occur due to the changes in animal behaviour during events. Obviously, fauna that can vacate their home range on the festival site, will do so as soon as 1000s of noisy camper start to arrive, and, during the noisy music events.

- Fauna may vacate nests and juveniles as they move away during events. The vacating fauna then cause increased competition with other fauna in other home ranges. **But the EIS gives no consideration to long-term impacts upon fauna as a result of these behavioural changes.**

- Almost all the event site studies regarding the impact of noise and light are focussed within the event site. Where are the studies of impacts upon the broader area?
- 
- The EIS does not address the **edge effects** from the Parklands events upon the Marshalls Ridge section of the wildlife corridor, the SEPP 14 Wetlands, and the Nature Reserve.

- The EIS gives little attention to the impacts of noise and light upon the adjoining **Billinudgel Nature Reserve**. Monitoring within the Reserve has consisted of one anabat recorder and two remote cameras, and some scattered bird transects. This tokenistic monitoring only began 3 years after monitoring began on the festival site. Hence there is inadequate baseline information and insufficient data to determine impact on the Nature Reserve.
- The **Nature Reserve is within Zone 1 of the sensitive receiver map** where there is greatest impact from noise, light and patron numbers.

- The EIS gives no levels of **light incursion within the Nature Reserve.**
- Remarkably, **Condition D31 allows the festival to exceed the noise criteria** if a “relevant landowner” (presumably a sensitive receiver) agrees to allow that.
- **How will the festivals liaise with the Nature Reserve, which is in Zone 1 as a sensitive receiver, to gain agreement to exceed noise levels?**

- Information about species types and species numbers is essential in order to assess the impacts on the Nature Reserve and the Marshalls Ridgeline section of the wildlife corridor. However, this base-line information was not collected and hence the impact on the Nature Reserve cannot be assessed.
- It is now impossible to collect baseline data because the festivals disturbance has been running 5 years.

- The impact on the Nature Reserve can only be described on the basis of **published literature** that describes the **potential impacts**. **But this has not been undertaken.**
- 
- What I have described are **major gaps in knowledge of the effects of noise and light upon fauna beyond the site and into the Billinudgel Nature Reserve.**

- The Dept Of Planning Assessment Report highlights 6 key assessment issues.
- Incredibly, impacts on the Nature Reserve are NOT one of the top 6 issues.
- This is despite the Office of Environment and Heritage (incl NPWS) again raising their concerns about the potential impacts on the Nature Reserve.

- The proposed Consent Conditions make only one mention of the Nature Reserve:
- Condition C40 – which requires a Billinudgel Nature Reserve “Strategy” to address known or potential impacts upon the Reserve.
- Clearly, the impacts on the Reserve are hugely important and should have been thoroughly addressed during the Trial Stage – but they were not.

- The Trial Stage failed in its objective to assess the impacts of the Festivals.
- For the reasons presented in this presentation, CONOS Inc is opposed to approval of permanent events or the continuation of any trial events at the Parklands site.
- 
- Thankyou

