

## Photographic Examples of non-compliance issues at Falls 2014/15

The following sample photographs are examples of non-compliance issues at the Falls Festival 2014/15.



Vehicles & camping abutting forest blocks.



Camping beyond site footprint



Unsanitary and unsightly conditions on last day of festivals





Substantial entry and consumption of high strength alcohol



High turbidity and litter within drainage channels



## APPENDIX B

### CONOS Inc records of non-complying noise levels at the FOH- Falls 2014/15.

#### a) FOH noise levels measured at the Falls Festival 2014/15

Sound/ noise levels recorded by CONOS Inc. at front of house/ at stages are consistently above those required by the PAC Conditions of Consent and contrary to the Modifications claim that FOH noise levels are maintained at 102dB(A).

The PAC Final Approval document provides limits to noise levels at ALL the mixing desks/ front of house (Schedule 3: C14, Point 9). Condition Schedule 3: C14(8) requires continuous sound monitoring at all main stages. The Schedule states that the maximum dB(A) levels at the main stages are to be 102dB(A), measured 5 metres away from a speaker. The sound levels for the dance areas, bars and cafes are stipulated to be maximum 98dB(A), at 5 metres away from a speaker.

At Falls Festival 2014/15 CONOS Inc. measured sound levels on-site at the two main stages (Forest and Valley Stages) and at a Bar (Lolas Bar) over four days at various times. These sound measurements are predominately dB(A) measurements and summarized in Table 1 below. In addition, some dB(C) level were taken and also summarized in Table 1. CONOS Inc. lodged a number of complaints, regarding sound levels in excess of the Consent limits, with the event's Complaints Hotline during the festival. The recorded levels are documented in **Table 1** below and Screen Shots of the sound monitor results are available on request.

It should be possible to confirm the exceedance of front of house levels by examining the data collected according to the Noise Management Plan (NMP) which required: "... monitoring equipment at receptor and stage locations to allow analysis of noise (front of house and receptor levels) post event ...." (NMP 5.2). Also, according to the NMP, a post event noise monitoring report is prepared for Parklands 30 days after completion of the event. This post event noise report is to be provided to the DP&E where directed by the Director-General (Condition C52).

The instrument used by CONOS Inc. for taking sound levels was an SPLnFFT sound monitor which is an Application available from the Apple App Store. The SPLnFF was loaded onto a new iPhoneC and calibrated the day before the event by a professional sound consultancy (on the 29/12/14). The SPLnFFT Application has been the subjected to peer review via publication in scientific journal/s including the *Journal of the Acoustical Society of America* (Kardous & Shaw, 2014). The professional sound consultancy representative gave instruction to our CONOS Inc representative on how to use the monitor effectively. Once calibrated and used in accordance with instruction, it is anticipated that the SPLnFFT measured sound levels to an accuracy of plus or minus 2dB.

The sound measurements were not taken 5 metres away from speakers as specified in the Conditions of Consent and this was due to the extreme sound levels that the CONOS Inc representative would have been exposed to over a period of time. Instead the levels were measured at a greater distance as indicated below. Hence, the sound level results can be considered considerably less than could be expected at 5 metres distance from speakers.

Table 2 below summarises the CONOS Inc. sound monitoring results that show sound levels consistently in excess of those limits required in the Conditions of Consent (PAC Final Approval).



**Table 2: Summary of the sound level results obtained by CONOS Inc. using a calibrated SPLnFFT sound monitor application.**

Date	Time	Stage/Bar	Entertainment	PAC Max Limit dB(A) (Note 1)	Max Result dB(A) (Note 2)	Duration & Dist. (Note 3)	Max Result dB(C) (Note 4)	Complaint # (Note 5)
30/12/2014	7:23pm	Forest	Washington	102	105.8	3min@20mt		2FFBB7
30/12/2014	10:24pm	Lolas Bar		98	109.2	10mins@10mt		3FFBB12
31/12/2014	4:13pm	Forest	Tora	102	108.9	10mins@20mt		3FFBB22
31/12/2014	9:40pm	Valley	Client Liaison	102	106.6	10mins@50mt		3FFBB22
31/12/2014	10:34pm	Valley	Salt & Pepper	102	109.2	10mins@50mt		
1/01/2015	4:44pm	Forest	Asgeir	102	103.9	10mins@20mt		
1/01/2015	5:56	Forest	Ezra	102	102.8	10mins@20mt		
2/01/2015	1.10am	Lolas Bar		98	107.5	10mins@10mt		
30/12/2014	5:30pm	Forest	Kingswood	No dB(C) level		3mins@30mt	108.3	
30/12/2014	7:27pm	Forest	Washington	No dB(C) level		3mins@30mt	107	
31/12/2014	9:30pm	Valley	Client Liaison	No dB(C) level		10mins@50mt	109	
1/01/2015	4:33pm	Forest	Asgeir	No dB(C) level		10mins@30mt	109.2	
1/01/2015	5:45pm	Forest	Ezra	No dB(C) level		10mins@20mt	108.1	

**Notes accompanying Table 2:**

Note 1: Maximum levels drawn from Schedule 3, C14, Point 9: PAC Final Approval.

Note 2: Sound levels monitored using a calibrated SPLnFFT on a new iPhone 5C held on a mobile phone holder approximately 3m above ground level.

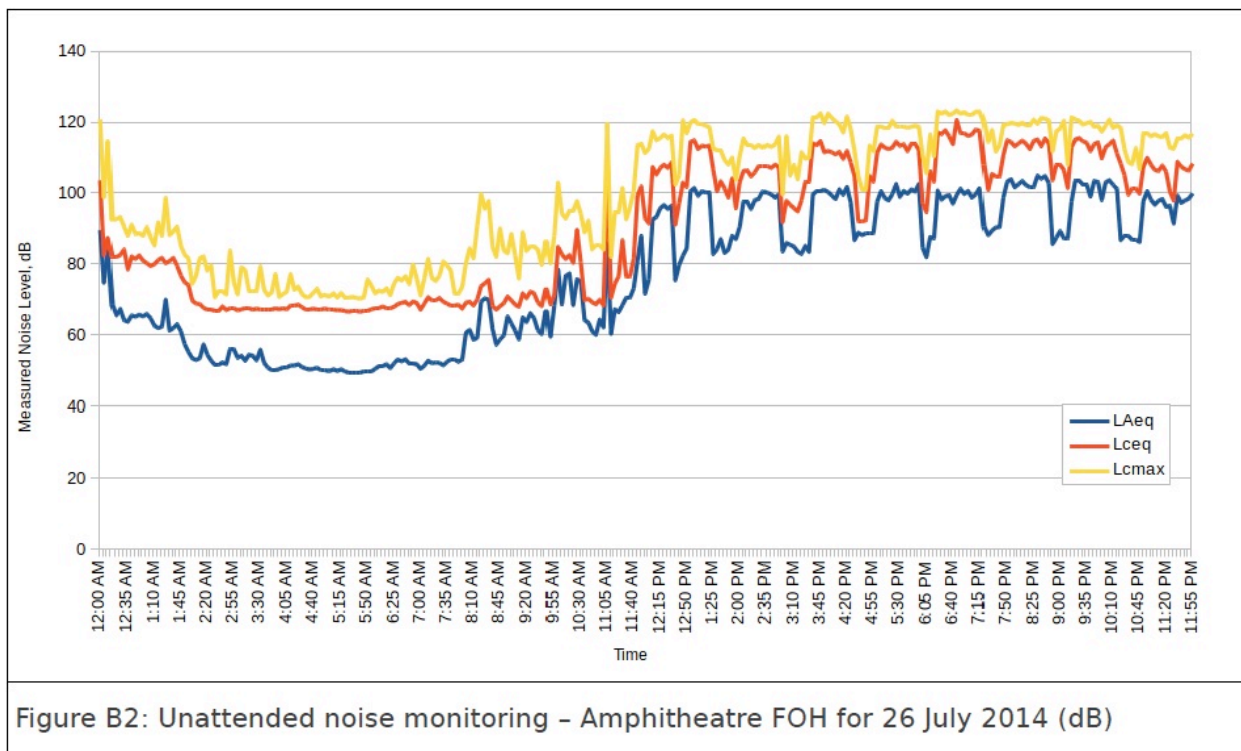
Note 3: Approximate distances.

Note 4: dB(C) Sound levels taken in light of the D&PE recommendation to develop “C” (bass level) criteria.

Note 5: Ceased making complaints to Festival Hotline on 1/01/2015 as the receptionist (Gypsy) stated that Parklands would not be following up on complaints made by CONOS Inc.

The sound monitoring report from SITG 2014 contains a graph reproduced below (**Figure 1**) which demonstrates sustained music levels above the maximum approved levels (102dB(A)), often above 120dB(A).





**Figure 1: SITG 2014: Noise Monitoring report – shows sound levels often above 120dB(A).**

#### Relevant PAC Conditions of Consent:

**Schedule 3: C14; 8. Continuous front of house (at the stages) music levels shall be monitored for all main stages and shall provide sound engineers with warnings when specified noise criteria is approached.**

**Schedule 3: C14; 9. Maximum noise levels at all mixing desks is 102 dB(A) measured 5 metres away from speaker. Maximum noise levels at bars, dance areas and cafes is 98 dB(A).**

**Parklands Environmental Health and Safety Management Manual; Noise Management Standard 008; 2.1.8: “Noise levels shall not exceed 102 dB(A) at all front of house mixing desks;”**

**Schedule 2: Part C: C16 (2) Requires the production of a NMP 60 days prior to an event to allow adequate time for comment and revision by the DoP and the RWG.**

**Schedule 3; C14; 10 & 11. In terms of sensitive/ residence receivers, noise management must achieve control of average sound levels; control of bass frequencies (dB(C)); a level of 55dB(A) outside bedroom windows; comply at all times with the Noise Management Plan.**

#### Schedule 2: Part B; B3 Noise restrictions

- 1) During trial events, all stages may operate from 11am but must be shut down at midnight.
- 2) Between 11am and midnight, noise levels at sensitive receivers must not exceed background plus 10dBA.
- 3) Music from bars, cafes and the dance floor must cease at 2am.
- 4) Between midnight and 2am, noise levels at sensitive receivers must not exceed background plus 5dBA when measured outside bedroom windows.
- 5) The Regulatory Working Group may make a recommendation to the Director- General that the noise limits imposed under this condition should be increased or decreased for future events after considering the Noise Impact Report referred to in Condition C52.



## **b) Noise levels in camping grounds at night at Falls Festival 2014/15**

The use of large industrial garbage trucks and accompanying forklifts throughout the event site during the night at the Falls festival was a disturbance to those camping and sleeping. For example, shortly after the New Years Eve celebrations, beginning at about 1:45am on the 1/1/2015, the trucks began emptying bins. The SPLnFFT sound monitor was used to investigate the noise levels. Screen Shots of noise levels attained are available on request. The noise accompanying the use of large industrial garbage trucks involve a sudden loud sound (max 90dB(A)) that reverberated throughout the otherwise peaceful campsites as the industrial bins strike the truck with a repetitive striking sound as the bin is emptied and hit upon the truck.

The NMP adopts a widely accepted level of 55dB(A) $L_{Amax}$  for “peaceful rest” but then allows unspecified exceptions, of unspecified sound levels, 10-15 times a night that diminish the prospect of a peaceful rest/sleep.

This is contrary to the PAC Condition that require conditions that support peaceful rest over night.

The ability for either the DP&E or the RWG to pick up this point has been compromised by the late production of the NMP (contrary to the 60 days required by the PAC Consent Conditions).

CONOS Inc. made a complaint to Hotline about overnight truck noise: **Complaint Unique Identifying Number 3FFBB12.**

### **Relevant PAC Conditions of Consent:**

**Schedule 2: Part C: C40 (b) Noise within the camping area between midnight and 8:00 am of each event day shall support peaceful rest for overnight patrons during events.**

## **APPENDIX C**

### **Scientific criticisms of the ecological assessment program at NBP to date.**

Below, CONOS Inc. provides a scientific critique undertaken by Christine Cherry BSc (Hon) (who includes identification of non-compliance issues) of the NBP ecological assessments

***We believe these critiques suggest that the ecological assessments may lack scientific robustness which deserves independent review as we recommend in the main body of our submission. The Modification's proposed noise increases should not be permitted in the absence of a demonstrably robust ecological Assessment program.***

**Critique by Christine Cherry, BSc (Hon) provided to the RWG on the 24 March 2014.**

### **Flora & Fauna**

1) 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. Useable data was not obtained for bats, they did not get useable data for mammals. Bat data for SIG was too variable and 3 anabats were rotated between 5 locations so data taken was not simultaneous. Bat data for FF was taken in 3 impact sites with no control sites monitored,



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contrary to F&F Monitoring Plan. Without simultaneous control data no valid conclusions can be made.  
Reporting of hair funnel activity for small mammals is very difficult to understand and it would appear only  
control and impact sites with activity have been reported. However a "null result" or funnel with no activity is  
just as valid and is also a result and should be included in results.

I recommend all data be included in the monitoring reports and anabat detectors are in fixed locations for the  
duration of the event rather than moved around to different locations. Bird monitoring data supplied such as  
the number of birds per transect per month comparison at both SIG and FF and total numbers of birds found,  
provide no information for the department to assess the impacts. A comparison of impact and control sites is  
needed. This is again found in table 5 showing the number of hairs found at all locations. This is useless  
information and provides no measure of the impact of events as there is no comparison between control and  
impact. If this data was compared to preconstruction monitoring it would be useful information and such info  
should be included there as is required under condition C20.

**Recommendation: The conclusion that "no significant adverse impact" have been found is misleading and  
should be replaced with " Data is not sufficient to make any conclusion from the monitoring program at this  
time."**

2) The statement in the Flora and Fauna monitoring results report "hair funnelling revealed a spatially  
complex but consistent pattern of abundance of small mammals " at both control and impact sites is an  
invalid and erroneous statement. The use of hair funnels to measure mammals is inappropriate as the expert  
ecologist, Dr Rob Kooyman, (present at the January 22, 2014 informal RWG meeting) said they were not a  
measure of abundance, and only provided a "present or absent" measurement. This makes sense as it is  
impossible to tell from two hairs in a trap, if they are two animals leaving one hair each or one animal leaving  
2 hairs. This type of measure will therefore NOT provide a measure of impact on individual species and does  
not comply with C20 .

**Recommendation: A better way for monitoring impact on fauna abundance is required. Elliot traps are  
commonly used and are suggested for future monitoring and the FFMP should be adjusted to include this.  
RWG recommend change to monitoring for mammals.**

3) Mark Fitzgerald, the consultant ecologist responsible for the flora and fauna monitoring stated very  
clearly in the January 22, 2014 meeting that "since March there has been a program to extensively drain the  
site and that he had not factored in the intensity and scale of disturbance from that". When questioned he  
also stated that "extensive drainage works were likely to have impacted on the results" of fauna monitoring. It  
is also stated in the introduction to the Flora Fauna results that the modification of large areas of pasture,  
which included, extensive sub-surface drainage, aeration of topsoil, and regular slashing changed the nature  
of bird assemblages in the grassed areas of Parklands. These effects have not been included in the Flora and  
Fauna Monitoring Results and this omission is a breach of C20 requirements.

It has been wrongly stated in the Flora and Fauna monitoring results, by Dr Fitzgerald, that C20 requires  
monitoring of the "impacts to Flora and Fauna arising from the carrying out of events" whereas the actual  
requirement states that NBP "must monitor and assess the impact of the project on Flora and Fauna within  
and adjacent to the site" and requires the "identification of KPI's to be monitored at each location that would  
determine whether the operation of the project is having a detrimental effect on fauna" - this clearly requires  
monitoring of construction element effects -not only event impacts. This means the effects of the extensive  
drainage works which have been carried out as part of this project needs to be monitored and assessed and  
mitigated. The condition E9 requires a construction environmental management plan which is echoed in the  
Statement of Commitments entered into by NBP no: B6, which form part of the approval, and commits to  
conducting pre- construction ecological surveying and monitoring prior to the construction activities.

Feedback from RWG members regarding the Draft Flora and Fauna monitoring plan, provided to NBP prior to the submission of the Monitoring Plan to the Director General highlighted the need for robust baseline data and NBP advised they possessed enough robust baseline data to be confident to be able to measure effects. This survey and monitoring work needs to form the basis for a true measure of baseline to determine the effects of the "impacts of the project".

Using pseudo - baseline data such as 3 days before an event looks at the effect of the event only and does not fulfill the requirements of C20.

**Recommendation: Baseline data carried out prior to construction activity on site be compared with monitoring results obtained since then and that this is included in the Performance Report and in the Ecological Impact Review as required by C20.**

4) C23 requires an on-ground search for grassy owls prior to events on site. This requirement relied on the assumption that the "cow paddock" was going to be left to regenerate for the time between events and would have long periods of inactivity. Instead the site is being regularly slashed. Have searches by a qualified ecologist occurred prior to each time of slashing as implied by the condition?

**Recommendation: Grassy owl searches to be carried out by qualified ecologist prior to slashing on site.**

5) The habitat restoration of the 30m buffer zone in the Southern carpark with "no activity" approved was required in the NBP statement of commitments and the rehabilitation of Yelgun Creek was required under condition A2 a)3i) in Stage 1 of the project to be carried out in the first year. Yet it is reported that cattle are still grazing in these areas and will be removed April, 2014. Cattle should have been removed a long time prior to this and this constitutes a breach of the Statement of Commitments and is identified in Mark Fitzgeralds report.

**Recommendation: Immediate removal of cattle from this buffer zone.**

6) The Flora and Fauna monitoring results do not identify where the impact and control locations are in that they do not provide the direction for the transect and they do not provide the locations in relation to the layout of event activities and stage locations etc.

**Recommendation: The detailed identification of control and impact monitoring sites and their relation to the layout of each event to be included in the Flora Fauna Impact report.**

7) Photopoint data for Flora reporting is limited to before, during and after events and should instead be before, during and after operation of project.

**Recommendation: To include photopoint monitoring of Forest blocks and other appropriate vegetation to look at long term operation of project over 5 years, such as effect of extensive drainage works and pumping out of water from Yelgun creek which was carried out for dust suppression and road construction.**