

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

Objection to Application No. SSD (8169)

Australians for Animals NSW Inc objects to any approval for a SSD .

Our objections are summed up as follows:-

Department of Planning & Environment (DOPE) reports are biased and continue to support the proponent whilst ignoring community concerns. Departmental planners are demonstrably incapable of objective assessment of the development applications. Bias has been consistently demonstrated throughout the five year trial period.

No analysis of costs of impacts to community, infrastructure, the only Byron hospital, roads, sleepless nights, traffic, clogging of Brunswick, Ocean Shores, Byron Bay. 15,000 ratepayers slugged with a 32 +% increase in rates to cover damage by two million tourists plus megafestival patrons.

According to the latest census, Brunswick Heads has a population of 1,737, Ocean Shores is around 5-6000 residents. The inability of these villages to cope with a massive increase in festivals and patron numbers is self evident.

Failure of adequate monitoring relevant to conditions of consent. 22 pages of breaches have been compiled by the EDO and ignored by DOPE.

Lack of any compliance audit for the five year trial in spite of many requests by Australians for Animals NSW Inc and the community

Lack of safety audit of five year trial.

Lack of Key Performance indicators Audit.

Failure to acknowledge Tweed Shire Council's concerns. Mayor Milne has indicated the Council does not encourage events of this size in the shire due to their ecological, social impacts and safety issues

Failure to acknowledge the concerns of Tweed Shire Council and community representatives in relation to flooding, the flood management plan inadequacies and the inability to evacuate the current patron numbers in the event of a major flood

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

Failure to address Byron Council's resolution of August 4, 2017, Byron Council's submission raising serious issues and removing the consent authority from Byron Council. Thus allowing the State government to run Byron Shire – an undemocratic precedent which has created serious community concerns.

Failure to address major concerns by NSW police particularly in regard to problems with evacuation. Police have advised the site can't be evacuated under 8 hours. In the event of a catastrophe, can the NSW government guarantee there will be no deaths, injuries and chaos

Failure to address that the site is subject of floods which can rise very quickly and a long history of major bushfires. A desk top study is completely inadequate when the record of flood and fire demonstrates major problems.

The comment in the previous Assessment under "*Response to off-site activity*" ignores the police report indicating police do not have enough staff to service Parklands and the community contradicting police assertion.

Failure to acknowledge increasing numbers of drug abuse and arrests at the festivals.

Reliance on flawed and highly inflated economic claims by NBP in spite of contradictions to these claims in NBP's own previous approval application and evidence provided to PAC Commissioners demonstrating flakey figures.

No balance sheet which addresses the costs to the community.

Refusal to acknowledge infrastructure issues including lack of hospital beds at Byron (43) and the pressure on emergency department to deal with locals and massive tourist invasion. Locals in need of emergency care are forced to queue for hours waiting for assistance.

Failure to address Pacific Highway gridlock and inability to access Byron hospital and Byron town as a result of megafestivals.

Failure to address major exceedances of ticket sales for SITG and Falls festivals in violation of Condition 53. A small fine by DOPE provides no security or deterrent for future abuses.

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

Failure to ensure an independent audit of ticket sales.

Failure to address lack of adequate monitoring of patron numbers as required by Condition 53.

Inappropriate reliance by DOPE on NBP information.

Failure to address the complexities of the very significant number of companies involved in the megafestivals and the recent takeover by a US company which ensures even more difficulties for the community in taking any action to protect the resources and environment of Byron Shire.

Failure to address the inappropriateness of allowing these megafestivals to be declared State Significant Developments when the companies are the beneficiaries and Byron Shire residents pay the cost.

Failure to address the lack of any legal options available to the community in the event of such an unreasonable designation and any subsequent approval.

Failure to address carbon emission targets set by the NSW government and Byron Council.
Failure to recognize carbon emissions generated by the significant proposed increase in events and patrons.

Failure by DOPE to take into account carbon emissions including buses, trucks, rubbish removal, overseas flights, fuel and power usage, cars, vans, bands.

An extremely conservative analysis of patrons and staff numbers based on 36,000 with all arrivals coming from Sydney demonstrates 23,000 tonnes of carbon emissions. One festival therefore emits a quarter of Byron's estimated annual emissions

Lack of any information on extent of insurance coverage.

Failure to address Lorne stampede and the outcome as to whether criminal charges have been laid against the same festival promoters. Given the police designation of a potential terrorist threat and the problems inherent in any evacuation, the Lorne stampede created a precedent which should be examined.

Failure to acknowledge increasing number of charges of sexual abuse at Falls Festivals.

Concern that the DOPE has demonstrated reliance on submission numbers supporting approvals

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

when the Festival company is clearly able to generate significant support by contacting patrons with postcards of support to be sent to the department. More bias.

DOPE refusal to address Falls Festival 2017-2018 ticket sales and pre sales of tickets all over Australia as a result of the DOPE assessment for approval of modification to allow the festivals to continue for another two years.

KOALA PLAN OF MANAGEMENT.

Appendix B is seriously deficient in terms of any protection of koalas. AFA makes the following points:

There has been no attempt to address the cumulative long term impacts to the koala population on the NBP site. Climate change impacts, noise, chronic stress, disease and a complete lack of any information on the sex and age of identified koalas renders the KPM a useless and irresponsible document.

Failure to acknowledge the numbers of koalas on site according to the recent NBP commissioned report given that the NSW Scientific Committee has designated koalas from Tweed to Brunswick River as endangered.

Noting that the KPM fails to acknowledge the Save our Koala project undertaken by OEH. If the DOPE allows this massive increase in festivals and patron numbers, koalas which are designated as endangered under the Biodiversity Conservation Act will be placed at risk.

Citing the Koala Report by Biolink, 22 koalas have been sighted at NBP. This is a significant number of animals given that koalas from Tweed Heads to Brunswick River has been designated Endangered by the NSW Scientific Committee. In the opinion of the Scientific Committee (to use their own words), “it is facing a very high risk of extinction in NSW in the new future.”

. *The Committee noted in its decision the following facts are necessary for the endangered designation:*

. *(i) the population or habitat is observed or inferred to be severely fragmented;*

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

- . (ii) *all or nearly all mature individuals are observed or inferred to occur within a small number of location*

Has the DOP consulted with the NSW Scientific Committee in relation to this application and its impact on designated endangered koalas ? There is no indication in Appendix B or in any report of the sex and age of the observed koalas on NBP site. This information is obviously critical to any analysis of the impacts on koalas of increased events and patron numbers.

Can the DOPE or OEH provide any scientific research which demonstrates that massive numbers of people, loud noise for days on end, lights, disturbance to habitats, interference with communication between koalas provides environmentally supportive measures for the survival of an endangered koala population ?

* The estimate of 50,000 patrons fails to include staff, security, stall owners, police and others who are there to support any event. So this estimate is false and demonstrates again, the bias by the DOPE. Nor is there any guarantee that the numbers will not increase together with the frequencies.

* At no stage, according to NBP records, has an event of this size been staged at North Byron Parklands, so no possible estimates can be made of the impacts on koalas and other threatened and endangered wildlife.

* What we do know is that at least 20 koalas have died on the Bluefest site, a mortality which has been attributed to noise and disturbance.

* Any increase in events and patron numbers has no baseline data on which to base any likely impact. However commonsense would indicate that more patrons, more events, more disturbances, more lights, more noise are unlikely to create a peaceful environment for koalas or other wildlife.

* No independent monitoring of koalas has been undertaken, only by consultants paid for by NBP who cannot be described as independent..

* As there are no radio collared koalas it is not possible to identify the movement of 22 koalas noted on site. Nor is there any information given in relation to events which may be held during breeding and dispersal season.

* It is unreasonable to suggest that as a result of more scats being noted on the site, numbers have

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

increased and that this is a result of festivals. Given the extent of development in the area from Tweed to Brunswick River, the provisions of the Local Land Amendment Act Codes which allow for private forestry, it is possible that koalas are being driven out of habitats which no longer exist.

Noting that Requirement C21 (Updated Koala Plan of Management) requires:-

“ the KPOM must also address the operation of ongoing events carried out at the site and the potential impacts that this will have on areas of core Koala habitat and the existing population”.

AFA submits that the ongoing events and potential impacts have not been addressed and the omission of the issues identified below are significant and further evidence of DOPE bias and provide reasons why approvals for modification and SSD should not be given.

STRESS AND CHRONIC STRESS IMPACTS ON KOALAS.

- . * It is now possible to establish the stress levels of koalas impacted by noise and other anthropogenic causes. Dr Edward Narayan of the University of Western Sydney has undertaken a considerable amount of research on cortisol levels in koalas as a result of exposure to chronic stressors. <https://bmczool.biomedcentral.com/articles/10.1186/s40850-016-0004-8>
- . No study has been undertaken by OEH, NBP, or DOPE to ascertain stress levels of koalas in the last five years nor is there any provision in the applications or DOPE summaries for the two approval requests to undertake the monitoring of stress levels.
- . Stress has impacts on koala health lowering the immune system, leaving the koalas open to disease.
- . **Disease** – disease such as Chlamydiosis and Koala retro- virus are present in koala populations and can lead to high levels of mortality. The increase level of disease in some areas is considered symptomatic of disturbance and cumulative impacts from the range of threats koalas experience, particularly isolation of populations leading to inbreeding.

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

- . Appendix B deals solely with habitat clearing and dog attacks as potential impacts and threats completely avoiding the issue of chronic stress as a result of fencing off potential movements and now permanent security fencing. The document claims that “*it is unlikely that Koalas would be seeking to traverse the busy event area*”. Again, this statement can be contradicted by the reports of koalas found in shopping centers, shops, up poles, on train lines and in many totally inappropriate places.
- . Further: “*Impacts from more generalized disturbance will be short lived and contained within the event areas of the Parklands site*”.
- . This statement is nonsense. Noise is not contained within the event area. Whilst the authors may consider events which take days to set up and run for up to five days are “short lived”, the impacts on wildlife are highly unlikely to be short lived.
- . Similarly, the assumption that somehow koalas will disperse into “*large areas of habitat available in the adjacent Billinjudgel Nature Reserve and to the west of Parklands*” are mere fantasies with not a shred of published peer reviewed research to support this claim.

The implantation of permanent security fencing which “*outside of event times will be opened to allow movement of koalas*” is ridiculous. Once again, there is zero research on any measure of this nature anywhere in published literature.

As well, scientists have established that noise is inhibiting communication and that certain frequencies (which are relevant to the megafestivals) can cause problems in breeding season as male koalas attempt to attract female.

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0045420>

CLIMATE CHANGE.

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

.AFA is deeply concerned by the omission of the impacts of climate change on Koalas, particularly in an area which is prone to heat-waves, bushfires and drought. The International Union for the Conservation of Nature (IUCN) has designated the koala as one of ten most vulnerable species GLOBALLY to be impacted by climate change.

http://cmsdata.iucn.org/downloads/fact_sheet_red_list_koala.pdf

Mainstream media has regularly reported on koalas found drinking from puddles in the road, swimming pools, ponds, backyard taps, anywhere they can find water. Published research on Pilliga, once the heartland of koalas demonstrates a massive collapse in the koala population attributed to climate change.

Yet Appendix B completely fails to address this issue, disregards the potential impacts of a permanent approval which ignores the increases in carbon emissions from the increased events, patron numbers, and other sources and the increasing likelihood of extinction of the species.

Monitoring Objectives.

Under Conservation outcomes, the following statement is made :

“ Events will not prevent the on-going use of the Parkland site by Koala.”

There is not a shred of evidence to support this statement. Given the permanent nature of any approval as a SSD, no amount of feed trees will guarantee koala survival.

And further :” Thee outcomes are also consistent with the overarching management aim for the North Byron Coast KMA which is to recover the important sub-population of the Tweed and Brunswick Coast Population of the Koala.

AFA has not been able to identify any North Byron Coast KMA. Nor does the Byron Council Koala Plan of Management suggest that holding megafestivals in areas where koalas are found is likely to assist in recovering important sub-populations.

Monitoring Objectives.

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

“ ongoing monitoring of Koalas at Parklands will be undertaken. It is predicted that the impacts of the ongoing program of cultural events at Parklands will be minor and temporary as evidenced by the results of extensive monitoring undertaken during the trial period.”

This statement is unacceptable scientifically as there has been no study which provides :

- * Whether koalas are suffering from chronic stress
- * population dynamics of koalas using the site
- * no study which identifies whether any koalas are suffering from disease
- * no study which has identified whether frequencies have inhibited reproduction and communication

* No studies which take into account the impacts of climate change on the species, their food supply, the impacts which are likely to be experienced as climate changes increase causing major problems for reproduction, nutrition and disease.

* No studies which are capable of predicting the future or the impacts of multiple major events with the potential for increases in patron numbers over 50,000.

- * No legal action possible under State legislation.

Koala surveys to be undertaken every two years is unacceptable for a species which is listed as endangered. Nor should monitoring be linked to surveys undertaken in the wider region as guided by the BCC KPoM. Byron Council has not demonstrated any increase in koala populations as a result of the KPoM and failed completely to address the high mortality of Koalas on the BluesFest site and in the Shire.

Nor has any methodology been demonstrated as to how these surveys would be linked, or undertaken or by whom. Who would be financially responsible ?

Any approval for a SSD should be investigated by ICAC as the ongoing bias by the Department and

AUSTRALIANS FOR ANIMALS NSW INC.



PROTECT * NURTURE * RESTORE

the PAC is highly questionable, flouts the Code of Conduct and raises issues which need to be addressed by an independent body.

Sue Arnold

Sue Arnold

Co ordinator

15 February, 2018