

MOD 2 Concept Plan and MOD 4 Project Approval - D474/17

Planning Assessment Commission Public Meeting on Tuesday 29 August

Submission from Dr Andrew Benwell (Ecologist) [REDACTED] Mullumbimby, NSW 2482 (mob [REDACTED])

Changes Proposed by the Department of Planning to Condition C20 Flora and Fauna Monitoring and Rehabilitation Program

The NBP festival site is located in the middle of a high conservation value area, surrounded on three sides by Billinudgel Nature Reserve and crossed by the Marshall Ridge wildlife corridor. It was primarily because of the sensitivity of the location and potential for negative impacts on flora and fauna that the festival site was initially approved as a trial, so the effects on local wildlife could be studied and assessed before determining the future of the site.

Guidelines for the Ecological Monitoring Program are set out in Condition C20 of the trial approval and a monitoring program has already been implemented for 5 years.

The proposed modification to the trial, number 4 (MOD 4), proposes to change the date of the trial period by extending it another 20 months. However, MOD 4 also includes changes to the wording of C20, which could significantly change how the monitoring program is implemented.

The changes are given in Appendix A of the Department's Assessment Report (of the MOD 4 proposal), but the main report itself makes no mention of C20. There is no explanation as to why the various changes to the wording of C20 have been proposed. The wording of several of the changes is ambiguous and vague so it is not clear exactly what the Department intends by the changes.

C20 includes sub-conditions (a) to (g). These follow a different order in MOD 3 and 4 – see Table 1 below. My comments are in the third column. Some of the changes are good, particularly (g) but several are of concern, including (a) which changes the definition of baseline data moving it forward (see table) and (f) which appears to propose changing the Before-During-After sampling strategy to twice a year. It is very important for meaningful analysis of the monitoring results that the timing and type of data collected each year remains as consistent as possible. If such a lengthy extension is to be considered, then at least keep the monitoring the same. – same monitoring sites, same timing, same type of data collected.

One final comment - the 'review' of ecological impacts, attached to the Response to submissions did not look at any of the data itself and as such provides no independent audit of monitoring results?

Recommendation 1: the MOD 3 wording of C20 to be retained in MOD 4 with the exception of MOD 4 (g) to replace MOD 3 (c)

*Also, the actual data collected by the monitoring program is shrouded in secrecy, as it has not been included in the annual monitoring reports.
Is it possible for the PAC to include a condition that makes this data available for independent assessment?*

Table 1: Comparison of the wording of C20 Flora and Fauna Monitoring and Rehabilitation Program in MOD 3 and MOD 4, and comments. Differences have been highlighted in yellow.

Current C20 (MOD 3) Date April 2016	Proposed C20 (MOD 4)	Comment
<p>C20 Flora and Fauna Monitoring and Rehabilitation Program</p> <p>Within three months of the determination of MOD 3, a suitably qualified ecologist must prepare a revised Flora and Fauna Monitoring and Rehabilitation Program on flora and fauna within and adjacent to the site. The program must provide a summary of the baseline condition (prior to the commencement of the Project Approval) and present detail of the impacts that the previous events have had upon flora and fauna within and adjacent to the site. The program must be prepared in consultation with the RWG and OEH. The program shall include but not necessarily be limited to:</p> <p>(a) identification of the changes that have occurred in regard to flora and fauna within and adjacent to the site as a result of the events held to date;</p>	<p>C20 Flora and Fauna Monitoring and Rehabilitation Program</p> <p>Within three months of the determination of MOD 4, a suitably qualified ecologist must prepare a revised Flora and Fauna Monitoring and Rehabilitation Program to the satisfaction of the Secretary to monitor, assess the impact and specify management and rehabilitation requirements at the site.</p> <p>The Program must be prepared in consultation with the RWG and shall include but not necessarily be limited to:</p>	<p>Why has "within and adjacent to the site" been replaced with "at the site"? Doesn't this make C20 ambiguous about where monitoring has to be conducted.</p> <p>Why has to the satisfaction of the Secretary been inserted? The Secretary is unlikely to have the expertise to judge if the monitoring program is well designed or not.</p> <p>Why is "OEH" deleted from the consultation process? Shouldn't OEH (the key stakeholder) be specified?</p> <p>Was preparation of a FFMRP complied with in MOD 3?</p> <p>MOD 4 proposes to change the definition of the baseline condition from "prior to the commencement of the Project Approval" (see MOD 3 above) to "prior to the commencement of trial events".</p> <p>This would be a significant change to the monitoring program as it changes the baseline for comparing changes in fauna over time, from prior to the start of site development, which includes the initial infrastructure construction phase, to prior to commencement of trial events (ie before-event monitoring). The baseline for comparison would be</p>

Current C20 (MOD 3) Date April 2016	Proposed C20 (MOD 4)	Comment
(b) identification of predictions relating to changes that may occur to flora and fauna within and adjacent the site as a result of continued operation of the project;	(b) identification of predictions relating to changes that may occur to flora and fauna within and adjacent the site as a result of continued operation of the project;	brought forward without including data collected before the start of construction. No change proposed
(c) a revised ecological structure plan incorporating the requirements of Commitment B12 and detail of the implementation of the plan within the period of the existing trial approval and timing for when the required parcels of land will be dedicated to the OEH;	(c) locations at which monitoring will be undertaken, including a map showing locations, ensuring data collected enables a management response to be implemented, if required. As a minimum, monitoring locations must include areas near amplified sound and lit areas. Billinudgel Nature Reserve and Marshalls Ridge fauna corridor.	MOD 4 (c) is same as MOD 3 (d) with the addition of 'adaptive management' in high lit. Why not keep them in same row! Although inclusion of adaptive management is important, the primary purpose of the monitoring program is to study and assess the impacts of festival activities on the native fauna of the area – ie the purpose of having a trial period.
(d) locations at which monitoring will be undertaken, including a map showing locations. As a minimum, monitoring locations must include areas near amplified sound and lit areas. Billinudgel Nature Reserve and Marshalls Ridge fauna corridor.	(d) identification of key performance indicators to be monitored at each location that would determine whether operation of the project is having a detrimental effect on the flora and fauna;	MOD 4 (d) is exactly the same as MOD 3 (e) – why not keep them in the same row! Where are the KPI's for MOD 3?
(e) identification of key performance indicators to be monitored at each location that would determine whether operation of the project is having a detrimental effect on the flora and fauna;	(e) procedures and protocols for the sampling and analysis methodology to be undertaken for the monitoring, including sample design, statistical analyses and reporting. Procedures must be consistent with any relevant government publication and/or Australian standard	MOD 4 (e) is exactly the same as MOD 3 (f) – why not keep them in the same row! Where are the KPI's for MOD 3?
(f) procedures and protocols for the sampling and analysis methodology to be undertaken for the monitoring, including sample design, statistical analyses and reporting. Procedures must be consistent with any relevant	(f) a program for periodic monitoring of the parameters at each of the monitoring locations. As a minimum, monitoring must occur at least twice per year (once in the cooler months and once in the warmer months).	MOD 4 (f) relates to MOD 3 (g) – again, why not keep them in the same row so you can see what change has been proposed? The timing of monitoring should be consistent with

Current C20 (MOD 3) Date April 2016	Proposed C20 (MOD 4)	Comment
<p>government publication and/or Australian standard</p>	<p>(g) a revised ecological structure plan developed in consultation with OEH, incorporating the requirements of Commitment B12. The ecological structure plan must include: See i) to v)</p>	<p>previous monitoring. Once in the cooler months and once in the warmer months is too vague and allows for monitoring to become out of sync with previous monitoring. Monitoring should continue to coincide with the two major festival events – Splendour (July) and Falls (Jan) as for the last five years – and follow the Before-During-After sampling design, as in MOD 3 (g). Consistency in methodology is crucial for robust and meaningful analysis of the monitoring data.</p> <p>MOD 4 (g) relates to MOD 3 (c) with the addition of more detail – points i) to v) Comment – the proposed changes are supported.</p>