

13/11/2022

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DAInternal-A006083027-20221113-WD36OPJ0.pdf

Oppose

Updated objection John Keays

OBJECTION

THE INSTALLATION OF LIGHTS IN BRISBANE BOTANIC GARDENS FOR THE FISCAL PURPOSE OF CONDUCTING GUIDED TOURS THROUGH THE GARDENS AND ADJOINING ANZAC PARK BETWEEN 5:45 PM AND 11:15 PM

As a rate-payer, member of three Brisbane Garden clubs and frequent visitor to the gardens, I strongly object to the above proposal on the following grounds. By definition, "a botanical garden is dedicated to the collection, cultivation, preservation and display of an especially wide range of plants, which are typically labelled with their botanical names. It may contain specialist plant collections such as cacti and other succulent plants, herb gardens, plants from particular parts of the world... there may be greenhouses, shade-houses, again with special collections such as tropical plants, alpine plants, or other exotic plants" (Wiki)

Lumina Night Walks

Queensland Council of Garden Clubs is the organisation that provides a single voice for garden clubs in Queensland. Over 140 member clubs consisting of around 8000 members QCGC is not a political lobby group but in this case, they have a vested interest in retaining the Brisbane Botanic Garden as a non-commercial botanic garden. QCGC oppose this application based on the comments given below. The attachment to the DA has been reviewed by John Keays.

The Queensland Council of Garden Clubs has had a long association with the Brisbane Botanic Gardens, Mt Coot-tha. QCGC has worked with the curators of Brisbane Botanic Garden, Mt Coot-tha are shown below.

- Brisbane Botanic Gardens BARRY DANGERFIELD
- Harold W Caulfield AM [1975 to 1982]
- Ross McKinnon AM curator [1982 to 2014]
- Dale Arvidsson curator [2015 to now]

QCGC sponsored activities

- Ross McKinnon Plaque - Brisbane Botanic Gardens
- The Vine Arbour 2020
- Brisbane Botanic Gardens Rain Forest Shelter 2008
- Brisbane Botanic Garden Wedding Lawn Shelter 2003
- Brisbane Botanic Garden Fern House 2002
- The Cacti and Bromeliad House 1988
- Brisbane Botanic Garden Bus Shelter 1982
- Harold W Caulfield "Gift of Appreciation"
- Walter Hill Memorial Plaque 1971

Attachment 5

Pre lodgement minutes

These minutes were held on 28 March 2022 and that six months have elapsed from that time till the DA was open for public discussion for only 15 days. Publicity should occur much earlier so that the respondent can have an equal amount of time to consider the proposals.

In the pre lodgement minutes there is no reference to public transport to the site or the likely costs for leasing of the facilities. Costing should form part of the DA application as there is financial impact on the BCC budgets for the Brisbane Botanic Gardens. Significant changes are needed to fix up the car parking at the Brisbane Botanic Gardens but no mention is made in these minutes. Since BCC did not indicate these problems. There has been little reference to these problems.

Attachment 6

Lumina Proposals

The time of operations and the number of attendees vary between the technical reports. The differences in the quoted figures may have affected the recommendations made in the technical reports. There is a need to include costings that are to be paid by BCC in relation to this activity. Costings to include ticketing prices, parking charges, management costs, staffing costs, security costs, theft costs, rehabilitation and cleaning costs after the night's activities. These costs impinge on the operating costs of the botanic gardens and should be included in future public available budgets.

Attachment 7

Proposed Plans prepared by Lumina

The current DA is proposed over the two lots. ANZAC Park which forms part of these lots, is a heritage listed Park. ANZAC park should not be included in any consideration of the Lumina project. If there is only a small portion of the Botanic Gardens then that area should be surveyed and defined as a separate lease area. BCC survey staff can define the appropriate lease area excluding ANZAC Park.

Attachment 8

Ecological Assessment Report by 28 South Environmental

The basis of this report assumes that the area concerned is only the central corridor track. The DA covers ANZAC park and the whole of the Botanic Gardens. The report details a scope of usage of the walks running from 6 pm to 10 pm and the number of times per year as 20% of the time. The DA quotes 170 days per year from 5:45 pm to 11:15 pm. An assessment should have been made based on the two parcels of land. This effectively invalidates the recommendations of the report.

BCC has recently updated the water supply system in the park so that water additional water can be pumped from the bottom lake to the top reservoirs. Electrical circuits have been installed in the gardens in a similar fashion. BCC needs to set aside funding and staff to administrate the installation of the new lighting power requirements integrated with the water supply electrical circuits.. The costings and fundings for these new facilities need to appear on the BCC budgets before DA approval is given.

Previous experience with lighting of sports ovals has shown that BCC has had significant problems in determining and managing the lighting facilities. The wrong standard was proposed at the pre

lodgement meeting. The design and level of lighting needs to be detailed before DA approvals are given.

The report gives an overview of the Living Collection and show that the Botanic gardens is an asset of Brisbane that should be treasured. The report states that the Living Collection should be maintained. The report is only a desktop review. (BCC should instruct Health Waterways (does an annual reviews of the river catchments) to make an effort to review the habitat and fauna and flora of Mt Coot-tha. The review should be published annually. This would give a better basis for future ecological reviews.) This desktop review does do justice to the ecological problems as information is not available.

The State has indicated that part of the Brisbane Botanic Gardens is koala habitat. The simplest approach is to regard both lots as koala habitat and protect both lots from human interference. Producing light and sound in these gardens at night time will effectively destroy the wild life habitat. Lumina have argued that the proposal is only for a limited section of the gardens for this initial proposal. This is wrong. If the DA is approved then all the gardens will be available for commercial exploitation. The proposal fails the P04 clause and the A04.3 clause.

This development is substantially different in character to the original concept of the botanical gardens. There will be a significant loss in value internationally if the Brisbane Botanic Gardens are turned into a commercial venture. This is far more important than the commercial considerations.

EPBC Act Protected Matters Report Commonwealth Data Base

Caveat. This report is designed to assist in identifying the location of matters of national environmental significance (MNES) and other matters protected by the Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) which may be relevant in determining obligations and requirements under the EPBC Act.

This appendix details many endangered animals and flora and fauna that are endangered and that from the desk top review maybe located somewhere in the gardens. There are no plans given on how these are to be protected. The historic original macadamia nut tree is resident in this location. The botanic gardens are a natural location for endangered fauna and flora.

Ratepayers of Brisbane have provided a green levee for green space around Brisbane. QCGC have made voluntary contributions to many of the structures inside of the Gardens on the basis that the gardens are a free open space. State and Federal Governments have given grants based on the concept of a botanic gardens (and not a commercial operation). Future grants are likely to be lost if this location is deemed commercial. This desktop review doesn't do justice to the environmental issues.

WildNet species list State Government

In Queensland, all plants that are native to Australia are protected plants under the *Nature Conservation Act 1992* (NCA). The NCA regulates the clearing of protected plants 'in the wild ' (see Operational policy: When a protected plant in Queensland is considered to be 'in the wild') that are listed as critically endangered, endangered, vulnerable or near threatened under the Act. Since part of the area is under the State regulation then the simplest approach is to consider all the area as protected and should not be considered for commercial exploitation. Expansion of the botanic gardens foot print will mean that the whole area needs to be under the control of the BCC curator and therefore should be designated as a protected WildNet species area. Commercial operations need to be curtailed if they lead to damage of the flora and fauna.

Fauna and Flora

Night time walks will increase the damage caused to the undergrowth. There is a significant problem with looting of plants from the gardens and night time walks will exacerbate the problem. Experience of the damage can be assessed from the Christmas night walks in the Roma Street gardens. Costings for these activities should be detailed in the DA.

Terrestrial vertebrates.

The terrestrial vertebrates come and go with the seasons. With the Living Collection the variety of vegetation will attract a diverse selection of vertebrates. This can only be assessed by an ongoing monitoring of vertebrate's activity. More vertebrates are likely to be discovered.

Having lived next to Mt Coot-tha at Chapel Hill we had a frog mouth owl nesting in the gum tree near our bedroom window. There was a bush turkey nest in the vacant land next to our house. Snakes, rats, mice, sand worms lived in the garden. There was a variety of seasonal bird life that lived in the gum trees. Once the suburb was developed there was a loss of animal activity.

Attachment 9

Noise impact Assessment prepared by Noise Measurements

The basis of this report is an operational hour between 5:45 pm to 11:15 pm. Normal shopping hours in Brisbane Coles and Woolworths is up to 9 pm. Hotels officially close at 12 midnight. Tourist areas close at 11:30 pm. Since children will be visiting the gardens 9 pm close time is appropriate.

The noise levels calculations are made for the residential properties outside of the garden's area. A cursory look at the location of the testing facilities used indicate that noise is not a problem for the residents across the street from the Botanic Garden. The current road traffic noise in these residential areas will be higher than the noise from the Lumina walks.

There is no quoted standard for the noise levels for animals. Based on Plate B3 of the report the area above 50 DB (as recommended as a maximum night noise level) cover the majority of the Botanic Gardens. Visually a significant portion (around 20%) of the Botanic Gardens walk is above the 60 Db rating (tourist entertainment noise level). This will be problematic for wild life.

The policing and administration of the noise levels is done by the Police Department and little action is taken via BCC staff. In terms of noise pollution this attachment fails to address many of the noise issues.

Attachment 10

Traffic Impact Report prepared by Lambert & Rehbein

Many of the garden clubs that use the auditorium complain bitterly about parking. The existing car park at the Brisbane Botanic gardens is chronically overloaded. The entrance to the parking area has safety issues that need addressing by BCC. The pedestrian access from the parking across from the gardens has a pedestrian refuge. The cycle path follows the road to Mt Coot-tha and is very steep resulting in cyclists reaching a downhill speed of over 50 kph. Redesign the parking arrangements has been a continuing problem because of budgetary constraints. Night time use of this entrance will

exacerbate these problems. Occasional bicycle usage late at night is extremely dangerous and will occur as fatal accidents have recently occurred at the roundabouts at the end of the freeway. Governmental action is required to solve the current traffic safety issues.

The report confirms the fact that there is no public transport system between 8 pm and 11:15 pm. This means that all transport will be done by personal or commercial transport operations after 8pm. Some revamping of the bus timetables needs to occur before this DA is approved. There is a need to minimise the number of cars visiting the site. This can be achieved by public transport similar to sporting venues where the cost of entry includes public transport costs. Having visitors parking in remote location as per car park 2 is unsafe. Security will need to extend till 12 pm in this carpark.

The traffic arrangement should be deemed unsafe and unworkable for this DA.

Attachment 11

Bushfire Emergency Management Plan by Land and Environment Consulting

A material change of use development application (environmental facility and tourist attraction) will be made for the proposed Lumina Night Walk under the Brisbane City Plan 2014.

Lumina acknowledge there is a bushfire risk. An increase in bushfire risk is not an acceptable outcome of this DA.

Attachment 12

Outdoor Lighting Impact Assessment prepared by WEBB Australia

The lighting report is geared to the effects on the local residential properties. The real concern is the hours of operation 5:45 pm to 11:15 pm in a residential area and the effect of light pollution on the wild life in the gardens. The ecological report indicates that there is significant endangered wild life in the garden and as such the night time environmental zone is A0 per table 3.1 intrinsically dark. The proposed lighting fails to meet this standard. Across the street from the gardens the report suggests A2 or A3 zone or perhaps RX at the crossings. Significant changes will occur in the gardens when the car parking area is increased. This makes most of this irrelevant to the DA application.

The standard AS/NZS 4282:2019 categorises pre and post curfew limits on the lighting, where the post curfew limits are significantly stricter than the pre-curfew limits. All calculations will assume worst case conditions with a Light Loss Factor (LLF) of 1. The report assumes that the lighting will only operate during non-curfew hours. I would suggest curfew hours should start earlier. A much lower lighting level is required to meet the AS 4282 standard.

For the proposed design, the following design controls must be met in order to achieve compliance:

- Design is undertaken to comply with the requirements of AS/NZS 4282:2019
- Direct sighting of fittings is checked during design
- Testing is undertaken of the Illuminance levels confirming compliance

John Keays 12/11/2022