

From: [REDACTED]
To: [IPCN Enquiries Mailbox](#)
Subject: Submission: North Byron Parklands Cultural Events Site Modification 3 (MP03_0028 MOD3) and State Significant Development Application (SSD8169)
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Submission in Objection -
North Byron Parklands Cultural Events Site Modification 3 (MP03_0028 MOD3)
and State Significant Development Application (SSD8169)

John Lazarus
Convenor Byron Environment Centre Inc

The Byron Environment Centre supports Rejection of the Development Application, and Objects to the Site Modification and the State Significant Development Application for the following Reasons:

Existing Planning Legislation

1) The Part 3A Legislation, that informed the Trials Development Consent, has been revoked. The Permanent Development Application should be dealt with under:

a) the previous existing development criteria, which are the two State Government Commissions of Enquiry which constrained development by its Reports findings that "There should be no increase of intensity of development on this site". And

b) Byron Shire Councils existing planning, that has Adopted that this site is a part of this Shires most important Wildlife Corridor, that links the coast to the Great Eastern Ranges Wildlife Corridor. And

c) Byron Shire Councils Site Report that states " due to the sites high water table this site is unfit for onsite sewerage systems".And

d) The Land and Environment Courts findings that this development was in breach of the sites Wildlife Habitat Zoning's, and "had not demonstrated that no environmental harm would occur". And

e) The State Governments Adoption of the areas of this site as Regionally Significant Protected Farmland". And

f) Criminal Murder law, under the Criminal legislation that states "callous disregard for the impacts of an act that causes death is an act of murder", in regard to the the deaths from the associated Carbon Pollution impacts of the developments trucks and bus's and patrons vehicle travel. And

g) Criminal Law in regard to the property damage caused by the developments carbon pollution climate impacts. And

h) State Government and Local Government Anti Corruption Legislation. State Government Planning staff, exterior to the States Development Compliance

Division, have been given political donations of \$1000+ VIP tickets plus free alcohol and food from these property developers. Byron Shires Council's Greens Party Mayor (and wife) and Labour Party Councillor were given \$1000+ VIP tickets plus free alcohol and food from these property developers, and subsequently voted in Council in support of a separate major property development of one of the sites property developers. The sites property developers have subsequently yearly donated 10s of thousands of dollars in VIP tickets to Greens Party members, and 10s of thousands of dollars of cash to the Labour Councillors separate private employees and associates, and has provided a free office space to the Mayor (as an ex officio director of a company auspiced with free office accommodation by the property developer), all in prima facie breach of State Government legislation that prohibits property developers giving political donations to Councillors. And

i) The global imperative to reduce greenhouse gas carbon pollution. There is tens of thousands of tonnes of carbon pollution associated with transporting up to 75,000 people into, around, and out of this Shire, and from the developments thousands of truck and bus movements transporting people, waste and water. From the exposure of multiple days of noise and 24 hour lights, there is also a severe impact on the activities of animals and insects that provide the site and adjacent Nature reserve and Wetlands fruiting and flowering vegetation, which adversely impacts and erodes the existing capacity of the natural vegetation to capture and store carbon. Note that NSW has had its hottest year on record, and that the carbon pollution from this major Shire carbon polluter has contributed to this heat record, and would continue to pollute and cause human death and property destruction from increased quantities of carbon pollution from any Consent. And

j) The global imperative of the necessity of providing pathway corridors across landscapes to allow some capacity of survival of native animal species by facilitating their exodus movements across landscapes in response to globally rising temperatures. And

k) The State government legislation that requires Developers and their Associates to submit a truthful Developer Declaration identifying their political donations, that the developer and associates have again failed to comply with, as they failed to comply with providing accurate Declarations with the various consent applications with the Trial Consent, and failed to provide Declarations on the developers staff and associates individual Submissions to previous DA's. And

l) Byron Shire Councils LEP and Adopted development criteria

2) Developers Bad Character. Two of the largest proposed commercial events are majority owned by an American Corporation Live Nation, a corporation that has been taken to court in the USA under their Anti Trust legislation for attempting to become an industry monopoly. Live Nation is engaged in the same behavior here in Australia, by purchasing events, ticketing agencies and city venues, which undermines the capacity of Australian music industry promoters, and the capacity of the Australian music industry to survive

3) Cultural Damage. USA's Corporation Live Nation's purchase of the two major

proposed events, as well as their purchase of other Australian events, will constrain Australian musicians to contractually join the American Corporations stable of bands, which undermines the robustness and capacity of the Australian music industry to promote and stage Australian artists. There is also no basis to believe that these American corporation events will have any Australian musicians performing at future events, or any Australian workers employed at moderate to senior positions.

4) Increase in commercial events. There has been no Trial of the increased number and level of proposed commercial events, that are now proposed to take the place of what were previously classed in the 'Trial' as small community events

Furthermore:

The environmental aspects of this site, and adjacent sites, have all been mapped and ground truthed. The sites forest areas are mapped as having significant wildlife and habitat values requiring protection from development, and that they form part of the Shires most important Wildlife Corridor. Placing cloth screens around the developments farcically alleged "environmentally protected forest blocks" does not protect their environmental values from noise or lights, and does not protect these as wildlife habitat or as wildlife corridor staging posts. As well as undermining and sabotaging existing adopted Planning measures and virtually every principle required for the protection of their environmental values, the impact of a multi-day music festival on the animals in these forest blocks, and in the adjacent Nature Reserve and Wetlands, is animal cruelty, and should this Application not be Rejected, there will be an ongoing information campaign to warn potential attendees that their attendance involves cruelty to the native animals.

The Trial's Conditions of Consent alleged environmental management, and this Permanent Consent Application's proposed alleged environmental management, are both just newly made up management fantasies that do not comply with how the environment functions. Despite however best this site is managed there are unavoidable massive adverse impacts on this, and adjacent, sites ground truthed, and adopted plannings', environmental values. The sites environmental values have been assessed, and the requirements for their management were put in place prior to this developments Trial. The Adopted constraints and management practices were put in place and ground truthed by Byron Shire Council, two State Commissions of Enquiry, and the State and Federal Government gazettal of the adjacent Nature Reserve and Wetlands. This Shire, and this site and adjoining Nature Reserve and Gazetted Wetlands, contains a number of peak global environment values that do not exist anywhere else on earth. This Shire has a number of peak Australian environmental values that are the specific premiere environmental values of Australia. The Trials management has demonstrated the paucity of the management, resulting in ongoing failures of management of sewerage spillage, rubbish pollution of waterways, pollution flood barriers completely overwhelmed, repeated failure of noise pollution standards, and repeated failure of the number of Consent constrained attendees. And Byron Shire Council's staff proposal to manage Consent compliance was rejected by the State Government, so neither the public or Council has any transparent knowledge of the depth and breadth of the States compliance failures, or on the State Governments prima facie corrupt complicity in failing to provide Compliance of development breaches. And the the State Governments prima facie corrupt

Maladministration complicity is evident as the only compliance for Consent Breaches has come about after initiation by off site residents.

Byron Shire Council's detailed investigation of the site identified high ground water levels, with the subsequent Byron Shire Council's Report determining "that the site was not fit for onsite sewerage system". The sites high water table has been identified and has been determined that the site is unfit to have the Application's proposal of sewerage buried on site. Burying sewerage on site will allow all the recreational and medical drugs that are excreted to pollute the underground water table, which will all travel to adjacent Wetland, and Nature Reserve creeks, and into the Brunswick River and the Cape Byron Marine Reserve, polluting oyster and fishing areas and public bathing areas. Even studies of simple over the counter products such as anti mosquito Pyrethrum have been identified as having the capacity to kill marine life after traveling for months through an underground water table.

In the hierarchy of Australia's law, murder eclipses the legal defence of 'just doing my job'. Australia has one of the highest per capita levels of carbon pollution globally. Callous disregard to the impacts of an act that causes death is classed as a Act of Murder, and people are dying now from the altered climate effects of carbon pollution. There is no valid alternate interpretation of the Laws of Physics. While the exact correlation between the quantity of this events associated carbon pollution (largely from vehicle travel and heavy vehicles servicing sewerage and garbage) and the subsequent climatic conditions resulting in deaths, globally there is considerable action to determine the correlation. And note that here is no Statute of Limitation on bringing murder charges, both against the developer perpetrators and against planners associated with causing deaths from a Consent decision.

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