

**Submission  
No 218**

## **HISTORICAL DEVELOPMENT CONSENTS IN NSW**

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**Date Received:** 3 June 2024

## Submission to Parliament Regarding the Wallum Zombie Development in Brunswick Heads

My name is Sarah Ndiaye, I have been a local resident for most of the last 30 years, a high school teacher and have been on Byron Shire Council for over 7 years - deputy mayor for 5 of them.

**Introduction:** In my tenure of seven years on council, I have not encountered a development project that has elicited as much conflict, division, cost, and community concern as the Wallum Zombie Development in Brunswick Heads. The anticipated level of environmental destruction and the loss of key habitats to threatened species resulting from this historical Development Application (DA) is unprecedented in my experience. The process that has unfolded has left me deeply disillusioned.

**Environmental Concerns:** The magnitude of ecological and cultural compromise inherent in the approval of a development that falls short of meeting the basic threshold of community, council, state, and federal environmental protection expectations is alarming. The threat of extinction to local populations of threatened species is very real. Despite thorough examination of decades' worth of reports and assessments pertaining to the site, numerous serious concerns raised by key agencies such as the council and the Office of Environment and Heritage (OEH) were inexplicably overlooked through the granting of a 34A and bypassing of the Building Development Assessment Report (BDAR) process.

**Efforts to Address Housing Crisis:** As a councilor, I have actively endeavored to address the pressing housing crisis in our region. I have supported numerous controversial developments and actively sought solutions, including but not limited to: limiting Short-Term Rental Accommodation (STRA) to 60 days, advocating for the Affordable Housing Contribution Scheme, proposing a trial for a tiny home village, and exploring the development of council land for housing. However, developments such as the Wallum Zombie Development compromise invaluable ecological systems and erode trust in our planning system, with lasting repercussions on community engagement with councils and other agencies.

**Inadequate Assessment Process:** The deficient assessment process not only undermines community trust but also incurs significant financial costs for developers, councils, and the community. Hundreds of thousands of dollars have been squandered in legal battles, council resources, and community efforts to challenge a development that should never have been approved in its current form. Moreover, the broader environmental cost resulting from habitat loss is immeasurable. How does one assign a monetary value to centuries-old trees that support a plethora of species?

**Lack of Community Consultation:** The Northern Rivers Planning Panel assumed responsibility for determining the fate of this DA due to its significance. However, the community consultation conducted was grossly inadequate. Merely 200 letters were distributed during the COVID-19 pandemic, resulting in a mere 13 responses, all in objection to the proposal. This starkly contrasts with the extensive community engagement observed in similar developments elsewhere. Robust community consultation could have potentially identified alternative pathways that would not entail the extraordinary destruction of native habitat supporting numerous threatened species in close proximity to the estuary.

**Insufficient Information for Decision-Making:** The reports provided to councilors lacked the requisite detail, maps, or information necessary for making a well-informed decision. Despite the significance of the development, no site visit was arranged for councilors to assess firsthand the environmental impact and implications of the proposed development. It is disheartening to learn that some panel members, entrusted with such a critical decision, did not even visit the site. Fully informed decision-making necessitates firsthand observation of the ecological treasures at stake.

**Call to Action:** I urge Parliament to utilise its powers to recommend that old development applications align with current standards. Non-action on such applications should incur penalties and necessitate additional assessments. Moreover, cost assessments should encompass not only financial

implications but also the erosion of genuine community engagement. Councilors and council staff invest considerable effort year after year in fostering trust and rapport with the community. Instances such as this profoundly undermine faith in government at all levels, leaving many feeling utterly betrayed.

In conclusion, the Wallum Zombie Development epitomizes a flawed process that disregards environmental, cultural, and community considerations. Urgent action is imperative to rectify the situation and prevent similar occurrences in the future.