

Our Reference: J7148

Wednesday, 20 May 2026

NSPT Pty Ltd

c/- Tower Holdings

Suite 3.02 34 James Craig Road

Rozelle NSW 2039

Via email: anthony@towerholdings.com.au

Dear Sir/Madam,

Harvest Estate – DA 10.2017.201.1
Ecological Letter - Cats and Dogs at Harvest Estate

Reference is made to Development Consent DA 10.2017.201.1 dated 08 December 2020 for the Harvest Estate development, located within the town of Byron Shire. This letter has been prepared to support a proposed modification application for the development, specifically regarding the keeping of cats and dogs onsite, which is currently prohibited.

The Harvest Estate was approved by way of consent orders issued by the NSW Land and Environment Court in *Villa World Byron Pty Ltd v Byron Shire Council* [2020] NSWLEC 1612. The approval followed a series of conciliation conferences undertaken through the Court process, during which the applicant and Council reached agreement regarding the proposed subdivision. The consent approved a staged residential subdivision of the site across seven (7) development stages.

Since the original approval, a number of modification applications have been submitted and approved, including:

- **Modification Application 10.2017.201.2**, approved by the Northern Regional Planning Panel in November 2021, which amended the staging and sequencing of works within Stages 1B and 2.
- **Modification Application 10.2017.201.3**, approved on 27 May 2024, which consolidated the approved staging arrangement from seven (7) stages to four (4) stages, removed the approved boardwalk, authorised the stockpiling of soil on site, and included associated amendments to conditions of consent.
- **Modification Application 10.2017.201.4**, approved in May 2025, which amended the staging sequence to facilitate the earlier delivery of key public open space within Stage 3 rather than Stage 4, as originally approved.

The proposed modification application seeks approval under Section 4.56 of the *Environmental Planning and Assessment Act 1979* to amend Development Consent DA 10.2017.201.1 (as modified) by updating the wording of conditions relating to restrictions on title.

The proposed modification seeks to amend Condition 91(o) of the development consent to allow for the rewording of the restriction on the title of the land, to allow for the keeping of cats and dogs on the lots.

Condition 91(o) of the consent currently reads as:

Restriction on keeping of cats and dogs

*A restriction on the use of land on all residential lots and lots 146, 147, 148 & 149 which **prohibits** the keeping of cats and dogs other than official guide dogs or personal assistance dogs.*

The proposed modification will require a minor adjustment to Condition 91(o). The proposed modification will require the following amendments (suggested changes shown in red font):

Restriction on keeping of cats and dogs

*A restriction on the use of land on all residential lots and lots 146, 147, 148 & 149 which **manages** the keeping of cats and dogs other than official guide dogs or personal assistance dogs.*

As an ecologist, I support the abovementioned condition change request.

Dogs and cats unrestrained (i.e. free-roaming) are to be confined to the designated allotments only.

Unrestrained cats and dogs will be securely contained within fully fenced and controlled areas within the property boundaries at all times. The fencing and enclosure arrangements are to be specifically designed to prevent cats and dogs from roaming beyond the property boundaries or accessing the surrounding bushland.

As the animals will remain confined within these enclosed spaces, they will not have the opportunity to hunt, chase, or otherwise disturb native wildlife populations of the retained areas of Harvest Estate, or adjoining bushland.

Dogs and cats shall not be permitted unrestrained in areas external to the designated allotments and are to be 'on-leash' at all times in the open spaces of the Estate.

Based on these controls, it is considered that the keeping of cats and dogs within fenced areas will not adversely affect local wildlife or surrounding ecological values.

In accordance with Byron Shire Council's Policy *Local Orders for the Keeping of Animals*, Harvest Estate does not occur within Council's 'No Dog Zone', therefore are allowed to occur within public places such as parks, footpaths and roads.

Cats and dogs are well established within the Byron locality, including residencies proximate to Harvest Estate. The keeping of cats and dogs confined within the allotments aren't likely to exacerbate predation threats compared to what is already existing in the locality.

I have personally been involved with the Harvest Estate for over 10 years and have regularly seen the general public and nearby residents walking their dogs along Melaleuca Drive, and the surrounding areas of WBURA. Furthermore, I have observed wild cats and dogs during previous ecological surveys of the site. As such, cats and dogs are not foreign to the site.

Recently, Council have approved an industrial subdivision (DA 10.2017.661.1) immediately west of the Harvest Estate site within the West Byron Urban Release Area. This approved development is known as the 'Solus development'.

Condition 70A of the consent was applied to the approved industrial subdivision which does not prohibit the keeping of cats and dogs but instead permits domestic animals subject to ongoing management and control measures at all times.

The condition adopted for the Solus development demonstrates an alternative approach that balances environmental protection objectives with practical and enforceable pet management requirements. The relevant condition is reproduced below:

- 70A Restriction on use - keeping of cats and dogs for protection of native fauna species**
Documentary evidence is to be provided with the application for a Subdivision Certificate that a restriction on user, pursuant to the provisions of s88B of the Conveyancing Act 1919 has been registered on the title of the land. The keeping of cats and dogs on the subject property is to be managed to ensure protection of native fauna species. The restriction on user must restrict, except as otherwise permissible by law, all of the following within the area covered by the restriction on user.
- a. Keeping of cats and dogs in any part of the property is to be managed at all times by:
 - (i) The erection and maintenance of dog-proof fencing within each lot.
 - (ii) Dogs may only be permitted outside private fenced areas of each unit if they are on a leash and suitably controlled under the supervision of a responsible person; and
 - (iii) The keeping of cats within all units unless cats are confined to suitable enclosures at all times.
- The s88B Instrument must contain a provision identifying Byron Shire Council as the only person or authority having the power to revoke, vary or modify the restriction on user.

The complete ban of cats and dogs on Harvest Estate, while allowing them to occur on the adjoining Solus development site, is considered unreasonable.

Reviewing the above, I support the proposed condition change to remove a complete ban on keeping cats and dogs at Harvest Estate, but rather manage them to be confined within the property boundaries, unless on a leash.

Should you have any questions regarding the above, please don't hesitate to contact me via email on tomy@planitconsulting.com.au.

Yours sincerely



Tomy Rados

Senior Ecologist