

Our Reference: J7148

Thursday, 13 August 2026

Northern Region Planning Panel

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Dear Chair and Panel Members

PPSNTH-526 – 10.2017.201.5

Modification Application 10.2017.201.5 Harvest Estate

We write to make a submission regarding the proposed modification to Harvest Estate.

Given the breadth of material before the Panel and the limited speaking time available, we wish to highlight the following key matters.

- Following the close of the exhibition period, we reviewed the public submissions and prepared a detailed response to both those submissions and Council's Assessment Report. Council staff subsequently advised that any response should be directed to the Northern Regional Planning Panel. Accordingly, we attach that work for the Panel's consideration (**Attachment 1**). Notably, approximately 75% of submissions supported the proposed modification. However, this overwhelming level of community support, and the recurring themes raised by supporting submitters, receive limited consideration in the Council Assessment Report. In that context, it is difficult to reconcile the report's conclusion that the proposal is not in the public interest with the outcomes of the public exhibition process.
- We consider the Assessment Report overstates the effect of the existing restriction. The restriction does not prevent companion animals from accessing Harvest and the residential, recreation and conservation zones which apply to the Estate and surrounding land. Pets are already able to be present throughout the Estate and residents on adjoining land can keep pets without restriction. In practice, the restriction operates only to prevent Harvest residents from keeping companion animals on their own property (refer to **Attachment 2**). When viewed in this context, the area of land with restriction is relatively limited, and yet is causing significant housing and lifestyle consequences.
- The Assessment Report also places significant reliance on the below DCP provision.

9. The keeping of cats and dogs other than guide dogs is to be prohibited. Any plan of subdivision to include an appropriately worded S.88B instrument in relation to keeping such pets. The prohibition to also apply to community title and strata title subdivisions and to be incorporated into Strata Plans of Management and or Neighbourhood Management plans and the like. Appropriate conditions to apply for applications to residential development including multi dwelling housing, integrated housing, dwelling houses, dual occupancy and secondary dwellings.

Figure 1. DCP Extract (Section E8, Page 25)

As outlined above, the DCP control envisages restrictions applying across all subdivisions within the West Byron release area. However, Council did not impose the same restriction on the approved Industrial Estate subdivision. This demonstrates the control has not been applied consistently across the release area. The Modification Application simply seeks the same flexible approach already afforded to other land within West Byron.

- The Assessment Report though seeks to distinguish the Industrial Estate, known as Solus, on the basis that it is an industrial subdivision. However, that distinction is overstated. As demonstrated below, the DCP expressly contemplates residential accommodation within industrial land. As a result, the proposition that pets will not be present on a permanent basis within Solus is not supported by the applicable planning framework.

D5.2.11 Dwellings in Association with Industry
Objectives

1. To ensure that the scale of **dwellings** within industrial development are compatible with the character of the locality.
2. To ensure that **dwellings** are ancillary to the industrial use of the site and do not inhibit the economic viability of industrial development.

Performance Criteria

There are no Performance Criteria.

Prescriptive Measures

Dwellings provided in association with **industry** or on land within Industrial zones must comply with the requirements of Chapter D1 Residential Development in Urban and Special Purpose Zones.

Figure 2: DCP Extract (Section D5, Page 11)

- Further to this, both Solus and Harvest share a comparable relationship with adjoining ecological values, including connected paperbark forest communities and koala habitat (refer to **Attachment 3**). While Council seeks to distinguish the estates, that distinction appears to be based on land use rather than any ecological difference.
- The Assessment Report adopts a position that sits uncomfortably with contemporary NSW Government policy relating to companion animals and biodiversity protection. Byron Shire Council is an active partner in the NSW Government and RSPCA NSW's *Keeping Cats Safe at Home* program, which recognises both the community value of companion animals and the role of responsible pet ownership in protecting native wildlife (refer to **Figure 3**). The proposed modification is founded on those same principles.
- The DCP control relied upon in the Assessment Report predates this more contemporary policy approach. However, little weight appears to have been given to the management-based measures now actively promoted through government policy and supported by Council's own participation in the program.
- The relevant issue is not the zoning of the land, the land use type or the relationship with adjoining vegetation communities, but whether the DCP control can be varied where biodiversity outcomes can be maintained through an appropriate management framework rather than an absolute prohibition. The legal and ecological evidence submitted with this Modification Application concludes that it can. The ecological evidence supports equivalent biodiversity outcomes, and the majority of submissions support the proposal. As such, there is no apparent planning justification for maintaining the current restriction across the entirety of Harvest Estate

Notwithstanding, the applicant remains willing to explore a pragmatic outcome should the Panel consider that additional safeguards are warranted. In that regard, the applicant would be prepared to retain the existing restriction on Lots 146, 147, 148 and 149, being the lots that directly interface with the adjoining paperbark forest and conservation lands, whilst applying the proposed management-based approach to all other private land (refer to **Attachment 4**).

While this distinction is not founded on any identified difference in ecological outcomes and is not supported by the legal or ecological evidence as being necessary, it reflects a genuine willingness to accommodate concerns raised during the assessment process while still achieving a more balanced outcome for the majority of residents.

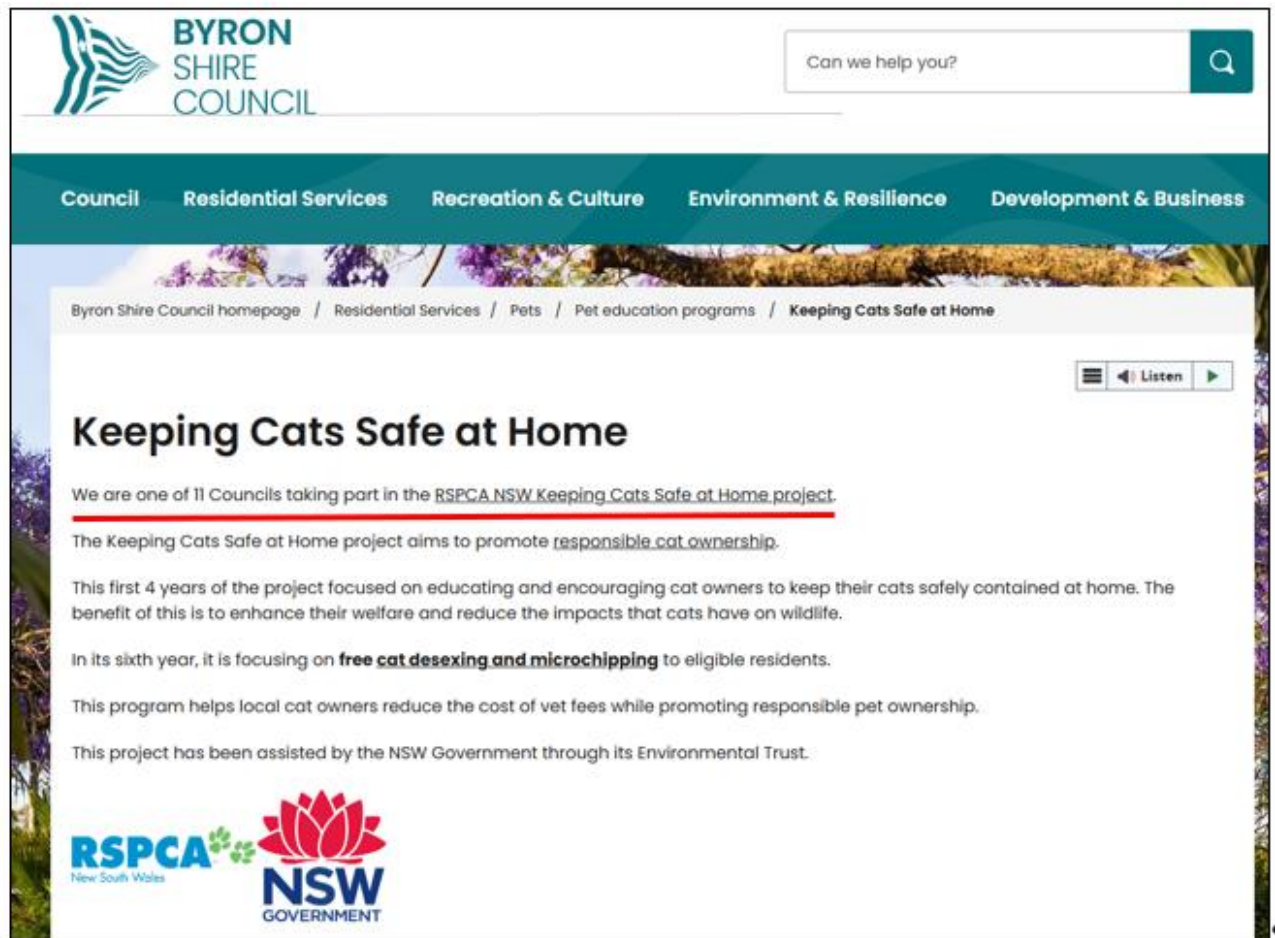


Figure 4: Keeping Cats Safe at Home Program (Source: Byron Shire Council)

We trust this assists the Panel in its consideration of the application and respectfully request that the matters raised be given further consideration prior to determination.

Please do not hesitate to contact me on [0419 785 423](tel:0419785423) or via email at lukeb@planitconsulting.com.au.

Yours sincerely



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