

DETERMINATION AND STATEMENT OF REASONS
NORTHERN REGIONAL PLANNING PANEL

DATE OF DETERMINATION	21 August 2026
DATE OF PANEL DECISION	21 August 2026
DATE OF PANEL MEETING	19 August 2026
PANEL MEMBERS	Dianne Leeson (Chair), Kim Johnston, Michael Wright, Bruce Clarke, Steven Fleming
APOLOGIES	None
DECLARATIONS OF INTEREST	Stephen Gow declared a conflict of interest as he previously voted to refuse original development application that was determined by the Land and Environment Court. He did not participate in the determination Simon Richardson was satisfied that his presence may be considered a conflict of interest by the applicant and he did not participate in the determination.

Papers circulated electronically on 5 August 2026.

MATTER DETERMINED

PPSNTH-526 –Byron– DA 10.2017.201.5 – 1-25, 27 & 29 Autumn Court, 1-16, 18, 20, 22, 24 & 26 Blue Water Place and 1-5, 7, 9, 11, 13, 15, 24 & 26 Harvest Boulevard, Byron Bay – S4.56 to modify condition 90 of the consent relating to the restriction on keeping of cats and dogs - subdivision of six (6) lots into one hundred and forty-nine (149) consisting of one hundred and forty-five (145) residential lots, four (4) large residential lots and dedication of residual land to Council for public or drainage reserves (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at briefings listed at item 8 in Schedule 1.

Modification application

The Panel determined to refuse the modification application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel is satisfied the proposed development is substantially the same development pursuant to s.4.56(1)(a) of the *Environmental Planning and Assessment Act 1979*.

The Panel determined to refuse the modification application for the reasons outlined in the Council Assessment Report. The Panel considered the merits of retaining the prohibition on the keeping of cats and dogs on the site and concluded that there were significant ecological benefits in retaining the prohibition. The Panel also concluded that the improved ecological outcomes on the site and adjoining sites of retaining the prohibition was in the public interest.

The Panel also strongly recommends that Byron Shire Council considers designating the site as a Wildlife Protection Area under the *Companion Animals Act 1998* to prohibit dogs (pursuant to Section 14(h)) and cats (Section 30(1)(b)) from all public places including roads, infrastructure lots and public open space areas within this site to further protect native wildlife and their habitats on the site and on the surrounding sites.

CONDITIONS

Not applicable

CONSIDERATION OF COMMUNITY VIEWS

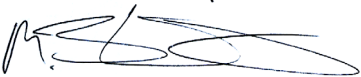
In coming to its decision, the Panel considered written submissions made during public exhibition . The Panel notes that issues of concern included:

- Restriction was imposed to protect significant environmental values
- Substantial loss and fragmentation of native habitat
- Introducing additional domestic cats and dogs into this environment increase disturbance, predation risk and stress on native wildlife
- Removing the prohibition and relying instead on pet management would not provide an improved environmental outcome
- Proposal contradicts Council's prescriptive DCP requirement
- Responsible pet ownership and compliance measures easier to manage than the restriction
- Increased dogs being walked around the wetlands, off leash and owners failing to clean up after their pets
- Council should be strengthening existing protections (signage, compliance and enforcement
- Proposed modification appears to be driven by a desire to make the remaining lots more attractive and marketable, but this should not come at the expense of biodiversity or environmental values
- Comparison with industrial site irrelevant as industrial site uses dogs for security
- Compatible with the prohibition on residential lots and Council adopted Wildlife Protection Area
- Current restriction produces a supply of housing for residents who wish to protect our wildlife and where dogs are prohibited

There were also submissions in support of the development:

- Housing availability
- Discriminatory as not allowing residents pets within their properties with members of the public having dogs in roads, footpaths and public reserves
- Coexistence of responsible pet ownership and care for ecology
- Pet ownership and quality of life
- No identified ecological basis for a blanket restriction
- Blanket bans on pets in residential developments reported as unlikely to succeed and revised approach is more likely to be adhered to and easier to enforce
- Neighbouring development approved with this management based approach
- Inconsistent standards are confusing for the community and distressing for residents in the Estate

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Kim Johnston
 Michael Wright	 Bruce Clarke
 Steven Fleming	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-526 – Byron – DA 10.2017.201.5
2	PROPOSED DEVELOPMENT	S4.56 to modify condition 90 of the consent relating to the restriction on keeping of cats and dogs - subdivision of six (6) lots into one hundred and forty-nine (149) consisting of one hundred and forty-five (145) residential lots, four (4) large residential lots and dedication of residual land to Council for public or drainage reserves
3	STREET ADDRESS	1-25, 27 & 29 Autumn Court, 1-16, 18, 20, 22, 24 & 26 Blue Water Place and 1-5, 7, 9, 11, 13, 15, 24 & 26 Harvest Boulevard, Byron Bay
4	APPLICANT/OWNER	Roseanna Meech NSPT Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Resilience and Hazards) 2021 - Byron Local Environmental Plan 2014 - Draft environmental planning instruments: Nil - Development control plans: - Byron Shire Development Control Plan 2014 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 4 August 2026 - Written submissions during public exhibition: 23 - Total number of unique submissions received by way of objection: 6
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Applicant Briefing: 19 August 2026 <u>Panel members</u>: Dianne Leeson (Chair), Kim Johnston, Michael Wright, Bruce Clarke, Steven Fleming <u>Applicant representatives</u>: Anthony Aiossa, Luke Blandford, Dennis Loether <u>Council assessment staff</u>: Greg Smith, Chris Larkin, Ian Colvin <u>Department staff</u>: Carolyn Hunt, Holly McCann - Final briefing to discuss Council's recommendation: 19 August 2026 <u>Panel members</u>: Dianne Leeson (Chair), Kim Johnston, Michael Wright, Bruce Clarke, Steven Fleming <u>Council assessment staff</u>: Greg Smith, Chris Larkin, Ian Colvin - Department: Carolyn Hunt, Holly McCann
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A