

31 August 2017

**NSW Planning Assessment Commission Determination Report
Cobaki Estate Project (MP 06_0316 MOD 4)**

1. INTRODUCTION

On 10 August 2017, the Planning Assessment Commission received from the Department of Planning and Environment a modification request from Leda Manorstead Propriety Limited (the Proponent) to modify the Concept Plan Approval MP 06_0316 (MOD 4) for a residential community development, referred to as 'the Cobaki Estate' at Cobaki Lakes in the Tweed Shire local government area (LGA).

The Department has referred the modification request to the Commission for determination in accordance with the Minister for Planning's delegation because the Department received an objection from Tweed Shire Council (Council).

Ms Lynelle Briggs AO, Chair of the Commission, nominated Ms Abigail Goldberg as Chair and Dr Maurice Evans to constitute the Commission to determine the modification request. Prior to meeting with the Proponent, Commissioner Goldberg identified a perceived conflict of interest and stood aside from determining the modification request. The Chair of the Commission subsequently appointed Ms Annabelle Pegrum AM to Chair the panel.

1.1 Summary of Modification Request

The modification request proposes to modify the approved Concept Plan for Cobaki Estate (see Figure 1) in the following manner:

- replace two school sites with one centrally located school site;
- enlarge the size of the commercial areas of the Cobaki Town Centre and Southern Special Purpose Precinct (SSPP) by extending into the former school sites;
- reconfigure the SSPP, and include a registered club and childcare centre use on the site;
- remove one of the 10 cultural heritage parks nominated in the Cultural Heritage Management Plan (CHMP) and enlarge another, resulting in a net increase in land for cultural heritage parks;
- remove the current prohibition on the keeping of cats and include restrictions on cat ownership and control; and
- correct minor errors in the calculation of the Open Space and Environmental Protection Areas.

The proposal would not:

- increase the approved development footprint;
- increase the maximum number of dwellings permitted on the site;
- increase the maximum building height of three storeys which currently applies across the site;
- alter the approved major road alignments; or
- make any changes to approved earthworks, ground levels or affect flooding on the site.

Concept Plan

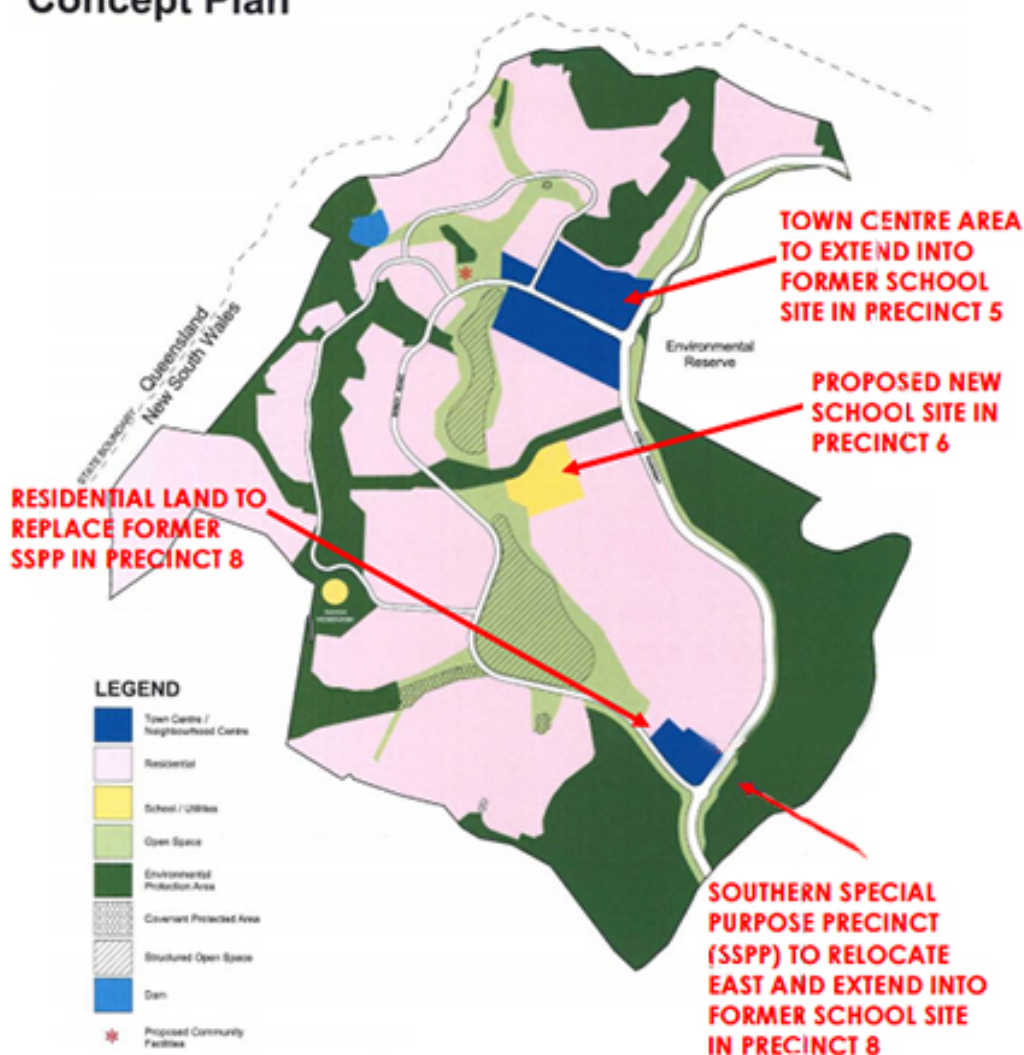


Figure 1 – Proposed Modified Concept Plan – Source: Leda Manorstead Pty Ltd

1.2 Background

On 6 December 2010, the then Minister for Planning approved the Concept Plan for Cobaki Estate including a residential development for approximately 5,500 dwellings, a town centre and neighbourhood centre, utility infrastructure, road corridors, open space and environmental protection areas.

The Concept Plan has been the subject of several subsequent modification requests, including:

- **MOD 1:** Inclusion of new biodiversity offset arrangements and various administrative changes to condition – approved 29 May 2013;
- **MOD 2:** Accommodate a university campus on the site – withdrawn;
- **MOD 3:** Reclassification of the vegetation community – Secretary Environmental Assessment Requirements (SEARs) issued;
- **MOD 5:** Changes to allow private water and wastewater services – under assessment;
- **MOD 6:** Increase the buildings heights – SEARs issued;
- **MOD 7:** Changes to the Cobaki Development Code – under assessment;
- **MOD 8:** Increase the building heights – preparing SEARs.

The site is also subject to a Project Approval (MP 08_0200), which was granted by the then Deputy-General, as delegate of the Minister for Planning, on 28 February 2011. That approval has been modified on three occasions (the most recent being 13 February 2015).

1.3 Need for the proposed modification

In its Environmental Assessment (EA), the Proponent stated that:

- the Department of Education no longer required two primary schools within the Cobaki Estate;
- the increase in the Town Centre area will provide additional employment opportunities, additional medium density shop-top housing and opportunities for positive urban design outcomes;
- the proposed registered club and child care centre development would provide a range of entertainment and recreational facilities for future residents of the development area;
- the designation of the former neighbourhood centre site for residential purposes will provide an opportunity to optimise residential densities in proximity to the facilities of the SSPP;
- the proposed modification to the number and size of the parks represents a decrease in the number of parks, but increases the overall area of cultural heritage parks from 7,471m² to 8,074m²; and
- the keeping of domestic cats as pets will have positive social benefits.

2. DEPARTMENT'S ASSESSMENT REPORT

The Department's Assessment Report identifies the proposed land use changes and the environmental risks associated with the removal of the prohibition on the keeping of cats as the key impacts associated with this proposal.

The Department's assessment concluded that the proposed changes to the land uses are acceptable, subject to recommended limits on the commercial and retail floor space. The Department found that the proposal would continue to achieve the strategic planning objectives of the original approval and the North Coast Regional Plan 2036 as it would deliver additional housing with appropriate amenities and services, while at the same time protecting the environmentally sensitive parts of the site.

The Department did not support the Proponent's request to remove the prohibition on the keeping of cats and recommended the retention of the C14 Requirement for Future Applications. The Department concluded that there is insufficient evidence to demonstrate that the alternative proposed containment strategy and management measures could be effectively implemented to prevent the incursion of cats into surrounding bushland and to prevent stray cats from becoming feral. The Department considered that the removal of the prohibition on the keeping of cats could result in significant adverse impacts on native wildlife and the overall biodiversity values of the site and the surrounding area.

3. COMMISSION'S MEETINGS AND CONSULTATION

As part of its consideration of the development application, the Commission met with the Department, the Proponent and the Council.

The Department received 18 public submissions objecting to the modification request. The majority of submissions (80%) object to the removal of the prohibition on the keeping of cats due to impacts on native wildlife and the environment. Concerns were also raised in relation:

- the expansion of the town centre and potential for noise and traffic impacts on the surrounding area;
- the introduction of a registered club and potential impacts associated with licensed premises;
- the consolidation of two primary school sites into one larger site and impacts on education outcomes;
- the proposed changes to the Cultural Heritage Parks.

The Commission did not receive public submissions in relation to the modification request.

3.1 Briefing from the Department

On 23 August 2017, the Department briefed the Commission on the modification request.

3.2 Meeting with Tweed Shire Council

On 23 August 2017, the Commission held a teleconference with Council to hear their views.

3.3 Briefing from the proponent

On 23 August 2017, the Commission held a teleconference with the Proponent and was joined in person by the Proponent's consultants for a briefing on the project.

Notes from these meetings are provided in **Appendix 1**. The Commission did not undertake a site visit or conduct a public meeting due to the nature and scope of the modification request.

4. CLARIFICATION SOUGHT

Following meetings with the Department and Council, the Commission requested clarification on several matters discussed. The Commission requested that the Department clarify the source of the comment in the assessment report relating to the prohibition of cats as being: *'part of a suite of measures proposed by the Proponent at the time of the original application to minimise the biodiversity impacts of the development'*. The Department confirmed that throughout the original Concept Plan approval, it was recognised that the delivery of the Concept Plan would result in biodiversity impacts. In response, the Proponent committed to a range of measures to mitigate these impacts. Examples of the types of measures committed to by the Proponent included:

- rehabilitation of saltmarsh areas on the site;
- native vegetation regeneration, including regeneration of Endangered Ecological Communities (EECs) and threatened species;
- fauna management of threatened species and habitat including provision of wildlife corridors; and
- biodiversity offsets for EECs and threatened species, to be secured via planning agreements with the Office of Environment and Heritage (OEH).

The Department confirmed that the Proponent's Response to Submission (RtS) report (October 2009) prepared following the public exhibition of the Concept Plan application included issues raised relating to the potential for domestic cats to impact on native wildlife. A further issue raised suggested that authorities place a restrictive covenant or condition on the development preventing the ownership of cats as pets within the community.

The Proponent's RtS states: *"Impacts of cats on native fauna species has been identified as a potential impact in the Ecological Assessment (JWA 2009). Cats will be prohibited from the development"*.

The Department noted that the Cobaki Lakes Residential development had been considered under the provisions of the *Environment Protection and Biodiversity Act 1999* (EPBC).

During the teleconference with Council, reference was made to other subdivisions in the Local Government Area (LGA) that have a total or partial restriction on the keeping of cats. The Commission requested that the Council clarify which subdivisions are subject to a restriction on cat ownership and to provide any monitoring information pertaining to restrictions on these subdivisions. This information is considered in Section 5.2.

5. COMMISSION'S CONSIDERATION

In this determination, the Commission has considered carefully:

- information provided by the Proponent;
- the Department's Assessment Report;
- advice and recommendations from government agencies; and
- the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The key matters considered by the Commission pertain to the proposed changes to land uses and the prohibition on the keeping of cats. In addition, Council raised concern with the specific wording of two of the Department's recommended conditions of consent.

5.1 Changes to land uses

The modification request proposes changes to land uses and land use areas. Subject to the inclusion of limits on commercial and retail floor space in the Town Centre to retain the hierarchy of centres within the Tweed, the Department *'supports the proposed changes to land use mix, and considers it provides an appropriate balance of residential, commercial, open space, and community uses to support the future Cobaki community, without any adverse amenity impacts'*. The Department also considers that the proposal would continue to achieve the strategic planning objectives of the original Concept Plan approval and of the *North Coast Regional Plan 2036*.

Council provided comments on the proposed changes to land uses in its submissions to the Department. A number of issues were raised in relation to planning and traffic, but there were no objections to the proposed land use changes, subject to the Department's recommended conditions. However, during the meeting with the Commission, Council raised some additional concerns with the drafting of two of the recommended conditions (C11 and C21) noting a measure of ambiguity that could be perceived to 'guarantee' approval. Following the meeting, Council formalised these comments to the Commission.

The Commission finds that the proposed changes to land use with the associated recommended conditions are appropriate and in the public interest. The Commission appreciates the semantic nuances in the wording of the conditions as raised by Council and has made amendments as follows:

C11 Traffic Management

Council raised concern with the specific reference to the registered club and child care centre sites in the first paragraph of the condition.

The Commission has amended the condition to refer to any future application for development of the school site or development within the SSPP.

C21 Commercial Land Uses

Council raised concern with the drafting of the first paragraph, in particular the use of the term 'commercial uses'. Council requested further consideration be given to the drafting to align it with the Standard Instrument, and to clarify the requirement for future development applications. In addition, Council objected to referencing Figures 6 and 7 of the Proponent's *Planning Modification Report* (DAC Planning Pty Ltd), that appears to pre-empt approval of these land uses.

The Commission has amended the condition to reflect the definitions and land use terms contained within the *Tweed Local Environment Plan 2014* including replacing 'commercial uses' with 'business and office premises', addressing Council's concern that any future development application for these uses would be subject to a separate development application process and assessment. However, the Commission considers that the reference to Figures 6 and 7 (**see Appendix 2**) are appropriate as they identify where the neighbourhood shop site would be, including the location of a future registered club, child care centre and the road layout. The Commission considers that this will ensure any future development applications seeking approval on these sites would be consistent with the Concept Plan. Should the land uses (registered club and child care centre) not proceed as proposed, a further modification application would be required to seek an alternative use.

5.2 Cat prohibition

The Proponent requests modification of the 'Restrictions of Cats' C14 to remove the prohibition on the keeping of cats noting that such prohibition in other local areas is limited and highlighting the social and health benefits of cats as pets. The Proponent seeks to modify C14 to permit a maximum of two cats to be kept at each residential premise and for cats to be contained between the hours of 5:00pm and 6:00am. The Proponent has committed to providing education packages for future residents of the Cobaki Estate on responsible cat ownership and to undertake an annual monitoring program for five years.

The Department received submissions from Council and from OEH objecting to the removal of the prohibition on the keeping of cats. As outlined in Section 3, the Department received 18 public submissions objecting to the modification request. The majority of objections were to the removal of this prohibition within the estate.

The Department notes that the cat prohibition was part of a suite of measures proposed by the Proponent at the time of the original application to minimise the biodiversity impacts of the development. The Proponent disputes that the prohibition of cats was proposed at the time of the original application.

Background

The proponent's original Concept Plan application was accompanied by an Ecological Assessment (JWA Ecological Consultants, 2008) and included an Assessment of Significance submitted as part of the Preferred Project Report. The assessment identified cats as a threat for native wildlife species within and surrounding the project site.

The original Concept Plan application was referred to the Commonwealth Government as a controlled action under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Commonwealth Approval Decision of 13 October 2011 issued a number of conditions, including a requirement for the Proponent to prepare a management plan for the long-nosed potoroo population, which occurs adjacent to the subject site and is listed as an Endangered Population. The management plan includes a requirement to outline commitments for 'predator control including for foxes, feral animals and domestic pets.'

Proposed modification request (MOD 4)

The subject modification request was accompanied by a report titled *'The keeping of cats and appropriate cat management measures within residential areas'* (JWA Ecological Consultants, 2014). The JWA report considers the positive social benefits associated with cat ownership, whilst acknowledging the potential negative impacts of cats on native wildlife. The JWA report proposes measures which could be implemented to manage the impact of domestic cats on native wildlife. The measures include, but not limited to:

- use of planning and development controls;
- enforcing cat curfews and / or declaration of cat management and prohibited areas;
- mandatory registration of domestic cats, microchipping and desexing;
- managing stray cats in partnership with animal welfare organisations; and
- education / information / signage aimed at residents to increase awareness of potential risks.

The Proponent submitted a Consultation Report in support of the modification request. The report refers to a letter from OEH to the Proponent (15 December 2015) noting the agency position on the prohibition of cats *'This restriction would have been considered as a component of a package of biodiversity conservation measures as part of the Concept Plan approval to assist in the protection of biodiversity values on the site. As such the deletion of this condition without other measures put in its place would reduce the effectiveness of the biodiversity package that was deemed appropriate at the time of approval'*.

MOD 4 submissions

Council's submission to the Department on the modification request (8 July 2016) notes that monitoring data from managed peri-urban bushland areas within the LGA has recorded regular and repeated incursions of roaming domestic cats, despite existing partial restrictions on neighbouring residential properties. Council notes that the Tweed Byron LALC has concerns for the management of their adjoining property, due to an ongoing study on the long-nosed potoroo within their property boundary. Tweed Byron LALC are concerned that cats will become a threat to the long-nosed potoroo and other wildlife if permitted on the site. Council raised its concerns with the Commission noting that only when there is a full prohibition of cats, are there benefits to adjacent bushland. Council emphasised that partial restrictions on the keeping of cats, including containment is relatively ineffectual and places an unfair and unreasonable burden on council to manage and monitor compliance.

The OEH submission to the Department (1 July 2016) refers to previous correspondence with the Department and with the Proponent relating to the restriction on the keeping of cats. OEH notes that the additional information submitted by the Proponent is not substantially different from the previous information submitted and advises that OEH could not support the modification request to remove the restriction on the keeping of cats.

In its 16 December 2016 letter to the Department providing comments on the Proponent's RtS. Council states *'The restriction on the keeping of cats was volunteered by the proponent at the Concept Plan stage. Accordingly, the absence of cats has been considered by assessors as a mitigating factor in considering the overall environmental impact of the development during the Concept Plan and subsequent stages'*.

On 1 December 2016, OEH provided further comments on the Proponent's RtS noting that the agency had discussed the matter further with the Proponent, Council and the Department and that Council's

position was that the *'restrictions on cats was the best way forward and no other conservation measures were deemed viable'*. As a result of the discussions, OEH sent a letter to the Proponent stating that it did not support removing the current restriction on cats and the Proponent's RtS had not changed the agency's position.

Proponent submission

The Proponent RtS states that in 2006, Leda submitted a Concept Plan and no submissions were received by agencies relating to the keeping of cats and that only one public submission raised concerns over the keeping of cats and two environmental groups advocated the exclusion of both cats and dogs. The Proponent summarises *'Clearly, it was not then an issue of significance to these agencies and the wider public. In the 2010 Concept Plan approval the condition that was included prohibiting the keeping of cats had no precedence'*.

On 23 August 2017, the Proponent submitted some files to the Commission related to previous development applications on the Cobaki site, pre-dating its Concept Plan approval in 2010. A copy of submissions received from the original Concept Plan approval was also provided seeking to highlight that the keeping of cats had not been raised as an issue by relevant agencies until this modification request.

Clarification from Council

As noted in Section 4, the Commission sought clarification from Council regarding subdivisions that have a total / partial restriction on cat ownership. The following summary of subdivision or location restrictions across the LGA was provided:

- Total restriction
 - Koala Beach Estate, Pottsville
 - North Hill Court, Tanglewood
 - Watergum Place, Cabarita Beach
 - Black Rocks Estate, Pottsville
 - Altitude Aspire, Terranora (in preparation).
- Cats enclosed within the boundary of subject lot
 - McKenzie Ave, Border Crescent areas, Pottsville
- One cat only, desexed, restrained 6pm-6am
 - Seabreeze Estate, Pottsville
 - Salt, Kingscliff (partial)
 - Casuarina (partial)
 - Wallum Court, Clothiers Creek.

Council provided an example for one location (adjacent to the Border Crescent area in Pottsville) where remote camera monitoring over a four-month period in 2015 resulted in detection of multiple individual cats and an average of 25 cat detections per month. Further investigation by Council confirmed that at least one of those cats originated from a lot with a partial cat restriction. Council considers that this level of cat activity within an area of high conservation value bushland has substantial implications for biodiversity.

Council also noted that remote cameras deployed during the same period in bushland surrounding Koala Beach Estate, where there is a total restriction, detected no cats, and over a three year period of almost continuous remote camera monitoring at Koala Beach, only one (unconfirmed) cat detection has been made.

Council confirmed that the recently approved Special Rate Levy for future Cobaki Estate residents is intended to provide funding for the management and maintenance of the Cobaki environmental protection lands in perpetuity. Council notes that the management plans associated with the Special

Rate Levy funding are based on a total cat restriction being in place. Council has reiterated that it does not have the resources to undertake the additional compliance action associated with the proposed partial cat restrictions.

Council considers that the social and health benefits of animal keeping can be realised by future residents, even with a total restriction on cats in place. Council confirmed that other major residential developments within the LGA, including Kings Forest which is also yet to be constructed, have the same prohibition on cats applied to the Cobaki Estate Concept Approval.

Council generally has a number of management control measures for the keeping of domestic dogs and cats and actively promotes responsible pet ownership in accordance with the requirements of the *Companion Animals Act 1998*.

The Commission consideration of the C14 modification request:

On balance the Commission finds that the Proponent has not demonstrated that the proposed containment strategy and other management measures could be effectively implemented to prevent incursion of domestic cats into surrounding environmentally sensitive areas. The Commission acknowledges the social benefits of pet ownership, but considers the benefit is not just ascribed to cat owners, but can be applied to pet ownership more broadly.

The Commission considers objections from OEH and Council to be well informed and supported by the evidence provided by Council in relation to other subdivisions that have total restrictions and those with partial restrictions. The Commission agrees that the partial restriction on cats would place an unreasonable compliance and management burden on Council resources.

The EPBC conditions of approval issued by the Commonwealth Government require a commitment for predator control, including domestic pets in this category. The Commission considers this requirement provides further basis for upholding the current prohibition on cats in recognition of the ecological values of the area.

The Commission has considered the Proponent's assertion that it did not offer to prohibit cats at the time of the original Concept Plan application. However, the Commission considers that references to prohibiting cats in the RtS for the original Concept Plan reflects an earlier commitment from the Proponent and agrees with the Department and OEH that this measure is most likely to have been considered by assessors as part of the suite measures to address biodiversity impacts on the site.

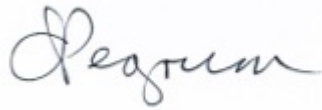
6. COMMISSION'S FINDINGS AND DETERMINATION

The Commission has considered carefully the Proponent's request for modification, the Department's assessment report and the EP&A Act. The Commission has noted the advice and recommendations from Council and government agencies including OEH. In the Commission's view, the proposed changes are within the scope of section 75W of the *Environmental Planning and Assessment Act 1979*.

The Commission finds the proposed changes to land uses are appropriate and in the public interest and has approved this component of the modification request, subject to the conditions set out in the Modification of Concept Approval instrument.

For the reasons set out in section 5.2 of this report, the Commission finds that the Condition C14 *Restriction on Cats* should be retained in the Concept Approval in its current form.

Accordingly, the Commission has determined to approve the modification request, subject to conditions, in all regards with the exception of removing the prohibition on the keeping of cats.

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Annabelle Pegrum AM (Chair)
Member of the Commission

A handwritten signature in cursive script, appearing to read 'Maurice Evans'.

Dr Maurice Evans
Member of the Commission

APPENDIX 1 RECORDS OF COMMISSION MEETINGS

Notes of Briefing from the Department

This meeting is part of the Determination process		
Meeting note taken by Alana Jelfs	Date: 23 August 2017	Time: 01:00pm
Project: Cobaki MOD 4		
Meeting place: PAC Office		
Attendees: Commission Members: Annabelle Pegrum AM (Chair), Dr Maurice Evans Commission Secretariat: David Koppers (Team Leader) and Alana Jelfs (Senior Planning Officer) Department of Planning and Environment: Natasha Harras (Team Leader Modification Assessments), Jane Flanagan (Senior Planning Officer)		
The purpose of the meeting: For the Department to brief the Commission on the Project		
Meeting notes: The Department outlined their assessment of the proposal and noted the following matters: <ul style="list-style-type: none"> • With the exception of the restriction on cats, outstanding issues have been addressed through the recommended conditions within the Assessment Report. • Restriction on domestic cats: <ul style="list-style-type: none"> - At the concept plan stage, the Proponent's ecological assessment identified cats as a key threat due to their potential impact on native wildlife. - The Proponent's Response to Submissions noted it would prohibit cats on the estate as part of a suite measures to minimise potential environmental impact. - The original application was referred to the Commonwealth as the site contains species listed under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) and is a controlled action. - Environmental impacts are assessed under the <i>Environmental Planning and Assessment Act</i> (EP&A Act). - The Department considers there is a genuine risk to wildlife if cats are permitted on the estate. - The Office of Environment and Heritage (OEH) does not support the prohibition on cats being lifted as no suitable alternative conservation measures have been proposed. - Council does not support the prohibition being lifted and is concerned with the compliance and management/regulation burden of alternative measures, such as confinement strategies suggested by the Proponent. - A meeting between the Tweed Shire Council (Council), OEH and the Proponent had been held last year. The cat prohibition issue had been discussed and (as an outcome) the positions of both Council and OEH remained unchanged. • Registered club: <ul style="list-style-type: none"> - The modification proposes a registered club in the Southern Special Purpose Precinct (SSPP). Concern was raised regarding the potential floor space ratio (FSR) of the club. The Department confirmed that the FSR would be stipulated through the Local Environmental Plan (LEP) and noted that there is also a development code that applies to the site. 		

- Tweed Byron Local Aboriginal Land Council (TBLALC):
 - The Department confirmed that it had consulted the TBLALC as adjoining landowners but had not received a response. Councils' submission states that the TBLALC has concerns for the management of their adjoining property due to cats.
- School sites:
 - Department of Education (DoE) supports the consolidation of school sites as aligned to the current model for new schools.
 - The Department confirmed that the 'dedication' of the site 'at no cost' (as recently raised by DoE) is matter for the Proponent and DoE to negotiate and that it would be inappropriate to introduce this issue at this late stage into the determination considerations. The Department understands that the school will be a public school.
- MOD 5 (project application) is currently under consideration by the Department.

- **Outcomes/Agreed Actions:** The Department to provide the Commission with the EPBC *Cobaki Lakes Residential Development* approval decision and any relevant conditions.

Meeting closed at 01:45pm

Notes of Briefing from Tweed Shire Council

This meeting is part of the Determination process		
Meeting note taken by Alana Jelfs	Date: 23 August 2017	Time: 02:00pm
Project: Cobaki MOD 4		
Meeting place: PAC Office		
Attendees: Commission Members: Annabelle Pegrum AM (Chair), Dr Maurice Evans Commission Secretariat: David Koppers (Team Leader) and Alana Jelfs (Senior Planning Officer) Tweed Shire Council: Colleen Forbes (Team Leader Development Assessment), Marama Hopkins (Biodiversity Planner) - by telephone conference		
The purpose of the meeting: To discuss the proposed modification with Tweed Shire Council (Council) and identify potential issues		
Meeting notes: The following matters were discussed: <u>Restriction on cats</u> <ul style="list-style-type: none"> Councils' advised that its position remains unchanged from its submissions to the Department as part of the assessment process. The restriction was offered by the Proponent to protect environmentally sensitive areas, which Council welcomed. Council retains monitoring data on roaming domestic cats which demonstrates that only a full prohibition on cats delivers benefits to adjacent bushland. In areas with partial prohibition on cats, restrictions are relatively ineffective. Seabreeze in Pottsville restricts cat ownership to one cat per lot and those animals must be confined to the property at certain times. Council advised that this strategy had proved to be ineffective with compliance difficult to achieve. Koala Beach in Pottsville has a blanket prohibition on dogs and cats. Council advised that it had been easier for them to police this area, that compliance was largely community enforced and that there had been positive ecological outcomes. Council agreed to provide the Commission with a summary of the estates that had partial restrictions or full prohibition together with a summary of the associated monitoring data. <u>Conditions</u> <ul style="list-style-type: none"> Council commented on a number of draft conditions including some concerns over specifying a maximum gross floor area for retail and commercial uses. C11 Traffic management – Council requested deletion of references to '<i>development of the future school, registered club and child care centre sites</i>' as the language could be read to anticipate that these land uses would automatically be approved on the site. C21 Commercial Land Uses – Council requested deletion of references to Figures 6 and 7 as they anticipate that these land uses will be provided prior to any assessment being undertaken and a review of the land use definitions utilised in the conditions of consent. 		

Outcomes/Agreed Actions: Council to provide Commission with a summary of the estates with partial restrictions and full prohibition and summary of monitoring data.

Meeting closed at 2:45pm

Notes of Briefing from the proponent

This meeting is part of the Determination process		
Meeting note taken by Alana Jelfs	Date: 23 August 2017	Time: 2:45pm
Project: Cobaki MOD 4		
Meeting place: PAC Office		
Attendees: Commission Members: Annabelle Pegrum AM (Chair), Dr Maurice Evans Commission Secretariat: David Koppers (Team Leader) and Alana Jelfs (Senior Planning Officer) Leda Developments: Reg van Rij (Leda Developments) By telephone conference, Professor Roberta Ryan (Director, Institute of Public Policy and Governance), Greg Miles (Leda Developments legal adviser)		
The purpose of the meeting: For the proponent to brief the Commission on the project		
Meeting and site visit notes: The following matters were discussed: <ul style="list-style-type: none"> • The Proponent provided an overview of information that it had provided to the Commission related to previous development applications relevant to the site as well as its submissions on the original Concept Plan to demonstrate that the issue of domestic cat prohibition had not been raised prior to this modification. • The Proponent asserted that it had never proposed a prohibition on cats on the site and that they person that had suggested this had now left Leda. • Three areas of concern were highlighted as being pertinent to the consideration of cat prohibition: <ul style="list-style-type: none"> - Location – surrounding areas have no restrictions, - Form of residence – increasing densities on the site and the provision of alternative residences such as shop-top housing would allow cats to be contained; - Circumstances of the cat and its owner – owner social behaviour and the ability of cat owners to keep their pets indoors to prevent danger to ecology. • The Proponent discussed the negative implications for the project in terms of marketability and future sales if cats were prohibited. The Proponent provided figures on cat ownership, suggesting 20% of households would want to own a cat, preventing cat owners or future cat owners from residing at Cobaki Estate. • Professor Roberta Ryan (on behalf of the Proponent) presented demographics related to pet and cat ownership and the associated social and economic benefits, effectiveness of mitigation and the implications for Cobaki Estate. • Raising awareness of potential threats through targeted education campaigns was proposed as an effective management strategy and alternative to prohibition. • Potential implications for the Tweed economy, such as the loss of revenue for pet shops and vet services was also raised if cat ownership was restricted in the area. 		
Outcomes/Agreed Actions: N/A		
Meeting closed at 3:45pm		

APPENDIX 2
DAC Planning Pty Limited – Environmental Assessment (Figures 6 and 7)



Figure 6 – Illustration of the Proposed MOD 4 Registered Club & Child Care Site
Source: Planit Consulting, December 2015



Figure 7 – Illustration of the Proposed MOD 4 SSPP
Source: Planit Consulting, December 2015