

16 April 2018

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Attention: Jane Flanagan

Dear Sir / Madam

**Proposed modification of the Cobaki Concept Approval (MP06_0316 Mod 10)
with regard to the keeping of cats at the Cobaki development site**

I refer to your email dated 27 March 2018 inviting Council to provide comment on the proposal. Upon review of the documentation associated with Mod 10, please find below Council's comments:

Proposal

Mod 10 relates to Concept Plan Condition C14 which currently reads:

C14 Restrictions on Cats

All future development applications must demonstrate that the keeping of cats within the Cobaki Lakes site shall be totally prohibited and that all residential lots are to be encumbered to the effect with a Section 88B instrument under the NSW Conveyancing Act 1919.

The proponent seeks to have this condition removed and replaced with the following condition:

C14A Restrictions on Cats

All future development applications must demonstrate that the keeping of cats at any residential premises within the Cobaki Lakes site shall be restricted to a maximum of two cats and that between the hours of 5.00pm of a day and 6.00am of the day following, any cat shall be kept within the premises or an enclosure within the lot, such that the cat is prevented from leaving the premises or lot. All residential lots are to be encumbered to this effect with a Section 88B Instrument under the NSW Conveyancing Act 1919.

Background

A similar request to remove the restriction formed part of previous Modification MP06_0316 MOD 4 lodged in August 2015.

Council was originally requested in June 2016 to provide the NSW Department of Planning and Environment (the Department) with comments on MOD 4. Council endorsed a submission at its Planning Committee meeting of 7 July 2016 which did not support the removal of the restriction on cats. Council's response was submitted to the Department on 8 July 2016 (refer to **Attachment 1**).

The proponent submitted a response to submissions to the Department, who then requested final comments from Council. Council again resolved at its meeting of 15 December 2016 to endorse another submission to the Department that maintained its previous position, being to not support the removal of the restriction on cats. A formal submission was made to the Department on 16 December 2016 to that effect (refer to **Attachment 2**).

On 24 and 28 August 2017 Council provided additional information to the Planning Assessment Commission (PAC) via email with regard to existing cat and dog restrictions and monitoring data relating to roaming cats in bushland adjacent to residential areas (refer to **Attachment 3**).

Mod 4 was determined by the PAC on 31 August 2017, whereby it was determined that the cat restriction remain in place.

Mod 10 Summary

Council's previous concerns have not changed with regard to Mod 10 and are summarised as follows:

- The restriction on cats has been considered by assessing officers as a mitigating factor in considering the overall environmental impact of the development during the concept plan and subsequent stages.
- The impact on native fauna by roaming domestic cats is well recognised, and it is considered inappropriate to exacerbate this threat within the Cobaki Environmental Protection Areas given their high biodiversity value.
- Contemporary monitoring data from Council-managed peri-urban bushland areas has recorded regular and repeated incursions of roaming domestic cats, despite existing partial restrictions on neighbouring residential properties. Only the complete restriction on the keeping of cats (such as what is in place at Koala Beach Estate) appears to result in acceptable outcomes in this regard.
- Council does not have the resources to undertake additional compliance activities that would be required in order to ensure success of partial cat restrictions, nor does the Cobaki Special Rate Levy cover these costs.

It is noted that the NSW Office of Environment and Heritage (OEH) did not support the proposed keeping of cats under Mod 4 and the Department of Planning and Environment and the Planning Assessment Commission both previously supported Council's position.

It does not appear that the proponent has provided any new information in support of their proposal as part of the current modification request. It is considered that the complete restriction on cats as currently required by existing Condition C14 is appropriate and should remain in place. Accordingly, it is recommended that the proposed Mod 10 be refused in its entirety.

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully

Lindsay McGavin
MANAGER DEVELOPMENT ASSESSMENT AND COMPLIANCE