

19 QUESTIONS WITH NOTICE

19.1 Question with notice: Councillor Lawton - Interim community notification of DAs under the Statewide Community Participation Plan

Clr Melinda Lawton has submitted the following question with notice for consideration:

Question

1. Until the revised Community Engagement Strategy is adopted, what notification and engagement process will Council use for development applications that are no longer required to be publicly exhibited under Table 6 of the Statewide Community Participation Plan?
2. Since the State plan does not stop Council from doing the following forms of notification, will Council continue to:
 - send written notice, by letter or email, to adjoining owners and occupiers when an application is lodged;
 - place an on-site notice for larger proposals, such as dual occupancies, multi-dwelling housing, subdivision and demolition;
 - publish all application documents on the DA Tracker from lodgement;
 - accept feedback from neighbours, have the assessing officer consider it where it raises a relevant planning matter, and record it in the assessment report;
 - advise those who gave feedback about the decision?
3. Will Council publish this interim process on its website, and if so, when?
4. How has the community been advised of these significant changes to the development process?
5. Will Council include in its draft Community Engagement Strategy the points raised in b) above and others, that preserve a high level of transparency and information regarding development for the community.

Councillor information provided

Background

The Statewide Community Participation Plan began on 1 September 2026 and replaces Council's 2019 CPP.

Under the 2019 CPP, Council exhibited almost all development applications, and adjoining owners received written notice and at least 14 days to comment. Table 6 of the State plan (page 24) now removes 32 categories of application from public exhibition unless a height or floor space ratio variation is sought. These include developments such as dwelling houses and dual occupancies of up to two storeys, multi dwelling housing of up to five dwellings, subdivision into up to five lots, demolition and tree removal.

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In its submission to the Department of 4 May 2026, Council itself expected “community opposition to the proposed notification exemptions, as neighbouring property owners will not have an opportunity to comment” (Item 14.6).

The State plan removes formal exhibition for these applications, but it leaves engagement methods to each council. It says councils “can continue to specify engagement methods in their relevant engagement strategy” (page 4) and lists letters, emails, on-site notices and website publication as methods (page 7). It also confirms that “feedback can still be provided” on applications that are not exhibited (page 8).

Council’s website says the Community Engagement Strategy is being updated to cover planning matters. Until that happens, residents have no written guidance on whether they will be told about development next door. This question asks what Council is doing in the meantime, so that the community stays informed and engaged.

Supporting information is enclosed:

- Statewide Community Participation Plan, September 2026 – excerpts (pages 3, 4, 7, 8, 16, 19, 22, 23 and 24).
- Council submission to the Department of Planning, Housing and Infrastructure, 4 May 2026 (business paper Item 14.6, page 981).
- Kiama Community Participation Plan 2019 – section 8 (pages 18–19).
- Council website statement on the State CPP and the Community Engagement Strategy (KMC CPP Screenshot 261011).

Chief Executive Officer response

As outlined in the background section of the Councillor’s report, the Statewide Community Participation Plan (CPP) began on 1 September 2026 and **replaces** Council’s 2019 CPP. Councils were notified of the Statewide CPP commencement on 28 August 2026.

The Statewide CPP needs to be read in conjunction with Division 2.6, Clause 4.15 and Schedule 1 of the *Environmental Planning and Assessment Act 1979* (the Act).

[Division 2.6](#) establishes that a CPP must be prepared in accordance with Schedule 1 of the Act. [Section 7 of Schedule 1](#) of the Act prescribed that if a the CPP specifies that no public exhibition is required for a type of Development Application (DA) then no public exhibition is to occur.

On page 16 of the Statewide CPP it is stated that:

Development types specified in Table 6 will be excluded from exhibition requirements (if they do not include a clause 4.6 variation).

Table 6 of the Statewide CPP is provided below:

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Table 6: Development types excluded from public exhibition

Development types excluded from public exhibition ^a
- Ancillary development to existing residential accommodation (such as but not limited to pools, sheds, pergolas and carports) - Bed and breakfast accommodation - Change of use (excluding a change of use to a registered club or pub, and excluding any development that adjoins, or is located on, land in a residential zone) - Demolition - Dual occupancy (up to two storeys) - Attached dwelling (up to 5 dwellings) - Dwelling house (up to two storeys) - Multi dwelling housing (up to 5 dwellings) - Secondary dwelling - Exhibition home - Extensive agriculture - Farm building - Home business - Home industry - Home occupation - Industrial retail outlet - Infrastructure facility in the Alpine region¹⁰ - Internal and external alterations and additions (excluding residential accommodation) - Internal and external alterations and additions to existing residential accommodation resulting in no more than two storeys - Kiosk - Repair and maintenance of recreation infrastructure, lifting facility, or snow-making infrastructure in the Alpine region - Roadside stall - Rural worker's dwelling - Signage (excluding where it adjoins or is in a residential zone) - Subdivision of land resulting in no more than 5 new lots - Subdivision of land that is subject to an existing development consent for its current use. - Temporary structure - Tree removal on private land - Applications to modify a development consent made under section 4.55(1) of the EP&A Act - Applications to modify a development consent made under section 4.55(1A) of the EP&A Act - Applications to modify a development consent made under section 4.56(1) of the EP&A Act with minimal environmental impact - Applications to modify a development consent made under section 4.55(2) of the EP&A Act where the development the subject of the consent is specified in this Table

^a Where a word or expression used in the Table is defined in the Dictionary to the standard instrument set out in the Standard Instrument (Local Environmental Plans) Order 2006, that definition applies to the word or expression as used in the Table.

¹⁰ As defined in Schedule 4A to State Environmental Planning Policy (Precincts – Regional) 2021.

[Clause 4.15\(1\)\(d\)](#) outlines that a consent authority is to take into consideration any submissions made in accordance with the Act or the regulations. Submissions can only be made against DAs which have been publicly exhibited.

With this in mind, answers to each of the Councillor's questions have been provided below:

- (a) In line with the State direction and legislation, no formal notification or engagement processes will occur for DAs listed in Table 6 of the Statewide CPP.
- (b) Council:
 - Will not** send written notice, by letter or email, to adjoining owners and occupiers when DAs listed in Table 6 of the Statewide CPP are lodged,

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- **Will not** place an on-site notice for larger DAs listed in Table 6 of the Statewide CPP, such as dual occupancies, multi-dwelling housing, subdivision and demolition,
 - **Will** continue to publish all application documents on the DA Tracker from lodgement,
 - **Will not** consider feedback from neighbours and record it in the assessment report for DAs listed in Table 6 of the Statewide CPP;

Will not advise those who gave feedback about the decision for DAs listed in Table 6 of the Statewide CPP.

- (a) The Statewide CPP's reference to Council's Community Engagement Strategies is to confirm that the Strategies will describe 'how' Council will carry its engagement rather than the type of DAs it will engage on. Until such time as Council updates its Community Engagement Strategy, it will continue to utilise the notification methods outlined in sections 8.2, 8.3, 8.5, 9, 10 and 11 of Council's, now obsolete, CPP. This information is currently available on Council's website.
- (b) As a change made by the NSW Government, the Minister for Planning and Public Spaces' office has issued various Ministerial media releases. Council has also updated its website to alert and inform them of the changes.
- (c) It is likely that the updated Community Engagement Strategy will simply include sections 8.2, 8.3, 8.5, 9, 10 and 11 of Council's, now obsolete, CPP.

There are significant risks associated with providing notification outside/contrary to the Statewide CPP. Providing direct notification to the community of DAs listed in Table 6 would be a contravention of the Act. Disgruntled applicants could commence proceedings against Council in the NSW Land and Environment Court for failing to follow legislated procedures.

The Minister for Planning and Public Spaces' updated Statement of Expectations Order requires Council to determine DAs as soon as practical. The following target average assessment timeframes have been set for Kiama:

- From 1 July 2026 to 30 June 2027: 84 days from lodgement
- From 1 July 2027 to 30 June 2028: 80 days from lodgement
- From 1 July 2028 onwards: 65 days from lodgement

If Council fails to meet these timeframes, because it has been providing direct notification of DAs in table 6, the Minister can exercise their power under section 9.6 of the Act to remove Council's planning functions.

It is therefore in Council's and the community's best interest to ensure notification of DAs occurs in accordance with the Statewide CPP.

Attachments

Nil

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Enclosures

- 1 Statewide Community Participation Plan [⇒](#)
- 2 Enclosures Ordinary Council Meeting 19 May 2026 [⇒](#)
- 3 Kiama Community Participation Plan 2019 [⇒](#)
- 4 Council website statement on the State CPP and the Community Engagement Strategy [⇒](#)

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