

# Vincentia Ratepayers and Residents Association (VRRRA) June 2026

## Submission response to Draft Community Participation Plan (CPP)

The Vincentia Ratepayers and Residents Association (VRRRA) welcomes the opportunity to comment on the Draft Community Participation Plan (CPP). We support the goal of making community participation easier and public notification periods more consistent across NSW. However, we have significant concerns with the way the CPP report, discussion paper and survey have been prepared using unfamiliar planning terminology that makes it difficult for the wider community to understand the changes being proposed, including the fact that community participation is proposed to be eliminated from a significant part of the planning system, which in turn makes it difficult for the wider community to respond meaningfully to the proposed changes and potential impacts.

Summary of key issues

The VRRRA's concerns fall into seven main areas:

- 1. Undefined terminology.** The Draft CPP report, discussion paper and survey use a lot of Planning Department jargon, in a way that assumes the average resident has prior knowledge of the various terms. And because these unfamiliar terms don't appear in the glossary of definitions or with easily accessible links to explanations, it's difficult for ordinary members of the community to understand the detail of what is being proposed or the questions being asked.
- 2. Exempt development should be restricted to only minor elements.** From the CPP survey and reports, it's difficult to work out that the vast majority of residential type development applications (DAs) that we currently see on Council's website in the Shoalhaven, are proposed to become exempt from neighbour notification/public consultation. This is the most consequential part of the CPP for the Shoalhaven community and yet it's not made completely clear for the wider community to understand. Nor is it clear how exempting community notification from a significant proportion of residential development, around our regional villages and towns would improve the planning system to ensure DAs are not going to impact on neighbours, streets and neighbourhoods individually and cumulatively with over-development.
- 3. Elimination of consultation without tighter controls will undermine community trust.** The CPP change is premised on the idea that if 'planning controls' are complied with, then DAs should be exempt from the public notification. But that is a problematic proposition because everyone knows the so-called 'planning controls' in the Shoalhaven are so flexible that developers can push them beyond the standard prescribed. Which makes the task of assessing compliance with controls rarely straightforward and clear-

cut. And unless the CPP changes involve tightening up the controls, the new system can't be trusted.

4. **Low impact development in Sydney is considered high impact in Vincentia.** One of the most disturbing assumptions in the CPP is that large new houses, dual-occupancies, residential flats etc, are considered to be so minor as to be placed in the category of 'low-impact development' where there is no need for neighbour notification and public consultation. The idea may be appropriate in certain highly urbanised areas in Sydney, but it cannot be applied across the board for all NSW cities, towns, villages, and streets equally. That makes no planning sense. What is considered low impact or high impact depends on the immediate context and local character of the suburb or neighbourhood. There is no explanation for how this new low impact development category would ensure low impact on individual neighbours and the unique local character.
5. **Strategic planning cannot replace neighbour consultation.** The CPP seems entirely focused on 'strategic planning' designed to achieve a general uplift in housing quantity in areas like the Shoalhaven by removing community participation to shorten/streamline assessments/approvals for residential development. But it makes no mention of how the NSW Government proposes to achieve the equally important task of ensuring each and every new strategic housing proposal entering the pipeline, under this CPP regime, would deliver only high quality, sustainable housing responding to local needs.
6. **The Barnett Street, Vincentia DA case study.** This is just one local example that demonstrates just how rubbery the current planning controls and development design guidelines are. And it shows why the existing neighbour notification/public consultation supports and benefits the existing case-by-case assessments of residential developments.

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## 1. Undefined terminology

The Draft CPP report, discussion paper and survey has clearly been written by planners using planning terminology that most people in the community would not be familiar with. For example, what does the term 'strategic planning' mean? Where do we find information in plain language, about what this vague and incredibly broad ranging term actually means in relation to the CPP proposed changes? And how does the CPP and strategic planning connect to meaningfully help manage the planned increase in housing supply while protecting and enhancing the established low rise, low density residential areas and intrinsically special regional/coastal character around Vincentia NSW? Other planning jargon like; 'exempt development', 'low impact development', 'low to mid-rise development', 'planning controls', 'LEP', 'DCP', 'complying development certificate', 'secondary dwellings', 'dual-occupancies', 'shop-top housing', 'ancillary development', 'residential flat buildings' and 'group homes', don't appear in the glossary of definitions and there's no easily accessible links to

explanations. Which makes it difficult for ordinary members of the community to fully understand much of what is being proposed and the questions being asked in the survey.

Ordinary residents cannot meaningfully answer many questions, even after reading the CPP. The survey uses technical language, assumes professional knowledge, and does not reflect the lived experience of residents who will lose access to fair and transparent processes. This undermines the claim that the CPP 'considers community perspectives'.

## **2. Exempt development should be restricted to minor elements**

From the information provided in the CPP, it's difficult to conclude that almost all the residential DAs in regional NSW will be exempt from neighbour notification/public consultation. It's not easy to see through the jargon, but this is the most consequential long-term change proposed in the CPP for the Shoalhaven and all regional communities. The CPP changes would mean no letters notifying surrounding neighbours and no opportunity for submissions in response to the bulk of residential DAs.

It means the majority of neighbours, residents in the street and surrounding community are denied the common courtesy of having a heads-up through the Council about the proposed development. Over time with more DAs, the majority of the street, and neighbourhood is drastically changed without the local community having any input. This is the scenario the CPP is painting for Vincentia, which we do not support.

Exempting community input from such a significant proportion of new housing development in NSW eliminates community participation for a significant proportion of the residential development happening around NSW. It's a radical and systemic shift in the way community participates in what happens in the places we live. This seems to be contradicting the stated goals of the CPP and existing Strategic plans.

The CPP should be striving to increase community participation levels and encourage individual neighbours and the wider community to be engaged in and involved with shaping the future desired character of individual residential areas in their towns. That's the point of community participation. Local people should not be excluded from contributing to the way Council assesses DAs, because it's part of the process where community and Council have an ongoing conversation about how the town grows and develops. It's a constant feedback loop for Council to know what the community is agreeable to and what they aspire to. Council making decisions in isolation from community input is contrary to good decision-making practice.

In the Shoalhaven it would be inappropriate to define the proposed list of exempt development as low impact and not requiring public notification. Exempt Development should be restricted to minor inconsequential elements only.

### **3. Elimination of consultation without tighter controls will undermine community trust**

The survey question: 'Is it still important for local DAs to be notified and exhibited, even if the consent authority considers them low impact and they meet relevant planning controls?' is a tricky and problematic question. It presumes that the consent authority (e.g. Shoalhaven Council) can quickly and easily determine that a DA 'is low impact and meets all relevant planning controls'. Firstly, there is no definition for what is meant by 'low impact' or 'complying with all relevant planning controls'. And secondly, everyone knows that it is absurd to suggest that the current guidelines enable Council to determine, with perfect accuracy in every case, that a DA is 'low impact and fully compliant with all planning controls'. In the Shoalhaven, there are no controls. Only very rubbery guidelines open to abuse.

In our experience, the Shoalhaven City Council planning 'controls' (aka DCP/LEP planning and development codes, building design guidelines etc) are very rubbery. The controls for maximum heights of buildings, maximum density, minimum boundary setbacks, minimum access to winter sunlight, minimum private open space provision, minimum space over natural ground for large trees etc are all open to interpretation, and subject to the discretion, experience, and workload of the individual assessing manager. Even rules for floor space ratio (FSR) which should be considered a straightforward non-discretionary maximum limit, is open to being exceeded through a variation request. Whether a DA meets the FSR depends on what is counted towards the building gross floor area and what is not counted. For example, massive basement areas that are clearly not used for car access/parking, should be counted as building area, but are often the subject of debate with developers all the way to the Appeals Court. The one saving grace of the existing system is that it's open and fully transparent to public scrutiny and neighbours can challenge developments that unreasonably impact on them.

With the current system, where there is a lot of what seems to be over-development of residential sites being approved, adjoining neighbours deserve—and should be entitled to expect—the basic courtesy of being notified about a DA next door. They deserve the opportunity to see the plans, understand what is proposed, and raise any legitimate concerns about impacts on their amenity, their neighbours, and their street. And they deserve appeal rights should the proposed DA impact on them due to poor design and site-specific impacts. The same principle of consultation should apply to others in the street, neighbourhood and the wider community.

The existing neighbour notification and public exhibition of DAs provides a sensible system of checks and balances that help keep the Council-managed assessment and approval system transparent, fair, and accountable. The assessment team benefits from seeing submissions that provide local knowledge they would not otherwise have unless they personally visited every site. Public submissions also offer a broader community perspective that helps Council make sound decisions in the interests of the community.

Let's assume that all applicants lodging DAs consider their proposals fully 'compliant with applicable controls' (otherwise they wouldn't be spending good money lodging them). That

would mean virtually 100% of all DAs avoid public notification and start on the fast track through the new shorter assessment time frames proposed in the CPP. But in the case of DAs assessed as non-compliant, the neighbours are not notified until after the DA is deemed non-compliant and then the assessing team is under pressure to make a decision within the remaining timeframe. If the decision can't be made within the time limit, the DA is deemed accepted. This is a bizarre and illogical idea that would result in the unintended approval of houses that are non-compliant. It adds significant unnecessary pressure for the assessing team. It is a recipe for poorly designed, non-compliant DAs to be approved by default, which makes no sense. If the time limit runs out, because the assessing team is not in a position to approve the development, then it should be deemed refused. That would be a fairer and more reasonable process.

If neighbour notification is going to be eliminated, the exempt planning 'assessment' process needs to remove the uncertainty by establishing tight 'controls' that everyone understands and that apply to everyone equally. And developers don't have the ability to overstep, exceed or encroach on anything. If they don't comply, then they have to run the public notification gauntlet. That's a system that the community can place trust in.

If the existing guidelines are tightened up and set up as controls, anyone who designs within the control limits gets the fast track with no public notification. And similarly, anything that steps outside the controls requires public notification. Then there is a much better chance of Council being trusted to make decisions that all relevant current controls are complied with or not. Then the community would have some basis to place faith in an exempt DA approval system.

What is currently proposed in the CPP is not improving or streamlining community participation, it's eliminating it for the vast majority of residential DAs in the Shoalhaven, without any explanations or examples for what is meant by 'low impact and fully compliant with all planning controls'. Replacing the existing open and transparent assessment process with an inferior version to reduce the administrative burden on councils is not in the public interest. Our Council's track record with assessing DAs under the existing guidelines suggests removing public notification without a significantly tighter regime of controls, is not something the community should be asked to blindly trust.

#### **4. Low impact development is considered high impact in Vincentia**

According to the CPP the vast majority of residential development that is occurring in the Shoalhaven has been dismissively characterised as 'low-impact' development and deemed exempt from neighbour notification and public exhibition requirements. But what is low impact? By what measure is it defined as low impact? Surely it depends on the context the site belongs to. A large two-storey, poorly designed, dual-occupancy that fills the block, causing significant overshadowing and overlooking of an adjacent neighbour, that changes the streetscape character dramatically, and has several cars parked on the street etc, might be viewed as low impact by the locals in a highly urbanised area of Sydney. In Vincentia, that

same development would be totally out of place and viewed as high impact by the community. The fact that one substandard development can detrimentally impact the established amenity and character of the surrounding beachside neighbourhood, sets a poor precedent for future development.

A strategic plan cannot possibly anticipate all the scenarios that might be proposed in any given context. Which means it can't plan for the inevitable substandard, poorly conceived and unforeseen examples the way a case-by-case assessment of residential DAs by a trained assessor with public oversight can. Strategic planning and individual assessments are completely separate parts of the residential development delivery system. Both are essential and both ideally require community participation at their core. The neighbour notification and public exhibition of DAs provides essential checks and balances to help ensure the Council managed development assessment/approval system is transparent, fair and open.

## **5. Strategic planning cannot replace neighbour notification**

Adjoining neighbours deserve and should be entitled to expect the common courtesy of being given notification of a DA proposed for next door. They deserve an opportunity to see the proposed plans and provide comment. They deserve an opportunity to raise objections with the approving authority, about any issues that would potentially have negative impacts on their existing amenity, their neighbours and their street.

Assessment managers will often benefit from the public's submissions, which reflect neighbour viewpoints and site-specific local knowledge that the assessor would otherwise not be aware of. Assessment managers also benefit from insights provided in submissions that reflect the wider community perspective and the public interest. The assumption that the consent authority can be trusted to determine if a DA is low impact and meets all relevant planning controls with 100% accuracy in 100% of cases is absurd. We all know the 'planning controls' are in fact very rubbery guidelines, open to wide interpretation, and ultimately subject to the discretion, knowledge and experience of the person who is considering if all relevant planning controls are met. The idea that we leave public notification out of the process for local DAs because we should trust the consent authority to determine if the development is low impact and meets all relevant planning controls is not in the public interest.

The CPP is proposing to increase the public engagement at the strategic planning stage. While strategic planning is valuable to articulate the overarching vision, goals and objectives for new development, it cannot be expected to negate the need for the site-specific responsive individual DA assessments and public notification. Strategic plans cannot anticipate all possible DA scenarios proposing:

- ill-conceived designs that skirt around poorly defined guidelines;
- oversized building/basement footprints;

- under-documented designs that conceal impacts on neighbours, privacy, streetscapes, drainage etc;
- unnecessary demolition, cut and fill, tree removals; and
- to ignore the local character of a particular site, street and neighbourhood.

Residents providing additional input at the strategic planning stage cannot possibly foresee the impact of all potential new development proposals from a regional plan or a high-level strategic document. A large poorly designed extension to an existing residence can have as much impact as a dual-occupancy. Case-by-case assessment with neighbour notification is the only point at which residents can understand and respond to real, site-specific impacts of DA proposals.

An important element entirely missing from the proposed CPP changes is how local character is to be protected. In the absence of tight controls and definitions in Shoalhaven's local strategic plan, LEP and DCP for things like 'character of the area', 'local character and streetscape', 'desired future character', 'distinctive character', it seems the visions and objectives to respect local character in our strategic plan cannot be delivered. Without appropriate definitions and character statements for individual towns and villages, developers will continue to have no impediments to continue introducing the industry standard oversized 'McMansion' style development (driven by a bigger-equals-more-profit approach to building design) that dominates Sydney suburbia with no thought for protecting local coastal character. The classic beach-comber holiday houses and humble shacks that have shaped our desirable local character, are being obliterated with replacement generic development that lacks any relevance to the local area. Character needs to be considered as part of strategic planning and the detailed plans for places are prepared. Local communities play an important role in defining what character is in their local area. Consultation is essential throughout the plan-making process to ensure that character is planned for and consistent with the community's view of the desired future character of their area.

The changes proposed are taking us down the wrong strategic planning path, because it would significantly diminish community participation, potentially open the gate to high numbers of poorly considered development that would erode the unique and highly desirable existing character of small residential villages and towns and further undermine trust in the planning system, especially in regional and coastal communities such as Vincentia.

## **6. DA Case Study: Barnett Street, Vincentia**

A recent DA at Barnett Street, Vincentia demonstrates the importance of neighbour notification. The Barnett Street developer proposed a large single-dwelling with a preposterously large basement (which the guidelines don't specifically limit). And despite Council indicating it was unlikely to be approved due to non-compliance, the developer insisted all planning controls were met. Developers know there is no such thing as fixed and definitive guidelines—they are all open to interpretation and discretion. Even the floor space

ratio rule can be exceeded subject to the applicant arguing the nominated limit is unreasonable. Developers also know that threatening to take applications to court may sway Council to consider approving DAs to avoid costs of legal action. For this DA, neighbours and the wider community lodged more than 100 objections, and that public input supported Council's decision to refuse the application. Neighbour notification and public consultation were crucial contributing factors to a positive outcome for both Council and the neighbours. This is an example of how the system is supposed to work.

Under the new CPP, similar developments would not automatically require notification—meaning the community loses the opportunity to be given a heads up about the proposal and chance to lodge submissions and help improve outcomes. Imagine if you were a neighbour in Barnett Street and the first you heard about the 14-bedroom and 14-bathroom monster house with massive basement carpark and roof top terrace next-door, was when building was about to start. This blindsiding of neighbours is fundamentally at odds with a fair, open and transparent planning approval system.

## **Recommendations**

The VRRRA respectfully requests that the NSW Government:

1. Retain neighbour notification for all residential DAs, including alterations and additions.
2. Retain public exhibition for all development that may impact adjoining properties.
3. Ensure councils cannot reduce engagement below current levels.
4. Acknowledge regional and coastal contexts in the CPP, and allow tailored approaches.
5. Require councils to allow community input to influence decisions.
6. Prevent councils from defaulting to minimum engagement to meet fast-track targets.

## **Conclusion**

The Draft CPP is framed as a streamlining of the planning system and the work of councils—but the streamlining comes at the expense community rights to contribute to the decision-making process of Council. It reads like a document designed to appear community-friendly while structurally reducing community involvement. The Draft CPP, as written, will significantly reduce community participation in planning decisions, particularly for the types of development that most directly affect residents' daily lives in the Shoalhaven. It removes long-standing safeguards, diminishes transparency, and disproportionately impacts small regional and coastal communities.

The VRRRA urges the NSW Government to revise the CPP to ensure that neighbour notification, public exhibition, and meaningful community participation remain central to the planning system.

