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28 September 2026

NSW Department of Planning, Housing and Infrastructure

Locked Bag 5022, Parramatta NSW 2124

Lodged via the NSW Planning Portal – Have Your Say (Illawarra Shoalhaven Plan)

Submission on the Draft Illawarra Shoalhaven Plan 2046

[Redacted] formally part of Lot [Redacted] the land to which clause 6.16 of Shellharbour Local Environmental Plan 2013 applies; Shellharbour Local Government Area.

Thank you for the opportunity to comment on the draft Illawarra Shoalhaven Plan 2046 ("the Plan"), including Appendix A (Local Government Narratives), Appendix B (Urban Growth Area Policy) and Appendix C (Glossary).

I support coordinated, well-planned growth for the Illawarra Shoalhaven region and the objective of aligning housing, jobs and infrastructure. However, as the long-term owner of [Redacted] I am seeking specific clarity and assurances where the Plan's directions, Shellharbour City Council's Tullimbar Village Structure Plan / DCP Amendment 4, and my property's confirmed residential zoning are continued and progressed

My family has owned and paid rates on this land with various zonings (including residential) for 35 years. A substantial part of the holding was left in "deferred" planning status for 28 of those years despite repeated Council commitments to progress rezoning. Since 2022 the gazettal of LEP clause 6.16 has carried residential zoning with *Local Clause Map* restrictions for Area identified as 2 and 3 . The land zoning relied on an approved bushfire evacuation route and requires a development consent to be obtained prior to any development taking place.

My submission focuses on concerns about the draft Illawarra Shoalhaven Plan 2046 Plan's treatment of my site. My central concern is this.

Council has represented the Tullimbar precinct to the Department as a priority greenfield release area, rates my land wholly as residential, and has zoned it accordingly. Yet the draft Plan's mapping shows part of my land "white" rather than as urban or residential land, while Council's structure plan shows forest and a detention basin. Further, clause LEP 6.16 and Local Clause Map Area imposed Area's 2 and 3 Subdivision Restrictions that are not supported by any site-specific quantitative Council studies. Taken together, Council's mapping operates as a de facto down-zoning of my land, without a formal planning proposal, without compensation, and at the cost of available housing supply.

With respect to my property, I am asking for a site-specific, evidence-led resolution that delivers a residential outcome on the serviceable parts of the land, together with permanent, funded, actively managed conservation of the genuinely higher-value bushland. A clear direction to assist future development.

It is also noted Council has recently issued Development Consent to the adjoining property owner, who like myself is part of the Tullimbar Village DCP Masterplan, for construction of retaining walls and fire trails adjacent to my boundary – which not in accordance with Tullimbar Village DCP Masterplan and may serve as a future impediment to development continuity across property owner boundaries as outlined in the Masterplan. Council has not provided future road connection levels and approved stamped plans in March 2026 have “hatched areas shown as retaining walls’ on plan

1. Background: property and planning history

The table below summarises the planning history most relevant to this submission, drawn from Council correspondence, adopted studies and my own prior submissions to Shellharbour City Council.

Year	Planning history and Council dealings
1991	Acquisition of [Redacted] Tullimbar (approximately 29 hectares). Rates have been paid to Shellharbour City Council continuously since acquisition (35 years).
1992	Hassel Planning, engaged by Council, identifies the whole of [Redacted] as suitable for development, consistent with the 1980s Cardew Report.
1994	Council rezones approximately 7 acres to Residential 2(e). The residual approximately 68 acres is deferred by Council Resolution pending further studies.
1996	[Redacted] wholly included in the Western Valley Charrette. Outcomes Report (Aug 1996) identifies the eastern portion, Cooby Plateau and Cooby Knoll as suitable for residential subdivision ("prestige lots"), connected to valley sewer and drainage.
2001–2002	Rural Residential subdivision application and Land and Environment Court appeal (Sangha v Shellharbour Council, 2001). Refusal relies on Council advice that the land is intended for future residential subdivision under the Tullimbar Village Structure Plan.
2012–2013	Land re-deferred from Draft Shellharbour LEP 2011. Tullimbar Village DCP repealed and folded into the Shellharbour DCP as Appendix 16 (later Appendix 13). General Manager confirms in writing that a landowner-inclusive planning proposal process is intended.
2019	Paper subdivision initiated in 2016 and stalled After 25 years of deferral, an owner-initiated 2019 Planning Proposal for rezoning of the residual land is lodged with Shellharbour Council.
2020–2023	Development consent granted for a 15-lot residential subdivision on the already-zoned 2(e) land (consent issued 18 May 2023).
2021	Strategic Bushfire Study (Peterson Bushfire, 13 August 2021) approves bushfire evacuation routes (Figures 14–16), relied on by the NSW Rural Fire Service to support rezoning.
2022	LEP clause 6.16 (Development of land at [Redacted]) gazetted, applying to Lot [Redacted] and permitting residential subdivision of varying densities, including lots below the minimum lot size in "Area 2" and "Area 3". However, the Local Clause Map Area 2 at no more than 8 lots and Area 3 at no more than 2 lots, and requires riparian and remnant vegetation to be "protected and enhanced". Adjoining [Redacted] (an overseas developer based in [Redacted] and is withdrawing from development in Australia) landholding rezoned concurrently.
2023–2024	Development consent granted for a 6-lot rural subdivision along [Redacted] Road under Clause 6.16. ([Redacted] Address numbers identified by Council from [Redacted] Road)
2025	Whole of [Redacted] Road identified within Benefit Area 9 of Council's exhibited (9th Review) Local Infrastructure Contributions Plan. Shellharbour DCP Amendment 4 / Tullimbar Village Structure Plan re-adopted, showing green open space and a dam/retarding/detention basin on part of the site, and removing previously-included C4 Environmental Living land from the mapped subject area – in each case without a corresponding costed contribution or explanation for the zoning removal in an area of growth which is delivering affordable housing.

Year	Planning history and Council dealings
2025–2026	Multiple written submissions lodged with Shellharbour Council (3 and 27 April 2025, 27 May 2025) seeking confirmation that the Tullimbar masterplan embedded in the Shellharbour DCP remain as private assets, not public, assets, and do not signal compulsory acquisition. Adjoining Dahua/Tullimbar Heights development creates unconsented land strips and retaining walls (up to 4m) that block road and drainage connectivity, most recently the subject of correspondence regarding DA0204/2025 (approved 27 March 2026, notification not received) on [Redacted].

2. Matters raised for the Department’s response

The following numbered points should each be read as a discrete point requiring a specific, on-the-record response.

1. Urban Growth Area (UGA) classification should reflect the confirmed zoning and consents on this land.

Appendix B (Urban Growth Area Policy) categorises land within the Urban Growth Area (UGA) as existing urban area, rezoned greenfield precincts, or investigation areas, and the housing pipeline further distinguishes "development ready", "staging" and "rezoned" land (Appendix B, Appendix C Glossary). [Redacted] has a gazetted LEP amendment (Clause 6.16, 2022) and issued development consents (DA [Redacted]-lot subdivision; DA [Redacted] subdivision).

Please confirm which UGA category and housing pipeline stage applies to [Redacted] in the mapping that supports the Plan, and provide the exact mapping layer name and legend definition used for this site.

Requested action: Confirm the [Redacted] is mapped as existing urban area, or as a development-ready or staging rezoned greenfield precinct, consistent with its 2022 gazettal and existing consents. It should not be mapped as an investigation area, as unclassified land, or shown "white" (see below) on the map, because it is residentially zoned land that Council rates as such. Where the mapping shows the land white, please treat this as a mapping anomaly and correct it. Appendix B provides that "minor inconsistencies to correct mapping anomalies will not require a review of the UGA and should be directed to the Department for resolution". It would appear to be misleading to not update the plan.

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[Redacted]

Figure 2: LGA snapshot – Shellharbour



[Redacted] Plan depicts the (i) whole of site has not been rezoned greenfield area ; (ii) Priority Area inclusion ; (iii) Not included in the Biodiversity Corridor

2. The UGA Plan itself must not be used to imply a change to the site's confirmed residential zoning.

The Department's own published guidance confirms that "the plan itself does not change zoning. Instead, it sets the long term direction for growth. Local councils will use it to guide future updates to planning controls, such as Local Environmental Plans over time" ("How the plan will shape the region", Illawarra Shoalhaven Plan FAQs, July 2026).

On this basis, please confirm the Plans as presented will not be used by Council to justify altering, the confirmed different categories of Rural Residential and Residential zoning of [Redacted], or to support treating any part of the site as public open space, conservation or biodiversity land, currently none of these categories/zonings are on 105 Cooby Road.

Requested action: Written confirmation that the UGA Plan does not itself change, and cannot be relied upon by Council to change, the zoning(s) of [Redacted] Road other than through a formal planning proposal, exhibition and gazettal process in which I am a directly notified party.

I note that part of my land is shown "white" on the map, rather than as residentially/large lot residential zoned land, even though it is currently zoned and rated residential. Please explain the basis for this and correct it in the final Plan.

3. Clause 6.16 and Local Clause Map Area 2 and Area 3 Subdivision Restrictions are arbitrary and not based on site-specific evidence.

Clause 6.16 of Shellharbour LEP 2013 applies to Lot [Redacted] ([Redacted]). Its stated objective is "to ensure the subdivision of land is carried out in a logical and efficient way". Before granting consent, the consent authority must be satisfied that the subdivision provides for necessary infrastructure and sequencing, and that "riparian and remnant vegetation on the site will be protected and enhanced". It also provides that no more than 8 lots may be created in "Area 2" and no more than 2 lots in "Area 3".

The Council zoning appears to assume that vegetation in Areas 2 and 3 requires preservation, and the Local Clause Area Restriction to follow from that assumption. However, to my knowledge the Area 2 and Area 3 Subdivision Clause Restrictions are not based on quantitative ecological, bushfire, servicing or yield assessment that Council has undertaken for my site. A fixed lot number is not a logical or efficient way to achieve either objective. It neither measures nor secures vegetation outcomes, and it does not reflect developable area, servicing capacity or bushfire constraints. The maximum lot number imposed on the

subdivision of Area 2 and Area 3 restrict optimised planning outcomes that can meet with the intention of the initial rezoning. The Plan's own Urban Growth Criteria calls for growth decisions based on data and evidence.

Requested action: Support the removal of the site-specific review of the **Local Clause Map Subdivision Restrictions imposed on Area 2 and Area 3**. In place, amend wording to support planned development outcomes informed by quantitative ecological, bushfire and servicing studies - Lot yield in Areas 2 and 3 set by the evidence, studies and by a defined, permanently managed conservation area, rather than by an arbitrary and imposed number.

4. Consistency with Council's representation of Tullimbar as a greenfield release area, and with housing supply targets.

Appendix A (Local Government Narratives) sets a NSW Housing Accord target of 3,800 new homes for Shellharbour by mid-2029. It also notes that "attention [is] needed to the LGA's long term housing needs (15–20 and 20+ years)", and that "consistent roll out and sequencing of greenfield areas will support consistent housing delivery".

However, the Shellharbour priority areas named in Appendix A are Shellharbour City Centre, Oak Flats, Albion Park, Warilla, Calderwood and Shell Cove. Tullimbar, an active and partly delivered greenfield release precinct, is not named.

Council's non inclusion of Tullimbar is inconsistent with its strategic representation of the Tullimbar precinct as a release area, and with the supply objectives of the Plan.

Requested action: Confirm that the Tullimbar precinct, including [Redacted], is included in the Shellharbour housing pipeline and Urban Development Program. Confirm that the Plan will not reduce the recognised development capacity of zoned land in the Tullimbar release area and explain why address numbering [Redacted] has been adopted by Council consent DA [Redacted]. Include Tullimbar within the Shellharbour priority or sequencing framework when Appendix A is updated after exhibition.

5. Public benefit vs private burden – the lantana, noxious weeds and remnant vegetation and detention/retarding basin shown on Council's Tullimbar Village Structure Plan.

Shellharbour DCP Amendment 4 and the Tullimbar Village Structure Plan identify a dam/retarding basin and green open space on part of [Redacted] notwithstanding that the site is zoned for residential purposes and rated wholly as residential. I have asked Council on three separate occasions (submissions of 3 April 2025, 27 April 2025 and 27 May 2025) to confirm whether this feature is a public or private asset, and have not received a substantive answer. As the regional Plan is intended to work alongside Council's Infrastructure Opportunities Plan and Urban Development Program, please use this process to obtain and provide that confirmation.

Requested action: Confirm with Council whether the forest/open space and dam/retarding/detention basin shown on [Redacted] are intended as public infrastructure or private landscape features; if public, identify the funding and delivery mechanism (section 7.11 contributions plan, Voluntary Planning Agreement, works-in-kind, or land dedication with just-terms compensation).

6. Section 7.11 contributions and fairness.

Despite showing public-benefit infrastructure (open space, detention basin) on my site, the Shellharbour Local Infrastructure Contributions Plan (9th Review, Benefit Area 9 – Tullimbar) does not include a costed contribution for this infrastructure. If the Plan's Infrastructure Opportunities Plan process identifies drainage, open space or flood mitigation needs attributable to growth in the Tullimbar precinct, any funding obligation must be transparent and lawfully apportioned – not left as an unfunded feature on a single privately owned, already-zoned residential lot.

Requested action: *Confirm the applicable contributions plan reference and calculated contribution (if any) for infrastructure shown on [Redacted] in the Tullimbar DCP (Appendix 13 Shellharbour DCP) and explain why no monetary contribution has been identified despite the mapped public infrastructure.*

7. No compulsory acquisition inference.

Please confirm that neither the draft Plan nor its supporting Urban Growth Area, Infrastructure Opportunities Plan or Urban Development Program processes constitute, or are intended to be relied upon as, a step towards compulsory acquisition of what was previously known as Lot [Redacted] under the Land Acquisition (Just Terms Compensation) Act 1991, whether for flood detention, open space or any other public purpose.

Requested action: *Written confirmation that the Plan is not, and will not be relied upon as, a step towards compulsory acquisition or de-zoning of any part of my land.*

8. Rates and de-zoning risk.

[Redacted] has been rated wholly as residential for a number of years. Please confirm the Plan does not provide capacity, alter rating categories or provide any basis for treating privately owned, residentially zoned land as public open space without a formal planning proposal, exhibition and compensation where land is determined and then required for public purposes. Council Road numbering and rate administration Team identified future number allocations from [Redacted] Road in DA 378 (previously included in lot [Redacted]) perhaps recognising that the Local Clause Map *arbitrary 8 lot restriction* on was not likely to be supported if challenged.

Requested action: *Confirm the Plan cannot be used to alter rating categories or the development capacity attaching to the current residential zoning without a formal LEP amendment process.*

9. Vegetation management and clean-up notices on private land.

Council has previously issued clean-up notices in relation to vegetation. It is requested to confirm that ongoing stewardship of vegetation on this privately owned land will not be treated as creating a public asset obligation in the absence of a dedicated public reserve, Voluntary Planning Agreement or compensated dedication to Council or State Government.

Requested action: *Clarify the statutory basis for clean-up notices on this land and confirm private vegetation maintenance will not be treated as a public infrastructure obligation.*

10. Bushfire evacuation route must be preserved.

The 2022 rezoning of [Redacted] relied on RFS-endorsed bushfire evacuation routes identified in the Strategic Bushfire Study (Peterson Bushfire, 13 August 2021, Figures 14–16).

Confirm that the Plan's implementation actions, including any street network, sequencing plan or infrastructure changes arising from the Urban Growth Criteria or adjacent Development Consent Approvals arising from DA 0204/2025 approval will not compromise either of the two approved options for evacuation routes.

Requested action: *Written confirmation that the Plan's implementation will preserve the RFS-approved bushfire evacuation routes (x2) relied upon for the 2022 rezoning and on-going DA lodgement.*

11. Orderly and integrated development – unresolved adjoining development conflicts.

The Plan's Urban Growth Criteria (Appendix B) is intended to guide "orderly and co-ordinated urban development and infrastructure delivery" (Appendix C, Priority Areas).

The adjoining [Redacted] development has created land strips (from [Redacted]) and retaining walls up to 2.3 metres in height constructed with an SWC approval conflicting with currently approved development consent, blocking road contrary to the Tullimbar DCP's connectivity requirements. More recently, [Redacted] 2025 was approved on 27 March 2026 and objections were raised regarding road connectivity, surface water run-off and retaining walls. The final RL's and road connectivity levels remain unknown.

Requested action: *Require, through the Plan's Urban Growth Criteria and Infrastructure Opportunities Plan, review and confirm that DA 0204/2025 will permit the future orderly-development of [Redacted], without retaining wall impeding access.*

12. Transition and hardship recognition for a 35-year deferred landholding.

Part of my land was held in "deferred" planning status for 28 years (1994–2022) across successive LEPs, despite Council commitments (2013) to progress a planning proposal.

Given the Plan's commitment to "streamline planning pathways for development ready land through the Housing Delivery Authority and planning reforms" (Appendix B), please confirm how this commitment applies to land such as mine with an exceptionally long deferral history, now that it is confirmed zoned and development commenced.

Requested action: *Outline how the Plan's streamlining and delivery-acceleration commitments apply to [Redacted] given its white colouring on the exhibited map.*

13. Direct consultation going forward.

Given the Plan and Council's Infrastructure Opportunities Plan directly affect this property, please ensure I am directly consulted in all future planning process affecting [Redacted] .

Requested action: *Include me as a directly consulted stakeholder in any further Departmental or Council process affecting this land.*

3. Proposed site-specific resolution

It is proposed the Department and Council support the following development pathway for [Redacted]

- Allow carefully located residential subdivision on the lower-impact, serviceable parts of the residual land, with yield determined by quantitative site studies rather than fixed maximum subdivision numbers identified for Area 2 and Area 3 in Local Clauses Map and referenced in Shellharbour LEP Clause 6.16.
- Identify, through an independent ecological assessment, the bushland with demonstrably higher biodiversity value, and protect it permanently.
- Secure any identified retained conservation land through an appropriate, funded mechanism. The landowner should not be required to carry an indefinite, unfunded public-benefit obligation.
- The preparation of a vegetation and weed management plan for the remnant bushland and lantana.
- Provide asset protection zones and access consistent with Planning for Bush Fire Protection 2019 and the RFS-endorsed evacuation route in the Peterson Strategic Bushfire Study (August 2021) or other similarly approved access routes.
- Support the implementation of interim Fire Trials during development staging as per the benefits provided to adjoining Chinese property developer Dahua

This approach would meet Council's biodiversity and bushfire objectives and the "protected and enhanced" requirement of clause 6.16. It would also contribute housing supply consistent with the Plan, and allow me, as a long-term owner, to downsize without being left with an unmanageable and large bushland holding.

With respect to the above, a constructive, properly evidenced outcome to a broad dispute over whether the any portion of the land should be conserved for conservation (public or private) is preferred as the way forward.

4. Summary of requested actions

- Confirm the Urban Growth Area category and housing pipeline stage that applies to [Redacted] consistent with its 2022 gazettal and existing development consents. Correct any "white" mapping of residentially zoned land as a mapping anomaly.
- Confirm in writing that the Plan does not itself alter, and cannot be used by Council to alter, the residential zoning of the site.
- Support an evidence-based review of the clause 6.16 and Local Area Clauses referencing Areas 2 and Area 3.
- Confirm how Tullimbar and [Redacted] are counted in the Shellharbour housing pipeline, and include Tullimbar in the Shellharbour priority and sequencing framework.
- Clarify whether the open space and detention/retarding basin shown on [Redacted] are public or private assets, and if public, identify the funding mechanism and responsible agency.
- Confirm the applicable section 7.11 contribution (if any) for infrastructure shown on [Redacted].
- Confirm the Plan is not, and cannot be relied upon as, a step towards compulsory acquisition of any part of [Redacted]

- Confirm the RFS-approved bushfire evacuation route will be preserved through the Plan's implementation.
- Clarify how the Plan's delivery-acceleration commitments apply given the site's 28-year deferral history.
- Ensure direct consultation with me on any further process and/or zonings affecting this land.
- Support the site-specific resolution in Section 3: proportionate residential development together with permanent, funded, managed conservation, weed control and bushfire safety.

5. Closing

I support the Plan's broader objectives of coordinated, well-serviced growth for the Illawarra Shoalhaven region, and I am not opposed to appropriate development contributions or infrastructure planning where these are transparent, lawful and fairly apportioned. My concern is that, after 35 years of tree planting, maintenance and ownership coupled with the challenge-to-achieve residential zoning, [Redacted] is not treated as a de facto public open space, conservation or drainage reserve. This could happen through mapping, master planning, arbitrary lot Local Area Clause inclusion for Area 2 and Area 3 or omission, without lawful process, funding or compensation, and at the cost of housing supply the region needs.

I appreciate the Department's consideration of this submission and would welcome the opportunity to meet and discuss any of these matters further before the Plan is finalised.

Please direct any request for additional information or supporting documents (including copies of my prior submissions to Shellharbour City Council, the Charrette Outcomes Report of August 1996, and the Peterson Strategic Bushfire Report of August 2021) to the contact details on page 1.

Yours faithfully,

[Redacted]

[Redacted]

Sources referred to in this submission

- The Illawarra Shoalhaven Plan, NSW Department of Planning, Housing and Infrastructure – exhibition and submission details: <https://www.planning.nsw.gov.au/plans-in-nsw/plans-by-region/the-illawarra-shoalhaven-plan>
- Draft Illawarra Shoalhaven Plan – Appendix A: Local Government Narratives, July 2026 (exhibited document), Shellharbour housing guidance and priority areas.
- Draft Illawarra Shoalhaven Plan – Appendix B: Urban Growth Area Policy, July 2026 (exhibited document).
- Shellharbour Local Environmental Plan 2013, clause 6.16 – Development of land at [Redacted]
- Draft Illawarra Shoalhaven Plan – Appendix C: Glossary, July 2026 (exhibited document).
- Draft Illawarra Shoalhaven Plan – "How the plan will shape the region" Frequently Asked Questions (exhibited document).
- Shellharbour Development Control Plan Part 6 - Tullimbar
- Shellharbour City Council DCP Amendment 4 adopted 27th May 2025
- Shellharbour City Council Local Infrastructure Contributions Plan (9th Review Benefit Area 9 – Tullimbar)
- Shellharbour City Council – correspondence and submissions DA0204/2025 (2025–2026).