

SUBMISSION

Housing Supply Regulation Inquiry

A practical framework for resolving long-deferred greenfield housing land

Submitted by	[Redacted]— landowner
Case study	[Redacted]
Inquiry	Productivity Commission — Housing Supply Regulation
Submission type	Response to the Interim Report
Date	29 September 2026

PURPOSE OF THIS SUBMISSION

I use the planning history of my land as a case study to propose national reforms that would prevent temporary greenfield deferrals from becoming decades-long barriers to housing. I do not ask the Commission to determine the zoning or development yield of my property. I ask it to address the systemic failure exposed by zoning history timeframes.

Contact: [Redacted] | [Redacted] | [Redacted]

It would be my preference to have my personal information and contact detail removed prior to publishing.

Executive summary

I support the Productivity Commission’s focus on improving land-use regulation, coordinating housing with enabling infrastructure, and making approval systems simpler, faster and more predictable. My experience at [Redacted] shows how a greenfield site can remain unresolved long after the constraint that caused its original deferral has been addressed.

I acquired the land in 1990/1. In May 1994, approximately seven acres were rezoned Residential 2e. The balance—approximately 64 acres, including land above RL 65 metres Australian Height Datum (AHD)—was deferred pending further investigation and higher-level water servicing. The higher-level water infrastructure was operational by approximately mid-2005, yet the residual planning position was not resolved until 2022.

The lesson is straightforward: identifying land for housing, or even removing the infrastructure constraint that caused its deferral, does not ensure delivery. A temporary deferral can become an indefinite planning status unless government is required to review the land when the relevant trigger is satisfied.

PRIMARY RECOMMENDATION

Governments should establish a statutory Deferred Greenfield Land Resolution Framework. It should automatically reopen a deferral when its stated infrastructure or study trigger is satisfied, nominate a lead agency, impose decision deadlines and provide independent escalation when a council or referral authority does not act.

Recommendations at a glance

- Establish a statutory Deferred Greenfield Land Resolution Framework in every state and territory.
- Require every deferral to state its reason, evidence requirements, responsible authority, review trigger and decision deadline.
- Make completion of nominated enabling infrastructure an automatic review event.
- Provide independent review where an authority rejects a planning proposal, fails to act, or does not review land after a trigger is met.
- Require fixed lot or dwelling caps to be supported by transparent, proportionate, site-specific evidence.
- Ensure public infrastructure or conservation outcomes are funded transparently rather than imposed indefinitely on one landowner.

Response to the inquiry

The Commission has been asked to examine how regulation across all levels of government can be improved to accelerate new housing and increase construction productivity. Its Interim Report identifies land-use reform and better coordination of housing-enabling infrastructure as areas likely to have a major effect on supply. It also emphasises a “build” mindset, regulation only where necessary, coordination of housing with infrastructure, and simple, timely and predictable processes.

My case study directly addresses those themes. It concerns land identified through strategic planning, partially rezoned, deferred because of servicing and investigation issues, and then was left without an effective trigger requiring government to revisit the deferral after the relevant water infrastructure was delivered and I accept the position has now changed .

Evidence note: *Productivity Commission, Housing Supply Regulation Inquiry and Interim Report, July 2026; Planning Institute of Australia summary of the Interim Report, July 2026.*

My land and experience

I have owned [Redacted] since 1990-1. The holding was historically approximately 29 hectares and formed part of the [Redacted] planning area. I have participated in planning processes, funded professional investigations and sought a practical mix of residential outcomes and environmental management for more than three decades.

In May 1994, Shellharbour LEP 67 rezoned approximately seven acres of the holding Residential 2e. The remainder—approximately 64 acres—was deferred. The planning material identifies higher-level water and sewer servicing, including the ability to service land above approximately RL 65 metres AHD, as a central reason for the deferral.

The planner chronology records construction of the local water tower in 2003. My records and recollection are that the relevant higher-level water tower was completed and operational by mid-2005. To avoid overstating a date where the documents use different reference points, I rely on the conservative proposition that the higher-level servicing constraint had been removed by mid-2005. Even on that basis, approximately 17 years passed before the residual planning position was resolved in 2022.

Evidence note: *Urbanco pre-Gateway review material records the May 1994 rezoning, the RL 65 servicing issue and water-tower construction in 2003. The mid-2005 operational date is provided from my records and recollection as landowner. Formal water-authority commissioning records can be supplied if obtained.*

Planning chronology

Year	Planning history
1980s	The Cardew Report and Illawarra urban-development work identified the locality for potential urban development.
1990-1991	I acquired the property and have retained ownership since that time.
1992	A Council-led, landowner-funded planning study identified residential and rural-residential outcomes in the Tullimbar and Yellow Rock areas.
May 1994	Shellharbour LEP 67 rezoned approximately seven acres Residential 2e. The balance, including land above RL 65 metres AHD, was deferred pending servicing and further investigation.

Year	Planning history
1996–1999	The Albion Park Western Valley/Tullimbar structure-planning process continued to identify residential and rural-residential outcomes in the locality.
2001–2002	I pursued a mixed residential/rural-residential outcome. This was not approved. The Council position was based on necessity for the lot not be fragmented as it was required to be included in strategic planning for future residential subdivision.
2003–mid-2005	The planner chronology records water-tower construction in 2003; I understand the higher-level system required for the land was completed and operational by mid-2005.
29 May 2012	Council resolution continued to defer the land from the draft Shellharbour LEP so that potential increases in residential density could be studied and assessed.
Unsure of Dates	NSW introduced the independent pre-Gateway review pathway for certain council refusals or failures to indicate support for a planning proposal.
2019	I lodged an owner-initiated planning proposal and sought independent pre-Gateway review after Council did not indicate support within the relevant period.
2020–2022	Council and the Southern Regional Planning Panel considered zoning, biodiversity, bushfire, road, drainage, servicing, lot-yield and residual-land issues. Further information and amended controls were supplied.
2022	Clause 6.16 was inserted into Shellharbour LEP 2013, establishing a site-specific framework for subdivision, infrastructure sequencing and protection of riparian and remnant vegetation. Area 2 and 3 Local Clause Map subdivision overlay added restricting development options
2023 onward	Development consents have enabled residential development to commence however broader issues regarding services connectivity between land holdings, conservation management and precinct coordination for items such as roads remain relevant.

The review-right issue

For most of the period after the 1994 partial rezoning, there was no ordinary statutory merits appeal process that could compel an independent reconsideration of Council's refusal or failure to initiate an amendment to its local environmental plan. A rezoning proposal/planning proposal asks government to exercise a legislative plan-making power; it is not equivalent to a development application that ordinarily carries defined appeal rights.

NSW introduced an independent pre-Gateway review pathway process that allowed a proponent to request independent consideration where a council rejected a rezoning application/planning proposal or failed to indicate support within the prescribed period. It was not a conventional court appeal and did not create an entitlement to rezoning.

My 2019 pre-Gateway review request used that pathway after Council had not indicated support within 90 days of zoning amendment lodgement. The legal conclusion is therefore not that I had a general “appeal against zoning” after an EP&A Act amendment rather, it is that, before late the introduction of appeal, there was no comparable ordinary independent review pathway available to me. However, the administrative pre-Gateway review process became available in defined circumstances.

Evidence note: *NSW Planning Circular PS 12-006 introduced independent reviews of plan-making decisions in 2012. Planning Circular PS 16-005 later implemented delegations associated with the renamed Rezoning Review process. Urbanco’s 2019 request states that review was sought following Council’s failure to indicate support within 90 days.*

The systemic problem

I do not suggest that environmental assessment, infrastructure planning or community consultation should be bypassed. Council’s assessment identified legitimate matters involving threatened ecological communities, bushfire protection, riparian corridors, drainage, roads, residual-land ownership and contributions. Those issues required proper assessment.

The failure was the absence of an integrated, time-bound process for resolving them. No single authority was responsible for returning to the original deferral after the higher-level water infrastructure became available, consolidating agency requirements and driving the land to a reasoned decision.

Such failure means:

- The original reason for a deferral can become detached from later infrastructure facts.
- Temporary deferrals can continue across successive local environmental plans without a sunset date.
- Planning, water, sewer, roads, drainage, biodiversity and bushfire issues are considered in separate processes and at different times.
- Owners can be required to repeat or update studies because agencies do not settle requirements early.
- Land may be counted as potential supply even though it is not serviced, approved or construction-ready thus overstating availability and lessening urgency to address bottlenecks
- Long-term uncertainty increases holding, consultant, assessment and financing costs, which can ultimately affect housing feasibility and price.

Evidence note: *Shellharbour City Council’s 2019–2020 response to the rezoning review records both the planning support for parts of the proposal and the environmental, infrastructure and design matters requiring resolution.*

A better greenfield pathway

Automatic trigger review

Every decision to defer potential housing land should identify the precise reason for deferral, the work needed to resolve it, the responsible authority, the evidence required, the event that triggers reconsideration and a statutory deadline for the review decision.

Completion or commissioning of nominated infrastructure should automatically trigger review. An owner should not have to commence an entirely new rezoning exercise merely to prove that the constraint relied on years earlier no longer exists.

Greenfield Delivery Schedule

For strategically identified greenfield land, the state planning authority, council, infrastructure providers and landowner should settle a binding Greenfield Delivery Schedule before or at Gateway. It should identify:

- expected housing capacity and staging;
- water, sewer, electricity, road and drainage requirements;
- biodiversity, bushfire, flooding and geotechnical studies required;
- the agency responsible for each assessment and approval, with delivery timeframes included;
- infrastructure funding, contributions and cost-sharing principles;
- a consolidated information-request date and firm decision dates; and
- an independent escalation process when agencies disagree.

Lead agency and deadlines

One public authority should be accountable for coordinating the process from strategic identification through to serviced, development-ready land. Referral bodies should provide consolidated requirements early and should not introduce new requirements later.

Potential housing land remaining deferred for five years should receive a mandatory review. They would be required to either progress the proposal or publish evidence explaining why deferral remains necessary. For progression steps to include - identify and fund outstanding government work, acquire land genuinely required for a public purpose, and adopt a binding resolution program with dates.

Independent escalation

An owner should be able to request independent review where a council refuses to prepare a planning proposal, fails to act within the prescribed period, does not review land after a nominated trigger is achieved, or leaves a deferral unresolved beyond its statutory sunset date. The reviewer should be able to identify the outstanding work, allocate responsibility and set a timetable—not merely decide whether the proposal has strategic merit.

Housing-ready land register

Governments should report land supply according to its actual delivery status. A public register should distinguish identified land, investigation land, deferred land, zoned but unserviced land, zoned and serviceable land, development-approved and construction-ready land. It should state why land remains in each category and what action is needed for it to progress.

WHY THIS MATTERS

A planning system should measure the time from first strategic identification to serviced, development-ready land—not stop the clock at rezoning. Housing cannot be built from a nominal land-supply figure.

Biodiversity and stewardship

I recognise that parts of my site contain important biodiversity and riparian values. Council identified endangered ecological communities and threatened species. These matters must continue to be assessed under the applicable biodiversity and Commonwealth environmental laws.

Evidence-based controls

Fixed lot or Local Clause Area Map Restriction overlays should be supported by evidence demonstrating showing how lot numbers or dwelling caps responds to biodiversity, servicing, bushfire, landscape, access or infrastructure capacity. If the intended outcome is vegetation protection, the control should directly secure that outcome through mapped conservation areas, development envelopes, vegetation-management plans, asset-protection arrangements and measurable performance standards.

A numerical cap may suppress housing provision without necessarily delivering a better environmental outcome. Conversely, an evidence-based development envelope can protect high-value vegetation while permitting development on lower-impact, serviceable land. The appropriate yield should follow the evidence rather than a Council imposed numeric restriction.

The site history supports maintaining objectives of sequencing, protection and enhancement of riparian and remnant vegetation and Tullimbar Masterplan interconnectivity however the Local Map Area overlay relating to Clause 6.16 of Shellharbour LEP 2013 restricts logical and efficient subdivision and management of remnant vegetation riparian corridors.

Evidence note: *Shellharbour LEP 2013, clause 6.16; Urbanco response dated 3 May 2022 concerning the vegetation arc, rocky knoll and Cooby Road interface.*

Fair infrastructure funding

Where a planning scheme identifies open space, drainage, conservation land or other public-benefit infrastructure on private land, government should clearly state whether the feature is intended to remain private, be dedicated through an agreement, be funded through contributions, or be acquired. A public benefit should not be left indefinitely as an unfunded obligation borne by one owner.

Developer contributions should be transparent, predictable and connected to infrastructure required by growth. First movers should not carry a disproportionate share of precinct infrastructure that benefits later development. Equalisation, reimbursement or works-in-kind mechanisms should be settled early in the Greenfield Delivery Schedule.

Recommendations

I ask the Productivity Commission to recommend that federal, state and territory governments:

1. Establish statutory Deferred Greenfield Land Resolution Frameworks.
2. Require every deferral to specify its reason, evidence requirements, responsible authority, trigger event and review deadline.
3. Make completion of nominated enabling infrastructure an automatic review event.
4. Apply mandatory five-year reviews obligations to deferred housing land.
5. Appoint a lead authority for strategically significant greenfield precincts.
6. Use binding Greenfield Delivery Schedules to coordinate planning, infrastructure, environmental assessment, funding and staging.
7. Maintain public Housing-Ready Land Registers based on actual zoning, servicing, approval and construction status.
8. Provide meaningful independent review where planning authorities fail to act or do not respond to a satisfied trigger.
9. Require agencies to publish reasons when strategically identified housing land remains deferred after the original constraint has been resolved.
10. Undertake precinct-scale technical studies and settle agency requirements early.
11. Require numerical lot or dwelling restrictions to be supported by transparent, proportionate evidence or be removed.
12. Use transparent acquisition, dedication, contributions or funded-stewardship mechanisms for public infrastructure and conservation outcomes.
13. Set timeframes and then Measure greenfield planning performance from strategic identification to serviced, development-ready land.

Conclusion

My experience demonstrates how a temporary infrastructure-related deferral can become a multi-decade barrier when no agency is responsible for reconsidering the land after the original constraint is removed.

I am not seeking automatic approval or the removal of legitimate environmental safeguards. I am seeking automatic reconsideration, coordinated assessment, published evidence, fair funding and a decision within a reasonable time.

A planning system that identifies land for housing but allows it to remain unresolved for decades cannot respond effectively to housing needs. Greenfield regulation should protect environmental, infrastructure and community interests while ensuring that, once identified impediments are addressed, suitable land can progress efficiently to housing delivery.

I would welcome the opportunity to provide the Commission with the Council reports, planning-panel material, planning proposal documents and further evidence concerning the site history.

Yours faithfully

[Redacted]

Landowner — [Redacted]

Documents relied upon

The following sources support the factual and policy content of this submission. The property-specific documents can be supplied to the Commission as supporting attachments if requested.

Source	Document / evidence
Productivity Commission	Housing Supply Regulation Inquiry webpage and Interim Report, July 2026. https://www.pc.gov.au/inquiries-and-research/housing-supply/
Productivity Commission	Interim Report webpage and downloadable report materials. https://www.pc.gov.au/inquiries-and-research/housing-supply/interim/
NSW legislation	Shellharbour Local Environmental Plan 2013, including clause 6.16, "Development of land at [Redacted]". https://legislation.nsw.gov.au/view/html/inforce/current/epi-2013-0141
NSW planning circular	Planning Circular PS 16-005, Delegation of plan-making decisions, including the Rezoning Review arrangements. https://www.planning.nsw.gov.au/sites/default/files/2023-03/planning-circular-ps-16-005-delegation-of-plan-making-decisions.pdf
Shellharbour City Council	Response concerning Planning Proposal 0001/2019 and Rezoning Review 2019SHELL001 (uploaded Council report/advice). Council Resolution May 1994 to proceed to rezone in part of my landholding and defer the balance.
Urbanco Group Pty Ltd	Pre-Gateway review request and planning chronology [Redacted].
Urbanco Group Pty Ltd	Response to Planning Panel requested matters for [Redacted], dated 3 May 2022 (uploaded document).
Landowner evidence	Acquisition in 1990-1991; RL 65 metres AHD servicing threshold; higher-level water servicing operational by approximately mid-2005.

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30th September 2026