



19 February 2026

NSW Select Committee

Rural Housing and Second Dwellings Reform

E-mail: ruralhousing@parliament.nsw.gov.au



02 6670 2400



tsc@tweed.nsw.gov.au



tweed.nsw.gov.au



PO Box 816
Murwillumbah NSW 2484

Dear Committee Members,

Council Response to Rural Select Committee

Thank you for your time at the recent hearing and apologies for the delay in getting this response to you.

Director Planning & Regulation Denise Galle Evidence Corrections

No changes to the opening statement or responses.

Mayor Chris Cherry Evidence Corrections

Please find following corrections to typographical errors in transcript relating to Mayor Cherry's evidence are as follows:

- P11: sentence "It's like a compromised starting position" should read "It's like a compromise starting position"
- P12: sentence "The bulk of that money is usually deed refusals," should read "The bulk of that money is usually deemed refusals,"
- P16 after 13000, it was "lots", currently the sentence does not include anything after 13000.

Supplementary Questions

Q1. Could you please provide the Committee with a copy of the Council report on DA25/0086?

For a copy of the Council report and resolution refer to the databox link

Q2. Could you please outline some of the concerns Council had with regard to DA25/0086?

The proposal included a subdivision and the use of a farm shed (constructed without prior approval), construction of an additional farm shed and the partial conversion of these farm sheds to dwellings. The two farm sheds are constructed as detached buildings and the staged proposal included connecting these two farm buildings via garage between the two farm buildings.

The development includes the partial conversion of the farm buildings to dwellings (at various stages) with a connecting garage so that the repurposed farm buildings could be considered as an attached dual occupancy.

Dual occupancies (attached) are permissible in the RU1 and RU2 zones and are defined under the Tweed Local Environment Plan 2014 (TLEP) as being “2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.” Detached dual occupancies are not permissible in the rural zones.

The concern with the proposal was that the two proposed dwellings were not properly attached and as such did not meet the definition for an attached dual occupancy. Failure to meet the definition of an attached dual occupancy rendered the proposed dual occupancy as being prohibited development in the zone.

Neither the TLEP 2014 nor the EP&A Act offer any guidance regarding the interpretation of the meaning of “attached” for the purposes of an attached dual occupancy. The Tweed Development Control Plan 2008 (DCP) includes the following definition of an attached dual occupancy:

“Attached dual occupancy: means two dwelling-houses that are physically attached by way of a common or shared wall (between living areas) or garage but does not include carport, breezeway or the like, open or detachable structure.”

Each of the dwellings are created from the partial conversion of a farm building to habitable purposes. The habitable portions of the buildings (dwellings) are separated by the remainder of the farm building and the additional connecting garage. Hence the dwellings are separated by a portion of the original farm building, intervening garage and the other farm building portion. This was not considered to satisfy the requirement that the dwellings are attached. As indicated in the assessment report to Council, the dwellings are not attached to each other, being instead attached to farm buildings which are attached via a garage.

Q3 Could you please provide details of meetings and engagement with the applicant and their planner?

The following table contains a summary of correspondence with the applicant (planning consultant) regarding the development application.

24 February 2025	DA lodgement
13 March 2025	Progress update to applicant re notification and referrals
23 April 2025	Progress update to applicant re DA call up and site visit
14 May 2025	Request for further information regarding sensitive flora and fauna matters
10 June 2025	Correspondence with applicant regarding offsetting planting details
8 July 2025	DA assessment report published as part of Council Meeting Agenda
9 July 2025	Response to applicant's query regarding characterisation of the proposal by the Director of Planning & Regulation
10 July 2025	Correspondence between the applicant and Team Leader regarding characterisation of the dual occupancy
11 July 2025	Team Leader comments to applicants proposed amended plans
14-15 July 2025	Request by landowner and applicant for Councillors to consider approval of application as submitted or approve amended proposal as amended by late submitted plans

17 July 2025	Application approved at Council meeting subject to conditions. The conditions did not approve proposed Stage 3 which was the conversion of a farm building to an additional dwelling creating a dual occupancy.
--------------	---

For a copy of correspondence between the Applicant and Council refer to the databox link

Q4. Could you please provide any other detail about DA25/0086 that you think may assist the committee?

The process of DA assessment and determination includes a review of all assessment reports by a Team Leader. In the case of DAs to be determined by the elected body, this also includes a review by the Manager of Development Assessment & Compliance and the Director of Planning & Regulation.

Concerns regarding the characterisation of the dual occupancy did not arise until the review of the DA assessment by the Team Leader late in the assessment process. Due to the Department of Planning's Expectations Order and Council meeting timetable, there was limited opportunity to delay the determination of the application to allow the applicant to address Council's concerns and amend the application. An approval for the subdivision, farm sheds and dwelling (omitting the additional dwelling) was considered a reasonable outcome.

Q5. Does Council know when, or around when, the current owner purchased the land the subject of DA25/0086?

Council's records indicate that the current owner took ownership on, or around 31 October 2018.

Q6. With regard to the Bakers Road Byangum 4.5-tonne limit, could you please provide the Committee with a rationale for that decision?

The issue was discussed at the Local Traffic Committee meeting on 9 October 2025 as per below:

Applicant's Information:

A recent phone call was received from a resident of Bakers Road requesting the installation of a load limit sign. In addition, request (Council Reference ECM8431688) noted that the applicant, as a regular motorist on the road, frequently encounters trucks, utes, cars, and tourist vehicles driving on the wrong side and speeding around blind bends. Similar requests to install a load limit sign on this road have also been raised in previous years.

Background to Request:

This item is presented to the Local Traffic Committee on 24 October 2019, having been brought forward from the Outstanding Resolutions report considered at the Committee meeting on 26 September 2019. The matter was originally listed on 28 February 2019 (Item B1).

At that meeting, it was recommended that traffic volume surveys be undertaken to establish the actual number of heavy vehicles using the road. The road itself is narrow and winding, with numerous blind corners, roadside trees close to the carriageway, and steep drop-offs. Concerns have also been raised regarding its use as a shortcut to bypass the town centre, including by large trucks.

Officer's Comment:

Traffic and speed surveys were undertaken between 26 September and 3 October 2019 (7 days). The results showed an average daily traffic volume of 461 vehicles, of which 6.5% were medium heavy vehicles and 0.3% (11 vehicles in total) were long vehicles. No B-Doubles or road trains were recorded. A subsequent survey was conducted from 8 August to 22 August 2024 (14 days). This recorded an average daily traffic volume of 434 vehicles, with 7.86% being medium heavy vehicles, 0.29% (18 vehicles total) long vehicles, and 5 B-Doubles. No road trains were observed. The results indicate an increase in the proportion of medium heavy vehicles, long vehicles, and B-Doubles using the road. Given the road's poor condition, narrow and winding alignment, and associated safety risks, it is considered unsuitable for large heavy vehicles.

COMMITTEE ADVICE:

Due to the condition of Bakers Road, Dunbible, a 4.5-tonne load limit is to be imposed on the Kyogle Road access.

RECOMMENDATION TO COUNCIL

In relation to Bakers Road, Dunbible, due to its condition, a 4.5-tonne load limit is to be imposed on the Kyogle Road access.

ITEM 15.2 – 20 November 2025

Minutes of the Local Traffic Committee Meeting held Thursday 9 October 2025

Cr Rhiannon Brinsmead

Cr Meredith Dennis

RESOLVED that Council:

1. receives the Minutes of the Local Traffic Committee Meeting held Thursday 9 October 2025 and
2. adopts the Executive Leadership Team's recommendations as follows:

6.1. Bakers Road, Dunbible

In relation to Bakers Road, Dunbible, due to its condition, a 4.5-tonne load limit is to be imposed on the Kyogle Road access.

6.2. Stokers Road, Stokers Siding

That the request to upgrade the existing 'Give Way' sign to a 'Stop' sign on Stokers Road, Stokers Siding, at its intersection with Tweed Valley Way, along with associated line marking, be supported. In addition, that a 'Stop Sign Ahead' warning sign be installed on Stokers Road on the approach to Tweed Valley Way, and a secondary 'Stop' sign be installed on the right-hand side of Blakeney Road at its intersection with Tweed Valley Way.

7.1. Creek Street, Hastings Point

In relation to Creek Street, Hastings Point, the request for a yellow no-stopping line on the northern side of Creek Street, Hastings Point, be supported. A 20 metre length of yellow no-stopping line, measured from the intersection with Tweed Coast Road and aligning with current yellow no stopping line marking, be installed to reinforce existing road rules, improve compliance, and enhance safety for both vehicles and pedestrians.

7.2. Philp Parade, Tweed Heads South

In relation to Philp Parade, Tweed Heads South, the request for prohibitive parking is not supported, given adequate sight distance and traffic volumes, and the matter be referred to Council Rangers for enforcement.

7.3. Meridian Way, Tweed Heads

In relation to Meridian Way, Tweed Heads, the request for the installation of convex mirror, no stopping line and roundabout upgrade, are not supported. Transport for NSW do not support convex mirrors in high volume environments, the existing line markings are adequate and the road reserve is insufficient for a roundabout.

The Motion was **Carried**

VOTE FOR - Cr Chris Cherry (Mayor), Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Meredith Dennis, Cr Nola Firth, Cr Kimberly Hone, Cr James Owen

VOTE AGAINST - None

ABSENT. DID NOT VOTE - None

Q7. Could you please outline the community consultation that informed the limit on Bakers Road?

The Local Traffic Committee is made of representatives from the State Local Member, TfNSW, Police, Councillors and council officers.

Advance signage placed on Kyogle Rd

The sign is controlled by NSW Road Rule Reg 104 - This rule does not apply to a driver if the destination of the driver lies beyond a no trucks sign and there is no other route by which the vehicle could reach the destination or any other route by which the driver's vehicle could reach the destination would require the vehicle to pass another no trucks sign. In short if a truck has a legitimate reason to be on Bakers Rd it can enter the road.

The signage was promoted on Council' Facebook page, see here for details <https://www.facebook.com/share/p/1MpXj5dfbP/>

Q8. Can you please explain the safety risks that accompany large vehicles using Bakers Road?

The road's poor condition, narrow and winding alignment, and associated safety risks.

Q9. In terms of encouraging further rural housing supply, what success have Tweed Shire Council had in terms of their advocacy for a cap on short-term rental accommodation in Tweed?

Tweed Shire Council has a long history of advocating for stronger local mechanisms to manage short-term rental accommodation (STRA) in support of housing supply, including within rural areas. Council first commenced preparation of a Planning Proposal in 2015 to establish a clear framework for the permissibility and regulation of STRA, largely in response to growing community concern about the effects of STRA on local housing availability. However, this work was discontinued following the Department of Planning and Environment's exhibition of the State's Short-Term Rental Accommodation Planning Framework, which superseded Council's efforts.

Since that time, STRA has continued to expand within the Tweed without a locally tailored regulatory mechanism, and its prevalence is now well established. The NSW Planning Portals shows Tweed currently has 499 registered hosted premises for STRA and 727 non hosted registered properties

Hosting Type	Council Name	Property Status	No of Properties
ALL			2873
Hosted			1097
	TWEED SHIRE COUNCIL		1097
		Blocked	42
		De-Registered	556
		Registered	499
Non-Hosted			1776
	TWEED SHIRE COUNCIL		1776
		Blocked	70
		De-Registered	979
		Registered	727

To better understand the scale and localised impacts of STRA on housing supply, including in rural areas, Council resolved on 20 November 2025 to undertake an economic impact study into STRA within the Shire. This resolution included:

1. Considers the allocation of funding in the 2026/2027 budget and inclusion in the Operational Plan to support the undertaking of the economic impact study into the effects of short-term holiday letting within the Shire to form the basis of a Council policy position and subsequent advocacy to the NSW State Government around short-term holiday letting within the Tweed, subject to funding.
2. Brings back a report on the implications and mechanism for rating properties on a commercial basis if they are registered as STRA.

This resolution further supports the approach adopted by Council within the Tweed Affordable Housing Strategy which states:

1.5 - Council to petition the State Government to include Tweed Shire LGA as a prescribed area in Division 2 (Exempt development), Part 6 (Short-term rental accommodation) of the Housing SEPP, and advocate to introduce 'a 60-day cap on such short-term accommodation'.

Together, these resolutions and strategy actions (if endorsed when the budget is reviewed) will inform a detailed submission articulating the status of STRA within the Tweed and possibly substantiating Council's policy position in advocating for an STRA cap.

Q10. Are there any matters that were raised in evidence during the hearing on 8 December that you would like to address? If so, what are they and what are your responses?

Please find following quotes from the transcript with commentary regarding accuracy or clarification shown below each statement in red:

"Peter Bennett: Page 4 My first statement is that I'd really appreciate it if the inquiry could actually ask the relevant Minister to defer any further work on the current development control plan that has been put forward by the Tweed Shire Council regarding rural land housing until after the inquiry has made its own response to the matter. Proceeding with it at the moment would just be a waste of time if the inquiry actually comes up with something that the council won't abide."

Draft Tweed DCP has no controls that would necessarily hinder or assist the permissibility of two dwellings (detached) being allowed on rural land. The permissibility of rural detached housing sits in the statutory LEP not the DCP. The DCP contains merit-based controls that would affect the location of any proposed house (based on land constraints) but not permissibility.

The CHAIR: Page 5 Mr Bennett, I understand that the local council did in 2013 amend the LEP so that there could be second dwellings constructed, but only if they are attached to the primary residence.

PETER BENNETT: Yes."

Prior to LEP 2014 coming into effect in 2014 (the standard instrument LEP) Council had LEP 2000 that also allowed attached dual occupancy.

Peter Bennett Page 5 "We've got to have permission to have 450 square metres on any of those 5,000 properties"

Any house in a rural area could take more than 450m² of space. The total footprint of the additional dwelling needs to be taken into account. This includes any possible new driveway, the house envelope itself, any area needed for a bushfire asset protection zone, any area for an on site sewage management scheme. Then in addition there will be edge affects on any adjoining vegetation that need to be considered when taking into account the full impact of a second detached dwelling on another part of the rural property away from the primary residence.

"Peter Bennett: Page 5 But this council spends more money on litigation than it does on building roads. The CHAIR: Can I just stop you there? You're sure about that, more on litigation than on roads? PETER BENNETT: There's an inquiry. They're looking into how much they're spending now on it. I don't think anybody's got a figure on how it is, but they really spend some money on litigation."

The 2025/26 budget for roads is \$20,127,158, including operational maintenance and capital works, but excluding flood repairs from 2022, 2024 and 2025 natural disaster events. This figure also excludes budget allocations for stormwater drainage, footpaths and cycleways which complement and service the road network.

The 2025 total budget spent on legal costs across all of Council services was \$3,247,957 - more than \$500,000 of which is expected to be returned through costs awarded.

The CHAIR: Page 6 No, that's okay. Just before I hand over to my colleague, I am guessing that the reform in 2013, which did permit a second dwelling to be built but only if it's detached, has really done nothing to alleviate the problems that we're addressing, because the people want some privacy. "Peter Bennett: To have that additional help will relieve the 1,600 people who are currently living rough on this shire.

As detailed above attached dual occupancy has been permitted since LEP 2000.

2025 Department of Communities and Justice Rough Sleeper Count identifies there were 155 people sleeping rough in the Tweed in February 2025. Source: [2025 NSW Street Count Technical Paper](#)

The Hon. WES FANG: Page 7 I note that the council passed a motion supporting the addition of second dwellings to rural plots. Is everybody on council supportive of that motion? Do you have any information on that?

ITEM 17.2 - 2 October 2025

NOM - ALTERNATE MOTION

Cr Kimberly Hone

Cr Rhiannon Brinsmead

RESOLVED that Council make a submission to the NSW MLC Parliamentary inquiry into rural housing and second dwellings supporting second full-size detached dwellings on rural properties in excess of 10 hectares that:

1. Council makes a submission to the MNSW MLC Parliamentary inquiry into rural housing and second dwellings supporting second full-sized detached dwellings on rural properties in excess of 10 ha;

2. This policy position of second dwellings being supported on rural lots in excess of 10ha be reflected within the draft Growth Management and Housing Strategy and Rural Land Strategy, Implementation Plan to subsequently underpin any future rural housing amendments to the Tweed Local Environmental Plan;
3. The drafting of a Rural Lands DCP that provides planning and design guidelines on rural housing be prioritised; and
4. Investigate the ability to rate for a second dwelling in order to fund infrastructure requirements generated by second home.

The Motion was **Carried**

VOTE FOR – Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Kimberly Hone, Cr James Owen

VOTE AGAINST – Cr Chris Cherry (Mayor), Cr Meredith Dennis, Cr Nola Firth

"Craig Huf: Page 9 Because the criteria for rural workers' dwellings, my understanding is that you have to establish economic viability of your farming operation."

Clause 4.2C of the Tweed LEP 2014 applies:

4.2C Erection of rural workers' dwellings in Zones RU1 and RU2

- (1) *The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.*
- (2) *This clause applies to land in the following zones—*
 - (a) *Zone RU1 Primary Production,*
 - (b) *Zone RU2 Rural Landscape.*
- (3) *Development consent must not be granted to the erection of a rural workers' dwelling on land to which this clause applies, unless the consent authority is satisfied that—*
 - (a) *the development will be on the same lot as an existing lawfully erected dwelling house, and*
 - (b) *the development will not impair the use of the land for agriculture or rural industries, and*
 - (c) *the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and*
 - (d) *the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.*

In regard to 3(c) there are no rules regarding how to interpret this provision.

One of the things that Council is putting to the Government is removing part (d), to remove the isolation provision. But we're still recommending support of that economic capacity, because if you're approving a second house for the purposes of rural workers'

accommodation, it is good practice to make sure that that land is being used for farming purposes and can viably sustain a second worker.

"John Colvin: But at the time of my submission there were all these houses zoned uninhabitable for no reason other than that they'd been in a flood."

This refers to the NSW Reconstruction Authority buyback homes bought back after the 2022 floods due to risk to life, and are not under the control of Council.

"The Hon. WES FANG: In those circumstances, why was it that council sent the Mayor, somebody that voted against the proposal, to represent council at this hearing today?"

As was advised to Cr Hone prior to the hearing and Committee members may be aware, Section 226c of the Local Government Act, 1993 prescribes that it will be the Mayor who represents the resolved position of Council. The Mayor made representations to the Committee and was successful in securing an additional speaking place for Cr Hone.

"The Hon. WES FANG: I noticed, when the mayor gave evidence, she made a request of the Committee to look at the ability for councils to charge rates on second dwellings if that was the case. When I asked her about whether that motion had passed, she indicated that it had. But I've had a look at some of the council records, and the amendment that the mayor put up in relation to rates for a second dwelling actually failed. You spoke about amending the ability for council to get community—

KIMBERLY HONE: Contributions, yes.

The Hon. WES FANG: Contributions. The mayor didn't indicate that at all in her submission. Is that part of the reason why you think the mayor wanted to actually appear today, pretending that she was actually supporting what the council had passed but, in effect, pushing her own agenda that she couldn't get passed at council?"

This is incorrect. The motion moved by Cr Hone and passed by Council on October 2, 2025 as detailed above includes resolving to investigate the ability to rate second dwellings in point 4:

"4. Investigate the ability to rate for a second dwelling in order to fund infrastructure requirements generated by second home."

"The Hon. WES FANG: So the mayor provided misleading evidence to this Committee?"

This is incorrect as per above.

The CHAIR: I heard the mayor. The mayor sounded like she was supportive of the concept. But Councillor Hone moved a motion and only two councillors voted against it, so I rule that Mr Fang's questions are in order.

This is incorrect as per record of voting on the resolution above.

BERND JERZYNA: Page 19 We're about to submit a DA, hopefully this year still, but because we cannot have the dual occupancy, we need to decommission the original house, which in our case probably means that we will have to remove the kitchen, all the cupboards and the plumbing. We have the laundry under the house that will have to go. We find it a complete waste of resources to do that just to allow us to stay on the land really. It's an additional cost for us, removing the kitchen, and it will devalue the house. It's a perfectly functioning nice house that could have many, many uses while we're still in a different dwelling on the property.

Note: DA Lodged on 8 January 2026 it will be assessed on its merits (DA26/0004) you can see the application [here](#)

The Hon. WES FANG: Page 22 They didn't try to work with you? They didn't try to find a way to keep what is effectively a perfectly good 50-square-metre house and allow you to then build a house that is suitable for your stage of life?

Council can not receive a DA for development (for consideration) which is prohibited. Detached dual occupancies represent prohibited development at the moment.

The Hon. WES FANG: Page 31 Who voted against the motion?

KIMBERLY HONE: Page 32 The mayor and our Greens councillor.

ITEM 17.2 - 2 October 2025

NOM - ALTERNATE MOTION

Cr Kimberly Hone

Cr Rhiannon Brinsmead

RESOLVED that Council make a submission to the NSW MLC Parliamentary inquiry into rural housing and second dwellings supporting second full-size detached dwellings on rural properties in excess of 10 hectares that:

1. Council makes a submission to the MNSW MLC Parliamentary inquiry into rural housing and second dwellings supporting second full-sized detached dwellings on rural properties in excess of 10 ha;
2. This policy position of second dwellings being supported on rural lots in excess of 10ha be reflected within the draft Growth Management and Housing Strategy and Rural Land Strategy, Implementation Plan to subsequently underpin any future rural housing amendments to the Tweed Local Environmental Plan;
3. The drafting of a Rural Lands DCP that provides planning and design guidelines on rural housing be prioritised; and
4. Investigate the ability to rate for a second dwelling in order to fund infrastructure requirements generated by second home.

The Motion was **Carried**

VOTE FOR - Cr Reece Byrnes (Deputy Mayor), Cr Rhiannon Brinsmead, Cr Kimberly Hone, Cr James Owen

VOTE AGAINST - Cr Chris Cherry (Mayor), Cr Meredith Dennis, Cr Nola Firth

Thank you for the opportunity to answer the additional questions.

For more information, please contact Denise Galle on

Yours faithfully

Denise Galle

Director Planning & Regulation

TWEED SHIRE COUNCIL - MEETING TASK SHEET

User Instructions

If necessary to view the original Report in Resolve, view it here. - [Click to View Agenda Item](#)

ACTION ITEM - Council Meeting - 17 July 2025

TITLE: Development Application DA25/0086 for use of an existing farm building (Farm Building 1), construction of a farm building (Farm Building 2) and 3 into 2 lot subdivision and associated works in 2 stages at Lot 1 DP 1172372 & Lot 1 DP 1238282 & Lot 10 DP 1131920 No. 300 Bakers Road, Dunbible

STAFF RECOMMENDATION

That:

1. Development Application DA25/0086 for use of an existing farm building (Farm Building 1), construction of a farm building (Farm Building 2) and 3 into 2 lot subdivision and associated works in 2 stages at Lot 1 DP 1172372 & Lot 1 DP 1238282 & Lot 10 DP 1131920 No. 300 Bakers Road, Dunbible be approved subject to the conditions attached to this report.
2. ATTACHMENT 5 is CONFIDENTIAL in accordance with Section 10A(2) of the *Local Government Act 1993*, because it contains:
 - (e) information that would, if disclosed, prejudice the maintenance of law.

MEETING RESOLUTION

Cr Rhiannon Brinsmead
Cr James Owen

RESOLVED that:

1. Development Application DA25/0086 for use of an existing farm building (Farm Building 1), construction of a farm building (Farm Building 2) and 3 into 2 lot subdivision and associated works in 2 stages at Lot 1 DP 1172372 & Lot 1 DP 1238282 & Lot 10 DP 1131920 No. 300 Bakers Road, Dunbible be approved subject to the conditions attached to this report.
2. ATTACHMENT 5 is CONFIDENTIAL in accordance with Section 10A(2) of the *Local Government Act 1993*, because it contains:
 - (e) information that would, if disclosed, prejudice the maintenance of law.

The Motion was **Carried**

VOTE FOR - Cr Chris Cherry (Mayor), Cr Rhiannon Brinsmead, Cr Reece Byrnes, Cr James Owen

VOTE AGAINST - Cr Meredith Dennis (Deputy Mayor), Cr Nola Firth

ABSENT. DID NOT VOTE - Cr Kimberly Hone