

Our Ref: TDCA:2016066/Sub1

19 March 24

The General Manager,  
Tweed Shire Council,  
PO Box 816,  
Murwillumbah NSW 2484

**By email: [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au)**

Dear Sir,

***Tweed Growth Management and Housing Strategy Draft Options Paper (the Housing Paper)***

Thank you for the opportunity to comment on the Housing Paper.

**TDCA Meeting**

A public meeting was held by the TDCA in Tyalgum on 15 February 2024, and the Housing Paper was discussed at length. Our community has people who fully support further development and people who actively oppose it. Both views were expressed at our public meeting.

This submission adopts a practical middle ground. People have to live somewhere, Tyalgum is a beautiful place to live, and more and more people are going to make the choice to live here. They are doing so now. We feel it is important to recognise the real challenges that already exist for our community, and to raise them for your consideration as part of the Housing Paper.

We note the **Change 58** is specifically proposed for Tyalgum, and provide feedback on that proposed change, as well as other issues that were raised by our community at the General Meeting. These matters will be outlined further below.

At the outset, it should be noted that the TDCA recognises that Australia's population will continue to grow, and that the Tweed Shire will experience at least proportionate growth in line with the national growth. Tweed Shire may even experience higher growth than other areas in Australia as people continue to leave our capital cities in search of a more sustainable lifestyle. Improved technology and pandemic related

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changes in work practices mean many people can work from home, and that makes Tyalgum a viable place to live for many professionals and business people. Our valley has many attractions for technology workers and businesses, and it will not be surprising if population growth exceeds all current projections.

In Tyalgum, it is noticeable that our population has increased, and our demographic has changed, with many people moving here from urban areas during the pandemic. These changes were happening already pre-pandemic, but were accelerated during the pandemic. Many people have chosen Tyalgum and its surrounds as a place to live because of its relative isolation, its close proximity to Murwillumbah and its rural location.

The challenge for our community and for the TSC is that accurate numbers of residents in and around Tyalgum are difficult to assess, and are likely significantly higher than the census might indicate.

Further, Tyalgum is becoming an increasingly important tourist destination. Award winning tourism businesses are in Tyalgum and need suitable infrastructure. Reliable transport connections and safe roads are a must.

Right now, the services and infrastructure required to support our community are lacking. For example, despite higher than usual rainfall in recent years, the Tyalgum Weir has not been adequate, and water restrictions have been imposed multiple times.

Further, the 'Extreme' landslip on Tyalgum Road has still not been repaired more than 2 years after the landslip occurred. Ongoing works on the site, whilst necessary and much appreciated, continue to disrupt the lives of our community members on a daily basis.

We say these things not to discourage future population growth, because that will happen anyway. But rather to illustrate that neither our infrastructure (roads, water, wastewater, power and communications) nor our services (transport, aged care, medical support, access to high schools, NSW Police, Fire & Ambulance) are adequate for our existing population, let alone an increased population.

Tyalgum needs better and more resilient infrastructure. Tyalgum needs better services. Tyalgum needs a critical mass of population to support these improvements, as well as to create and grow business and employment opportunities.

Tyalgum needs the support of the TSC to achieve these outcomes.

With these preliminary observations in mind, we comment on Change 58 below.

## **Tyalgum's Concerns regarding change 58**

Much of the discussion at the Meeting centred on this particular change 58. We refer to Figures 1 and 2 annexed showing the current zoning in and near to the Village.

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## *Existing RU5 land*

The first observation is that there is already more than **30 acres** of undeveloped land in the Village zoned RU5. That land is currently for sale<sup>1</sup> because the current owners say they are exasperated at their attempts to develop that land. They say that TSC has blocked their attempts at development of the property. We will not comment on the accuracy of that assertion, but it does appear strange to us that a new parcel of land is proposed to be re-zoned<sup>2</sup> in this Housing Paper, when an existing 30 acres of RU5 land has yet to be developed.

In our view, the existing RU5 property is entirely flood free, elevated with an attractive aspect, is in direct connection with the Village, and from our perspective at least, appears to be an entirely appropriate place for a new housing development suitable to house many new residents.

Question: Can you please explain why existing RU5 zoned land (20 Brays Creek Road) is not included in the study. Was it even considered? If not, why not?

## *The proposed property on Tyalgum Creek Road*

The area identified in **Change 58** is a considerably larger area than the existing village footprint. It is difficult to comment on the merits of expanding the footprint of the village by several multiples when there is no further detail provided. There is no description as to the zoning change proposed (RU5 or R5 or a combination), the proposed size of the blocks, what 'diversity' of housing types means, whether social housing is being considered, or any other relevant consideration.

It was also asserted at the TDCA meeting that the current owners knew nothing about their property being included in the Housing Paper. If true, that is extraordinary.

Question: Can you please confirm that the current owners consented to their property being included in the Housing Paper?

It is noted that the 'WWTP' (sewage treatment) is noted as an issue. But what about drinking water? Road access? Transport Links?

We also note the reference to the R5 zoning to the north of this property (across Tyalgum Creek Road).

Question: Does that mean this block (Change 58) is proposed to be re-zoned R5, as distinct from RU5 or some combination of those two Land Zones?

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<sup>1</sup> <https://www.realestate.com.au/property-house-nsw-tyalgum-141163464>;  
<https://www.domain.com.au/20-brays-creek-road-tyalgum-nsw-2484-2019095479>

<sup>2</sup> Although it is unclear whether the proposal is RU5 or R5 or some combination of these zones.

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The lack of even this high-level of information is a concern.

In short, the proposal raises many questions and provides precious little guidance. Doing so leaves our community in doubt as to what is proposed, and polarises opinion unnecessarily. Those opposed to development in Tyalgum are rightly suspicious of the lack of detail, and those supportive of development cannot support such a vague proposal that lacks any substance.

Indeed, there is a school of thought in the community that **Change 58** was put forward to deliberately arouse local resistance to further development in our community, so that the TSC can justify not investing further in our infrastructure and services. Indeed, the Housing Plan displays a clear 'East of Murwillumbah' preference for future housing development.

From a Tyalgum perspective "**Challenge 9**" in the Housing Paper is a false statement.<sup>3</sup> The conclusion that "population and demand for dwellings in rural villages areas are anticipated to decline" is not only unsupported, it is self-evidently false. The assertion is contrary to ever-increasing real estate demand (reflected in prices for both buying and renting dwellings) in Tyalgum and surrounding areas. Coolman Street foot and vehicle traffic has never been busier. The LPO has more Post Office boxes sold to residents than ever before. Whoever wrote this Challenge 9 didn't ask the residents of Tyalgum.

From the perspective of the Tyalgum community, we feel largely forgotten by the TSC. It should be recalled that Tyalgum has experienced a number of challenges in recent times, including:

- being isolated during flood events in both March 2022 and New Year's eve 2023
- the tardy repair of the extreme landslip on Tyalgum Road.

We appreciate that floods are outside TSC control, and the repairs on Tyalgum Road are technically challenging, expensive and funded by other levels of Government.

Nevertheless, our community has been severely impacted, and those impacts continue to be felt today more than 2 years after the landslip occurred. The 'Recovery' aspect of disaster management has been disappointingly slow, and the 'Resilience' aspect has not been improved upon either. It is a short step from there to conclude that TSC does not support population growth in Tyalgum, with a consequential adverse outcome for existing residents and businesses.

**Challenge 9** and **Settlement Principles 4 and 8**,<sup>4</sup> when read together, reinforce the perception that TSC is intending to focus on population growth on the coastal fringe, and population growth in Tyalgum and surrounds is not going to be

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<sup>3</sup> Page 9.

<sup>4</sup> Page 44.

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supported at all. We would appreciate being persuaded otherwise by concrete TSC Policy change.

**Changes 72 and 77** together, if properly implemented, would result in the construction of second dwellings by landowners on existing properties that already have a dwelling. This would give a short-term boost to housing stocks to alleviate the housing crisis and result in sensible population growth around our village that would be funded by current landowners at no cost to Council.

This would result in new housing stock becoming available without the need to re-zone any property.

All that is required is a change in TSC planning policy and zoning rules, and the removal of the regressive Road Contribution Levy, which collectively impose outdated administrative and financial restrictions on the construction of secondary dwellings in Tyalgum and surrounds. These matters are entirely within the control of Council.

## Further Observations

### *Tiny Homes*

Our Meeting repeatedly heard that the proposed **Change 58** appeared to be 'old-fashioned' thinking. We have to agree.

Australia's population is growing. New housing has not kept pace with population growth. It is a matter of notoriety that the property market has rapidly outstripped people's ability to afford a home,<sup>5</sup> and the vacancy rate for rentals is at an historic low.<sup>6</sup>

Yet the Housing Paper appears to be almost charmingly anachronistic in its approach to meeting these challenges by mere 're-zoning' of one particular property to allow future development near to the Village sometime down the track. Given the current pace of processing TSC DA applications and approvals,<sup>7</sup> it would be years before any development proposal was approved, let alone begin construction.

The solution being offered (the Housing Paper in general and **Change 58** in particular) does not even begin to solve the problem of housing or population growth or having a sustainable population and resilient infrastructure in Tyalgum and surrounds. **Change 58** is an inadequate response to the issues our community faces.

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<sup>5</sup> <https://www.proptrack.com.au/insights-hub/proptrack-housing-affordability-report-2023/>

<sup>6</sup> <https://www.brokernews.com.au/news/breaking-news/historic-lows-in-rental-supply-intensify-tough-conditions-for-renters-283990.aspx>

<sup>7</sup> And noting Change 72 with approval

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It is notable that Tiny Homes are not referenced in the report at all, despite being an obvious and even compelling option for housing in the Tweed.<sup>8</sup> Tiny Homes, cabins, sheds, caravans and other forms of shelter are being used right now everywhere in the Tweed Valley. If that were not the case, hundreds or possibly thousands of people would be made immediately homeless. Yet this Housing Paper completely ignores the issue other than to describe such dwellings as 'illegal'.<sup>9</sup>

Frankly, describing the victims of a housing crisis as living in 'illegal dwellings' is incredibly unhelpful. Ignoring the housing crisis or describing the solutions that people adopt to put a roof over their head as 'illegal' will neither fix the problem nor make it go away.

There is no consistency in Australia with how Tiny Homes are managed,<sup>10</sup> and that in itself is a compelling problem that ought to be considered in any serious Housing Paper.

A new mind-set is required. Other Councils are getting on board.<sup>11</sup> Some are being compelled by the Courts to do so.<sup>12</sup> The TSC Tiny Homes Policy is out of step with the need for affordable housing, including Tiny Homes.<sup>13</sup>

The TDCA recommend that TSC reviews its Tiny Homes policy to be practical and affordable. An 'approved compliant solution' for Tiny Homes would be a sensible and cost-effective way forward for residents and Council alike.

## *Other proposed changes*

In relation to other relevant changes, we comment as follows:

- **Change 62 Build the housing capacity and capability of Rural Villages** is of vital importance to Tyalgum and is fully supported.
- **Change 67 - Building community resilience to natural hazards** is of vital importance to Tyalgum and is fully supported. The Change should be extended to all TSC infrastructure, not just housing.
- **Change 72 - Improve processes and systems related to the assessment of development applications** would be most welcome. The cost and time

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<sup>8</sup> <https://theconversation.com/councils-are-opening-the-door-to-tiny-houses-as-a-quick-affordable-and-green-solution-217267>

<sup>9</sup> Housing Paper Change 77 and Table 12.

<sup>10</sup> <https://tinyhouse.org.au/tiny-house-regulations/planning-regulations/>

<sup>11</sup> <https://www.theguardian.com/australia-news/2023/sep/25/tiny-houses-australia-councils-allow>

<sup>12</sup> [https://www.qld.gov.au/\\_data/assets/pdf\\_file/0016/111715/finaldecision39-16.pdf](https://www.qld.gov.au/_data/assets/pdf_file/0016/111715/finaldecision39-16.pdf) and <https://www.abc.net.au/news/2016-12-01/couple-wins-right-to-keep-tiny-house-in-brisbane-backyard/8082950>

<sup>13</sup> <https://www.tweed.nsw.gov.au/property-rates/property-residents/property-maintenance/moveable-dwellings>

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involved with DAs merely encourages non-compliance. Efficiency in terms of cost, time and outcome is essential. The Road Contribution Levy unfairly discriminates against Tyalgum residents, and is a further encouragement to non-compliant development occurring. The Road Contribution Levy should be scrapped in its current form. The maximum road levy is being imposed on the smallest number of people (2% of the Shire's population) and who can least afford the cost. It is a regressive and punitive tax that fails to comply with any of the principles of good taxation.<sup>14</sup>

- **Change 77 Increasing the supply and diversity of housing in rural areas** is well noted, and is fully supported. It is a long overdue reform. It would be a straightforward administrative change.

If you have any questions, please contact our secretary on the email below.

Yours faithfully,

**Tyalgum District & Community Association Inc**

**Contact:** Salsa Junior - Secretary  
**Email:** [admin@tyalgum.org.au](mailto:admin@tyalgum.org.au)

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<sup>14</sup> Particularly Principle 2 – The tax should **reduce inequality**; and Principle 3 – The tax should be levelled on those who are **best able to pay** <https://australiainstitute.org.au/wp-content/uploads/2021/07/Principles-of-a-good-tax-WEB.pdf>

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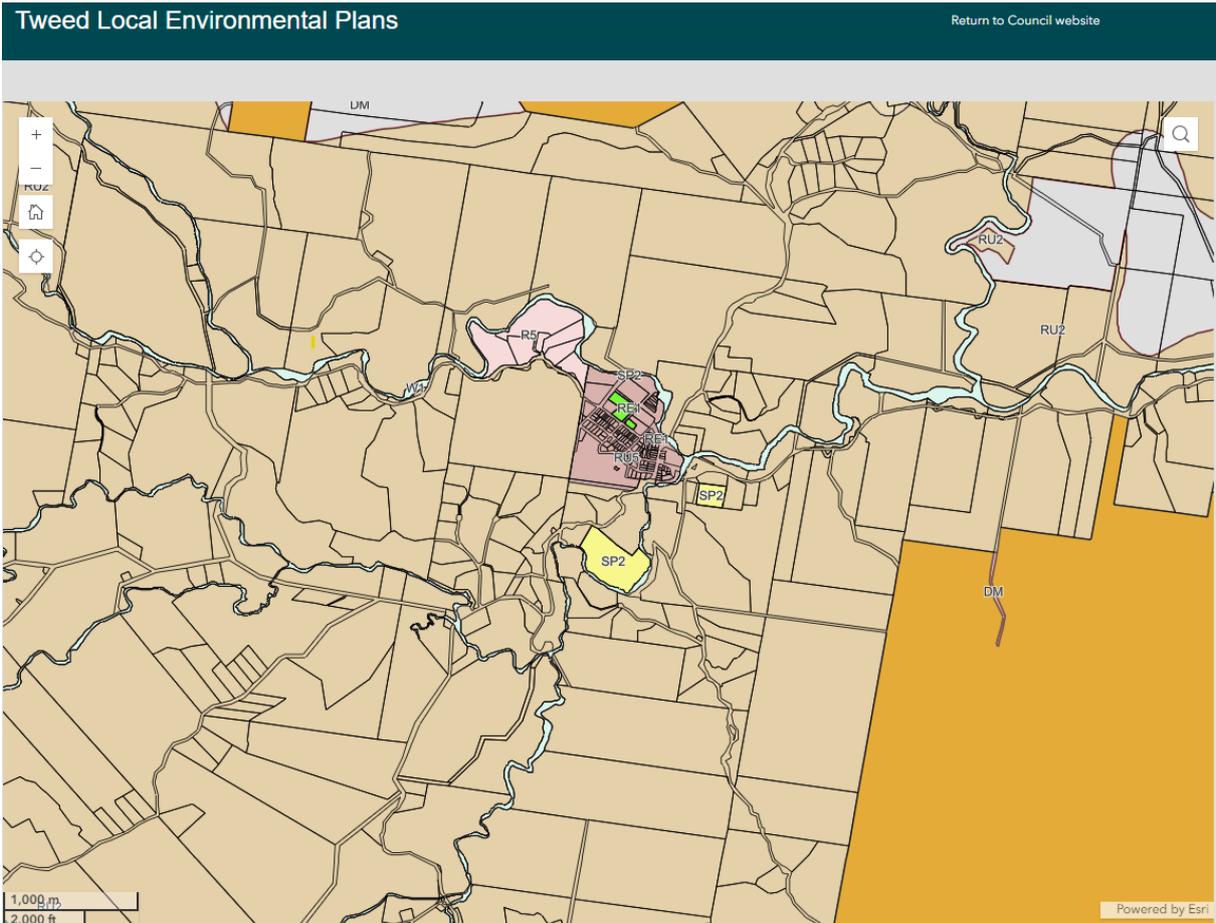


Figure 1 - Land Zoning for Tyalgum and surrounds -RU2, some R5 large lot, and Village RU5

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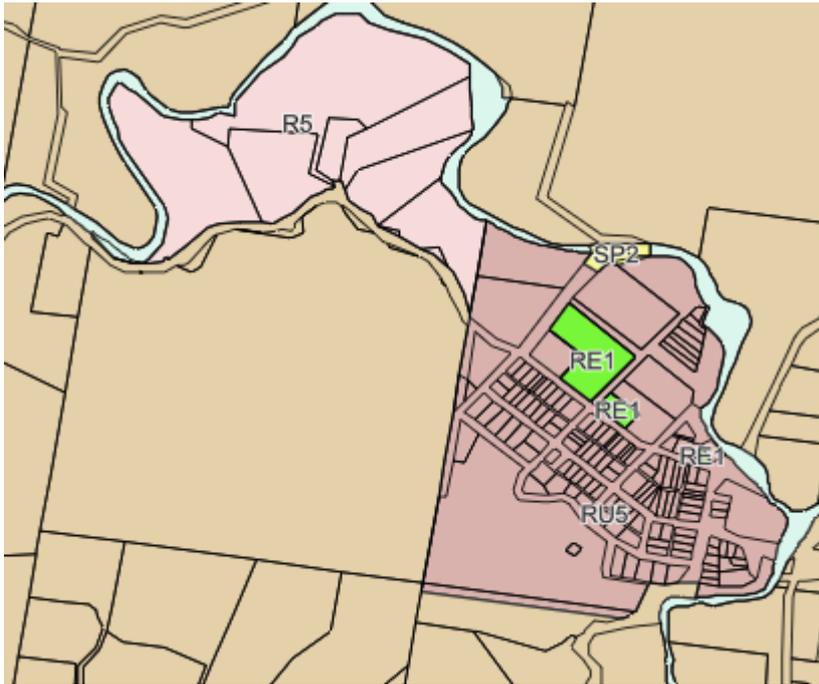


Figure 2 - Tyalgum Village – note the undeveloped RU5 portion to the south west of the Village

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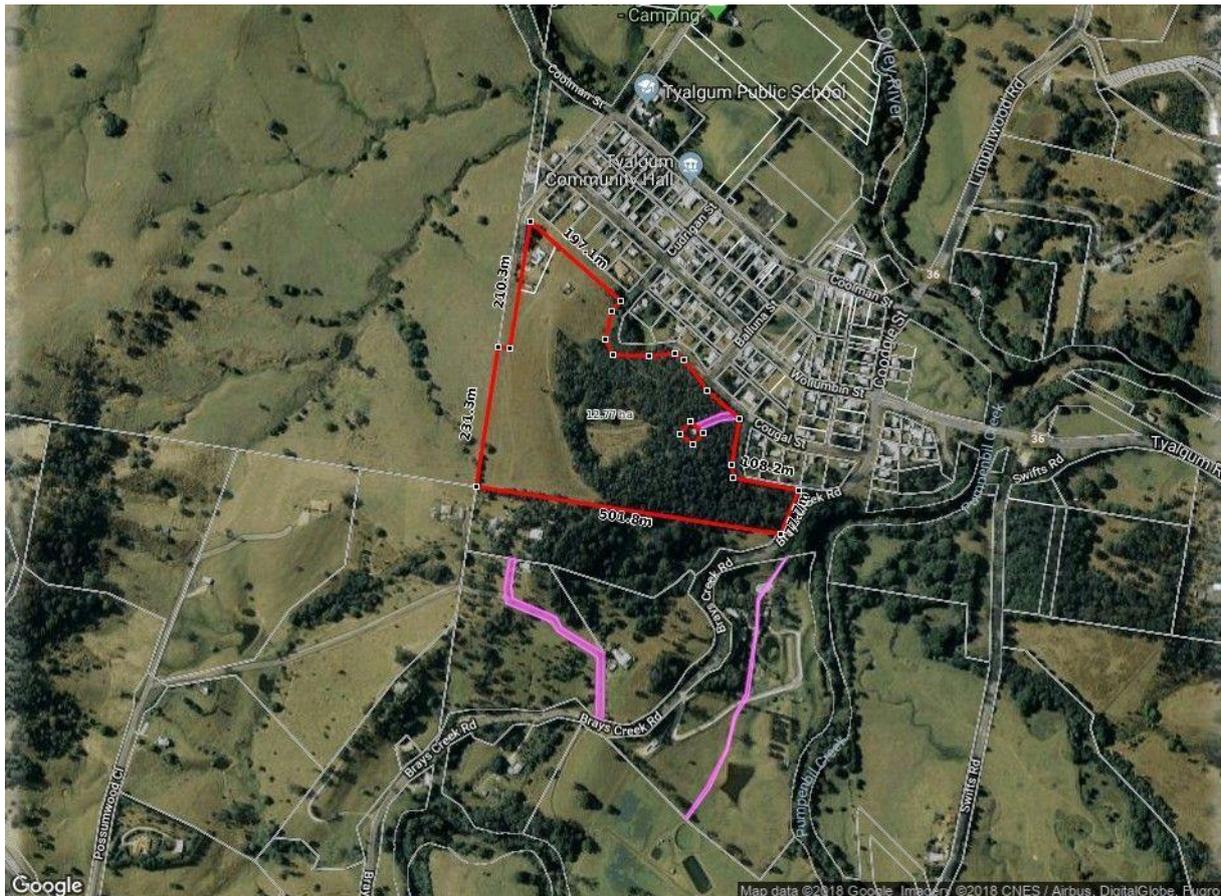


Figure 3 - <https://www.domain.com.au/20-brays-creek-road-tyalgum-nsw-2484-2019095479>

<https://www.realestate.com.au/property-house-nsw-tyalgum-141163464>

## Development Potential on 12.75Ha (31.49 Acres)

### 20 BRAYS CREEK ROAD, TYALGUM

Nestled within the charming village of Tyalgum, discover a truly unique opportunity - an expansive acreage graced with the coveted RU5 Zoning. This gem stands as one of the final village-zoned parcels within the Tweed Shire, offering the exciting potential for subdivision (Subject to Council Approval).

A legacy spanning over 80 years, this property presents itself proudly, perched atop the landscape to provide breathtaking vistas of the enchanting border ranges, including the breathtaking views of the Iconic Mount Warning. Convenience meets accessibility as water, power, and phone connections are readily available.

Today, seize the chance to turn your dreams into reality and secure this remarkable property. Embrace the beauty, the history, and the potential that await within this one-of-a-kind estate.