

7 August 2018

Our Ref: NEW 17/152

General Manager
Tweed Shire Council
P O Box 816
Murwillumbah NSW 2484

Attention: Vince Connell

Dear Sir

Tweed Development Control Plan 2008, Section B15 – Seabreeze Estate – Potential School Site

Tweed Development Control Plan 2008, Section B15 nominates Stage 18 (Lot 1747 DP 1215252) of the Seabreeze Estate as a potential school site. This designation has existed in substantially the same form in the relevant DCP since 2000.

Following upon many years of unsuccessful attempts to interest educational providers in acquiring the site, the landowner submitted to Council in 2012 that it was appropriate that the Development Control Plan be amended to remove the designation of the land as a school site. After extensive consultation with the Department of Education the Director of Planning reported the request to the Council in terms that supported its acceptance and the removal of the designation.

At its Meeting on 14 February 2013, Council resolved as follows in relation to the DCP and the school site:

- “1. Receives and notes the further advice received from NSW Department of Education and communities that the site is not required for departmental education purposes at this time; and*
- 2. receives the proponent’s request to amend the Development Control Plan thereby retaining the existing Section B15 of the Tweed Development Control Plan 2008; and*
- 3. Reviews the education infrastructure strategies and controls contained within the Tweed Development Control Plan 2008, Section B21 Pottsville Locality Based Development Code and this be undertaken as part of the Planning Reform Unit’s general maintenance program endorsed in its Work Program 2012-2015, and*
- 4. Notes the earmarking of the ‘Potential Future School Site’ in the existing Section B15 to be reviewed, if requested, no earlier than 2018.”*

In keeping with the Council's current position and the resolution of the 14th of February 2013, the landowners have instructed us to request Council review Section B15 and delete the designation of the land as a potential school site. In support of that request we draw attention to the following matters:

- (1) The Department of Education has advised that their most recent investigations, which occupied the attention of the Commissioner in the Land and Environment Court Appeal concerning DA15/0422 (paragraphs 58 – 62) have concluded. The result of those investigations is, we understand, the following:
 - (i) There is no demand for a High School or Primary School in the Pottsville area.
 - (ii) They have recently announced a major upgrade and reorganisation of the educational infrastructure for the Tweed Coast area including the Pottsville catchment. This is constituted by the closure of the Kingscliff Primary School and redevelopment of the educational precinct presently constituted in the Kingscliff High School and Kingscliff TAFE; which will now encompass a new Primary school and involve the use of shared infrastructure (parking etc).
- (2) No acceptable offer has been received from a private school to purchase Stage 18 despite the fact that the site remains available for purchase.
- (3) The land is zoned for R2 Low Density Residential under the provisions of Tweed Local Environmental Plan 2014. The primary objectives of the zone are as follows:

"1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents."*

While development for the purposes of an "educational establishment" is permissible, with development consent, in the R2 zone, it is unreasonable to sterilise the land from being developed for residential purposes, as contemplated by the R2 zone objectives, on an indefinite basis, particularly given that it is not required for a public primary or high school, and there is a very high demand for residential land in Pottsville.

- (4) The land has been available as a school site since approximately 2000. The Department of Education asked for and were issued a contract to purchase the land for a school in 2003. The Department did not proceed with the purchase at that time, presumably because there was insufficient demand. The Department has repeatedly indicated that it is not interested in acquiring the land or any other land within the Pottsville Village or its immediate surrounds. The two major independent education providers, Catholic Education and Anglican Education have indicated they have no interest in acquiring the site. The only interest from an independent school provider was from the Pacific College Group who have not made a commercially realistic offer.
- (5) In a strategic context, the DCP is no longer relevant as the peak State Education Body for primary and secondary education clearly does not require the site and no private school operators have made a satisfactory offer to purchase the property. The Dunloe Park Urban Release Area is now moving towards the rezoning stage. If additional schools are required, the demand will be generated from Dunloe Park and it is appropriate in a strategic planning context that the school site be provided at Dunloe Park.

Having regard to all of the circumstances, Council is requested to amend Section B15 to delete reference to the school site on Seabreeze Estate Stage 18.

Please do not hesitate to contact Darryl Anderson should you require any further information in relation to this matter.

Yours faithfully
DAC Planning Pty Ltd


per Darryl Anderson
Director