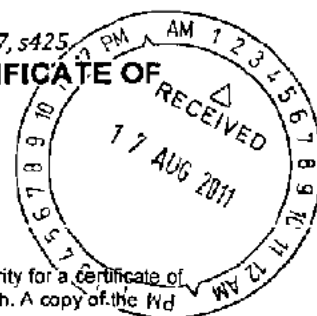



ACT
 Government

 Environment and
 Sustainable Development

Planning and Development Act 2007, s425

APPLICATION FOR CERTIFICATE OF COMPLIANCE


Section 296 of the *Planning and Development Act 2007* states that a lessee may apply to the Planning and Land Authority for a certificate of compliance. In applying for the certificate, please ensure that all provisions of your Crown lease have been complied with. A copy of the certificate of occupancy and use must be provided at the time of lodgement of this application.

Lease Details *Please Print*

 Block

 Section

 Unit (if applicable)

 Suburb

 District

 Street Address
Applicant Details *Please Print*

 Surname

 First Name

 Postal Address

 Suburb

 State

 Postcode

 Phone Number Business Hours

 Mobile

 EMAIL ADDRESS
Lessee (Property Owners) Details *Please Print*

 1st Lessee's Details

Life Projects Ltd

 Surname

 First Name

 Postal Address

 Suburb

 State

 Postcode

 Phone Number Business Hours

 Mobile

 EMAIL ADDRESS

2nd Lessee's Details

Surname First Name

Postal Address

Suburb State Postcode

Phone Number Business Hours Mobile

EMAIL ADDRESS

All lessees must sign authorising the lodgement of this application. In doing so the lessee gives authority to the applicant to negotiate any dealings in relation to the application through to its determination. If there are more than two lessees please ensure that the details and authorisation are attached to the application.

Applicant and Lessee Declaration

I/we declare that all the information given on this form and its attachments is true and correct.

If signing on behalf of a company, organisation or Government agency:-

I/we the undersigned, declare I/we have the appropriate delegation or authority to sign on behalf of the company, organisation or Government agency.



Applicant Signature (s) Date

Lessee's Signature Date

2nd Lessee's Signature Date

All lessees must sign authorising the lodgement of this application. In doing so the lessee gives authority to the applicant to negotiate any dealings in relation to the application through to its determination. If there are more than two lessees please ensure that the details and authorisation are attached to the application.

Privacy Notice

The personal information on this form is being collected to enable processing of your application. Collection of personal information is authorised by Chapters 7, 8 and 9 of the *Planning and Development Act 2007*. The information that you provide may be disclosed to the ACT Revenue Office and the Registrar-General's Office. The information may be accessed by other government agencies, ACTEWAGL, ACTEW Corporation and other commercial organisations interested in development and building information.

Contact Details:

Environment and Sustainable Development Directorate
 Customer Service Centre
 GPO Box 1908, Canberra City 2601
 16 Challis Street, Dickson ACT 2602
 Business Hours: 8.30am to 4.30pm weekdays (excluding Public Holidays)
 Phone: (02) 6207 1923 Fax: (02) 6207 1925 TTY: (02) 6207 2622
 Email: actpla.customer.services@act.gov.au Website: www.actpla.act.gov.au

Office Use Only

Date lodged ---/---/--- C of O provided Lessee Details Checked (TARQUIN)

Receiving officer: _____


ACT

Government

 Environment and
Sustainable Development

Assessment of Non-Single Residential Compliance Certificate

Block: 3 **Section:** 94 **Division:** Charnwood

Date Application lodged: 17 August 2011

Sale Involved? No

Purpose Clause

- (e) To use the premises for any one or more of the following purposes only:
- (i) Aged Care Facility;
 - (ii) Caretaker's Residence;
 - (iii) Child Care Centre;
 - (iv) Craft Workshop;
 - (v) Community Activity Centre;
 - (vi) Community Theatre;
 - (vii) Cultural Facility;
 - (viii) Educational Establishment;
 - (ix) Health Facility;
 - (x) Indoor Entertainment Facility;
 - (xi) Indoor Recreational Facility;
 - (xii) Outdoor Recreation Facility;
 - (xiii) Oval;
 - (xiv) Place of Assembly;
 - (xv) Place of Worship;
 - (xvi) Religious Associated Use;
 - (xvii) Restaurant; and
 - (xiii) Tourist Facility

AND ANCILLARY THERETO shop (excluding the sale of food other than take-away food) restricted to a maximum gross floor area of 250 square metres;

Lease Commencement Date:	22 December 2000	Provision Met Y/N?
Lease Grant Date:	22 December 2000	
Stage 1: Oval carparking, lighting, paving and landscaping		
Commencement Expiration Date Stage 1:	29 June 2001	N
Date of Commencement Stage 1:	Not Commenced	
Completion Expiration Date Stage 1:	29 June 2006	
Stage 2 Refurbish existing building		
Commencement Expiration Date Stage 2	29 June 2001	
Inspection report – Slab Reinforcement	2 August 2001	N
Completion Expiration Date Stage 2: 50% of Existing building and community activity centre of not less than 500 GFA	29 June 2002	
Date of Completion (Certificate of Occupancy) Stage 2: Partial for Zones 1, 2, 4, 5E, 6E and main corridor only	12 December 2001	
Extended Dates (if required)		
Commencement Covenant Extended Date:		
Completion Covenant Extended Date:		
Associated Works Commencement Extended Date:		
Associated Works Completion Extended Date:		
Facilities Completion Extended Date:		
Hydraulic mains, Stormwater drains, Sewer lines completion Extended Date:		
Storage areas, carparking, illumination completion Extended Date:		
Paving and landscaping completion Extended Date:		

3 (a) Development Covenant:

3 (b), (i) Commencement of Development Stage 1:

3 (b), (ii) Commencement of Development Stage 2:

3 (c), (i) Completion of Development Stage 1:

3 (c), (ii) Completion of Development Stage 2:

3 (e) Purpose:

3 (f) Gross Floor Area:

3 (g) Carparking:

3 (h) Paving and Landscaping:

3 (i) Vehicular Access:

3 (j) Signs:

3 (k) Preservation of Trees:

3 (l) Building Height:

3 (m) Lighting:

3 (n) Disable Persons Access:

3 (o) Service Areas:

Next Action:

(NAME)
Inspector

Land and Lease Regulation Unit

Date

PALM
 File Edit Create Update Terminate Manage Reports Window Help

Leases

Lease Summary | Lease Details | Lease Advice | Rent | Unit Details | Panel Details

Lease No	Licence ID	Lease Type	Status	Status Date	Term	Expiry	Payout
1051546		STANDARD (LP&E)	GRANTED	22-Dec-2000	97yrs 6m	29-JUN-2098	

Lease Purpose

Code	Description
3203	RESTAURANT
24102	CRAFT WORKSHOP

Lease Advice

Advice No	Lease Role	Status
102020	REGRANT	SENT
103207	REGISTERED TRANSFER	SENT

Block

District	Division	Section	Block	Status
BELCONNEN	CHARNWOOD	94	3	PDL

Title

Vol	Folio	Edition	Type	Registered
1596	7	-1	DRIG	04-JAN-2001

Lessee

Name and Address

Status: CURRENT (selected), PAST

Development Compliance

District/Division: CHARNWOOD | Section: 94 | Block: 3 | Unit: | Status: GRANTED | Status Date: 22-DEC-2000

Transfer Type: | Pre Compliance Tfer Date: |

Stage Reached: | Stage Reached Date: |

Commence by: 29-JUN-2001 | Ext No: | Complete by: 29-JUN-2006 | Ext No:

Inspection Request Date: | Site Inspected Date: |
 Landscape Request Date: | Landscape Clearance Date: |
 Roads Maint Request Date: | Road Mains Clearance Date: |
 Plumbing Approval Date: | Compliance Approval Date: |

Bond Amnt: | for EOT until 29/6/2008 sought to comply wit ...

Ext. of Time: | C of O: | Date: | Rent: |

Full Compliance
 Cert. No: | Issued Date: | Collector: |

Partial Compliance
 Cert No: | Issued Date: | Collector: |

Note: |

Record: 1/1



From: Chu, Jack
Sent: Monday, 19 September 2011 4:12 PM
To: Kelly, Narrelle
Subject: RE: Block 3 Section 94 Charnwood
Attachments: 20110616 advice to Finance about bond.obr; 20110609 request from Finance.obr

Narrelle

I hope you find the attachments useful.

Jack Chu | Principal Engineer, Land & Infrastructure Planning

Phone 02 6207 1675 | Fax 02 6207 2587

Planning Policy | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Kelly, Narrelle
Sent: Monday, 19 September 2011 12:02 PM
To: Chu, Jack
Subject: Block 3 Section 94 Charnwood

Hi Jack,

I am currently processing an application for a Certificate of Compliance for block 3 section 94 Charnwood. On the file we were holding \$50,000 deed of conditional undertaking. I can't find any further information as to if or when it was returned and if they fulfilled their obligations. Do you have any info on this block you can flick to me - I would be very much appreciative as it looks like we are at present unable to issued the Certificate.

Cheers

Narrelle Kelly

Inspector

Phone 6207 3022

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Cox, James
Sent: Thursday, 16 June 2011 6:21 PM
To: Williams, JennyR
Subject: Charnwood Section 94 Block 3 - request for release of funds crown lease

Jenny,

Following some searching around it would appear the deed relates to works required as a condition of the development approval. The proponent's letter dated 1 June 2011 refers to carpark upgrades to the facility; work that is most likely referred to as "previously submitted to and approved in writing by the Territory" in the Crown Lease for this block at clauses 3(g) and 3(h).

I haven't been able to turn up any Prescribed Conditions for this block that Infrastructure Policy would have an interest in.

I spoke to [REDACTED] from Life Project Ltd, who wrote the letter you received, and he had had dealings with Gabrielle Caddy when she was in DA section (she is now at the LDA). I subsequently spoke to George Cilliers who doesn't have any recollection of this development but if you send the letter to him he will look into it for you.

Sorry I can't help,
James

From: Williams, JennyR
Sent: Thursday, 9 June 2011 8:00 AM
To: Cox, James
Cc: Haslam, Rohan
Subject: FW: request for release of funds crown lease
Attachments: 20110608163840631.pdf

Hi James,

Is this one of yours?

Jenny

-----Original Message-----

From: Haslam, Rohan
Sent: Wednesday, 8 June 2011 4:55 PM
To: Williams, JennyR
Subject: FW: request for release of funds crown lease

Jennifer - this looks like something we'd usually deal with. Can you confirm that's the case and then get it off to the relevant manager for advice.

Ta, R.

-----Original Message-----

From: Pedersen, Andrew
Sent: Wednesday, 8 June 2011 4:44 PM
To: Haslam, Rohan
Subject: request for release of funds crown lease

Rohan,

The attached was addressed to TAMS. I think it is an ACTPLA matter. Can you please advise.

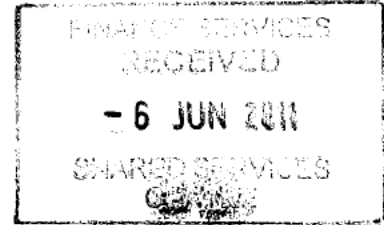
Regards

ANDREW PEDERSEN | STRATEGIC FINANCE | TERRITORY AND MUNICIPAL SERVICES | ACT GOVERNMENT
PH: (02) 6207 5389 | FAX: (02) 6207 5523 | MOB: 0439 642 372 andrew.pedersen@act.gov.au



1st June 2011

Territory & Municipal Services
GPO Box 158
Canberra ACT 2601



Dear Sir/s,

**Re: Block 3 Section 94 Division of Charnwood
Release of Funds held for Carpark upgrades**

I am writing to request the release of the [redacted] term deposit that we are required to hold to guarantee that we would complete carpark upgrades to our facility. We have now completed these upgrades to satisfy the conditions of our crown lease.

Please confirm that we are now able to instruct our bank [redacted] to release the funds into our operating account.

If you wish to discuss this, please only contact [redacted]
[redacted] on the numbers listed below.

Kind Regards

[redacted signature block]

Secretary

From: Jatheendran, Lingam
Sent: Thursday, 22 September 2011 9:17 AM
To: Kelly, Narrelle
Subject: RE: Christian Life Church Charnwood

Kelly

Only design acceptance certificate was issued on 17 August 2009. The developer should apply for Operational and Final acceptance certificates.

Lingam

From: Kelly, Narrelle
Sent: Monday, 19 September 2011 11:54 AM
To: Jatheendran, Lingam
Subject: Christian Life Church Charnwood

Hi Lingham,

We have had an urgent request from the Church – Blocks 2 and 3 section 94 Charnwood for a Compliance Certificate. Has TAMS signed off on any of the carparking etc?

Would you be able to have a quick look and let me know if you have any info about that as we don't seem to have much here,

Much appreciated,

Narrelle Kelly

Inspector

Phone 6207 3022

Construction Services | ACTPLA | Environment and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au



ACKNOWLEDGEMENT OF CONSENT

S.391 (2) Planning and Development Act 2007



1. LAND

District/Division	Section	Block	Unit
CHARWOOD	94	3	

2. DATE AND TIME

14/12/2011	2:30 am/pm
------------	------------

3. ADDRESS

Number	Street
46	LHOTISKIY STREET
Suburb	Postcode
CHARWOOD	2615

4. NAME OF OCCUPIER

Title	First Given Name	Last Name

5. ACKNOWLEDGEMENT

I, being the person identified and named in Item 4 above, hereby acknowledge:

- A. That inspector/s has/have produced his or her identity card/s; and
- B. I have been told:
- I. The purpose of the entry; and
 - II. That consent may be refused; and
 - III. That I may withdraw consent to remain at the premises; and
 - IV. That I do not have to say or do anything but that anything I do or say may be used in evidence; and
- C. That I consented to the entry; and
- D. That the time and date that consent was given is that identified in Item 2 above.

6. INFORMATION

In signing this acknowledgement of consent, you are advised that the inspector may undertake general powers on entry to premises in accordance with S.392 of the Planning and Development Act 2007 (P & D Act).

The ticked boxes describe the powers that YOU HAVE AGREED that the inspectors may use during this inspection.

- Inspect or examine;
- Take measurements or conduct tests;
- Take photographs, films, or audio, video or other recordings, or make sketches;
- Ask the occupier or anyone at the premises to give the inspector information;
- Ask the occupier or anyone at the premises to produce documents to the inspector;
- Ask the occupier or anyone at the premises to give the inspector reasonable help to exercise a power under chapter 12 of the P & D Act.

Following the inspection an inspector will, within 10 working days after the date of the inspection, provide you with a written response advising whether there, is or is not a breach to the P & D Act.

7. EXECUTION

	Anthony Theobald		
Signature of Occupier	Name of Inspector	Signature of Inspector	Name of Inspector



14.12.2011 14:56



14.12.2011 14:56



14.12.2011 14:56



14.12.2011 14:57



CARTWRIGHT

West Belconnen Health Co-op Ltd

HEALTH COOP

14.12.2011 14:57



14.12.2011 14:57



14.12.2011 14:57



14.12.2011 15:12



14.12.2011 15:12



14.12.2011 15:13



14.12.2011 15:13



14.12.2011 15:13



Record of Inspection

Block: 3 **Section:** 94 **Division:** CHARNWOOD **Unit:**

Date of Inspection: 14 December 2011

Time Inspection Commenced: 2.30

Time Inspection Completed: 3.45

Acknowledgement of Consent Form Required: Yes

Acknowledgement of Consent Form Completed: Yes

Photographic Evidence:

Photo No.	Photo Name	Taken From
Yes	Inspection Photo's	On the land

Purpose: To see what works had been undertaken in relationship to the parking conditions

Anthony Theobald (AT) and Gabrielle Caddy (GC) had a meeting with [REDACTED] the Architect and [REDACTED] of the Life Centre to see what was on the ground in regards to the parking.

We discussed the parking area that GC approved as the local of the driveway was not allowed by the Planning control plan which is requirement of the lease. They walk us through the building to show us the scope of the work done. I AT told [REDACTED] and [REDACTED] that we would have an inhouse discussion and then arrange a meeting with the people involved to see to discuss a way forward and I will ring them to arrange a meeting.

Findings and Facts:

The parking DA that Gabrielle approved has been construction with the new driveway. The original parking area has been increased and the service area has the parking increased as well

Anthony Theobald
Inspector
Fee Enforcement Team

(NAME)
Inspector
Fee Enforcement Team

14 December 2011

From: Lewis, Robyn
Sent: Tuesday, 22 May 2012 9:52 AM
To: Lander, Dulce
Subject: RE: Charnwood High School Site

Thank you for the clarification Dulce.

Much appreciated.

Regards

Robyn

From: Lander, Dulce
Sent: Monday, 21 May 2012 3:03 PM
To: Lewis, Robyn
Subject: RE: Charnwood High School Site

Robyn

The lease has not been varied, which is why I did not include that use in my previous advice.

No application has been lodged to vary the purpose clause of Block 3 to permit "educational establishment" as a permitted use.

Cheers

Dulce.

Dulce Lander | Manager - General Leasing | Lease Administration

Phone 02 6207 2112 | Fax 02 6207 1856

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Lewis, Robyn
Sent: Monday, 21 May 2012 3:00 PM
To: Lander, Dulce
Subject: RE: Charnwood High School Site

Thank you again Dulce.

Since our last email, I have since spoken to the Manager, non-government education section (in ETD) who has been advised (verbally) that BCC have changed the purpose clause to facilitate the new campus. Do you have a record of changes to purpose clauses?

If so, can you tell me if a change has been made to 'educational establishment'? If not, can you tell me who I should contact to check this?

I appreciate your time on this matter...

Regards

Robyn

From: Lander, Dulce
Sent: Monday, 21 May 2012 2:52 PM
To: Lewis, Robyn
Subject: RE: Charnwood High School Site

Robyn

In respect of the three further questions that you have asked I provide the following information.

1. The purpose would need to allow “educational establishment” in order for a college/school to operate from the premises;
2. The lessee or the sub-lessee (with the lessee’s authorisation) can submit a development application (DA) to vary the lease purpose. If the DA is approved one of the conditions will be that the lease variation charge will need to be paid before the lease can be amended. The timeframes are prescribed under the Planning and Development Act 2007 and the Regulation i.e. 30 working days for those application that do not have representations whereas 45 working days if there are representations, but that is only up to the decision, then there the lease variation charge has to be determined and paid, and then the lease variation has to be registered at Land Titles. I would suggest that it will take close to 5 months; and
3. The tender dealt with both Blocks 2 & 3 Section 94 Charnwood as a single block of land, however, 2 separate leases were granted one over Block 2 for the purpose of multi unit residential and Block 3 for the purposes I provided to you previously. The area of the land is as per the attached Deposited plan.

I hope that the information is of assistance.

Cheers

Dulce

Dulce Lander | Manager - General Leasing | Lease Administration

Phone 02 6207 2112 | Fax 02 6207 1856

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Lewis, Robyn
Sent: Monday, 21 May 2012 1:34 PM
To: Lander, Dulce
Subject: RE: Charnwood High School Site

Thank you for your prompt advice Dulce.

I have three additional questions:

1. If Life Projects Ltd maintain the lease and sub let part or all of the site to Brindabella Christian College (BCC) for their proposed campus, could BCC operate a school on the site under the existing purpose clause, or would they need to change the purpose clause to ‘educational’?
2. If the purpose clause needs to be changed, who is responsible and what is the process/timeframe?
3. What is the size of the site sold through the tender process? Were the ovals sold as well as the old school site?

Regards

Robyn

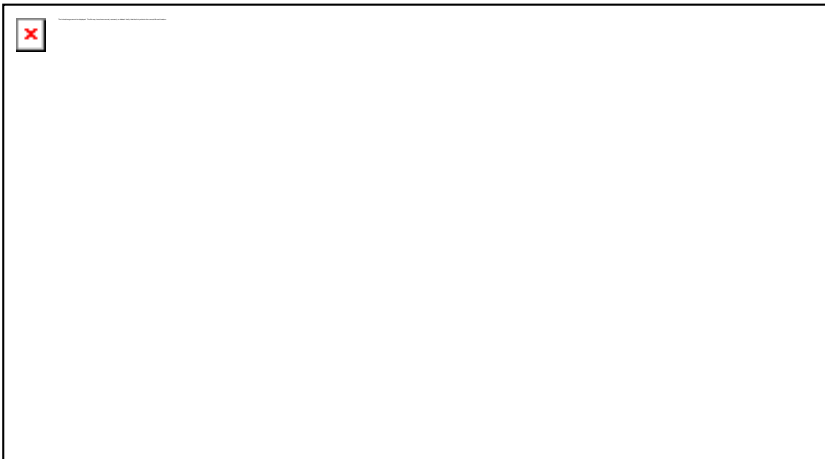
From: Lander, Dulce
Sent: Monday, 21 May 2012 12:55 PM
To: Lewis, Robyn
Subject: RE: Charnwood High School Site

Robyn

Thank you for your email on the Charnwood High School site.

The ACT Government sold the Charnwood High School through a tender process and Pinto Homes Pty Ltd submitted the successful tender.

A Crown lease was granted for a term of 99 years commencing on 30 June 1999 to Pinto Homes. The purpose clause reads as follows:



The Crown lease was subsequently transferred in 2001 to Life Projects Limited, the current lessee of the block.

In response to your question on other lessees occupying the premises, my answer is that there is only one lessee and that is Life Projects, however if you want to know whether some of the premises is sub-let I can't help you as (i) there are no recorded sub-leases on title; and (2) we do not keep records of any sub-leases or tenants.

The term of the Crown lease over Block 3 expires on 29 June 2098, however, the lessee can apply for a further lease at any time during the term. Provided neither the Commonwealth or the Territory requires the land for a public purpose the planning and land authority must grant a further lease.

I hope that this information is of assistance.

Regards

Dulce

Dulce Lander | Manager - General Leasing | Lease Administration

Phone 02 6207 2112 | Fax 02 6207 1856

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Lewis, Robyn
Sent: Monday, 21 May 2012 9:42 AM
To: Lander, Dulce; Harmer, Sharon
Subject: Charnwood High School Site

Hi Dulce and Sharon

Tania Shaw gave me your names in relation to my question about the old Charnwood High School site:

I'm processing an in-principle application for Brindabella Christian College (BCC) to expand to a second campus at the Charnwood High School site.

Charnwood High School closed in 1998 and the site is occupied by the Canberra Christian Life Centre (CCLC). The application indicates that BCC will gradually increase its occupancy of the site in partnership with CCLC. A BCC early childhood centre opened this year following approval from CSD.

Could you please provide me with some information about the occupancy of the school site:

1. When the site was first occupied and by whom
2. If other lessees are also on the site
3. What is the term of the lease.

So I can understand how BCC is planning to occupy the site "as additional space becomes vacant and available in the centre".

Are you able to tell me anything about this site?

Regards

Robyn Lewis | A/g Senior Manager
Phone: 02 6207 5377 | Fax: 02 6205 8353 | Email: robyn.lewis@act.gov.au
School Planning | Education and Training | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

Please consider the environment before printing this email

From: Shaw, Tania
Sent: Friday, 18 May 2012 4:24 PM
To: Lewis, Robyn
Subject: RE: Charnwood High School Site

Thanks for that

Actmapi shows it as a private lease, not a Government lease and it is not a site ACT Property Group has had any involvement in. I suggest you contact the Leasing section in Environment and Sustainable Development – Dulce Lander or Sharon Harmer will be able to help you I am sure.

cheers

TANIA SHAW | SENIOR MANAGER |
PH: +61 2 6205 9937 | FAX: 02 6213 0735 | MOB: [REDACTED] | E: tania.shaw@act.gov.au |
PROPERTY ASSET MANAGEMENT | ACT PROPERTY GROUP | TERRITORY AND MUNICIPAL SERVICES
DIRECTORATE | ACT GOVERNMENT
Building 3, 9 Sandford Street Mitchell | PO Box 777 Fyshwick ACT 2609 | www.act.gov.au

From: Lewis, Robyn
Sent: Friday, 18 May 2012 1:24 PM
To: Shaw, Tania
Subject: RE: Charnwood High School Site

Hi Tania

The address is 46 Lhotsky St Charnwood 2615.

Cheers

Robyn

From: Shaw, Tania
Sent: Friday, 18 May 2012 12:43 PM
To: Lewis, Robyn
Cc: DET School Planning
Subject: RE: Charnwood High School Site

Hi Robyn

I am not sure what information I have as it is not a site we manage, but I may have some details. Do you have the street address or preferably the block and section details for this property? I can then have a look through my files.

thanks

TANIA SHAW | SENIOR MANAGER |
PH: +61 2 6205 9937 | FAX: 02 6213 0735 | MOB: [REDACTED] | E: rania.shaw@act.gov.au |
PROPERTY ASSET MANAGEMENT | ACT PROPERTY GROUP | TERRITORY AND MUNICIPAL SERVICES
DIRECTORATE | ACT GOVERNMENT
Building 3, 9 Sandford Street Mitchell | PO Box 777 Fyshwick ACT 2609 | www.act.gov.au

From: Lewis, Robyn
Sent: Friday, 18 May 2012 12:10 PM
To: Shaw, Tania
Cc: DET School Planning
Subject: Charnwood High School Site

Hi Tania

I'm processing an In-principle application for Brindabella Christian College (BCC) to expand to a second campus at the Charnwood High School site.

Charnwood High School closed in 1998 and the site is occupied by the Canberra Christian Life Centre (CCLC). The application indicates that BCC will gradually increase its occupancy of the site in partnership with CCLC. A BCC early childhood centre opened this year following approval from CSD.

Could you please provide me with some information about the occupancy of the school site:

4. When the site was first occupied and by whom
5. If other lessees are also on the site
6. What is the term of the lease.

So I can understand how BCC is planning to occupy the site "as additional space becomes vacant and available in the centre".

Happy to discuss.

Regards

Robyn Lewis | A/g Senior Manager
Phone: 02 6207 5377 | Fax: 02 6205 8353 | Email: robyn.lewis@act.gov.au
School Planning | Education and Training | ACT Government
Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

Please consider the environment before printing this email

From: Saad, Monica
Sent: Tuesday, 26 June 2012 9:41 AM
To: [REDACTED]
Subject: Lease Advice - 24 hour gym - 3/94 Charnwood

Dear [REDACTED]

I refer to your email dated 17 June 2012 requesting a purpose clause interpretation to operate a 24 hour gym from Block 3 Section 94 Charnwood (Block 3). I also acknowledge that payment for this request was received on 22 June 2012.

As you are aware, the purpose clause in the Crown lease for Block 3 allows, among other uses, "Indoor Recreation Facility".

It is therefore, my opinion that the use of Block 3 for the purpose of a 24 hour gym is not considered to be inconsistent with the purpose clause contained within the Crown lease, however, it would be prudent for you to seek your own legal advice in relation to this matter.

Regards

Monica Saad | Assistant Manager - General Leasing | Lease Administration

Phone 02 6205 5313 | Fax 02 6207 1856

Planning Delivery Division | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.environment.act.gov.au

From: Brown, Ray
Sent: Friday, 10 February 2012 9:57 AM
To: Sandeman, Graham
Subject: FW: 110034: Brindabella College Carpark Development Application Exemption (Block 4 & 23, Section 41, Lyneham)
Attachments: 110034-C003-SP(1).pdf; 110034-C005-DEMO(1).pdf; 110034-C006-DEMO(1).pdf; 110034-C010-GA(1).pdf; 110034-C011-GA(1).pdf; 110034-E01 (1).pdf; 110034-C001-CS(1).pdf; 110034-C002-GN(1).pdf

From: [REDACTED]
Sent: Friday, 10 February 2012 9:23 AM
To: Brown, Ray; Oshyer, Aaron
Cc: [REDACTED]
Subject: FW: 110034: Brindabella College Carpark Development Application Exemption (Block 4 & 23, Section 41, Lyneham)

Hi Ray/Aaron,

I was wondering if you have had an opportunity to review the Development Application exemption query detailed below? Please give me a ring if you wish to discuss. Thank you.

Best Regards,

[REDACTED]
Civil Engineer

Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]
Web: www.cardno.com.au

From: [REDACTED]
Sent: Tuesday, January 24, 2012 12:56 PM
To: Ray Brown (ray.brown@act.gov.au)
Cc: Aaron Osher (aaron.oshyer@act.gov.au)
Subject: 110034: Brindabella College Carpark Development Application Exemption (Block 4 & 23, Section 41, Lyneham)

Hi Ray,

This e-mail is in regards to a development application exemption for a planned carpark upgrade at the Brindabella Christian College in Lyneham (Block 4 and Part 1 of Block 23, Section 41). Cardno is the design consultant for the project.

I spoke with Aaron Oshyer a few months ago (Oct or Nov 2011) regarding this future development and its exemption from the Development Application process. Based on our discussion it seemed very likely that the project would be exempt from the DA process, however, Aaron had requested that I submit some plans detailing the works to be undertaken in order for him to review and confirm the DA exemption. There was a bit of delay in the masterplanning of the project but we have now finalised the proposed design concept. I understand that Aaron is

currently on leave and I was hoping you could review the query below – I would be more than happy to discuss if you have any questions.

I have been reviewing the Planning and Development Act (R29) and I was hoping you could confirm if an “exemption assessment application” is required. If not, below is a brief summary of the project and attached are some detailed plans – can you please review this information and confirm if the carpark reconstruction is exempt from the DA process. Thank you.


The development consists of minor grading, kerbing, and sealing of an existing gravel carpark that is part of the Brindabella Christian College. New stormwater drainage and potentially streetlighting will be required in the carpark. We are in the process of submitting a design acceptance report to TaMS. All other works will be internal to the block boundaries with the exception of reinstatement of a footpath along the West bank of Sullivan’s Creek where the stormwater outlet is proposed.

Please see the attached plans for information:

Drawing No.	Drawing Title
110034-C001	Cover Sheet and Drawing List
110034-C002	General Notes and Legend
110034-C003	Site Plan
110034-C005	Demolition Plan – Sheet 1 of 2
110034-C006	Demolition Plan – Sheet 2 of 2
110034-C010	General Arrangement Plan – Sheet 1 of 2
110034-C011	General Arrangement Plan – Sheet 2 of 2
110034-E01	Lighting Layout (optional)

Please contact me if you wish to discuss or if you require any further information.

Best Regards,


Civil Engineer

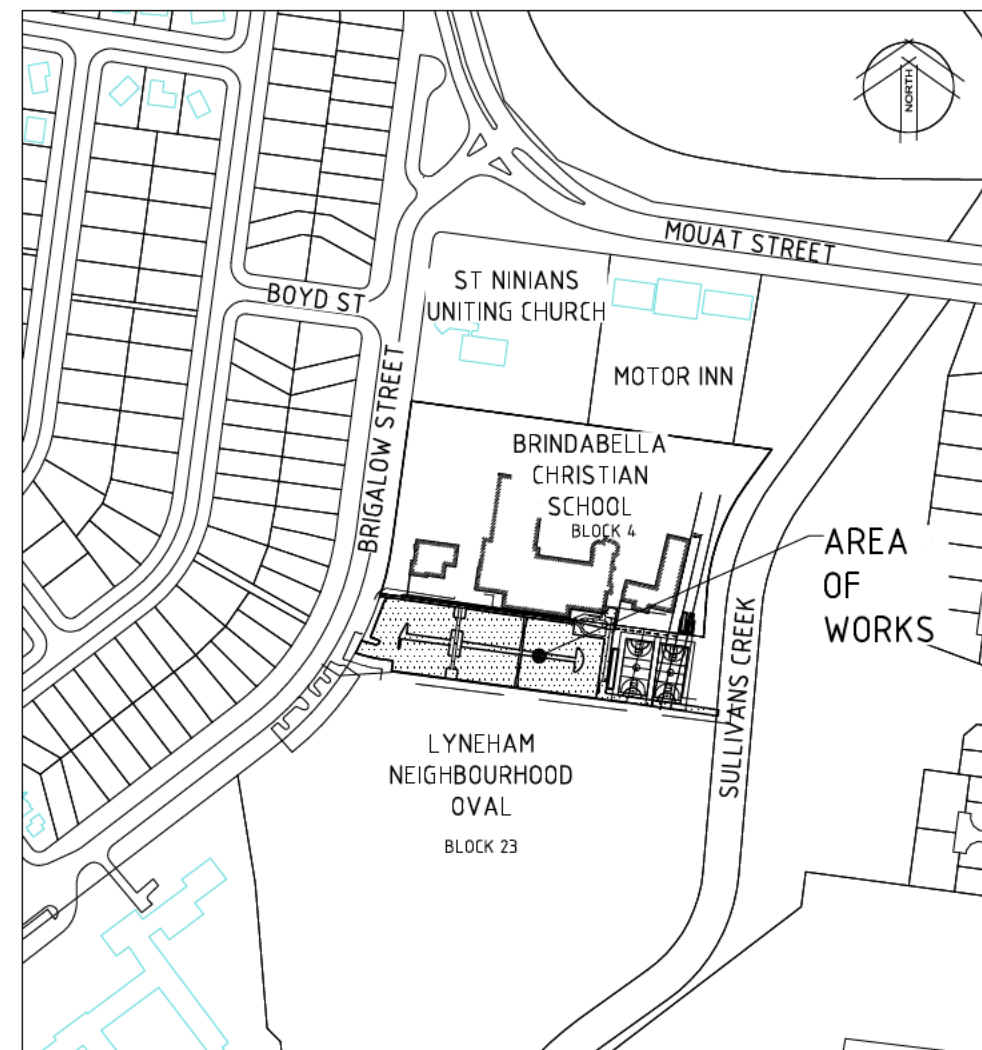
Phone: 
 Mobile: 
 Fax: 
 Email: 
 Web: [w](#)

BRINDABELLA CHRISTIAN COLLEGE CARPARK

BLOCK 4 & AREA 1 OF BLOCK 23 SECTION 41 LYNEHAM ACT



DATE PLOTTED: 19 December, 2011 - 3:39pm


 LOCALITY PLAN
 SCALE 1:2000

DRAWING LIST

DRG No DESCRIPTION

110034-C001	COVER SHEET DRAWING LIST LOCALITY PLAN
110034-C002	GENERAL NOTES AND LEGEND
110034-C003	SITE PLAN
110034-C005	DEMOLITION PLAN - SHEET 1 OF 2
110034-C006	DEMOLITION PLAN - SHEET 2 OF 2
110034-C010	GENERAL ARRANGEMENT PLAN - SHEET 1 OF 2
110034-C011	GENERAL ARRANGEMENT PLAN - SHEET 2 OF 2
110034-C015	TYPICAL CROSS SECTIONS
110034-C020	LONG SECTIONS
110034-C030	PAVEMENT PLAN - SHEET 1 OF 2
110034-C031	PAVEMENT PLAN - SHEET 2 OF 2
110034-C032	PAVEMENT DETAILS
110034-C033	SETOUT TABLE
110034-C035	MISCELLANEOUS DETAILS - SHEET 1 OF 4
110034-C036	MISCELLANEOUS DETAILS - SHEET 2 OF 4
110034-C037	MISCELLANEOUS DETAILS - SHEET 3 OF 4
110034-C038	MISCELLANEOUS DETAILS - SHEET 4 OF 4
110034-C040	CONCEPT EROSION AND SEDIMENT CONTROL PLAN - SHEET 1 of 2
110034-C041	CONCEPT EROSION AND SEDIMENT CONTROL PLAN - SHEET 2 of 2
110034-C050	TRAFFIC CONTROL DEVICE DRAWING
110034-E00	ELECTRICAL SERVICES COVER SHEET - DRAWING SCHEDULE AND SPECIFICATION NOTES
110034-E01	LIGHTING LAYOUT

 XREF: X:BASE; X:EXISTING LAYOUT; X:SURVEY 21092011; X:SERVICES
 CAD FILE: J:\110034\Draws\CIVIL\Working CAD\110034-C001-CS.dwg

Dwg No.: 110034-C001

Date: DEC 2011

Rev.: 1

DATE PLOTTED: 13 December 2011 3:59 PM BY: MICHAEL SEXTON (CANBERRA)

GENERAL NOTES

- 1. ALL CONSTRUCTION WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE ACT GOVERNMENT STANDARD SPECIFICATION FOR URBAN INFRASTRUCTURE WORKS, EDITION 1 REVISION 0, SEPTEMBER 2002, EXCEPT AS MODIFIED BY "EARTHWORKS NOTES" BELOW

VERGE MANAGEMENT PLAN

- 1. THERE SHALL BE NO PARKING, SITE SHEDS, SITE AMENITIES, BILLBOARDS OR STORAGE OF MATERIALS ON THE VERGE OR FLOODWAY OPEN SPACE UNDER ANY CIRCUMSTANCES.

LANDSCAPING

- 1. ALLOW IN THE WORKS THE NECESSARY SET-DOWNS, LEVELS AND GRADES FOR LANDSCAPE FINISHES TO BE APPLIED. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR DETAILS OF FINISHES.

EROSION AND SEDIMENT CONTROL NOTES

- 1. ALL MEASURES SHALL GENERALLY BE IN ACCORDANCE WITH THE A.C.T. "EROSION AND SEDIMENT CONTROL DURING LAND DEVELOPMENT" AND ENVIRONMENT ACT REQUIREMENTS.

REINSTATEMENT OF TRENCHES

- 1. ALL TRENCHES SHALL BE BACKFILLED AND COMPACTED IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS. SURFACE FINISHES SHALL BE REINSTATED TO MATCH WITH EXISTING ABUTTING SURFACES WITHOUT STEPPING AND LIPPING

GENERAL NOTES FOR HYDRAULIC SERVICES

- 1. DESIGN LEVELS SHOWN ARE A.H.D.
- 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARD SPECIFICATIONS FOR URBAN INFRASTRUCTURE.

EARTHWORKS NOTES

- 1. ALL FILL UNDER ROAD PAVEMENTS SHALL COMPLY WITH ACT GOVERNMENT STANDARD SPECIFICATION FOR URBAN INFRASTRUCTURE WORKS.
- 2. ALL FILL UNDER BUILDING PLATFORMS SHALL BE PLACED AS CONTROLLED FILL, LEVEL 1 SUPERVISION TO AS3798 AND COMPACTED TO 95% MDD, REFER SPECIFICATION.

NOTATION

Table with 2 columns: Symbol/Code and Description. Includes BE (Bulk Earthworks Level), C (Cover Level), CI (Cast Iron), CC (Centre Circle), CJ (Construction Joint), CTB (Concrete Thrust Block), CR (Centre), Cu (Copper), DJ (Doweled Joint), EJ (Expansion Joint), FBL (Finished Basement Level), FK (Flush Kerb), FRC (Fibre Reinforced Cement), PFL (Finished Floor Level), FSL (Finished Surface Level), G (Grate Level), GS (Grated Sump), H (Hydrant), HD (Heavy Duty), HER (Sub-soil Drain, High End Riser), HP (High Point).

STORMWATER STRUCTURE NOTATION

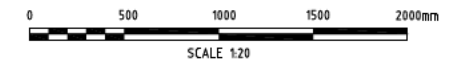
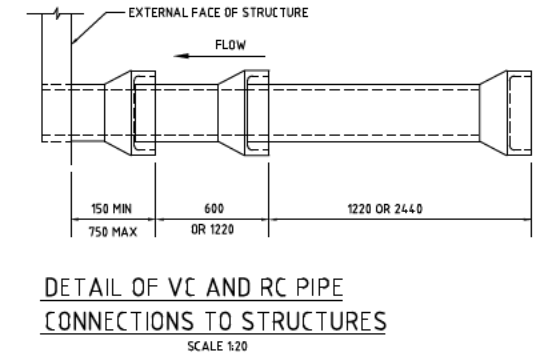
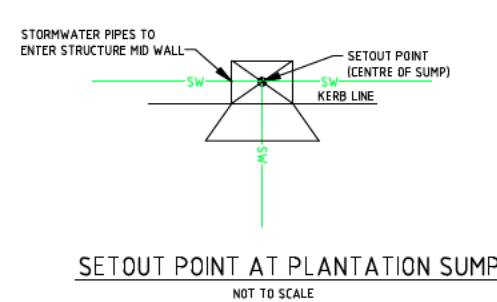
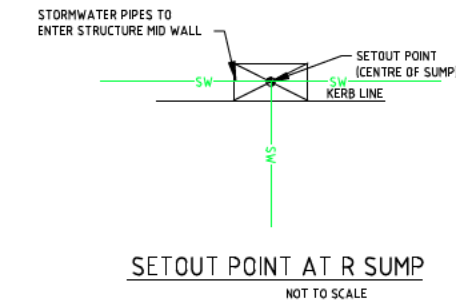
Table with 2 columns: Symbol and Description. Includes DE (Denotes Dead End), GS (Denotes Grated Sump), HW (Denotes Headwall), MH (Denotes Manhole), DMHM (Denotes Manhole with Heavy Duty Lid), R (Denotes Sump Type), RS (Denotes Sealed R Type Sump), PS (Denotes Plantation Sump), SJ (Denotes Slope Junction), and a symbol for Stormwater Structure 6' x 12'.

STORMWATER PIPE NOTATION

Table with 2 columns: Symbol and Description. Includes a box with dimensions (610.23, 300, 22.25, 3.30, 608.78) and NEW, and symbols for upstream invert level, pipe diameter/class, pipe length, pipe grade, and downstream invert level.

LEGEND

Legend table with columns: Existing to be removed or abandoned, New, and Description. Lists symbols for stormwater/endcap, electrical, streetlight conduit, trench types, irrigation, water supply/valve/hydrant, sewer/manhole, gas, kerb, footpaths/cyclepaths/pram crossings, sub-soil drains, limits of works, sawcuts, street light poles, secondary lighting, trees to be removed, fences, steel bollards, ranger gates, and vehicular crossings.



XREF: X-ACT-A1-Logo CAD FILE: s:\110034\Draws\Civil\Working CAD\110034-C002-GN.dwg

Revision table with columns: Rev, Date, Description, MS, JPS, TML, Des., Verif., Appr. Row 1: 1, 13/12/2011, FOR CLIENT REVIEW, MS, JPS, TML.



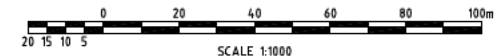
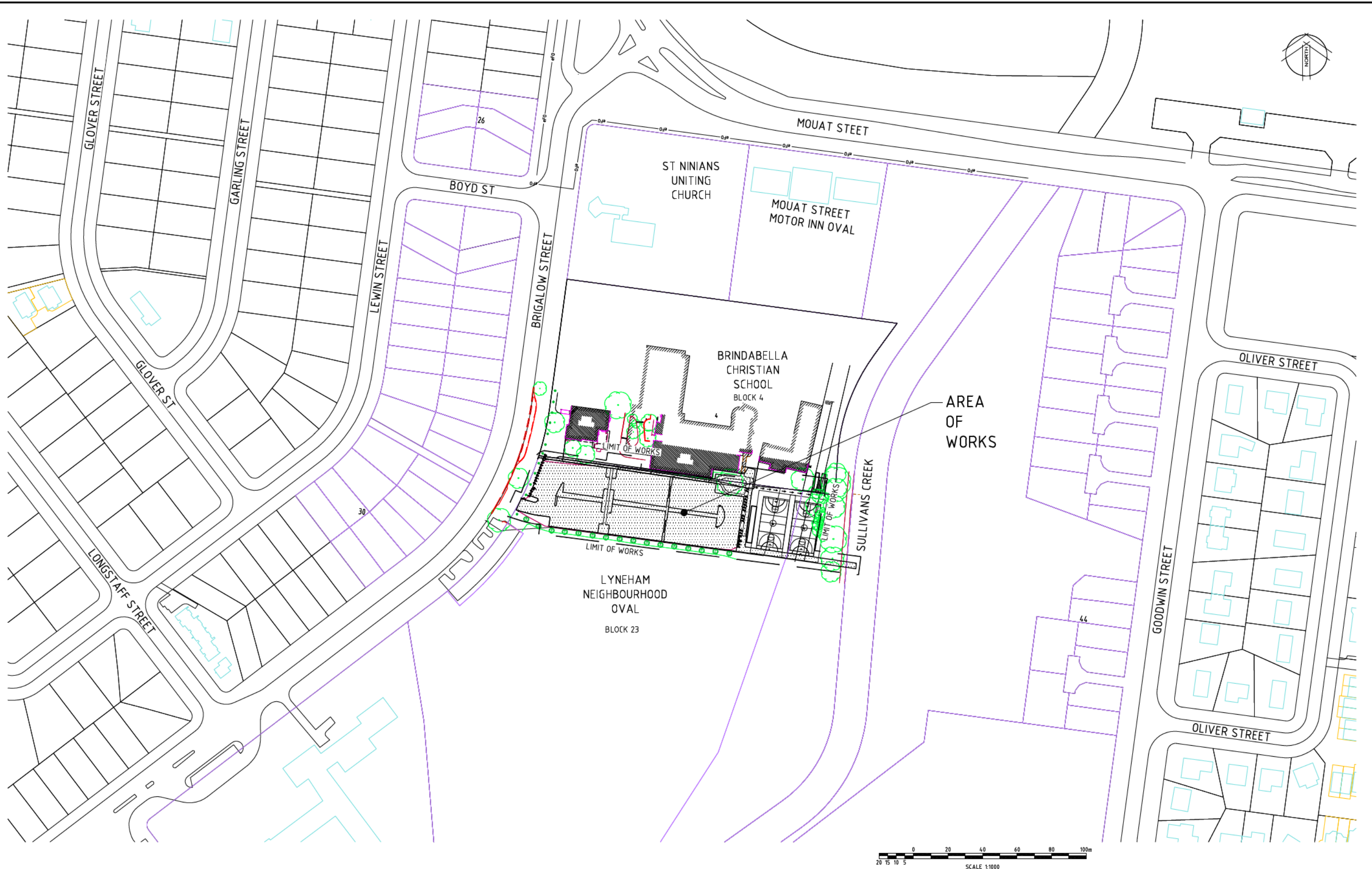
© 2011 Cardno Ltd All Rights Reserved. This document is produced by Cardno Ltd solely for the benefit of and use by the client in accordance with the terms of the contract.



Quality Endorsed Company logo. AS 9001 Ltd. 7900 Blackburn Australia.

Project information table including: Client (BRINDABELLA CHRISTIAN COLLEGE), Status (PRELIMINARY), Drawing Number (110034-C002), and Revision (1).

DATE PLOTTED: 13 December 2011 4:00 PM BY: MICHAEL SEXTON (CANBERRA)



XREFS: X-ACT-H-4-000: X-SURVEY 21082011: X-BASE: X-EXISTING LAYOUT: X-SERVICES
 CAD FILE: J:\110034\CAD\CIVIL\Working CAD\110034-C003-SP.dwg

Rev	Date	Description	Des.	Verif.	Appr.
1	13/12/2011	FOR CLIENT REVIEW	MS	JPS	TML



© 2011 Cardno Ltd
 All Rights Reserved.
 This document is produced by Cardno Ltd solely for the benefit of and use by the client in accordance with the terms of the contract. Cardno Ltd does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by that party on the content of this document.



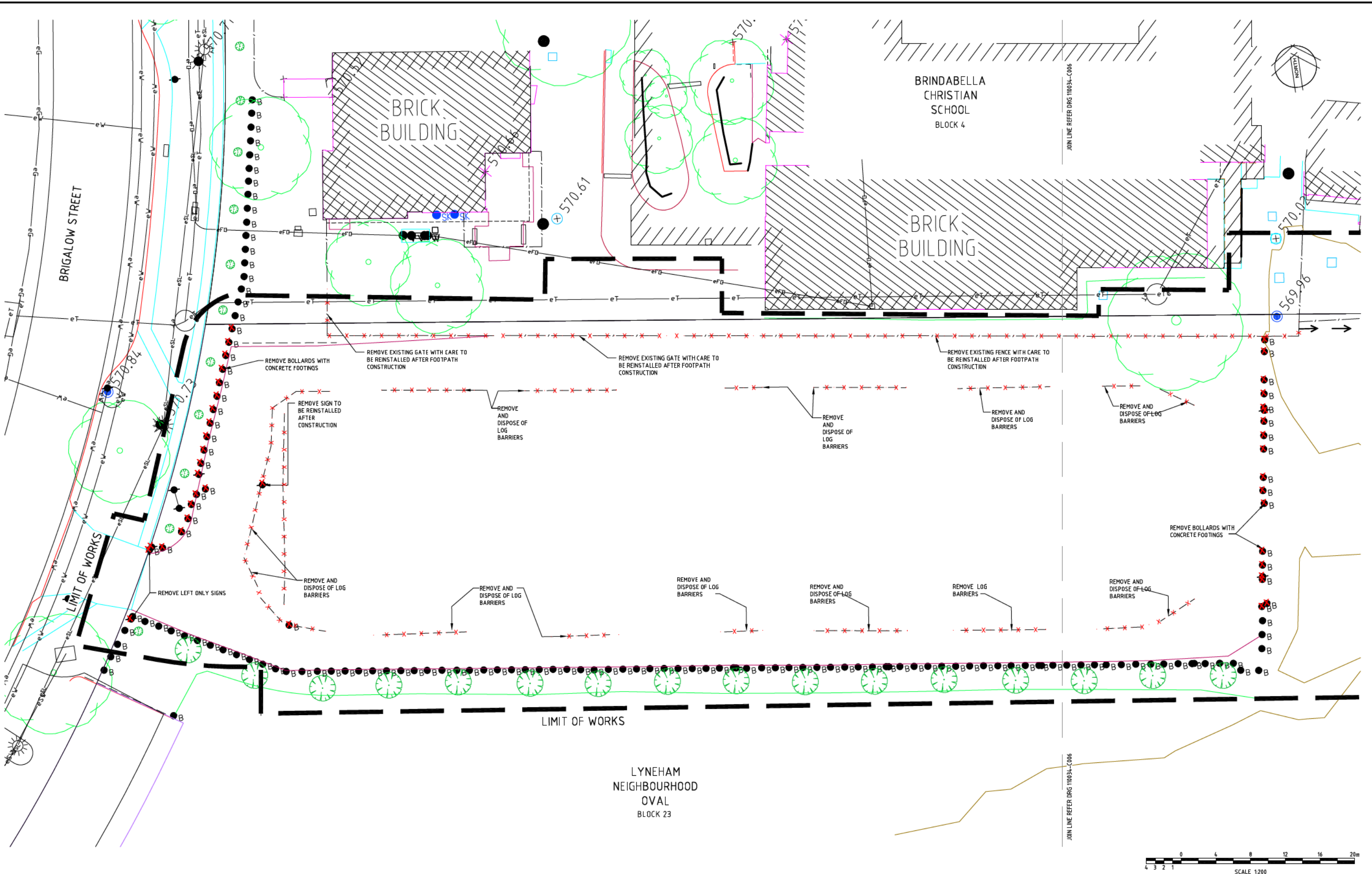
Drawn	Date
MM	13/12/2011
Checked	Date
LS	13/12/2011
Designed	Date
MS	13/12/2011
Verified	Date
JPS	13/12/2011
Approved	Date
TML	13/12/2011

Client: **BRINDABELLA CHRISTIAN COLLEGE**
 CARPARK
 BLOCK 4 & AREA 1 OF BLOCK 23 SECTION 41
 LYNEHAM ACT
 SITE PLAN

FOR INFORMATION NOT TO BE USED FOR CONSTRUCTION PURPOSES			
Datum	Register	Scale	Size
AHD	—	AS SHOWN	A1
Drawing Number	Revision		1
110034-C003			1

DATE PLOTTED: 13 December 2011 4:01 PM BY: MICHAEL SEXTON (CANBERRA)

XREFS: X-ACT-A4-000: X-SURVEY 21082011: X-BASE: X-SERVICES: X-EXISTING LAYOUT
CAD FILE: J:\110034\CAD\CIVIL\Working CAD\110034-C005-C006-DEM03.dwg



Rev	Date	Description	Des.	Verif.	Appr.
1	13/12/2011	FOR CLIENT REVIEW	MS	JPS	TML



© 2011 Cardno Ltd
All Rights Reserved.
This document is produced by Cardno Ltd solely for the benefit of and use by the client in accordance with the terms of the contract. Cardno Ltd does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by that party on the content of this document.



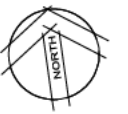
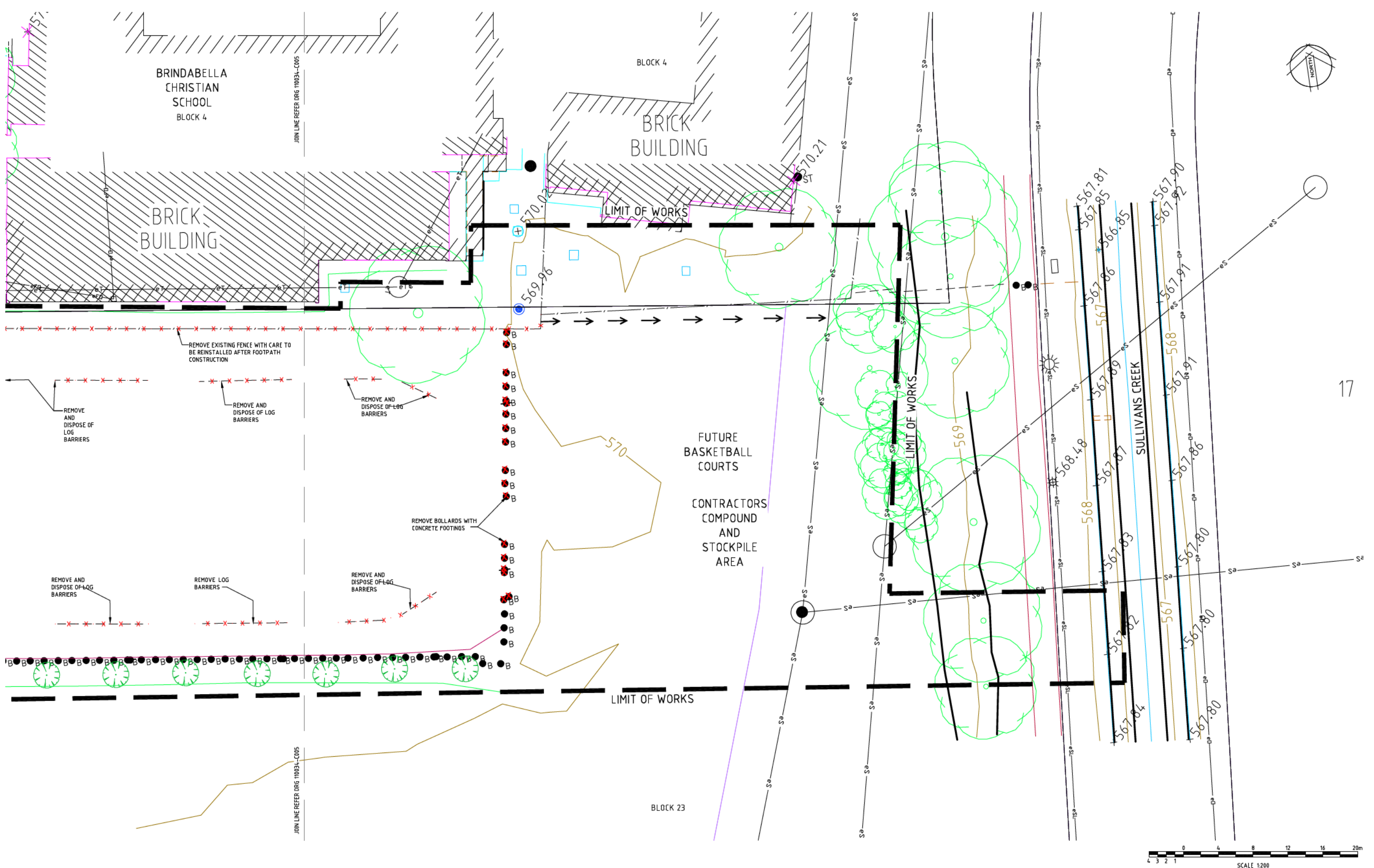
Drawn	MM	Date	13/12/2011
Checked	LS	Date	13/12/2011
Designed	MS	Date	13/12/2011
Verified	JPS	Date	13/12/2011
Approved	TML	Date	13/12/2011

Client: **BRINDABELLA CHRISTIAN COLLEGE**
 CARPARK
 BLOCK 4 & AREA 1 OF BLOCK 23 SECTION 41
 LYNEHAM ACT
 DEMOLITION PLAN
 SHEET 1 OF 2

Status: FOR INFORMATION NOT TO BE USED FOR CONSTRUCTION PURPOSES			
Datum	AHD	Register	Scale
Drawing Number	110034-C005	Size	A1
Revision	1		

DATE PLOTTED: 13 December 2011 4:01 PM BY: MICHAEL SEXTON (CAMBERRA)

XREF: X-ACT-A1-1-Log; X-SURVEY 21092011; X-BASE: X-SERVICES; X-EXISTING LAYOUT
CAD FILE: D:\110034\Drawings\Working\CADD\110034-C006-DEM.DWG



17



Rev	Date	Description	Des.	Verif.	Appr.
1	13/12/2011	FOR CLIENT REVIEW	MS	JPS	TML



© 2011 Cardno Ltd
All Rights Reserved.
This document is produced by Cardno Ltd solely for the benefit of and use by the client in accordance with the terms of the retainer. Cardno Ltd does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by third party on the content of this document.

ABN: 95 091 145 935
Level 2, 14 Warrald Street, Sydney, ACT, 2609
Ph (02) 612 4500 Fax (02) 612 4599
PO Box 7217, CPBC, ACT, 2610
Web: www.cardno.com.au

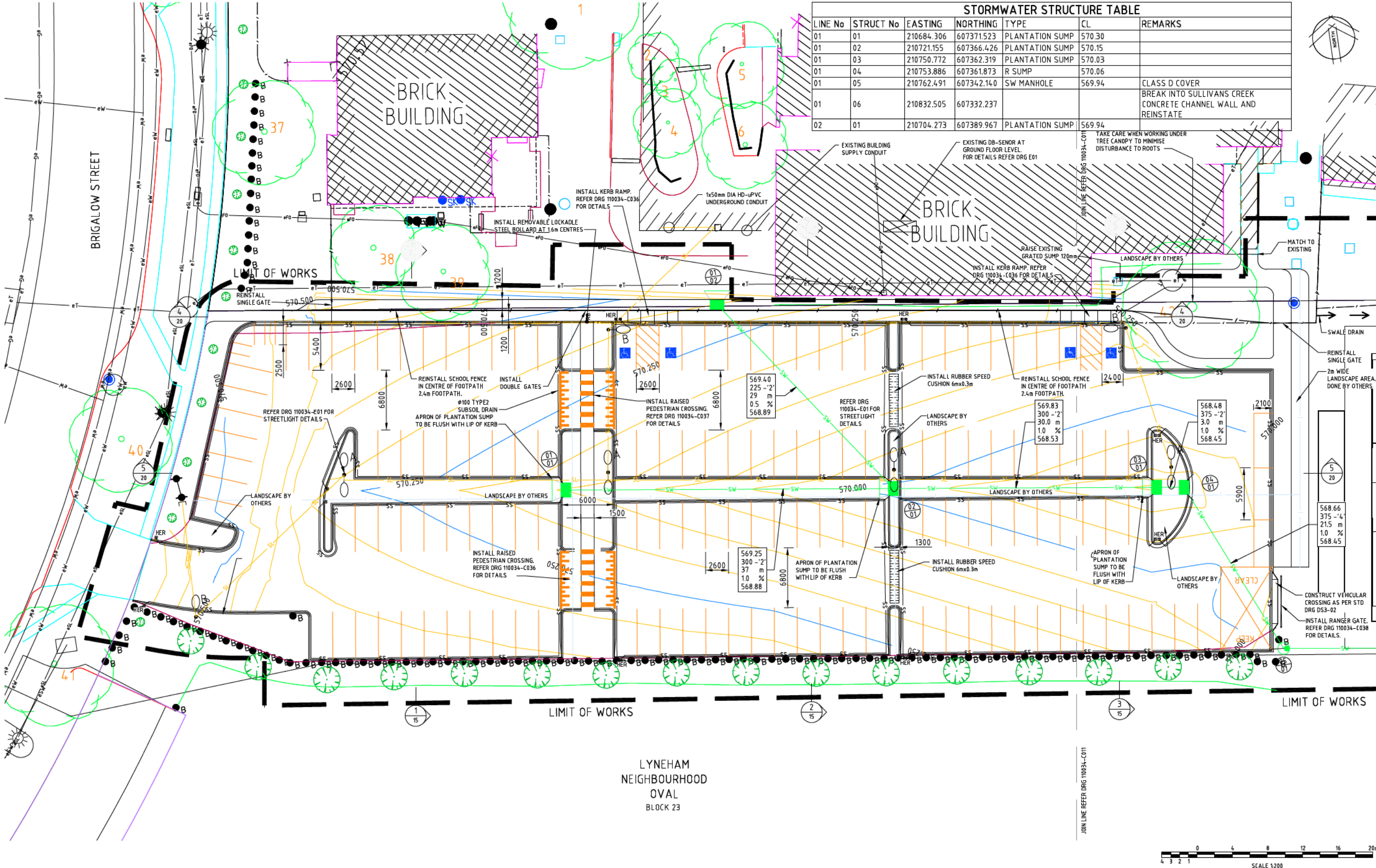
Drawn	MM	Date	13/12/2011
Checked	LS	Date	13/12/2011
Designed	MS	Date	13/12/2011
Verified	JPS	Date	13/12/2011
Approved	TML	Date	13/12/2011

Client: **BRINDABELLA CHRISTIAN COLLEGE**
CARPARK
 BLOCK 4 & AREA 1 OF BLOCK 23 SECTION 41
 LYNEHAM ACT
DEMOLITION PLAN
 SHEET 2 OF 2

Status: FOR INFORMATION			
NOT TO BE USED FOR CONSTRUCTION PURPOSES			
Datum	Register	Scale	Size
AHD		AS SHOWN	A1
Drawing Number: 110034-C006			Revision: 1

DATE PLOTTED: 13 December 2011 4:02 PM BY: MICHAEL SEXTON (CANBERRA)

XREFS: X-ACT-A4-4-000: X-SURVEY 21082011; DES CONT 50; X-BASE: X-EXISTING LAYOUT; X-SERVICES CAD FILE: J110034-C010.dwg Working CAD: J110034-C010-C011.dwg



Rev	Date	Description	Des.	Verif.	Appr.
1	13/12/2011	FOR CLIENT REVIEW	MS	JPS	TML



© 2011 Cardno Ltd
All Rights Reserved.
This document is produced by Cardno Ltd solely for the benefit of and use by the client in accordance with the terms of the contract. Cardno Ltd does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by that party on the content of this document.

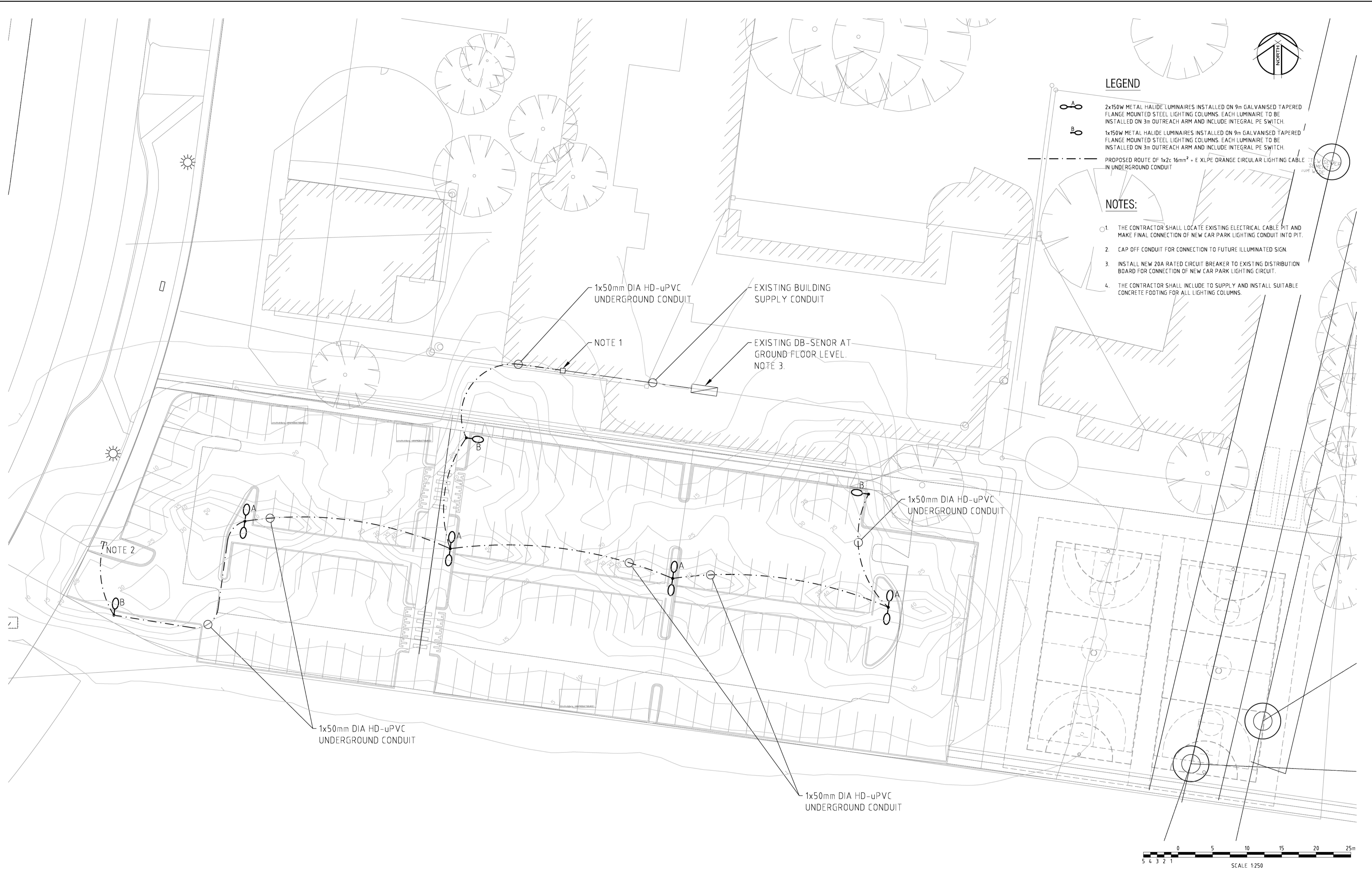


Drawn	MM	Date	13/12/2011
Checked	LS	Date	13/12/2011
Designed	MS	Date	13/12/2011
Verified	JPS	Date	13/12/2011
Approved	TML	Date	13/12/2011

Client BRINDABELLA CHRISTIAN COLLEGE
Project CARPARK BLOCK 4 & AREA 1 OF BLOCK 23 SECTION 41 LYNEHAM ACT
Sheet GENERAL ARRANGEMENT SHEET 1 OF 2

Status			
FOR INFORMATION NOT TO BE USED FOR CONSTRUCTION PURPOSES			
Datum	AHD	Register	AS SHOWN
Scale	AS SHOWN	Size	A1
Drawing Number	110034-C010		Revision
			1

DATE PLOTTED: 13 December 2011 4:28 PM BY: EMILY LUKASIAK (CARDNO ITC)



LEGEND

- 2x150W METAL HALIDE LUMINAIRE INSTALLED ON 9m GALVANISED TAPERED FLANGE MOUNTED STEEL LIGHTING COLUMNS. EACH LUMINAIRE TO BE INSTALLED ON 3m OUTREACH ARM AND INCLUDE INTEGRAL PE SWITCH.
- 1x150W METAL HALIDE LUMINAIRE INSTALLED ON 9m GALVANISED TAPERED FLANGE MOUNTED STEEL LIGHTING COLUMNS. EACH LUMINAIRE TO BE INSTALLED ON 3m OUTREACH ARM AND INCLUDE INTEGRAL PE SWITCH.
- PROPOSED ROUTE OF 1x2c 16mm² + E XLPE ORANGE CIRCULAR LIGHTING CABLE IN UNDERGROUND CONDUIT

NOTES:

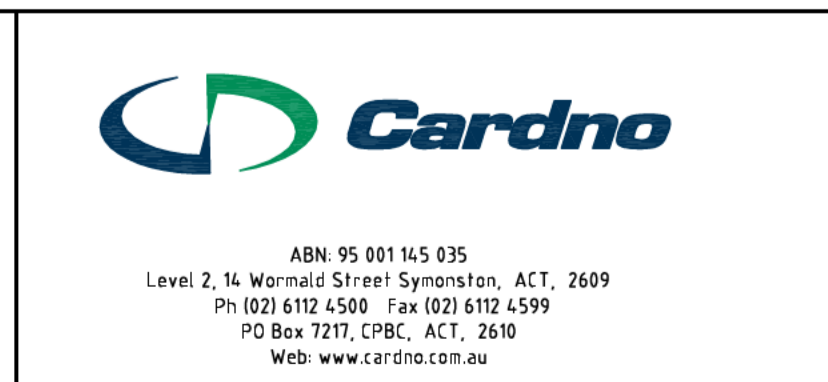
1. THE CONTRACTOR SHALL LOCATE EXISTING ELECTRICAL CABLE PIT AND MAKE FINAL CONNECTION OF NEW CAR PARK LIGHTING CONDUIT INTO PIT.
2. CAP OFF CONDUIT FOR CONNECTION TO FUTURE ILLUMINATED SIGN.
3. INSTALL NEW 20A RATED CIRCUIT BREAKER TO EXISTING DISTRIBUTION BOARD FOR CONNECTION OF NEW CAR PARK LIGHTING CIRCUIT.
4. THE CONTRACTOR SHALL INCLUDE TO SUPPLY AND INSTALL SUITABLE CONCRETE FOOTING FOR ALL LIGHTING COLUMNS.

XREF: X-ACT-A1-Logo; X-EXISTING LAYOUT; X-SERVICES; X-BASE; X-SURVEY 21092011
CAD FILE: J:\110034\Drawings\Electrical\CAD110034-E01.dwg

Rev	Date	Description	Des.	Verif.	Appr.
1	13/12/2011	FOR CLIENT REVIEW	PK	JPS	TML



© 2011 Cardno Ltd
All Rights Reserved.
This document is produced by Cardno Ltd solely for the benefit of and use by the client in accordance with the terms of the retainer. Cardno Ltd does not and shall not assume any responsibility or liability whatsoever to any third party arising out of any use or reliance by third party on the content of this document.



Drawn	ERL	Date	13/12/2011
Checked	PK	Date	13/12/2011
Designed	PK	Date	13/12/2011
Verified	JPS	Date	13/12/2011
Approved	TML	Date	13/12/2011

Client: **BRINDABELLA CHRISTIAN COLLEGE**
SCHOOL CARPARK LIGHTING LAYOUT

Status	FOR INFORMATION NOT TO BE USED FOR CONSTRUCTION PURPOSES		
Datum	Register	Scale	Size
		1:250	A1
Drawing Number	110034-E01		Revision
			1

From: Sandeman, Graham
Sent: Friday, 16 March 2012 4:48 PM
To: [REDACTED]
Subject: Brindabella Christian College
Attachments: 20120316153455955.pdf

Hi [REDACTED]

Copy of advice in relation to the Development Application Exemption request for Brindabella Christian College. Apologies for the delay in responding.

Kind regards
Graham

Graham Sandeman | Technical Coordinator (Merit Assessment)

Phone 02 6207 7981 | Fax 02 6207 1856

Planning Delivery Branch | ACTPLA | Environment and Sustainable Development | **ACT Government**

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



Dear 

**Blocks 4 and 23 Section 41 Lyneham
Brindabella Christian College (College) Car park exemption**

Thank you for your email of 24 January 2012 in relation to the above matter.
I apologise for the delay in responding.

The proposal for a new College car park and associated works to be located over part Block 23 Section 41 Lyneham is in the opinion of the ACT Environment and Sustainable Directorate, considered not to be exempt from requiring development approval.

This advice is based on the following drawings, prepared by Cardno ACT and submitted to the Planning Delivery Division-ESDD on 24/01/2012 and further correspondence dated submitted in February 2012:

Plan	Drawing Reference	Date
Cover Sheet - Rev 1	110034-C001	13.12.2011
Site Plan – Rev 1	110034-C003	13.12.2011
Demolition Plan Sheet 1 of 2 – Rev 1	110034-C005	13.12.2011
Demolition Plan Sheet 2 of 2 – Rev 1	110034-C006	13.12.2011
General Arrangement Sheet 1 of 2 – Rev 1	110034-C010	13.12.2011
General Arrangement Sheet 2 of 2 - Rev 1	110034-C011	13.12.2011
School Car park Lighting Layout – Rev 1	110034-E01	13.12.2011
Car park General Notes – Rev 1	110034-C002	13.12.2011

Should you require any further clarification please do not hesitate to contact Graham Sandeman on 6207 7981.

Yours sincerely


Aaron Oshyer
Manager
Merit Assessments

16 March 2012

From: Harding, Barbara (ACTPLA)
Sent: Friday, 25 July 2014 11:07 AM
To: Sparke, Chris
Cc: Uddin, Kamal; Bennett, Michael; ESD, LRAC
Subject: Re - Direct Sale Request - Block 21 Section 41 Lyneham - Executive lease to Sport & Rec - CMTEDD
Attachments: 201407251035.pdf

Hi Chris,

Thanks for referral. Happy to circulate out-of-session. Should be able to go out today.

Barbara

-----Original Message-----

From: Sparke, Chris
Sent: Friday, 25 July 2014 10:53 AM
To: Harding, Barbara (ACTPLA)
Cc: Uddin, Kamal
Subject: Direct Sale Request - Block 21 Section 41 Lyneham - Executive lease to Sport & Rec - CMTEDD

Barbara

We have been contacted by Sport and Recreation Services (formerly part of TAMS and now part of CMTEDD) with a request for it obtain a new Executive Lease over Block 21 Section 41 Lyneham (Block 21).

The request is to complement the existing Executive lease held over Block 23 Section 41 Lyneham (the adjacent oval) for the purpose of allowing (under a new sublease agreement) the Brindabella Christian College (BCC) to utilise some new Commonwealth funding to both improve the car parking provision surrounding the oval and provide a sports pavilion on Block 23.

Both the new car park and the sports pavilion will be held and maintained by the BCC for a period of 29 years after which it will be gifted back to the Territory.

The attach maps should provide you with enough detail regarding the land and the proposed concept designs for the site. Please can you circulate this to the relevant parties out of session rather than wait for the next LRAC meeting.

SRS has already held talks with ETD and Roads ACT, both of which we are advised are supportive of the proposal.

Regards

Chris Sparke | Project Manager | Office of the Coordinator-General, Project Facilitation and Direct Sales | Policy, Projects and Legislation | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Phone: 02 6205 2404
Level 2 Telstra House, 490 Northbourne Avenue, Dickson ACT 2602 GPO Box 158 Canberra ACT 2601 |
www.economicdevelopment.act.gov.au

-----Original Message-----

From: 490NBAB01L02P03@act.gov.au [mailto:490NBAB01L02P03@act.gov.au]

Sent: Friday, 25 July 2014 10:36 AM

To: Sparke, Chris

Subject: Message from "490NBAB01L02P03"

This E-mail was sent from "490NBAB01L02P03" (Aficio MP C4502A).

Scan Date: 25.07.2014 10:35:45 (+1000)

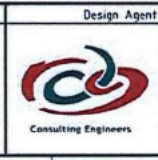
Queries to: 490NBAB01L02P03@act.gov.au



BEING BLOCK 25-26 SCHEMATIC
DIVISION: LYNCHIAN
DISTRICT: CAMBERA CENTRAL
AUSTRALIAN CAPITAL TERRITORY

AMENDMENTS		
AMENDMENT	APPROVAL	DATE

Scale
0m 20m 40m 60m
SCALE: A1 1:1000, A3 1:2000



Designed by
MG
Drawn by
BVA
Checked by
MG
Approved by
DF

Client
Project Officer: GREG ZWAGENBERG
Project Number: 15A
BRINDABELLA CHRISTIAN COLLEGE

Project	Drawing Title
BRINDABELLA CHRISTIAN COLLEGE OVAL PARKING	GENERAL ARRANGEMENT
Scale: AS SHOWN	Date: 12/11/13
Drawn by: BVA	Sheet: 1
Checked by: MG	Revision: 0
Approved by: DF	Proj. No.: RG 13039

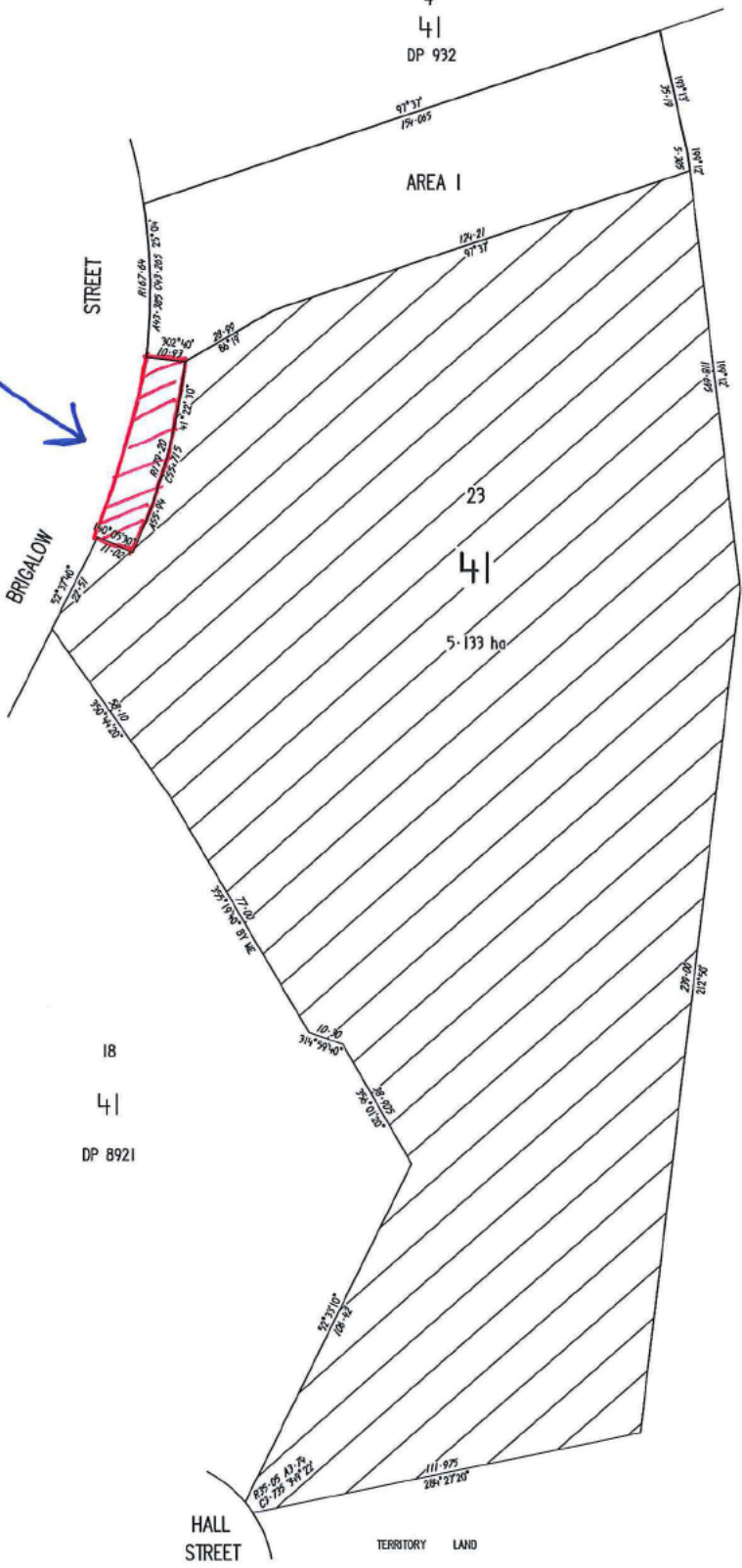
DRAWING STAGE - LATEST DATE INDICATES DRAWING STATUS
Conceptual Design: 12/5/13 Final Design: 12/11/13
For tender purposes only: 12/11/13 Issued for construction: 12/11/13



4
4 |
DP 932

AREA I

Block 21
existing
car park.



23
4 |
5.133 ha

18
4 |
DP 8921

HALL STREET

TERRITORY LAND

TERRITORY LAND

I PETER WILLIAM MAYBERRY of **MAR McDONALD BARRISLEY Pty Ltd** certify that this plan is an accurate and adequate representation of the area to be sublet as at 20/02/2009 being part of Block 23 Section 41 Division of LYNEHAM

Signed _____
Registered Surveyor

Date 20/02/09

**PLAN OF
SUB-LEASE AREA
LYNEHAM OVAL**

BLOCK 23
SECTION 41
DIVISION LYNEHAM

Scale 1:600 0 8 16 24 32 40 METRES

Lodged in the office of the Registrar of Titles at Canberra the 20 day of _____ month _____ year 2009 at _____ o'clock in the _____ part of the day. Approved _____

Registrar of Titles

S.L. PLAN No.

AMENDS S.L. PLAN No

From: ESD, LRAC
Sent: Tuesday, 29 July 2014 10:52 AM
To: Uddin, Kamal; Edwards, Sarah (School Planning); Cox, James; Moroney, Anne; Wyatt, Timothy; McKeown, Helen; Saad, Monica; Dekieftte, Rene; [REDACTED]
[REDACTED]
[REDACTED]
Cc: Lopa, Liz; Hicks, Katherine; Sparke, Chris; Luchetti, Christine; Neilsen, Andrew; Jeffrey, David; Croser, Sam; McNamara, Damien; Finlay, Jennifer; Jones, David; Gibson, Roger; Messer, Sue; Harmer, Sharon; Gianakis, Steven; Brett, Jenny; Gilles, Jennie; Gell, Chris; Oshyer, Aaron; Cilliers, George; Brown, Robin; EPAPanningLiaison; Boersma, Timo; Shaw, Tania; EmergencyManagement; McGregor, Rob; sourcewater@actewagl.com.au; enworks@actewagl.com.au
Subject: LRAC Circulation - LYNEHAM Section 41 Block 21 - Executive Lease Direct Sale to Sport & Recreation - CMTEDD submission - 29 July 2014
Attachments: 201407251035.pdf

Note: apology to those who have received the draft version a minute ago, by mistake. Please ignore the previous email regarding this circulation.

Comments Due by **Monday, 5 August 2014**

TaMS Asset Acceptance – Kamal Uddin

ETD Schools Planning – Sarah Edwards

EPD Planning Investigations – James Cox (infrastructure)

EPD – Planning and Heritage – Anne Moroney (Social infrastructure)

EPD – Major Projects and Transport – Tim Wyatt (Transport)

EPD Conservator Liaison – Helen McKeown

EPD General Leasing – Monica Saad

EPD Office of the Surveyor-General – Rene Dekieftte

JEMENA (Natural Gas) - [REDACTED]

ACTEWAGL Electrical – [REDACTED]

ACTEWAGL Hydraulics - [REDACTED]

TELSTRA - [REDACTED]

TRANSACT - [REDACTED]

(CC)

CMTEDD – Direct Sales – Liz Lopa, Katherine Hicks, Christine Luchetti, Chris Sparke, Andrew Neilsen

CMTEDD – Sport & Recreation – David Jeffrey, Sam Croser

CMTEDD – Land Release – Damien McNamara, Jennifer Finlay

ETD – David Jones
EPD – Leasing – Roger Gibson, Sue Messer, Sharon Harmer
EPD – Planning Investigations – Steven Gianakis, Jenny Brett, Jennie Gilles, Chris Gell
EPD – Merit Assessment – Aaron Oshyer, George Cilliers
EPD - EPAPanningLiaison, Robin Brown
TaMS – Land Use Unit – Timo Boersma
TaMS – Property Group – Tania Shaw
JACS – ESA – Rob McGregor, EmergencyManagement
ACTEWAGL Hydraulics – Sourcewater
ACTEWAGL Electrical – Enworks

Dear All,

A direct sale request for Block 21 Section 41 Lyneham (see page 2 of attachment) has been referred to LRAC for advice. The block is a carpark, accessed from Brigalow Street, on the edge of the Lyneham neighbourhood ovals. Sport and Recreation manage an Executive lease over the ovals (Block 23 Section 41) and desire to add the carpark into the leased area.

The information provided is that the request is being made for the purposes of allowing (under a new sublease agreement) the Brindabella Christian College (BCC) to utilise some new Commonwealth funding to both improve the car parking provision surrounding the oval and provide a sports pavilion on Block 23. See page one in the attachment for the proposed concept designs for the site.

Both the new car park and the sports pavilion will be held and maintained by the BCC for a period of 29 years after which it will be gifted back to the Territory. It is understood Sport and Recreation Services have had preliminary talks with Education and TaMS.

It is noted the land has PRZ1–*Urban Open Space* zoning with a “Pe” Public Land overlay.

Please email your comments to the LRAC inbox ESDLRAC@act.gov.au by Tuesday, 5 August 2014.

Note: The Custodianship Map is in error showing Block 23 as being privately leased (which is an issue being looked at.) It is a Government lease.

Thank you

Barbara Harding
LRAC Chair
Strategic Planning
Environment and Planning Directorate (EPD)

From: ESD, LRAC
Sent: Tuesday, 9 September 2014 2:39 PM
Cc: Boersma, Timo; Shaw, Tania; EmergencyManagement; McGregor, Rob
Subject: FW: LRAC Response - LYNEHAM Section 41 Block 21 - Direct Sale Request - Executive Lease to Sport & Rec - CMTEDD - 9 September 2014
Attachments: ATTACHMENT A - LYNEHAM Section 41 Block 21 - direct sale - Jul-Aug 2014.....docx;
ATTACHMENT A - ActewAGL Electrical - Plan - Lyneham Section 41 Block 21-....pdf

FYI

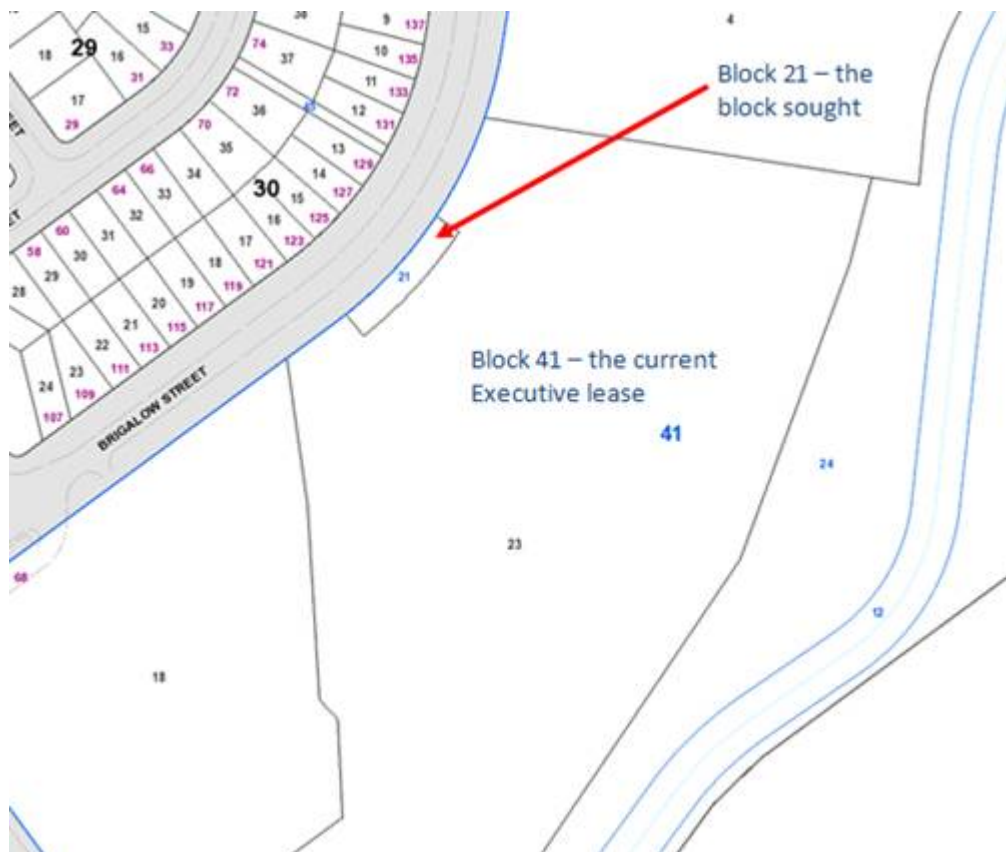
Thanks

Sanzida
6207 0224

From: ESD, LRAC
Sent: Tuesday, 9 September 2014 2:31 PM
To: Sparke, Chris; Uddin, Kamal; Jones, David
Cc: Lopa, Liz; Hicks, Katherine; Luchetti, Christine; Neilsen, Andrew; Jeffrey, David; Croser, Sam; McNamara, Damien; Finlay, Jennifer
Subject: LRAC Response - LYNEHAM Section 41 Block 21 - Direct Sale Request - Executive Lease to Sport & Rec - CMTEDD - 9 September 2014

Chris Sparke
Direct Sales
Chief Minister, Treasury and Economic Development Directorate

Thank you for your submission to the Land Requests Advisory Committee regarding the direct sale enquiry from Sport and Recreation Services to bring Block 21 Section 41 Lyneham (a carpark) into the Executive lease they manage over the Lyneham Neighbourhood Ovals.



Current Block layout

It is understood from the submission that this is for the purpose of enabling (under a new sublease agreement) the Brindabella Christian College to utilise some new Commonwealth funding to improve the car parking provision surrounding the oval and provide a sports pavilion on Block 23 Section 41. It is noted that Sport and Recreation's concept plan indicates that a significantly larger carpark is proposed compared to the existing carpark on block 21. It is assumed that the sublease will encompass all the land proposed for the carpark, as indicated in the concept plan. It is also understood the arrangement will see the carpark and pavilion held and managed by the Brindabella Christian College for a period of 29 years, after which it will be gifted back to the Territory.



Draft Concept Plan provided with submission

The submission was circulated to relevant agencies for their comment and input. Comments from Environment and Planning Directorate (EPD) are provided below. Responses from other agencies are contained in **Attachment A** to this email and include:

- TAMS Asset Acceptance
- ETD Planning and Performance
- JACS Emergency Services Agency
- ACTEWAGL Electrical
- ACTEWAGL Hydraulics
- TELSTRA
- TRANSACT

The circulation was also sent to the following agencies, who did not respond:

- JEMENA (Natural Gas)

Apologies for the time it has taken to respond.

OVERVIEW

No significant issues have been raised in relation to the land request for Block 21. In relation to the overall proposal, advices include a number of matters for Sport and Recreation Services' further investigation and/or consideration.

Education and Training Directorate Comments

Comments from the Education and Training Directorate (ETD) indicate they may have an expectation that support for the Sport and Recreation Services land request could be treated as support for previous land requests from ETD in relation to the southern portion of the urban open space. This is not recognised as the purpose of the circulation by the Land Requests Advisory Committee. The matter under consideration is the Sport and Recreation request only. The concept plan provided by Sport and Recreation does begin to provide some resolution to the future of this shared neighbourhood oval space and may provide a better context for consideration of the proposals for the southern portion. It is noted that as well as ETD's interest in the southern portion, TAMS comments advise of interest in part of it, which the community has identified for a community garden/orchard.

There appears to be a need for a high-level meeting between relevant directorates (CMTEDD Sport & Rec and Direct Sales, ETD, TAMS, EPD) to discuss the future of the remainder of the urban open space-zoned land not part of the particular improvements in the Sport and Recreation Concept Plan. Such a meeting should clarify the way forward in relation to any custodianship changes, maintenance MOU's, and/or lodgement of any appropriate "Application for Direct Sale or Transfer of Land Custodian" with the Direct Sale unit of CMTEDD.

In relation to the small area where Sport and Recreation's Concept Plan shows a proposed carpark entry encroaching into the Lyneham Primary school block/lease, this is a matter for Sport and Rec and Education to discuss. The proposed entry might be relocated or the school lease might be surrendered and the land taken out of the school block. It appears from ETD comments they are facilitating the land to come out of the school block.

Boundaries of New Executive Lease

EPD suggest it may be worth considering subdividing land for the new Executive lease more closely around the facilities described in the Concept Plan. This might avoid future disruption of the sublease, which could potentially be caused by the various proposals for the southern portion of the urban open space. Anything not included in the Executive lease should remain in Sport and Recreation custodianship at this stage and might be part of the discussions at the above-mentioned inter-directorate meeting. The same meeting could look at a suitable boundary if Sport and Recreation do not wish to lease the whole area.

Public Access

TAMS and EPD note the area, including the carpark, must remain publicly accessible.

Conservator Agreement

Conservator Liaison advise no lease can be granted without agreement in writing form the Conservator.

Block 24 Section 41 (Floodway and Sewers)

Both ActewAGL and EPD note the new oval in the Concept Plan encroaches into Block 24. ActewAGL advises they have two major sewer mains in this area. See their comments regarding constraints and requirements in full in Attachment A.

EPD questions whether this encroachment of the oval, and potential fill, would cause issues for the floodway and also whether Sport and Recreation will also be seeking the direct sale and inclusion of that part of Block 24 into the Executive Lease.

High Voltage Electricity Lines in Verge of Block 21

ActewAGL advise they have high voltage lines in the verge of Block 21 (See comments in Attachment A)

Barbara Harding
LRAC Chair
Planning Investigations

Strategic Planning Division
Environment and Planning Directorate

.....
.....
Environment and Planning Directorate (EPD) COMMENTS

EPD advice consolidated by LRAC Secretariat from comments provided by Impact Assessment, Lease Administration, Territory Plan, Office of the Surveyor General, Environment Protection Authority, and Conservator Liaison (including Heritage).

Conservator Liaison

There are no apparent issues of concern with the proposal provided the construction works can be completed without damaging the existing large trees, and that the area will remain accessible to members of the public after hours. The management objectives for urban open space are:

1. to provide for public and community use of the area
2. to develop the area for public and community use

The Lyneham Oval is listed as a Neighbourhood Sportsground in the Inner Canberra's Urban Parks and Sportsgrounds Plan of Management. The Plan of Management states – the sportsgrounds are used for organised activities by schools and informally by the local community.

Will the Lyneham Primary School retain access to the sportsground?

Note that no lease can be granted without agreement in writing by the Conservator of Flora and Fauna (s.337 of the *Planning and Development Act 2007*)

Helen McKeown

Planning Investigations

Custodianship

It is noted the current Executive lease over Block 23 Section 41 is displaying on the Custodianship Map as a private lease on Public Land. This is a technical (computer) error, which we will endeavour to correct as soon as it can be diagnosed. The land is Public Land, but the lease should display as a "Government lease".

It is noted that the re-granting of an Executive lease (rather than reliance on a custodianship only) will be required in this case due to the intention to sublease.

Overhang of new oval into Block 24

The Concept Plan provided shows the proposed new oval encroaching into Block 24 Section 41. Does Sport and Recreation intend to also seek part of this land to be included in the Executive lease to enable the new layout? Also, it is not clear whether Block 24 is part of the floodway area or whether filling of the area would affect the floodway performance.

Encroachment into Block 18

In relation to the small area where Sport and Recreation's Concept Plan shows a proposed carpark entry encroaching into the Lyneham Primary school block/lease (Block 18 Section 24), this is a matter for Sport and Rec and Education to discuss. The proposed entry might be relocated or the school lease might be surrendered and the land taken out of the school block. If the school lease is surrendered, it is noted that under new policy, ETD may choose to rely on Custodianship only, unless there are operations which require a sublease arrangement.

Provides More Context for Consideration of the Requests for the southern portion of the Urban Open Space

The concept plan provided by Sport and Recreation appears to show an upgrade of the facilities at these ovals, which will be assets returned to the Territory after a period. This would appear to be a good

outcome, although it seems the number of ovals available to the three surrounding schools may be reduced from two to one oval and some coordination of the usage may be required. However, it is understood from the submission information that Sport and Rec has had discussions with ETD, who would represent the interests of the two public schools.

As urban open space-zoned land, it is assumed the carpark and ovals will not be closed off and will remain open for the use of the community and the public schools. If the proposal progresses, it should bring more context to consideration of the southern portion of the urban open space, which has been the subject of a couple of proposals.

It is suggested it would be advisable to have a high-level meeting between relevant directorates (CMTEDD Sport & Rec and Direct Sales, ETD, TAMS, EPD) to discuss the future of the remainder of the urban open space-zoned land not part of the particular improvements in the Sport and Recreation Concept Plan. Such a meeting should clarify the way forward in relation to any custodianship changes, maintenance MOU's, and/or lodgement of any appropriate "Application for Direct Sale or Transfer of Land Custodian" with the Direct Sale unit of CMTEDD.

Boundaries of new Executive lease

It may be worth considering subdividing land for the new Executive lease more closely around the facilities described in the Concept Plan. This could potentially avoid future disruption of the sublease (ie through another surrender of the Executive Lease), which could be caused by the various proposals for the southern portion of the urban open space. Anything not included in the Executive lease should remain in Sport and Recreation custodianship at this stage. In regard to this, I note the boundary shown on the Concept Plan cuts across the proposed carpark and oval and would not be suitable. A suitable boundary might be part of the inter-directorate discussions suggested above.

Barbara Harding

Leasing

I wish to advise that there is no record on Tarquin, the Objective TL File or ACTMAPi of any registered or unregistered lease or licence being granted against Block 21.

Monica Saad

Surveyor General

Lyneham Section 41 Block 21 is not Registered on a Survey Plan.

An AP (AP6970) was processed to subdivide Block 23 Section 41 into two new blocks (Blocks 25 and 26), however, on advice a custodian transfer would need to be agreed to before the new block arrangement was utilized, the information is not displayed on ACTMAPi.

Rene de Kieft

Queries to LRAC Secretariat

p 6207 0224 (Sanzida Akhter) or 6207 6325 (Mick Bennett) | e esdlrac@act.gov.au

LYNEHAM Section 41 Block 21

Land Requests Advisory Committee – Direct Sale - July/August 2014

OTHER AGENCY COMMENTS

TAMS Asset Acceptance

TAMS supports the proposed Executive Lease of the subject site to Sport and Recreation for lease consolidation with existing Block 23 Section 41 Lyneham.

- TAMS notes that there are few high value trees on the subject site. All trees must be protected as far as practicable. A tree assessment report must be provided to TAMS for assessment if they are proposed for removal.
- Future use of this car park must not prevent public use of this car park.
- Proponent must discuss with Asset Acceptance for an agreement with regard to change of any access locations.
- The vacant land, behind Somercotes Court of Hall Street, immediately adjacent to the School grounds next to the footpath and stormwater channel, has been identified for a community garden/orchard by local residents. Any development must avoid off site damage.

Kamal Uddin

Planner – Asset Acceptance

Operational Support

Directorate Services

Territory & Municipal Services Directorate

Ph- 02 6205 7761

Email- kamal.uddin@act.gov.au

ETD – Planning and Performance

This is supported with comments.

1. The proposed sub-leased area includes some land from the Lyneham PS as well as the adjacent sportsfield.
 - ETD are managing the transfer of this parcel of land to Sport and Recreation Services to allow the sub-lease to occur
2. ETD had previously proposed that the boundary for Lyneham PS is amended. It is proposed that the above approval includes both the sub-lease to BCC and the revised boundary for Lyneham PS.
 - The revised boundary allows:
 - i. Irrigated natural grass area to be included with school (the installation of irrigation was facilitated by ETD)

- ii. Potential growth of the school to meet future demand arising from the Canberra Metro (commuter students and urban intensification)
- SRS had previously supported the revised boundary proposal

David Jones

Manager

Planning and Performance

Education & Training Directorate

Ph- 02 6205 9401

Email- david.jones@act.gov.au

JACS Emergency Services Agency

ACTF&R has no special considerations or objections to:

LRAC Circulation-Lyneham Section 41 Block 21- Executive Lease Direct Sale to Sport & Recreation - CMTEDD submission - 29 July 2014.

Rob McGregor

Station Officer

ACT Fire & Rescue

Operational Planning & Investigation Section

Development Planning

Ph- 02 6207 8472

Email- rob.mcgregor@act.gov.au

ACTEWAGL Electrical

ActewAGL Distribution would like to advise/comment that:

- Currently there are no ActewAGL Electrical assets located on block 21 section 41 Lyneham.
- ActewAGL have overhead high voltage assets located in the verge frontage of block 21 section 41 Lyneham.
- If ActewAGL's assets are required to be relocated due to this development, the proponent will be required to fund the full costs associated with relocating the affected assets.
- The proposed permanent carpark must not be located directly under ActewAGL assets or within an ActewAGL Electrical easement without prior approval from ActewAGL Distribution.
- ActewAGL support the sale of this land to the proponent.

Should the proponent or ESD require any further information, please contact ActewAGL's Technical Team on 6293 5880 or email us at enworks@actewagl.com.au

Standard comment as below also applies:

ActewAGL Electrical Network Division has no objection on subjected direct sale will following constraints.

- Development is to comply with minimum clearance to O/H assets and minimum separation to underground assets.
- Proponent is required to contact ActewAGL Prior to the commencement of any development activity to negotiate the connection of new/upgrade and /or relocation of existing electricity assets
- Proponent may be required to provide the space for substation if the existing supply doesn't meets requirement.
- Proponent may be required to install special earthing (if the substation is found to be within 100 meters of any special location e.g child care, public pool, lake etc) to less than 1 ohm.

[REDACTED]
Technical Team Leader
Supply Connection Services
Customer Connections Branch
 Ph- [REDACTED]
 Email- [REDACTED]@actewagl.com.au

ACTEWAGL Hydraulics

ACTEW Water has no objection to the direct sale of Block 21 and consolidation with Block 23.

But.....The concept plan indicates that the sports oval will encroach beyond the eastern boundary into the adjacent Territory Land. There are two major sewer mains in this area. The oval may encroach over a sewer manhole on the nearer of the two sewers. Sewer manholes are not permitted in the playing surface of sports fields. ACTEW is to be consulted during the design phase for the oval to ensure the above requirement is met.

[REDACTED]
Manager
Hydraulic Asset Acceptance
ActewAGL
 Ph- [REDACTED]
 Email- [REDACTED]@actewagl.com.au

TELSTRA

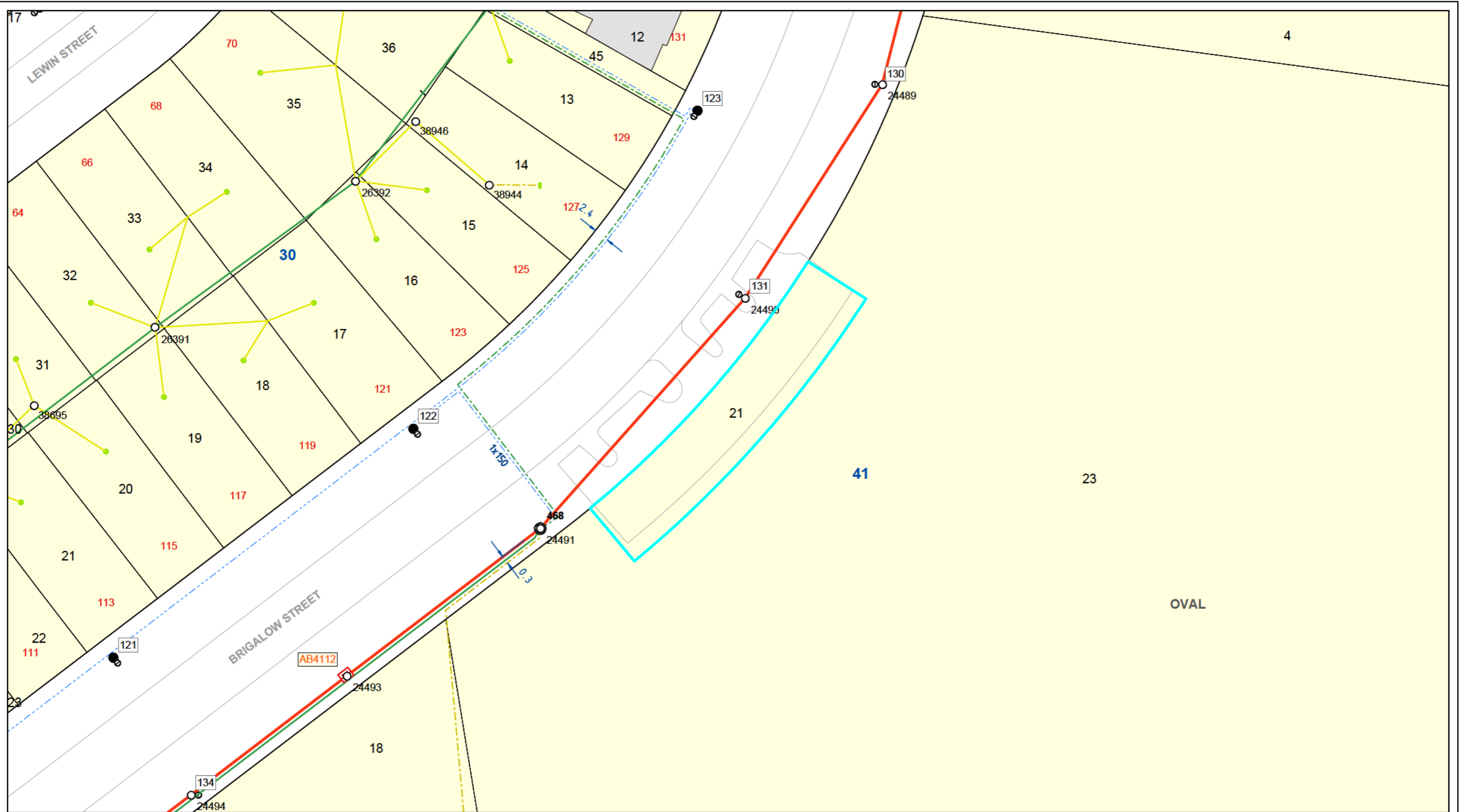
Telstra has no comment with regard to the above subject.

[REDACTED]
Principal Planner
NSW Country South & ACT
Forecasting & Area Planning NSW & Wideband
Networks & Access Technologies
Telstra Operations
Ph- [REDACTED] Mob- [REDACTED]
Email- [REDACTED] [@team.telstra.com](mailto:[REDACTED]@team.telstra.com)

TRANSACT

TransACT have reviewed the documents for LRAC Circulation - LYNEHAM Section 41 Block 21 - Executive Lease Direct Sale to Sport & Recreation - CMTEDD submission - 29 July 2014 and have no objections to their approval.

[REDACTED]
Design Manager
Network Design and Construction Group
TransACT Communications
Ph- [REDACTED]
Email- [REDACTED] [@transact.com.au](mailto:[REDACTED]@transact.com.au)



ACT cadastral and land information is based on SDMS data provided by the ACT Land Information Centre, part of the Australian Capital Territory and the ACT Planning and Land Authority. It does not represent official Australian Capital Territory SDMS data. No warranty as to the accuracy or completeness of this information is provided, and no liability for loss or damage arising from the use of this information will be accepted.

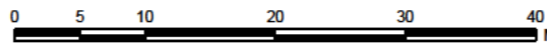
Copyright © Australian Capital Territory 2009

All network distribution data is the property of ActewAGL and no warranty as to the accuracy or completeness of the information is provided. No liability for any loss or damage arising from the use of this information will be accepted.

Copyright (c) ActewAGL 2009

ActewAGL Electricity Network

Block 21 Section 41, LYNE



Date: 31 Jul 2014

Extractor:



From: Harding, Barbara (ACTPLA)
Sent: Thursday, 18 December 2014 6:59 PM
To: Messer, Sue
Cc: ESD, LRAC; Jarman, Ron; Dekiefte, Rene; McFarlane, Trina
Subject: Section 41 Lyneham (Lyneham ovals)

Sue Messer
Manager
Leasing DA
Planning Delivery Division

Hi Sue,

I understand you are handling the surrender of the Executive Lease (managed by Sport and Recreation) over Block 23 Section 41 Lyneham and the granting of a new Executive lease over the same land and also some additional land; the new lease also to be managed by Sport and Recreation (CMTEDD).

As discussed, I am writing to confirm that an earlier subdivision of Block 23, which was requested by the Education and Training Directorate (ETD) and which was processed to the Cadaster, is considered to be defunct and has been superseded by agreement to the current arrangement where the whole of the land will remain with Sport and Recreation under the new Executive lease.

The background is that although the land was subdivided, ETD were not successful in gaining wider Government support for their proposal for the part of the part of the land shown in hatching on plan below and therefore custodianship was not transferred to them.



ETD raised their desire for the land at Land Requests Advisory Committee (LRAC) meetings in July 2013 and in February 2014. On both occasions they were advised of a number of issues with the proposal and also that they needed to apply for the land through the process for allocation of land to Government entities (ie. apply to CMTEDD Direct Sales unit using the *Government Direct Sale or Transfer of Land Custodianship Application* form.) As far as I am aware (as LRAC Chair and as the Custodianship Map clearance officer), ETD did not apply to CMTEDD for agreement to the land allocation and custodianship transfer. Therefore the proposal the subdivision was predicated on has not eventuated. Further, there has been more recent agreement to a Sport and Recreation proposal.

CMTEDD Sport and Recreation (the current custodian) has put forward a proposal which will result in an upgrade of the oval facilities and which has received wide support, including from LRAC and from the Direct Sale Panel.

Because Sport and Recreation (CMTEDD) needed agreement to some additional land, their proposal was considered by the Direct Sale Panel at their meeting of 2 October 2014. The plans presented to the Panel (see below) clearly show the whole of the land to remain with Sport and Recreation and to be included in the new Executive Lease. (The defunct subdivision line is visible cutting through the proposed new carpark and oval configuration.)



The written brief to the Panel was also clear the proposed new Executive lease would be over Block 23, Block 21 and part Block 18 of Section 23 Lyneham. The necessary direct sale parcels to support this outcome were recommended for approval by the Panel. Representatives from ETD and CMTEDD were present at the Panel meeting and voted. I understand CMTEDD will put the Panel recommendation for approval to the relevant entity (the Minister for Planning or Cabinet) once the parcel of land needed from Block 18 (the Lyneham Primary School) has been excised.

The Panel support for the additional land to enable the new Executive lease over the whole acknowledges the earlier subdivision is no longer a current proposal and that the land will remain within a CMTED - Sport and Recreation managed Executive lease.

Hope this clarifies the situation. If you need any further information please let me know.

Barbara

Barbara Harding
LRAC Chair and Custodian officer
Planning Policy
Strategic Planning Division

From: Harding, Barbara (ACTPLA)
Sent: Thursday, 17 March 2016 2:21 PM
To: ESD, LRAC
Subject: FW: Brindabella Christian College - Lyneham - New Direct Sale Application

NOTE to FILE:

Chris Sparke rang on 15 March 2016 and asked me to circulate this internally for a whole-of-EPD response. He had not had a reply to this email from Alix (Territory Plan Section.)

Barbara

From: Sparke, Chris
Sent: Friday, 26 February 2016 9:34 AM
To: Kaucz, Alix
Cc: Harding, Barbara (ACTPLA); Luchetti, Christine
Subject: Brindabella Christian College - Lyneham - New Direct Sale Application

Hi Alix

Rather than going through a full LRAC circulation we are seeking your area's initial comments about the attached proposal by the BCC. Can you also advise/confirm where EPD (Territory Planning area) stands on this proposal.

The application states that due to student numbers growth and the general need for car parking on the site (the school has somehow been developed without any car parking facilities on its own land), it proposes to purchase this land from the Territory to upgrade the existing parking area and put in two new tennis/basketball/netball courts at the rear of the car park. Whilst I agree with the general necessity for the school to have parking facilities, my concern is that since there was a fairly public discussion about the previous development proposal for this site (and the apparent subsequent Government back down from the proposal), this may be asking too much at this time. From memory the main issue was that we were looking at selling/sub-leasing land zoned Open Urban Space to a private school, and although the proposed development is significantly less this time around the same issue may arise.

Despite the land being currently used under a sublease agreement as a car park the land is technically zoned as Open Urban Space, our question is whether there would be a need for a TPV or not?, and additionally whether the lease for this land would be required to be consolidated with the School's existing lease over its main site. We have also written to Sport and Rec seeking its advice and an understanding as to whether or not it (as the Custodian of the land) supports the proposed direct sale.

Section C Your Proposal

The Land

Describe why you want the land and how you will use it. What types of business activities will you perform? What types of goods and services will you provide?

The land defined under ACT Government 20-Year Sub-Lease Volume:Folio 1873:68, District/Division: Lyneham, Section 41, Block 23 is the only off-street staff, student and parent car-parking, including the only safe student drop-off and pick-up location, available for Brindabella Christian.

Originally sub-leased by the ACT Government to facilitate the College to receive the Commonwealth Government's Building Education Revolution funding through construction of a College Library, Classrooms and Early Learning facilities on the previous College car-park site.

With 800 current students spanning from Early Learning 3-year olds through to Year 12, and considering projected increased enrolment numbers as we fully triple-stream the College it is essential that the College now secure ownership and the future viability of the current car-park to provide ongoing "guaranteed" safe, secure parking and parental drop-off for children in the morning and pick-up in the afternoon.

The College operates a 'Kiss and Drop' zone at the eastern end of this carpark which provides the necessary safety that the College community require for years K to 12. Separately the College has an Early Learning Centre (ELC) adjacent to the carpark where parents park when dropping off or picking up children accessing the ELC; formally "walking" children in to the Centre.

Currently the carpark is unsealed and becomes a "dust bowl" in dry conditions sending dust into neighbouring residential houses and "ponds" in the rain due to the underlying clay nature of the sub-soil in the area. After rain the carpark also develops numerous pot holes which, including ponded areas, restricts the use of the carpark and impacts on the safety of students.

The advent of 120 new student enrolments and 20 new teachers for 2016 has caused the College to place 6 new demountables on-site at a time where we will be undergoing a major building program of classrooms and sports facilities. The College is impossibly constrained in space terms and the loss of outdoor courts and mini playing fields to new classrooms further exacerbates the issues facing the College.

The purchase of this land will allow the College to create multi-use spaces of outdoor sports courts (tennis and basketball) on overflow parking with the option to add underground parking in response to the failure of our joint bid with the ACT Government to extend parking and "Kiss & Drop" along Brigalow Street from Brindabella to Lyneham Primary for use by both schools.

To secure our position and allow the College to commit to additional expenditure to develop this car-park, and based on three years of time and resources in failed alternate negotiations inclusive of over \$200,000.00 in lost financial expenditure in support of previously attempted options, we now request urgent approval to the contiguous purchase of this land adjoining the College; the land in question bounded by both Lyneham Oval and the College which in itself represents no other commercial value to the local community.

9 Explain why you need to obtain land through a direct sale, rather than another process:

With the failed joint venture between the ACT Government and Brindabella Christian College, the construction of a new sports pavilion to the north east of existing College site will trigger the requirement for a Development Application requiring specifically designated parking to be defined by the College for use with the new building. The only location the College has available for this is the currently sub-leased land.

This is also the only parcel of land that provides a safe space, away from high levels of congestion along Brigalow Street, for parking and for pick-up and drop-off. The land use is currently midway through a 20 year sub-lease with the Department of Sport and Recreation.

Existing congestion is also set to substantively increase with the proposed Morris Group development on the Moat Street Lyneham Motor Inn site of over 300 apartments; substantively increasing the rat-running along Brigalow Street given there is no capacity for right turns access on the already highly congested Moat Street; let alone when the construction of the Light Rail is underway.

One of the main complaints from parents and the wider community is the condition of the current surface of the car-park. On dry days, when there is any level of wind blowing, the dust is continually 'picked up' and blown into the houses around the vicinity of the College. In wet weather, due to the nature of the soil, large potholes quickly form, making the car-park a driving hazard for the families.

As the College continues its recent growth parking and traffic movement becomes more and more problematic and the need to provide a safe, secure, well surfaced area becomes increasingly important.

Therefore, purchasing the land represented by the College's current car-park would provide a certainty which would allow the College to improve the surface and conditions of the land for parking and movement of the students.

The parking study from Northrop Consulting Engineers is tabled below:

Section C Your Proposal

- 10 If your organisation has investigated alternatives to a direct sale of land, describe the actions you have taken:

The College currently leases the land through a sub-lease with Department of Sport and Recreation.

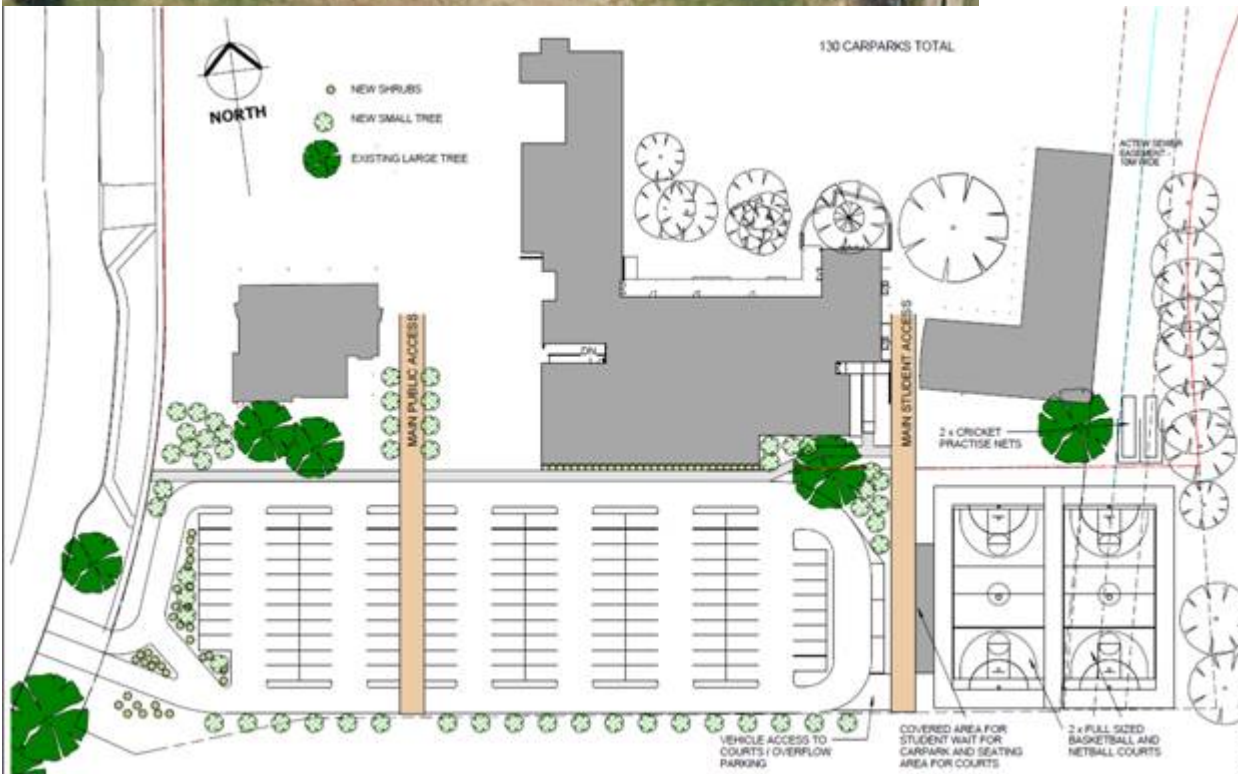
The College underwent a three-year set of negotiations with the ACT Government that would have led to the extension of the existing car-park along Brigalow Street between Brindabella and Lyneham Primary for the joint use of both schools communities. The alternatives we explored also included the re-greening of the Lyneham Oval and restoration of playing fields for the over 3000 children in the adjoining three schools (via rain water capture), a Sports Pavilion, community change rooms and BBQ facilities to be built on land rezoned to include the current College car-park leased land.

These negotiations were ultimately derailed leaving the College exhausted of all other viable alternatives.

The price to the College came at significant time lost exceeding three years, hundreds of hours consumed in human resources and unrecoverable fiscal costs exceeding \$200,000.00.

Not mention the Australian Government's requirement to now build a Sporting Pavilion on the College's already compressed existing grounds or lose our pre-committed \$800,000.00 Federal Capital Grants, which we are currently now undertaking along with building additional classrooms to accommodate our significant growth.

With respect to the past joint venture failures, our College community now need an equitable resolution to the situation we find ourselves in.



Regards

Chris Sparke | Project Manager | Office of the Coordinator-General, Project Facilitation and Direct Sales | Urban Renewal | Chief Minister, Treasury and Economic Development Directorate | ACT Government
Phone: 02 6205 2404

Level 6 Transact House, 470 Northbourne Avenue, Dickson ACT 2602
GPO Box 158 Canberra ACT 2601 | www.economicdevelopment.act.gov.au

From: Harding, Barbara (ACTPLA)
Sent: Thursday, 17 March 2016 4:57 PM
To: Terrplan; Moroney, Anne; Wyatt, Tim; Saad, Monica; Walter, Stephan; EPD Impact; Dekieft, Rene; McKeown, Helen
Cc: ESD, LRAC; Quirk, Mike; Jurcevic, Suzanne; Moore, AlisonM (ACTPLA); Oswald, Petra; Kaucz, Alix; Chapman, Maggie; Messer, Sue; Jarman, Ron; EPAPanningLiaison
Subject: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

Comments Due: Thursday, 31 March 2016

Territory Plan – *Terrplan* inbox
Planning Policy – Anne Moroney (Social Infrastructure)
Conservator Liaison – Helen McKeown
Transport Planning - Tim Wyatt
General Leasing – Monica Saad
Major Projects – Stephan Walter
Development Assessment – Impact team – *EPD Impact* inbox
Office of the Surveyor-General – Rene Dekieft
Environment Protection Planning Liaison (CMTEDD) – Robin Brown

Cc Mike Quirk, Suzanne Jurcevic, Alison Moore, Petra Oswald, Alix Kaucz, Maggie Chapman, Sue Messer, Ron Jarman, EPAPanningLiaisoninbox

Dear All,

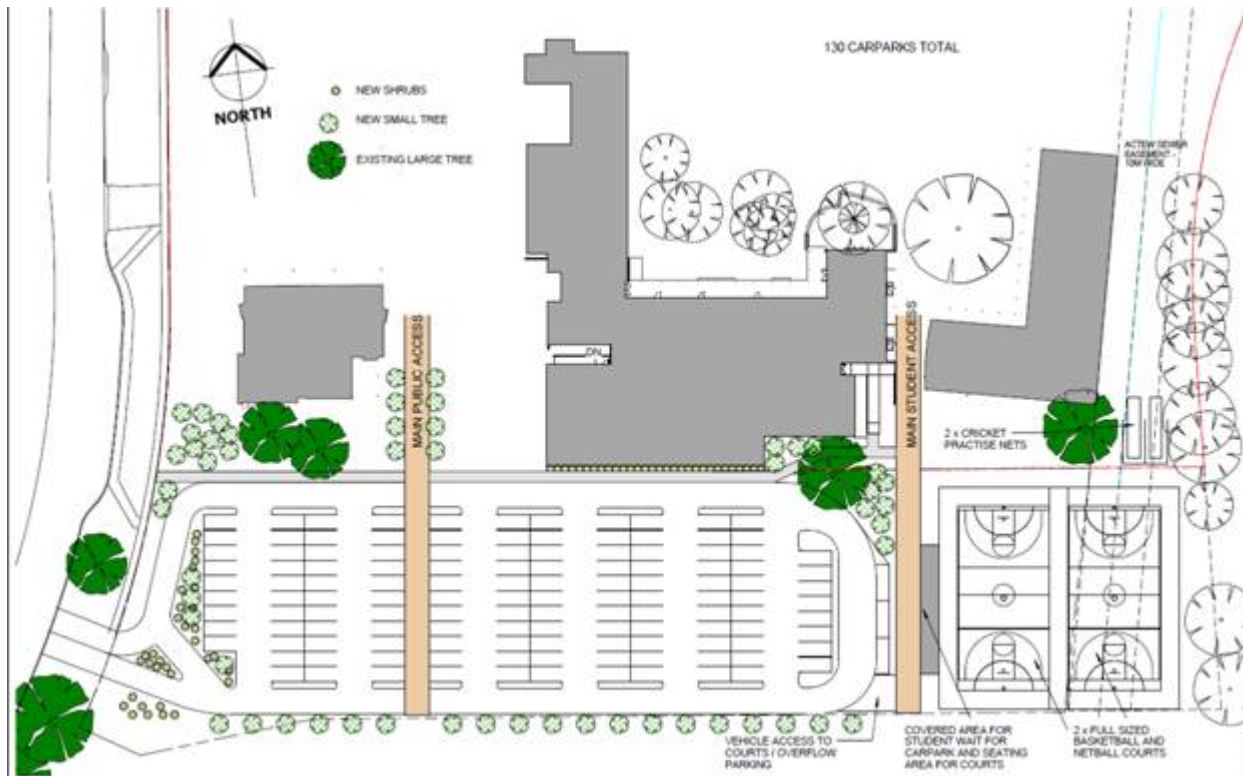
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

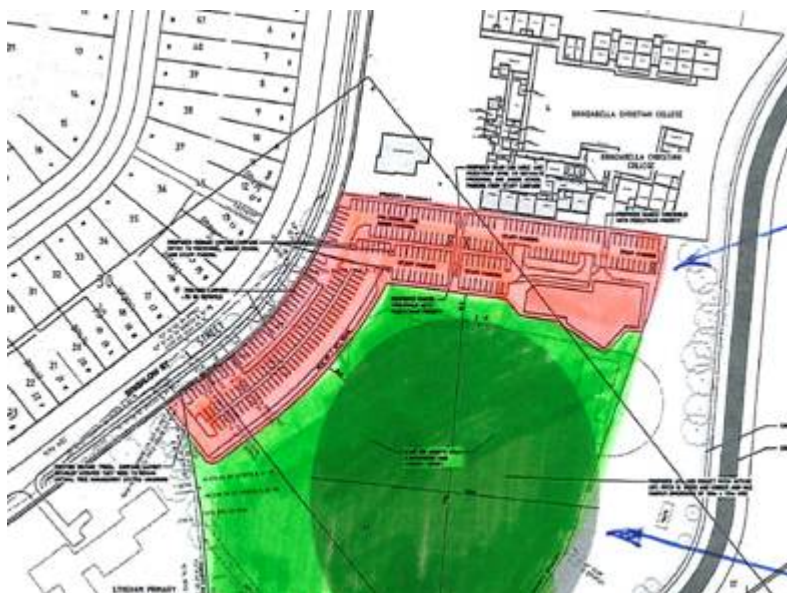
The land is zoned PRZ1-Urban Open Space and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “Outdoor sports facility and ancillary thereto carparking.” The land is currently mainly used as an unsealed carpark.

The school seeks the direct sale (of the same land that is sub-leased) to invest in an upgraded parking area and basketball/netball courts (see plan below.)



DEVELOPMENT OF THE LAND PROPOSED BY BRINDABELLA COLLEGE

There is a very sensitive background to this application. The college had previously proposed a larger development, including a sports pavillion and more parking. However, it appears Government support, and the development application (DA), were withdrawn after anger aired at a community meeting. (Some media articles can be provided on request.) I have been unable to locate the relevant DA, but believe the extent of the previous proposal was as per the pink area on the plan below.



EARLIER EXTENT OF DEVELOPMENT PROPOSED (PINK) -- (This is not the current proposal.)

In the current direct sale application, the college is seeking the land they currently sublease (as per plans at head of this email) and with a reduced level of development. Even so, it could be expected the community concern with permanent allocation of land from the ovals to the college is likely to be similar.

From the point of view of the college, the secure provision of parking is significant to their proposed developments within the college site as well as on the additional land. It is understood there is also the potential loss of \$800,000 of associated Commonwealth funding.

Below is the request from CMTEDD Direct Sales for EPD advice (originally sent only to the Territory Plan Section, but which LRAC has now been asked to expand to a more comprehensive EPD advice.) The request includes extracts from Brindabella College's direct sale application, which give more detail of their issues.

Please email your comments to the LRAC inbox ESDLRAC@act.gov.au by **Thursday, 31 March 2016**.

Thank you

Barbara Harding
LRAC Chair
Forward Policy and Research
Strategic Planning Division
Environment and Planning Directorate (EPD)

EMAIL FROM CMTEDD DIRECT SALES:

From: Sparke, Chris
Sent: Friday, 26 February 2016 9:34 AM
To: Kaucz, Alix
Cc: Harding, Barbara (ACTPLA); Luchetti, Christine
Subject: Brindabella Christian College - Lyneham - New Direct Sale Application

Hi Alix

Rather than going through a full LRAC circulation we are seeking your area's initial comments about the attached proposal by the BCC. Can you also advise/confirm where EPD (Territory Planning area) stands on this proposal.

The application states that due to student numbers growth and the general need for car parking on the site (the school has somehow been developed without any car parking facilities on its own land), it proposes to purchase this land from the Territory to upgrade the existing parking area and put in two new tennis/basketball/netball courts at the rear of the car park. Whilst I agree with the general necessity for the school to have parking facilities, my concern is that since there was a fairly public discussion about the previous development proposal for this site (and the apparent subsequent Government back down from the proposal), this may be asking too much at this time. From memory the main issue was that we were looking at selling/sub-leasing land zoned Open Urban Space to a private school, and although the proposed development is significantly less this time around the same issue may arise.

Despite the land being currently used under a sublease agreement as a car park the land is technically zoned as Open Urban Space, our question is whether there would be a need for a TPV or not?, and additionally whether the lease for this land would be required to be consolidated with the School's existing lease over its main site. We have also written to Sport and Rec seeking its advice and an understanding as to whether or not it (as the Custodian of the land) supports the proposed direct sale.

Section C Your Proposal

The Land

Describe why you want the land and how you will use it. What types of business activities will you perform? What types of goods and services will you provide?

The land defined under ACT Government 20-Year Sub-Lease Volume:Folio 1873:68, District/Division: Lyneham, Section 41, Block 23 is the only off-street staff, student and parent car-parking, including the only safe student drop-off and pick-up location, available for Brindabella Christian.

Originally sub-leased by the ACT Government to facilitate the College to receive the Commonwealth Government's Building Education Revolution funding through construction of a College Library, Classrooms and Early Learning facilities on the previous College car-park site.

With 800 current students spanning from Early Learning 3-year olds through to Year 12, and considering projected increased enrolment numbers as we fully triple-stream the College it is essential that the College now secure ownership and the future viability of the current car-park to provide ongoing "guaranteed" safe, secure parking and parental drop-off for children in the morning and pick-up in the afternoon.

The College operates a 'Kiss and Drop' zone at the eastern end of this carpark which provides the necessary safety that the College community require for years K to 12. Separately the College has an Early Learning Centre (ELC) adjacent to the carpark where parents park when dropping off or picking up children accessing the ELC; formally "walking" children in to the Centre.

Currently the carpark is unsealed and becomes a "dust bowl" in dry conditions sending dust into neighbouring residential houses and "ponds" in the rain due to the underlying clay nature of the sub-soil in the area. After rain the carpark also develops numerous pot holes which, including ponded areas, restricts the use of the carpark and impacts on the safety of students.

The advent of 120 new student enrolments and 20 new teachers for 2016 has caused the College to place 6 new demountables on-site at a time where we will be undergoing a major building program of classrooms and sports facilities. The College is impossibly constrained in space terms and the loss of outdoor courts and mini playing fields to new classrooms further exacerbates the issues facing the College.

The purchase of this land will allow the College to create multi-use spaces of outdoor sports courts (tennis and basketball) on overflow parking with the option to add underground parking in response to the failure of our joint bid with the ACT Government to extend parking and "Kiss & Drop" along Brigalow Street from Brindabella to Lyneham Primary for use by both schools.

To secure our position and allow the College to commit to additional expenditure to develop this car-park, and based on three years of time and resources in failed alternate negotiations inclusive of over \$200,000.00 in lost financial expenditure in support of previously attempted options, we now request urgent approval to the contiguous purchase of this land adjoining the College; the land in question bounded by both Lyneham Oval and the College which in itself represents no other commercial value to the local community.

- 9 Explain why you need to obtain land through a direct sale, rather than another process:

With the failed joint venture between the ACT Government and Brindabella Christian College, the construction of a new sports pavilion to the north east of existing College site will trigger the requirement for a Development Application requiring specifically designated parking to be defined by the College for use with the new building. The only location the College has available for this is the currently sub-leased land.

This is also the only parcel of land that provides a safe space, away from high levels of congestion along Brigalow Street, for parking and for pick-up and drop-off. The land use is currently midway through a 20 year sub-lease with the Department of Sport and Recreation.

Existing congestion is also set to substantively increase with the proposed Morris Group development on the Moat Street Lyneham Motor Inn site of over 300 apartments; substantively increasing the rat-running along Brigalow Street given there is no capacity for right turns access on the already highly congested Moat Street; let alone when the construction of the Light Rail is underway.

One of the main complaints from parents and the wider community is the condition of the current surface of the car-park. On dry days, when there is any level of wind blowing, the dust is continually 'picked up' and blown into the houses around the vicinity of the College. In wet weather, due to the nature of the soil, large potholes quickly form, making the car-park a driving hazard for the families.

As the College continues its recent growth parking and traffic movement becomes more and more problematic and the need to provide a safe, secure, well surfaced area becomes increasingly important.

Therefore, purchasing the land represented by the College's current car-park would provide a certainty which would allow the College to improve the surface and conditions of the land for parking and movement of the students.

The parking study from Northrop Consulting Engineers is tabled below:

Section C Your Proposal

- 10 If your organisation has investigated alternatives to a direct sale of land, describe the actions you have taken:

The College currently leases the land through a sub-lease with Department of Sport and Recreation.

The College underwent a three-year set of negotiations with the ACT Government that would have led to the extension of the existing car-park along Brigalow Street between Brindabella and Lyneham Primary for the joint use of both schools communities. The alternatives we explored also included the re-greening of the Lyneham Oval and restoration of playing fields for the over 3000 children in the adjoining three schools (via rain water capture), a Sports Pavilion, community change rooms and BBQ facilities to be built on land rezoned to include the current College car-park leased land.

These negotiations were ultimately derailed leaving the College exhausted of all other viable alternatives.

The price to the College came at significant time lost exceeding three years, hundreds of hours consumed in human resources and unrecoverable fiscal costs exceeding \$200,000.00.

Not mention the Australian Government's requirement to now build a Sporting Pavilion on the College's already compressed existing grounds or lose our pre-committed \$800,000.00 Federal Capital Grants, which we are currently now undertaking along with building additional classrooms to accommodate our significant growth.

With respect to the past joint venture failures, our College community now need an equitable resolution to the situation we find ourselves in.

Regards

Chris Sparke | Project Manager | Office of the Coordinator-General, Project Facilitation and Direct Sales | Urban Renewal | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Phone: 02 6205 2404

Level 6 Transact House, 470 Northbourne Avenue, Dickson ACT 2602

GPO Box 158 Canberra ACT 2601 | www.economicdevelopment.act.gov.au

From: Harding, Barbara (ACTPLA)
Sent: Wednesday, 4 May 2016 10:54 AM
To: Sparke, Chris
Cc: Luchetti, Christine; ESD, LRAC; EPAPanningLiaison
Subject: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016

Chris Sparke
Direct Sales
CMTEDD

Hi Chris,

On 26 February 2016 you sought advice from EPD’s Territory Plan Section in relation to the potential direct sale of part Block 23 Section 41 (Lyneham ovals) to the Brindabella Christian College. On 15 March 2016 you asked that request be widened to a whole-of-EPD advice. Below is that coordinated/consolidated advice.

The inputs of the various, relevant EPD areas are provided and should be read in full, however an overview is also provided for convenience.

Regards
Barbara

Barbara Harding | Forward Policy and Research | Phone 02 6207 1665
Strategic Planning Division | Environment and Planning Directorate | ACT Government

.....
Overview

In relation to the CMTEDD request for Development Assessment to clarify whether a development application (DA) would be required for the proposed development (noting there are some exemptions for schools), Development Assessment (Impact) have verbally advised a DA would be required if the land has PRZ1 zoning, however if the land becomes CFZ zoning a DA would not be required.

In relation to your question about consolidation, both Leasing and Strategic Planning advise consolidation would be required.

Leasing note the Executive lease over Block 23, managed by CMTEDD Sport and Recreation Services, would need to be surrendered. It is understood from the submission that Direct Sales is seeking the views of Sport and Recreation separately.

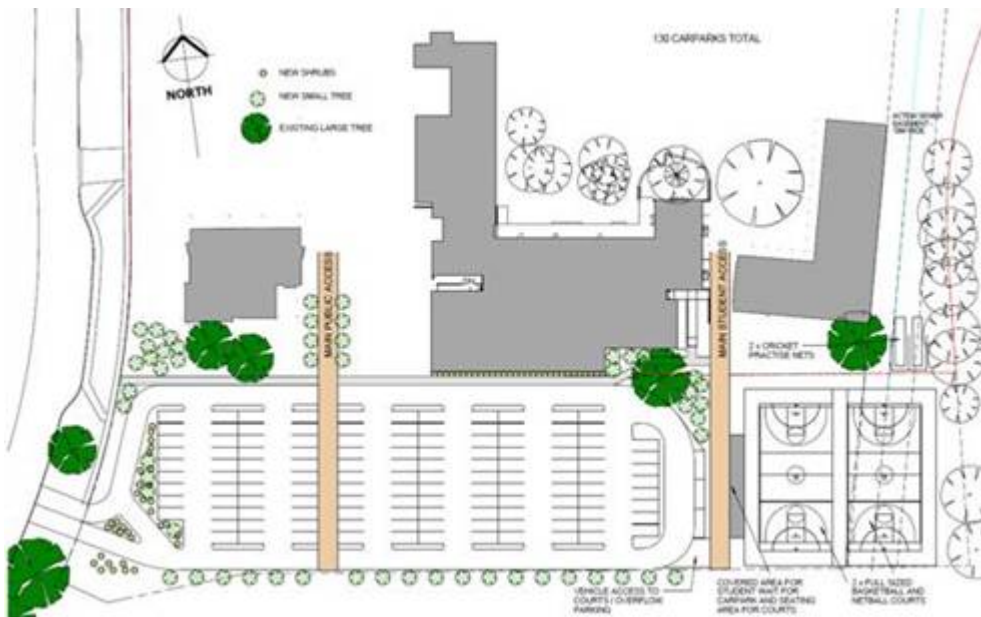
The Territory Plan section advises the proposed courts (basketball?/netball?/tennis?) would be permissible in the PRZ1 zone as “outdoor recreation facility”. However, they are unable to advise whether the parking component would be considered a permissible use or not (“carpark”? “ancillary”?) without detailed assessment at development application stage. It would therefore not be clear until DA stage whether a Territory Plan variation was needed in relation to the proposed use/s.

However, as Conservator Liaison has advised the Conservator is unlikely to support the sale, which is viewed as not consistent with the management objectives for urban open space Public Land, it appears a Territory Plan Variation would be required in any case. The Conservator’s agreement is required for any sale, development, etc on Public Land. Conservator Liaison advises that if the direct sale is to proceed then a variation to the Territory Plan should

be undertaken and the area changed to Community Facility Zone/land use. On this basis, the best overall advice EPD can provide at this time is that:

- EPD would support the direct sale if there was a successful Territory Plan Variation to rezone the subject land to Community Facility Zone.
- The Environment Protection Authority (EPA) Planning Liaison Officer advises an environmental assessment, endorsed by EPA, would be required prior to sale.
- As only EPD advice has been sought, it will be up to CMTEDD to ensure any other necessary agency advices are obtained.

Note: This would need to include Icon Water as we are aware there are sewer mains in the eastern end of the land requested. (Proponents plan below shows them running under one of the proposed courts.)



STRATEGIC PLANNING

There are a number of interests in, and pressures on, Block 23 (the Lyneham ovals) which has PRZ1-*Urban Open Space* zoning. There are three schools around the ovals (Lyneham High, Lyneham Primary, Brindabella) which would have an interest in using the area for sports, etc. And there is the recreational use by the general community, including the increased future residential population from the urban renewal of the Northbourne Avenue corridor.

As an example of the pressures on this land, it is noted the Lyneham Primary School requested additional land from the ovals in 2013 and again in 2014. The Land Requests Advisory Committee referred the Education Directorate to the Direct Sale/Custodianship Transfer process. On the basis of the information provided at the time, the Committee thought a Territory Plan variation to rezone that land to Community Facility zone would probably be needed.

Master-planning for the area may be undertaken in conjunction with the Dickson Urban Village master-planning, however that work is still some way away, so, in relation to the sale at hand, the best advice we can provide at this stage is:

- The *City and Gateway Urban Renewal Strategy* team have looked at the proposed sale and advise they would not expect it to significantly compromise the current/preliminary thinking for the area.

The City and gateway Urban Renewal Discussion Paper is available at:
<http://haveyoursay.planning.act.gov.au/cityandgateway>

- As well as considering the pressures on the urban open space, it is acknowledged there is a need to “future-proof” community facilities in the City and Gateway corridor, where urban renewal and intensification will increase demand. A preliminary assessment of the parking information provided by the proponent and the land requested appears to be consistent with current parking requirements and the student numbers given.

Therefore, while there are many pressures on the land, we are inclined to give a level of support to the direct sale request. Having said that, we are aware the Conservator is unlikely to support the proposed sale and development on the PRZ1-zoned Public Land and recommends re-zoning to Community Facility Zone. So it appears a Territory Plan variation to rezone the land to Community Facility Zone would be required. This seems appropriate for other reasons as well, such as the general policy for consistent zoning within a private lease. Also the sale of approximately 7,400sqm from urban open space, particularly in this inner location, is a significant matter and would have community interest. We would have no hesitation supporting the sale if there was a successful Territory Plan variation to rezone the land to Community Facility zoning.

Re the query about consolidation:– The direct sale lease would need to be consolidated with the existing lease in any scenario I can envisage, ie. whatever the zone and whatever the criteria that could potentially be applied.

Please note:

- Previous investigations have advised of sewer mains in the eastern edge of the land. Icon Water would need to be consulted.
- As only EPD advice has been requested, it is expected CMTEDD will ensure any other necessary agency advices are obtained.

Consolidated by Forward Policy and Research (Barbara Harding) from the inputs of a number of Strategic Planning teams.

DEVELOPMENT ASSESSMENT (Impact)

Site

The proposed site (Block 4 Section 41 Lyneham) is located in the PRZ1 Urban Open Space Zone. This particular zone is intended for development that will contribute to the recreational and social needs of the community without unacceptably affecting access to open space, or amenity of adjoining residents. Usually open space would be land that is publically available to the community and only allows for ancillary uses that support the care, management and enjoyment of these open spaces.

DA201426427

A development application (DA201426427) was submitted previously (lodged: 22 October 2014), in the subject location, for a proposed sealed car park with new verge crossing, two storey community activity centre and sports pavilion. This development application was notified and 19 Written representations were received. The main concerns raised included the following:

- Use of public space for private development;
- Use is not community based but for educational or religious purposes;
- Access restricted to surrounding residents;
- Reduction of open space in Lyneham;
- Management of the land is unclear;
- Insufficient bicycle parking;
- Lack of community consultation;
- pedestrian connections inadequate;
- Insufficient lighting;
- Traffic;
- Scale inappropriate;
- Public notification inadequate;

The DA was withdrawn on the 24 November 2014.

Use

Note: In the PRZ1 zone some uses are prohibited including the stand alone use of a car park. Ancillary use is for a purpose that is ancillary to the primary use of the land (being PRZ1).

Recommendation

Due to the previous high level community interest and possible non-compliance with the Territory Plan it is suggested that consideration is given to whether the land is suitable for the direct sale and proposed (private) development.

If you require any further information please do not hesitate to contact me.

Dominic Riches | Development Assessment Officer

Phone 02 6205 1834 | Fax 02 6207 1856

Planning Delivery Division | Environment and Planning Directorate | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

TERRITORY PLAN

Block 23, section 41 is within the PRZ1: Urban Open Space Zone and block 4, section 41 is CFZ: Community Facility Zone (CFZ).

From the information provided the proposal is essentially an extension of Brindabella College land into the adjoining urban open space. A variation to the Territory Plan may be required in order to permit any uses that are prohibited in the PRZ1 urban open space zone.

Consideration could be given to not rezoning the site if the proposed uses can be considered as permitted in PRZ1. The proposed courts (basketball?/netball?/tennis?) would be permissible in the PRZ1 zone as “outdoor recreation facility”. However, detailed assessment at development application stage would be needed to clarify what use the parking would be viewed as (ie. “carpark” or “ancillary.”)

Alix Kaucz | Senior Manager - Territory Plan Section

Phone 02 6205 0864

Planning Delivery Branch | Environment and Planning | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | PO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

CONSERVATOR

As this area is public land (urban open space) the area can only be leased on the written recommendation of the Conservator of Flora and Fauna (s.337 of the *Planning and Development Act 2007*). The Act also states:

s. 316 Management of public land

An area of public land must be managed in accordance with—

- (a) the management objectives applying to the area; and
- (b) the public land management plan for the area

(note that the first objective is the highest objective)

s. 317 Management objectives for areas of public land

(1) The **management objectives** for an area of public land reserved for a particular purpose are—

- (a) the management objectives stated in schedule 3 in relation to areas of land reserved for the purpose; and

The management objectives for urban open space are:

1. to provide for public and community use of the area
2. to develop the area for public and community use

Development of this area as a private car park and private facilities for the school does not appear to be in accordance with the management objectives as stated and the Conservator is unlikely to be able to recommend that the lease proceed.

If the direct sale is to proceed then a variation to the Territory Plan should be undertaken and the area changed to a community facility land use.

Helen McKeown | Conservator Liaison

Phone 02 6207 2247 |

Environment | Environment and Planning | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

LEASING

I wish to advise that an Executive Crown lease over Block 23 Section 41 Lyneham was granted to the Australian Capital Territory c/- TAMS on 20 March 2009 for a term of 99 years.

Therefore, the Executive Crown lease granted over Block 23 Section 41 Lyneham would need to be surrendered prior to the direct sale application being approved. If the direct sale is approved then the Lessee, Brindabella Christian Education Limited, should also be required to consolidate the Crown lease granted over the land from Block 23 Section 41 Lyneham which is subject to the direct sale application with their existing Crown lease over Block 4 Section 41 Lyneham.

Monica Saad | Manager - General Leasing | Lease Administration

Phone 02 6207 2112

Planning Delivery Division | Environment and Planning | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au

EPA PLANNING LIAISON

Due to the change of use and the potential for contaminating activities to have occurred at the site associated with current and past uses, assessment of the site would be required.

Prior to the sale of the site, an environmental assessment in accordance with EPA Information Sheet 7 and EPA endorsed guidelines must be undertaken by a suitably qualified environmental consultant to determine whether past activities have impacted the site from a contamination perspective and to determine whether the site is suitable for the proposed uses. The assessment report must be reviewed and endorsed by the EPA prior to the sale of the site.

Robin Brown | Environment Protection Authority Planning Liaison

Phone 02 6207 5642

Environmental Quality | Construction Environment & Workplace Protection | Access Canberra | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

HERITAGE

Block 23, Section 41, Lyneham - Brindabella Christian College:

This location contains no heritage places or objects, and the proposed sale of (and any future change to) this area is unlikely to result in detrimental heritage impacts.

Meaghan Russell | Team Leader (Advice)

Phone: 6205 5497 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment and Planning | ACT Government

Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

Block 4 Section 41 Division of Lyneham

Possibly concessional status – accurate at 4 April 2017.

Legislative framework

Section 235A of the *Planning and Development Act 2007* defines a **concessional lease** as follows:

(1) A **concessional lease**-

(a) means a lease-

- (i) granted for a consideration less than the full market value of the lease, whether paid as a lump sum or payable as rent, or for no consideration; and
- (ii) for a lease granted before 31 March 2008 – in relation to which neither of the following payments has been made:
 - (A) an amount in relation to the grant of the lease that is equal to the lease's market value at the time of payment or, if the amount is paid in parts, at the time of the last payment;
 - (B) an amount to reduce the rent payable under the lease to a nominal rent under the Land (Planning and Environment) Act 1991, section 186 (Variation of lease to pay out rent); and

(b) includes the following leases:

- (i) a consolidated or subdivided concessional lease;
- (ii) a further concessional lease;
- (iii) a regranted concessional lease.

(2) However, a lease is not a concessional lease if the lease is a market value lease.

(3) A lease is not concessional only because the lease-

- (a) Was granted under the *Leases (Special Purposes) Act 1925*; and
- (b) Was granted before 1 January 1971; and
- (c) Is a lease to which the *Leases (Special Purposes) Act 1925*, section 5AB (Rent) applies.

(4) In this section:

consolidated or subdivided concessional lease means a lease granted during a consolidation or subdivision involving the surrender of 1 or more previous leases if 1 or more of the previous leases was a concessional lease.

further concessional lease means a further lease if the surrendered lease was a concessional lease.

made – a payment has been **made** if the relevant amount –

- (a) Was paid to the Territory, a territory entity, the Commonwealth, a Commonwealth entity or the entity that originally granted the lease; or
- (b) Was waived by the Treasurer under the *Financial Management Act 1996*, section 131, or part of the amount was waived and the rest of the amount was paid.

regranted concessional lease means a regranted lease (whether the regrant is on the same or different conditions) if the surrendered lease was a concessional lease.

Section 235C of the *Planning and Development Act 2007* defines a **possibly concessional lease** as follows:

- (1) For this Act, a lease is possibly concessional if the lease-
 - (a) Was granted-
 - (i) before 31 March 2008; or
 - (ii) after 30 March 2008 and before the commencement of this section under the *Land (Planning and Environment) Act 1991*; and
 - (b) Does not include a statement, in the lease or a memorial to the lease-
 - (i) that the lease is a concessional lease; or
 - (ii) to the effect that the lease is a market value lease; and
 - (c) is mentioned in schedule 5, part 5.3.
- (2) However, a lease is not possibly concessional if the lease is also mentioned in schedule 5, part 5.2.

BACKGROUND

History

An examination of the Territory records of the leasing status of **Block 4 Section 41 Division of Lyneham** has confirmed the following information.

The first Crown lease over the site was granted to the Trustees of the Roman Catholic Church for the Archdiocese of Canberra and Goulburn under the *Leases (Special Purposes) Act 1925* for a term of 99 years commencing on 3 November 1960. The lease was granted on 2 February 1961.

Rent was based on 1% of the unimproved value of the land.

The purpose permitted the site to be used for a church, a school and associated ecclesiastical buildings.

The lease was surrendered to the Government on 8 April 1974 at which time the Government purchased the improvements on the land.

Current lease

The site was subsequently sold to the Uniting Church in Australia (Australian Capital Territory) Property Trust for the value of the Government Owned Improvements. Land rent was 5 cents per annum if and when demanded.

This lease (Volume 1120 : folio 96) was granted under the *Leases (Special Purposes) Act 1925* for a term of 99 years commencing on 5 June 1989.

The lease was granted on 30 June 1989.

The purpose permitted a school and subsidiary thereto school related activities.

The lease includes an 'assignment and subletting' clause was Clause 3(h) as follows:

"That the Lessee will not assign transfer or part with possession of the whole or any portion of the premises without the previous consent in writing of the Territory."

The lease was transferred to Brindabella Christian Education Limited with Ministerial consent on 29 April 2002. The transfer was registered on 29 August 2002. The consideration for the lease as noted on the Transfer was the 'assumption of liabilities'.

Findings

The Crown lease does not identify with any Items under Schedule 5, Part 5.2, Market value leases.

The Crown lease identifies with the following items under Schedule 5, part 5.3, Possibly concessional leases:

Item 1 – a lease granted to a property trust or other corporation established by or in relation to a religious organisation that may hold property in accordance with an Act.

The lease was originally granted to the Uniting Church in Australia (Australian Capital Territory) Property Trust. The lease was transferred to the Brindabella Christian Education Limited under the relevant Disallowable Instrument for community organisations.

Item 2 - a lease granted under the *Leases (Special Purposes) Act 1925*.

The lease was granted under this Act.

Item 4 – a lease that states, in the lease or a memorial to the lease, that the lease is subject to a restriction on dealing with the lease.

Clause 3(h) of the Crown lease prohibits assignment or transfer of the lease without the previous consent in writing of the Territory.

DECISION

Based on the evidence above, in my opinion, the Crown lease over Block 4 Section 41 Division of Lyneham is a **possibly concessional** lease.

The lease was granted for a consideration less than the full market value of the lease, whether paid as a lump sum or payable as rent, or for no consideration in accordance with Section 235A of the *Planning and Development Act 2007*.

The lease was sold for the value of the Territory Owned Improvements. Rent is 5 cents per annum if and when demanded.

There is no evidence that the lessee paid the market value for the site.

Therefore, I conclude that the lease is a **concessional** lease in accordance with Section 235A of the *Planning and Development Act 2007*.

From: ACTPLA DA Leasing
Sent: Thursday, 18 July 2019 11:44 AM
To: Tooth, Lynda
Cc: Teasdale, Jonathan
Subject: Education Directorate enquiry re 4/41 Lyneham Crown lease - Brindabella Christian School [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Dear Lynda,

Thank you for your enquiry. Fred has forwarded it on to DA Leasing, EPSDD for further response. I note that Fred has given you some information about concessional leases.

To assist me to understand what you are seeking, would you please provide more background details about the matter you are investigating.

I can be contacted by reply email or on 6207 1794. Alternatively, Jonathan Teasdale, Senior Director DA Leasing and ACAT Co-ordination, will be back in the office from Monday and can assist you as well.

Kind regards

Rhonda Myers

Assistant Director | DA Leasing

Planning Delivery | Environment, Planning and Sustainable Development Directorate | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601

P 02 6207 1794 | e actpladaleasing@act.gov.au | web www.planning.act.gov.au

From: Tooth, Lynda
Sent: Monday, 15 July 2019 3:02 PM
To: Arugay, Fred <Fred.Arugay@act.gov.au>
Subject: coordinated response for Education Directorate

Fred
Could you give me a call (6205 8321) regarding when I can expect the response you indicated you are coordinating for me?
Meeting with my Executive Group Manager about this at 3pm on Tuesday 16 July.

Regards

Lynda

Lynda Tooth | Senior Director Non-government Education Regulation | Email: lynda.tooth@act.gov.au
Phone: +61 2 6205 8321

From: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Sent: Wednesday, 19 June 2019 10:48 AM
To: Arugay, Fred <Fred.Arugay@act.gov.au>
Subject: Re: ACTLIS Product [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thanks Fred
Looking forward to receiving the response you are coordinating for me
Lynda

From: Arugay, Fred
Sent: Tuesday, 18 June 2019 11:36:23 PM
To: Tooth, Lynda
Subject: RE: ACTLIS Product [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

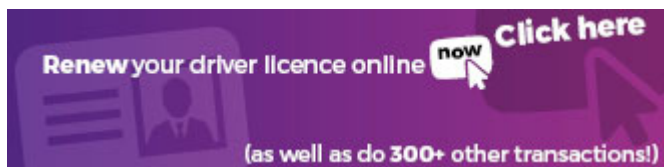
Hi Lynda,

I would suggest there would be a whole range of negotiations and processes before it came to a lease being returned to the Territory. Most likely the property would be transferred to another party or there would be an application to deconcessionalise the lease and that would take at least 18-24 months.

If there was any process to determine the existing lease and register a new crown lease it would be the leasing team in the Environment Planning and Sustainable Development Directorate.

Kind Regards

Fred Arugay | Senior Manager | Customer Coordination
Phone 02 6207 1797
Access Canberra | **ACT Government**
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Tooth, Lynda
Sent: Friday, 14 June 2019 4:51 PM
To: Arugay, Fred <Fred.Arugay@act.gov.au>
Subject: RE: ACTLIS Product [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Thank you Fred.

Who would I speak to about what happens if an entity with a lease folded?

regards
Lynda

Lynda Tooth | Director Non-government Education

Phone: +61 2 6205 8321 | lynda.tooth@act.gov.au

Governance and Community Liaison Branch | Education | ACT Government
GPO Box 158 CANBERRA ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#)

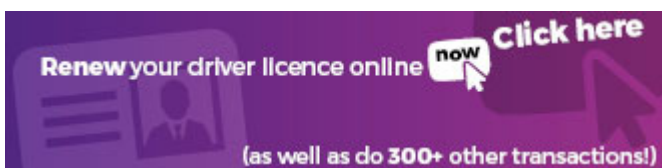
From: Arugay, Fred
Sent: Friday, 14 June 2019 3:31 PM
To: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Subject: RE: ACTLIS Product [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Lynda,

Apologies for the delay I am coordinating a response for you. From what I can see the conditions of the lease hasn't changed once the title was transferred from the Uniting Church to the school.

Kind Regards

Fred Arugay | Senior Manager | Customer Coordination
Phone 02 6207 1797
Access Canberra | **ACT Government**
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: Tooth, Lynda
Sent: Tuesday, 4 June 2019 10:18 AM
To: Arugay, Fred <Fred.Arugay@act.gov.au>
Subject: RE: ACTLIS Product [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Many thanks Fred

Who would be the best person to talk about this lease with?

I want to know:

- Can a lease holder transfer a lease such as this to another school operator? If yes, who does this happen?
- As the Uniting Church in Australia Property Trust is not the proprietor of the school on this site ... was the lease transferred ? and if so were there new conditions attached to this lease?
- If a current proprietor was to cease operating a school on a leased site would the land need to be returned to the ACT government?
- If a current proprietor ceased operating a school, and returned a leased site to the ACT government, how would the improvements made to the site be treated?

regards
Lynda

Lynda Tooth | Director Non-government Education

Phone: +61 2 6205 8321 | lynda.tooth@act.gov.au

Governance and Community Liaison Branch | Education | ACT Government
GPO Box 158 CANBERRA ACT 2601
www.education.act.gov.au | [Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#)

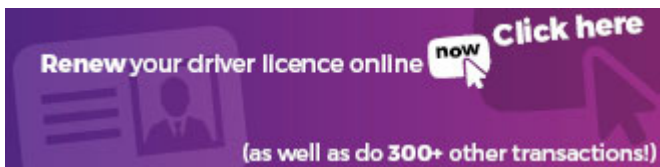
From: Arugay, Fred
Sent: Monday, 3 June 2019 10:12 AM
To: Tooth, Lynda <Lynda.Tooth@act.gov.au>
Subject: FW: ACTLIS Product [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Good Morning Lynda,

Please see attached a copy of the lease for this block as discussed last week.

Kind Regards

Fred Arugay | Senior Manager | Customer Coordination
Phone 02 6207 1797
Access Canberra | **ACT Government**
GPO Box 158, Canberra City ACT 2601 | www.act.gov.au/accessCBR



From: actlis@act.gov.au [<mailto:actlis@act.gov.au>]
Sent: Monday, 3 June 2019 10:11 AM
To: Arugay, Fred <Fred.Arugay@act.gov.au>
Subject: ACTLIS Product

Dear Fred Arugay,

The product(s) you requested from the Australian Capital Territory - Land Information System (ACTLIS) with Customer Reference: N/A are attached below

- Crown Lease Image: Key: 1120~96 - Name: webTalkDoc6018233794785746862.TIF - DocId: A950406 - DocVersion: vA993007

Regards,
ACTLIS Support

This is an automated email from ACTLIS. Please do not respond to this email.