



Application for Cadastral Changes

To: Gerry Gagliardi
Surveying and Spatial Data
Client Services branch, ACTPLA

Through: 1. Authorising Officer
2. Territory Plan Examiner

Cadastral Change Requested

Alteration to block boundaries in the Spatial Data Management System (SDMS) as detailed in the attached plan.

Affected Block:

Division	Section	Block
Lyneham	41	23

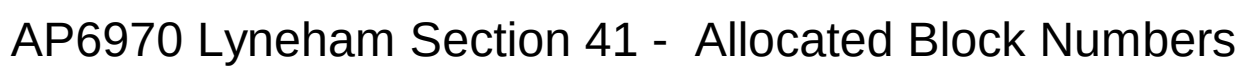
Background/Context

The Economic and Development Directorate (Sport and Recreational Services) agreed to transfer surplus land to the Education and Training Directorate (ETD) for the purpose of increasing ETD sporting facilities. Expansion of existing facilities will also be achievable to meet increasing enrolment demands.

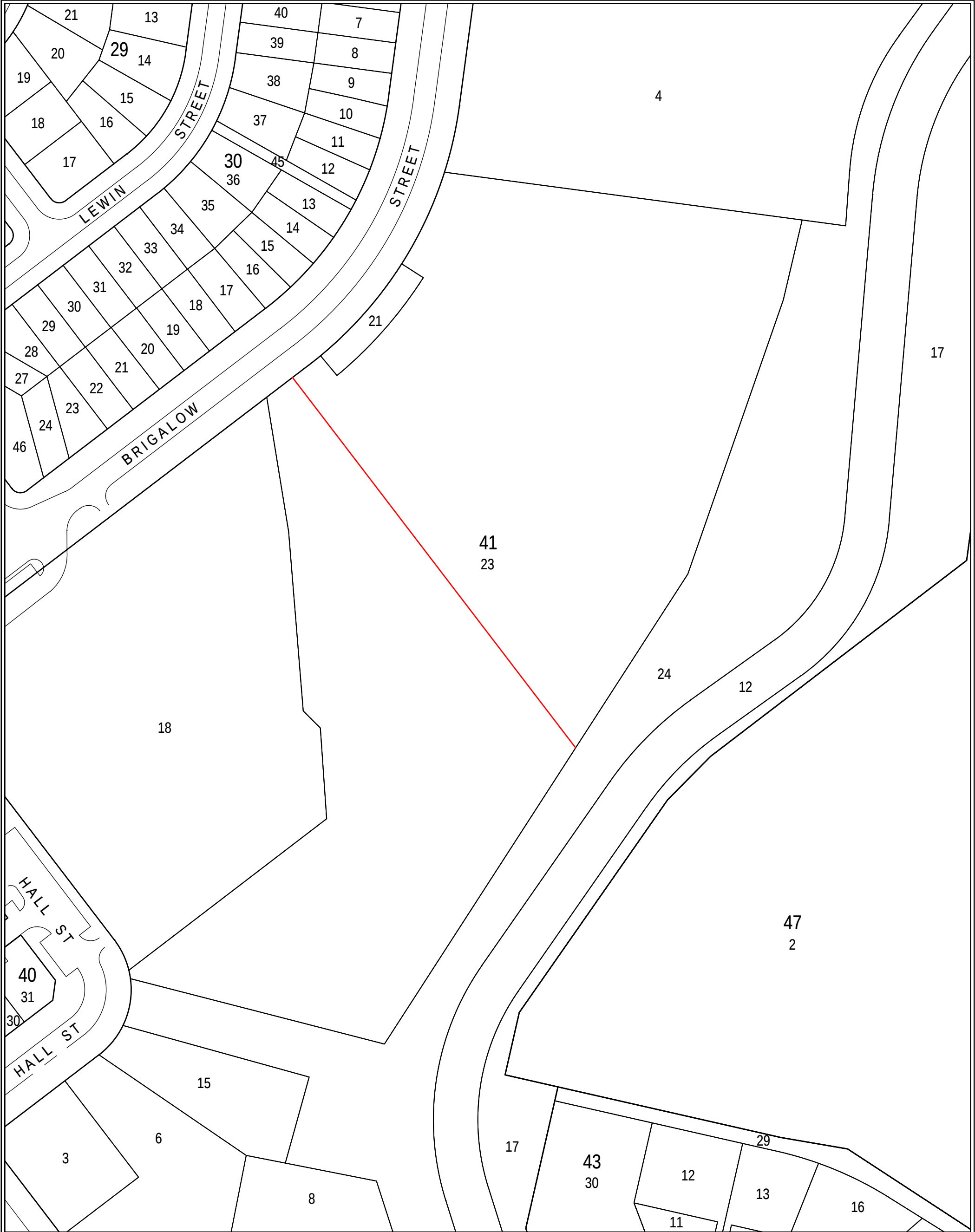
Territory Plan Examination	Planning Authorisation
Marijke Gilchrist Territory Plan Examiner Planning services Branch	Aaron Oshyer Authorising officer Development Services Branch

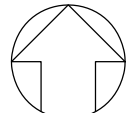
Form prepared by : Phillip Morton date: 19th June 2013-06-19

AP No. **6970**



AP6970 Lyneham Section 41 - Allocated Block Numbers



— New Boundary — X — X — Boundary to be Deleted * Boundaries subject to digital data	 ACT Government Environment and Sustainable Development 0 15 30 45 50 75metres SCALE 1 : 1500	AUTHORISED PLAN AMENDS AUTHORISED PLAN NO.6507 LYNEHAM SECTION 41 (PART)	 AP
---	--	---	---

From: Gilchrist, Marijke
Sent: Wednesday, 3 July 2013 5:00 PM
To: McKeown, Helen
Cc: Oshyer, Aaron; Kaucz, Alix
Subject: Lyneham section 41 part block 23 -urban open space zone and public land

Helen

Just received from Aaron Oshyer a minor amendment for part block 23 section 41 Lyneham proposing to rezone PRZ1 Urban Open Space (including the Pe-of public open space) to Community Facility zone as indicated by the red hatching on the map below.

Background/Context

The Economic and Development Directorate (Sport and Recreational Services) agreed to transfer surplus land to the Education and Training Directorate (ETD) for the purpose of increasing ETD sporting facilities. Expansion of existing facilities will also be achievable to meet increasing enrolment demands.

If this is acceptable by the Conservator the Territory Plan unit will progress (once the new block is in the system) a technical amendment under the *Planning and Development Act 2007*, s96A rezoning-boundary changes.

If more information is required please contact Aaron Oshyer on x71838.



Marijke

Marijke Gilchrist

Ph: 02 62071962

Territory Plan Variation Unit|Territory Plan Review & Implementation| Planning Delivery| ACTPLA|Environment and Sustainable Development Directorate |ACT Government

APs/Minor amendments - PROCEDURE / CHECKS CARRIED OUT

AP 6970

Enter job into AP Register	☒	
new number - check SDMS	☒	
Add changes to Overlay drawing	☒	
Check DA Update Pending file	☐	
Footprint/Featurename/Road Polygons	☐	☐
 Place alias in the "In Tray"	☒	TO = __BO__

After job completed:

Chart - Visual check

Block numbering ☒

PALM data

Section / Block number	☒
All deleted blocks made HISTORY	☐
All new blocks made PDL	☐
Related parcels included (Rural 10m)	☐
Any rejected transactions	☐
Stratum blocks: above/ground/below - change	☐
Examine 'Messages': inform App Sec (DA)	☐

SDMS data

Open space attribution	☐
Entered blocks	☐
Approved blocks	☒
Registered blocks	☒
Retired blocks	☐
Road polygons	☐
Road hierarchy	☐
Feature names	☐
Addresses	☐
Water Features	☐
 Clean up Overlay drawing	☒
AP Register updated	☒

Notify Surveyor ☒ T Quinn

Notify Timo Boersma for Territory Land Changes ☐

Notify Planning Officer

Completion report & plan copy Emailed to AP list ☒

Advise Examinations Section (if required) ☒

Signed: RD.....
Date: ...9/7/13.....

M I N U T E

SUBJECT: CREATION OF NEW BLOCKS -

OFFICER : RENE DE KIEFTE
PHONE : 02 6207 1607
FAX : 02 6207 1615

To all interested parties

The following blocks have been created under the Authorised Plan (AP6970) indicated and added to the ACTMAP and PALM databases.

Authorised Plan No.	6970	
Division:	Lyneham	
Section:	41	
Old Blocks:	23	
New Blocks:	25	26
Area:	21,889m ²	29,445m ²
Completed:	09 July 2013	

If you require any further information please contact me on the number shown above.

Rene de Kiefte
ACTMAP Data and Address Manager

Office of the Surveyor General
16 Challis Street, Dickson
GPO Box 1908, Canberra, ACT 2601 • Telephone: (06) 207 1926 • Facsimile: (06) 207 1925

AP: 6970

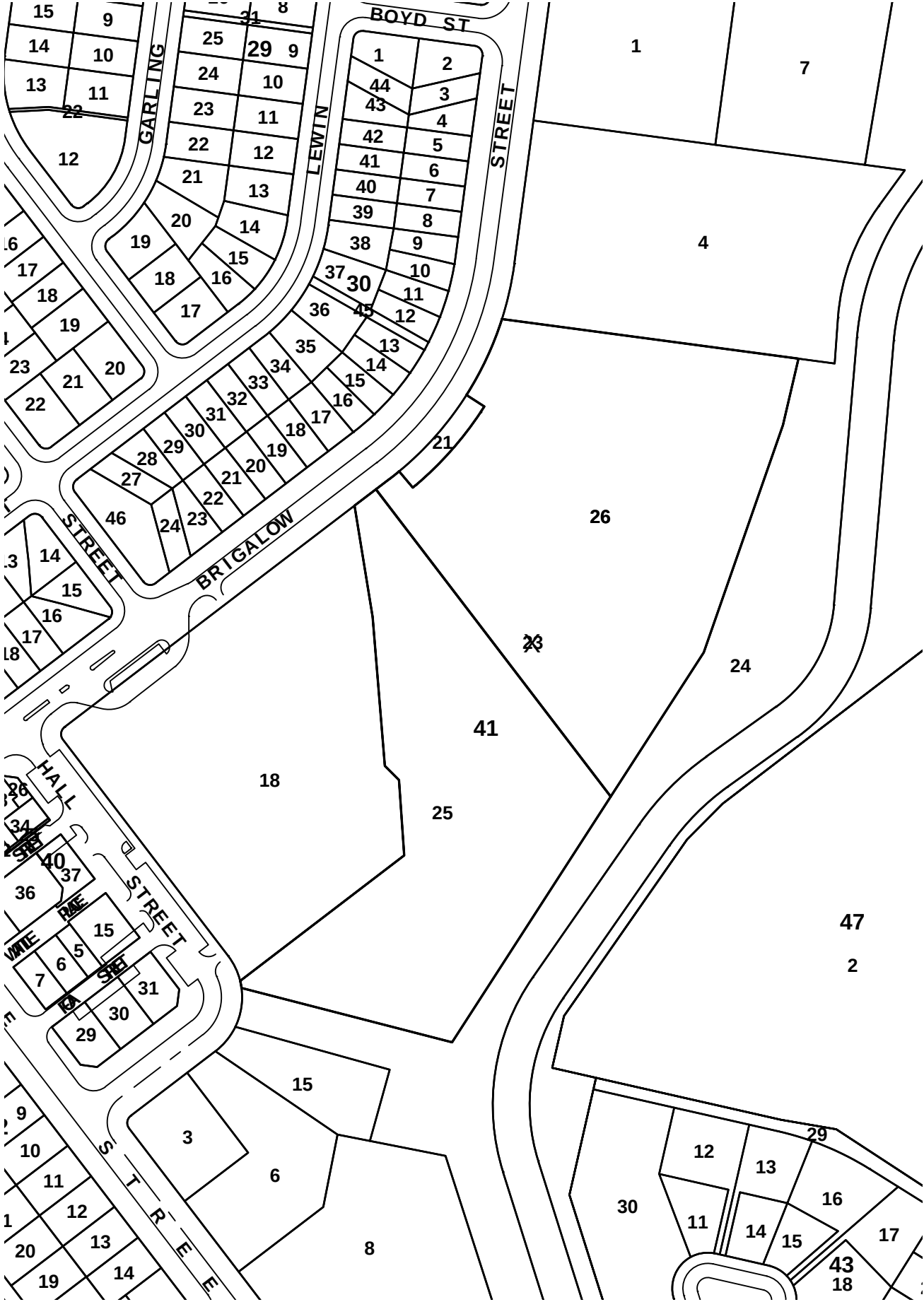
DIVISION: LYNEHAM

DATE: 08/07/2013

SECTION NUMBER: 41

BLOCK NUMBER: 25-26

DIVISION: LYNEHAM
SECTION NUMBER: 41
BLOCK NUMBER: 25-26





ACT Surveying and Spatial Data
Office of the Chief Surveyor

AP 6970

PROGRESS REPORT

Request date: 4/7/2013 District / Division: Lyneham
Requesting Officer: Aaron Oshyer Section: 41

DESCRIPTION OF PROJECT: Please subdivide Block 41 per AP.
Digital Data: X:\actlic\licocs\DXF\lyneham\Lyne 41\DETAIL SUBDIVISION LYNEHAM 23-41 9 Apr 2013

Note: For Consolidations please check for DA to create Addressing Diagram

Contact officer ACTLIC: Rene de Kieft
1615

Phone: (02) 6207 1607 Fax: (02) 6207

Work performed:

.....
.....
.
.....
.....
.

Comments:

.....
.....
.....
..
.....
.....
.

Data Checked:

PALM ☒
SDMS ☒

.....BO.....
ACTMAP Data Entry Office

.....RD.....
ACTMAP data co-ordinator, AIM

Date: 08/07/2013.....

Date: 9/7/13.....

From: Wynants, John
Sent: Saturday, 13 July 2013 8:42 AM
To: Gilchrist, Marijke
Cc: Oshyer, Aaron; Morton, Phillip
Subject: FW: Lyneham section 41 part block 23 -urban open space zone and public land

Follow Up Flag: Follow up
Flag Status: Flagged

Marijke

Are the next steps:

1. ETD and SRS to lodge the new blocks (25 and 26)
2. SRS to transfer the new block 25 to ETD
3. ETD to seek territory Plan variation.

Thanks

John Wynants

From: Morton, Phillip
Sent: Thursday, 11 July 2013 1:04 PM
To: Wynants, John; Kidman, Fiona
Subject: FW: Lyneham section 41 part block 23 -urban open space zone and public land

John/Fiona,

FYI

From: Gilchrist, Marijke
Sent: Wednesday, 10 July 2013 2:24 PM
To: Morton, Phillip
Subject: FW: Lyneham section 41 part block 23 -urban open space zone and public land

Phillip

FYI – Aaron Oshyer has requested that I forward this email as it refers to your recent request of creating a new block Lyneham Section 41 part block 23 which has been approved and the new block number is 25 – see map below.

Please read all the relevant emails below and if you have further queries don't hesitate to call me.

Regards

Marijke

Marijke Gilchrist

Ph: 02 62071962

Territory Plan Variation Unit | Territory Plan Review & Implementation | Planning Delivery | ACTPLA | Environment and Sustainable Development Directorate | ACT Government

From: Oshyer, Aaron
Sent: Wednesday, 10 July 2013 12:55 PM
To: Gilchrist, Marijke; Kaucz, Alix
Cc: McKeown, Helen; Saad, Monica
Subject: RE: Lyneham section 41 part block 23 -urban open space zone and public land

Thanks Marijke.

This advice should be communicated to Phillip Morton in the Education and Training Directorate.

Provided the area within the urban open space zone is used for sporting facilities and had unrestricted public access this may not be an issue. If however the area is to have restricted public access, which is more likely, then a change to the CF zone will be necessary.

Regards,

Aaron

Aaron Oshyer | Senior Manager (Merit Assessment)

Phone 02 6207 1838

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

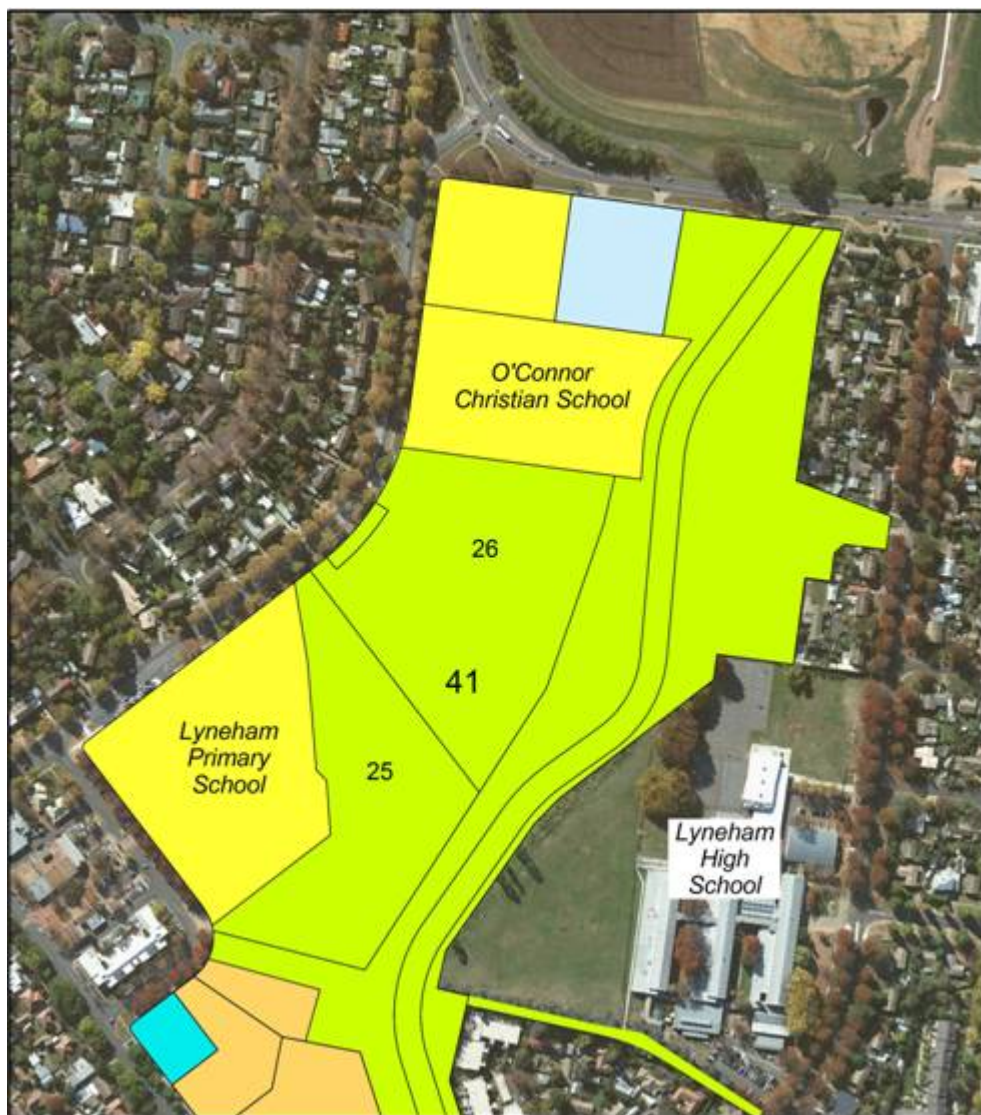
Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 1908 Canberra ACT 2601 | www.actpla.act.gov.au

From: Gilchrist, Marijke
Sent: Wednesday, 10 July 2013 11:19 AM
To: Kaucz, Alix; Oshyer, Aaron
Cc: McKeown, Helen
Subject: Lyneham section 41 part block 23 -urban open space zone and public land

Aaron

Further investigation by the Territory Plan unit into the recent approved plan 6970 to create a new block from part block 23 section 41 Lyneham now block 25 the Territory Plan zone PRZ1 - Urban Open Space remains for this new block. (see map below)

If Education and Training Directorate (ETD) requires to change the zone to CF – Community Facility a full Territory Plan variation would be required.



Marijke

Marijke Gilchrist

Ph: 02 62071962

Territory Plan Variation Unit | Territory Plan Review & Implementation | Planning Delivery | ACTPLA | Environment and Sustainable Development Directorate | ACT Government

From: Gilchrist, Marijke
Sent: Monday, 15 July 2013 12:29 PM
To: Harding, Barbara (ACTPLA)
Cc: McEvoy, Justin
Subject: Lyneham section 41 block 25

Barbara

Lyneham section 41 block 25 as indicated on the map below.

Background/Context

An Approved Plan (AP6970) was recently lodged to create a new block from part block 23 section 41 Lyneham which was initiated by Phillip Morton Education and Training Directorate (ETD) and signed off by Aaron Oshyer (Merit Assessment) ESSD.

The Economic and Development Directorate Sport and Recreational Services (SRS) agreed to transfer surplus land to the Education and Training Directorate (ETD) for the purpose of increasing ETD sporting facilities. Expansion of existing facilities will also be achievable to meet increasing enrolment demands.

The zone for Block 25 section 41 Lyneham has a PRZ1 – urban open space (including public land Pe - an urban open space reserve). Providing the area within the urban open space is used for sporting facilities and had unrestricted public access the zone would not be an issue however if the area is to be restricted to the public access and education intends to build on it then it would require a full Territory Plan variation to change the zone to CFZ – Community Facility.

This information was conveyed to ETD with a reply from John Wynants asking what was required from them:

1. ETD and SRS to lodge the new blocks (25 and 26)
2. SRS to transfer the new block 25 to ETD
3. ETD to seek territory Plan variation.

Is this an custodian or a direct sales matter?

The Conservator needs to be involved regarding the public land if it is decided to go ahead with a Territory Plan variation.

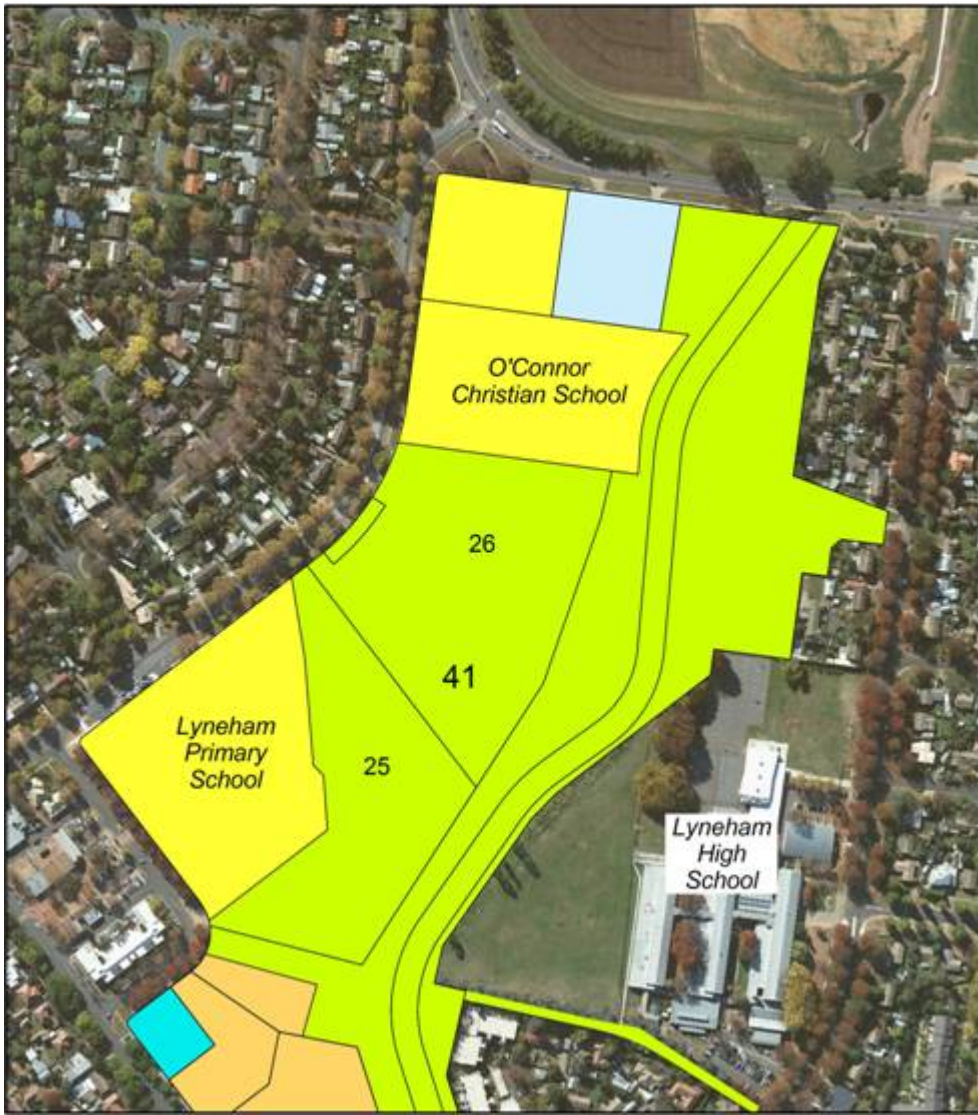
Could you please advise.

Marijke

Marijke Gilchrist

Ph: 02 62071962

Territory Plan Variation Unit|Territory Plan Review & Implementation| Planning Delivery| ACTPLA|Environment and Sustainable Development Directorate |ACT Government



From: Harding, Barbara (ACTPLA)
Sent: Friday, 19 July 2013 3:35 PM
To: ESD, LRAC
Subject: FW: Lyneham Section 41 Block 23 (ovals) - Exec Lease

For filing

From: Boersma, Timo
Sent: Friday, 19 July 2013 2:29 PM
To: Harding, Barbara (ACTPLA)
Cc: Brice, Michael
Subject: RE: Lyneham Section 41 Block 23 (ovals) - Exec Lease

Barbara

Sport and Recreation (Brian Ashcroft) regard Section 41 Block 23 Lyneham, inclusive of the oval, as their asset regardless of whether the asset is registered as a TAMS asset or not. City Services (Brian Bathgate) have confirmed this. Sport and Rec have negotiated with the Brindabella School for part of the area to be used for car parking (ie sublease) and have been negotiating with the Primary School about a transfer of part of the land to be used as the school play area (the children already use it everyday). There is consequently an agreement that the remaining part of the oval is of such a shape and size that it can be resurrected as a cricket field if necessary. When the time comes, sport and rec will reconnect the irrigation.

Part of the negotiations seems to be that the primary school will shift part of the irrigation so that it becomes wholly responsible for its own area. This raises the question as to whether the school can irrigate the play area in the mean time. In that scenario, the proposal for a custodian transfer and subsequent construction of a fence is supported.

The long term question remains therefore, "how much of the land going to the Primary School will be used for buildings and how much will be used for playspace?" The planning consideration will be "what is the future demand for the oval from the community, the Brindabella School and the Primary School, and can this be accommodated/coordinated?" Perhaps this should be discussed before the transfer of custodianship occurs? The Primary School (ie ETD) can perhaps give an indication as to their plans for expansion of the buildings.

Regards

Timo Boersma | Manager, Land Use Unit | Licensing and Compliance Section
City Services Branch | Parks and City Services Division
Territory and Municipal Services Directorate | ACT Government
Tel (02) 6205 4766 | Email: timo.boersma@act.gov.au

From: Harding, Barbara (ACTPLA)
Sent: Friday, 19 July 2013 10:44 AM
To: Boersma, Timo
Cc: Uddin, Kamal; Jarman, Ron; ESD, LRAC
Subject: Lyneham Section 41 Block 23 (ovals) - Exec Lease

Hi Timo,

As per our conversation, have found there is an Executive Lease over the ovals with a sub-lease of part of the block to Brindabella Christian Education Ltd. Copies of both are attached. The Executive Lease was granted in 2009 at which time it mentions TAMS (as the managing agency) and is signed by Sport & Rec Representatives. As there

have been many movements of such land responsibilities since 2009, would you please consult TAMS records as to whether this asset is currently with TAMS or EDD (Sport & Rec).

Thanks
Barbara

From: Harding, Barbara (ACTPLA)
Sent: Friday, 26 July 2013 1:09 PM
To: Edwards, Sarah (School Planning)
Cc: Wynants, John; Morton, Phillip; Jeffrey, David; Croser, Sam; Luchetti, Christine; Sparke, Chris; Pooley, Kathleen; Boersma, Timo; Uddin, Kamal; McKeown, Helen; Jarman, Ron; Dekiefte, Rene; Oshyer, Aaron; Gibson, Roger; Saad, Monica; Cullen, Tanya; Quirk, Mike; Keirnan, Catherine; Moroney, Anne; Kaucz, Alix; Gilchrist, Marijke; McEvoy, Justin
Subject: Lyneham neighbourhood oval - Block 23 Section 41 Lyneham - Proposed Custodianship Transfer
Attachments: Government Direct Sale or Transfer of Land Custodian Application - as current on EDD web 18 July 2013.doc

Categories: Red Category

Sarah Edwards
Planning and Reporting
Education and Training Directorate

Cc John Wynants, Phillip Morton, David Jeffrey, Sam Croser, Christine Luchetti, Chris Sparke, Kathleen Pooley, Timo Boersma, Kamal Uddin, Helen McKeown, Ron Jarman, Rene DeKiefte, Aaron Oshyer, Roger Gibson, Monica Saad, Tanya Cullen, Mike Quirk, Catherine Kiernan, Anne Moroney, Alix Kaucz, Marijke Gilchrist, Justin McEvoy

Hi Sarah,

Further to the discussion of the Lyneham neighbourhood oval at last week's Land Requests Advisory Committee (LRAC) meeting, attached is a copy of the "Application for Direct Sale or Transfer of Land Custodian" form, which is available on the EDD website at:

http://www.economicdevelopment.act.gov.au/land/direct_sales

The information on the website advises: "All ACT Government directorates are required to seek the acquisition of land through the direct sale process. This process ensures the allocation of Territory land is transparent."



Hatched land sought by ETD (Lyneham Primary School)

Since the meeting, TAMS have clarified the current custodianship of Block 23 is with Sport and Recreation, and therefore with EDD.

It has become apparent there is an Executive Lease over Block 23, which supports a sublease of part of Block 23 to the Brindabella Christian School.

I have also spoken to the Office of the Surveyor General and am aware ETD has submitted survey plans for examination and that these survey plans do not currently accommodate the replacement of the remainder of the Executive lease and the sublease. It would be advisable for ETD to put that examination “on hold” until the proposed transfer has been through the land acquisition process for Government agencies. In the first instance, ETD could discuss likely requirements with the Manager of EDD Direct Sales (Christine Luchetti.) Experience has shown this process sometimes results in different land-take/boundaries than originally proposed by the requesting agency (ie. which could affect the survey plans). There is also the possibility the acquisition might potentially not be supported through wider Government scrutiny and/or community input.

It is understood that in the short term ETD proposes to fence the land into the school area and maintain it (potentially including irrigation) and that in the longer term ETD would be looking to rezone the land to Community Facility zoning in readiness for possible future classroom expansion needs.

As flagged by LRAC, community consultation is an obvious issue. While a future Territory Plan variation process would require public consultation in relation to any rezoning of the land (ETD would be aware “Educational Establishment” is a prohibited use in PRZ1), a discussion with the community prior to this matter progressing would identify any significant community concerns with the land becoming part of the school campus (under the current zoning.) I do not have advice on whether the erection of a fence on the open space would require development approval, or whether such a development approval would involve public consultation, however some community concern might be anticipated about the fencing of the land.

As well as general community views, the playing fields are surrounded by three schools who may use the space (Brindabella Christian school, Lyneham High School and the Lyneham Primary School itself.) Depending how the acquired land was used by the primary school, there may be considerable pressure on the remaining land and coordination needed between the three schools. Additionally, if the expected increased future demand on the primary school eventuates, that same demand may be applicable to the Brindabella Christian School and the high school, exacerbating the pressure on the remaining general public open space, perhaps also from an increased general community.

Standard protocol is that all custodianship transfers are considered by EDD Direct Sales, who run the land request/acquisition process and who determine which cases may be exempted from the process for Government entities and which should be subject to it (noting all Executive Leases are legislatively subject to it). However, in practice there are “maintenance-only” custodianship transfers which are understood to have little impact on wider Government interests, that can be dealt with more expeditiously.

While the case at hand, in some ways, falls into a grey area in the respect that the short-term expectation would be a maintenance transfer only, LRAC agreed it should be subject to the process on a number of grounds. These included the longer-term purpose involving potential development on the block, the fencing of what is currently publicly accessible open space and predictable community expectations that such a change would be subject to wider Government scrutiny and community consultation. It was agreed at the LRAC meeting (including EDD Direct Sales) that this transfer should be subject to the land request/acquisition process.

I take the opportunity to raise awareness of the following related items:

- It is worth noting that the fencing of part of this urban open space would be a change in the use of the land within the fenced area.
- The grant of a lease (or acquisition by custodianship) of Public Land (which includes this land and most urban open space) requires the approval of the Conservator of Flora and Fauna.
- Custodianships are a creation of the *Planning and Development Act 2007* and identification of the official custodian is the responsibility of the Planning and Land Authority. (I am currently the custodianship clearance officer within ESDD.) While we generally choose to recognise transfer forms pre-signed by both parties, and at this time do not require three-way (ie. including ESDD) signatories on those forms, we are conscious of the potential for maintenance dealings to become land dealings of more significance, and would consider strengthening our clearance involvement if issues were to develop in this area.
- As Custodianships are, in many cases, replacing Executive leases for Government use and development of land, Government needs to ensure transparency in our internal land dealings.

Barbara Harding
LRAC Chair and Custodianship Clearance
Planning Policy and Research
Strategic Planning and Policy
City Planning
Environment and Sustainable Development Directorate



ACT
Government
Economic Development

Application for Direct Sale or Transfer of Land Custodian

Territory, Territory Entity and Commonwealth Entity

NAME OF APPLICANT:

DATE OF APPLICATION:

Date Received (office use):

Contents

Section A Instructions	3
Completing your Eligibility Application	3
Submitting Your Application	3
Enquiries	3
Section B Your Details	4
Applicant Details	4
Management and Operation	4
Representatives	4
Section C Your Proposal	5
The Land	5
Rationale and Alternatives	6
Section D Proposal Specifics	7
The Site	7
The Land Use	7
Contiguous Land	7
Unknown Site	9
The Buildings	9
Car Parking Facilities	10
The Development Schedule	10
Section E Your Financial Capacity	11
Costs	11
Section F Statutory Declaration	12
Statutory Declarations Act 1959	12
Section G Checklists	13
Overall Checklist	13
Attachment Checklist	13
Section H Help Section	14
Useful Legislation	14
Other Important Links	14

Disclaimer

This material is provided as guidance for applicants and no undertaking or representation is made that an applicant would be eligible for the grant of land by answering the questions in the attached forms or following the procedures herein. Applicants should consult the relevant legislation and where appropriate, obtain their own legal advice.

Section A Instructions

Complete and submit this Application to the Economic Development Directorate (EDD) for a direct sale or transfer of land custodian for Territory, Territory Entity or Commonwealth Entity use. Part of your application requires that you make a relevant business case for your proposal, to provide justification for a direct sale or transfer of land custodian rather than a sale by other means. It is essential that you fill in all sections of the Application as directed and attach all supporting evidence that is requested.

For more information on the direct sale of land process, go to the EDD website www.economicdevelopment.act.gov.au

Completing your Eligibility Application

- READ** Read the Eligibility Application taking note of the symbols:
-  → Denotes supporting documentation that you are required to attach;
 -  → Denotes that you may need help from a property professional; and
 - H** → Denotes that you should go to the *Help Section* at Section H at the end of this document for information on relevant legislation and links.
- COMPLETE** Complete all sections of the eligibility application. Follow the questions in sequential order unless directed otherwise. *Note: If a section is 'not applicable' to your application this must be stated.*
- ATTACH** Attach all relevant documentation that is requested. Please note that if at any point you do not have enough room to list all that is required, please attach the information and mark this clearly on your application.
- SIGN** The Statutory Declaration must be completed by the person authorised to represent the applicant and that person's name, address and occupation must be stated.
- SUBMIT** Submit your completed application (**one hard copy** and **one disk copy** saved in PDF format) and your supporting documentation (one hard copy of each).

Submitting Your Application

- By mail** Director, Sustainable Land Strategy
Economic Development Directorate
GPO Box 158
CANBERRA CITY ACT 2601
- In person** Director, Sustainable Land Strategy
Economic Development Directorate
Level 6, Transact Building
470 Northbourne Avenue
DICKSON ACT

Enquiries

Contact Direct Sales, Sustainable Land Strategy, Economic Development Directorate on:
(02) 62051632

Section B Your Details

Applicant Details

- 1 Enter the applicant details- the name in which the lease/custodianship will be granted

Agency name	
Commonwealth, Territory Entity, or the Territory? ^H	☐ Commonwealth ☐ Territory Entity ☐ The Territory
Address	
Phone number	
Email	

Management and Operation

- 2 If you are making an application as the Territory, describe whether your proposed use of the land requires an ACT Executive Lease or can be transferred for use by custodianship.

Note: If successful at the completion of this process a Property Asset Transfer form will need to be completed. Refer to Section H – Help Section “Other Important Links”

--

Representatives

- 3 Enter the contact details for a primary and a secondary contact who will act as your representative during the direct sale or transfer of land custodian process.

PRIMARY REPRESENTATIVE

Name	
Position	
Phone number	
Address	
Email	

SECONDARY REPRESENTATIVE

Name	
Position	
Phone number	
Address	
Email	

Section C Your Proposal

The Land

- 4 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?

Note: Under Section 106, 107 and 121 (relating to Territory Entities, Commonwealth and the Territory respectively) of the Planning and Development Regulation 2008, you are required to demonstrate that the site is the most suitable for the proposed use and is consistent with your operations. ^H

Note: Direct sales to Commonwealth or Territory Entities require Executive approval. Direct sales to the Territory require Minister approval except if the lease is to be granted over land the Territory already uses or occupies (in accordance with Section 130 (1) (f) of the Planning and Development Regulation 2008). ^H

Section C Your Proposal

Rationale and Alternatives

In the following questions describe why your entity or agency needs to obtain the land through direct sale or transfer of land custodian and what other options you have considered:

- 5** Explain why you need to obtain land through a direct sale or transfer of land custodian, rather than another process:

- 6** If your agency has investigated alternatives to a direct sale or transfer of land custodian, describe the actions you have taken:

- 7** If you are making an application as the Territory are there any Territory assets that may be deemed surplus as a direct result of the new development once it is completed?

Section D Proposal Specifics

The Site

8 Do you have a preferred site?

Yes ☐ → Go to 9

No ☐ → Go to 19

9  If you have a preferred site, please provide details:

Block	
Section	
Division	
Size (m ²)	
Current Territory Plan zoning ^H	
Why this site is preferred	

The Land Use

10   Attach a sketch plan of the ideal site layout, including:

- Proposed buildings
- Car parking facilities
- Public access arrangements

You should also indicate the staging of the development

Contiguous Land

11 Are you making an application for contiguous unleased land as described in Section 110 or Section 122 of the *Planning and Development Regulation 2008*? ^H

Yes ☐ → Go to 12

No ☐ → Go to 20

12 Is the land for the proposed lease adjoining land on which you hold a current lease?

Yes ☐ → Go to 15

No ☐ → Go to 13

13 Are you submitting this application to rectify an encroachment so the existing lease can be subdivided under the *Unit Titles Act 2001*? ^H

(Examples of such encroachments include balconies or signs that cross a boundary into unleased land)

Yes ☐ → Go to 15

No ☐ → Go to 14

Section D Proposal Specifics

- 14 Explain how your proposal would facilitate the achievement of a good planning outcome? ^H

- 15 Explain why the contiguous land would not be viable for separate lease because of its size, location or configuration:

- 16 Explain how your proposal maintains or enhances the amenity of the surrounding area:

- 17 Explain how your proposal will promote better land management, including how it will not unreasonably restrict public access to other land:

- 18 Does the *Territory Plan* identify this land as public land? ^H

Yes ☐ → Go to 20

No ☐ → Go to 20

Section D Proposal Specifics

Unknown Site

- 19 If you do not have a preferred site, provide details about the type of site you require:

Land area estimate (m ²)	
Preferred location	
Why preferred location	

The Buildings

- 20 Describe the proposed buildings:

Type of building	Gross floor area (m ²)
Total floor area (m ²)	

- 21 If your proposed activity has any special location, land or building requirements, describe those requirements:

--

Section D Proposal Specifics

Car Parking Facilities

- 22 Describe the proposed car parking facilities for your proposal:

The Development Schedule

- 23 Explain how you will schedule the development. If you will develop the land in stages, describe the stages and the estimated timeframe:

Stage	Development activities	Start and end dates (estimated)
1		
2		
3		
4		
5		

Section E Your Financial Capacity

- 24** Direct sale criteria in the *Planning and Development Regulation 2008* or transfer of land custodian, you are required to demonstrate that you have an amount appropriated or otherwise available to develop and manage the land

 Attach evidence to demonstrate that an amount has been appropriated to develop the site for the proposed use ^H

Costs

- 25** Itemise your cost estimates for the acquisition, development and maintenance of a parcel of land.

	ITEM	COST ESTIMATE
Land acquisition	Land (based on the area required)	
	Professional services and advice	
	Other	
	Subtotal	
Site preparation	Infrastructure	
	Servicing	
	Subtotal	
Land development	Approvals	
	Buildings	
	Fit-outs, plant and equipment	
	Landscaping	
	Car parking	
	Professional services and advice	
	Other	
	Subtotal	
	Contingency (15% of the land development subtotal)	
Land management	Professional services and advice	
	Annual maintenance	
	Other	
	Subtotal	
	Total estimated costs (sum of ALL subtotals plus contingency)	

Section F Statutory Declaration

Statutory Declarations Act 1959 (Cwlth)

I, *[name, address and occupation of person making the declaration]*

.....
.....
.....
.....

Make the following declaration under the *Statutory Declarations Act 1959 (Cwlth)*:

That the answers to questions and the statements made in this application are true and correct in every particular.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959 (Cwlth)*, and I believe that the statements in this declaration are true in every particular.

[Signature of person making declaration]

.....

Declared at *[place]*..... on *[day]*..... of *[month]*..... *[year]*.....

Before me,

[Signature of person before whom the declaration is made]

.....

Section G Checklists

Overall Checklist

Before submitting this eligibility application form, please check that you have done all of the following:

General	☐	You have followed the questions in sequential order, completed all that you were directed to answer and attached all documents requested
	☐	Any questions that you were directed to fill in but were not applicable to you are clearly stated as "N/A"
Section B	☐	The applicant listed is the name in which the lease/custodianship is to be granted. <i>Note: for contiguous land this must be the existing lessee</i>
Section C	☐	You have clearly stated why you need to obtain the land through direct sale or transfer of land custodian rather than another process
Section D	☐	If you have identified a site, you have provided all details requested
Section E	☐	You have identified the cost of offsite works in your cost estimates and have used the correct contingency in your calculations
Section F	☐	You have completed and signed the statutory declaration

Attachment Checklist

Before submitting this eligibility application form, please check that you have attached all of the following documents:

REQUIRED FOR ALL APPLICATIONS	☐	(Question 9)  Attach a sketch plan of the ideal site layout, including: - Proposed buildings - Car parking facilities - Public access arrangements
	☐	(Question 23)  Attach evidence to demonstrate that an amount has been appropriated to develop the site for the proposed use

Section H Help Section

The following list of legislation and links may be helpful in completing this form.

Useful Legislation

All ACT Legislation can be accessed at: www.legislation.act.gov.au

- [Planning and Development Act 2007](#)
 - **Section 238 (1)** specifies that a lease may be granted by direct sale
 - **Section 240** outlines the means by which a direct sale must be granted
 - **The Dictionary** defines the meaning of *Commonwealth entity* and *territory entity*
- [Planning and Development Regulation 2008](#)
 - **Section 106** specifies the direct sale criteria for Territory entities
 - **Section 107** specifies the direct sale criteria for Commonwealth entities
 - **Section 110** and **Section 122** relate to contiguous land
 - **Section 110 (1)** provides an example of a good planning outcome
 - **Section 121** outlines the criteria for a direct sale to the Territory for approval of the Minister
 - **Section 130 (f)** states that a lease of the land to the territory does not require approval if the land is used or occupied by the territory
- [Territory Plan](#)
- [Unit Titles Act 2001](#)

Other Important Links

- The ACT Economic Development Directorate (EDD) website www.economicdevelopment.act.gov.au
 - For more information on the direct sale of land process visit [Direct Land Sales](#) on the EDD website
 - Property Asset Transfer applies only to ACT Government Directorates. For more information on the Property Asset Transfer form please see Transfer Procedure at http://eddintranet.act.gov.au/policies_and_procedures.

From: jgarchitects@optusnet.com.au
Sent: Friday, 30 May 2014 1:35 PM
To: Sagaram, Girish
Subject: Re: ENQUIRY: Proposed car park - Brindabella Christian College

Ok, thanks for the clarification

Jefferson

Sent from my iPad

On 30 May 2014, at 12:56 pm, "Sagaram, Girish" <Girish.Sagaram@act.gov.au> wrote:

Dear Jefferson

With regard to the proposed car park adjacent to Brindabella Christian College in Lyneham.

My apologies, but the advice I gave earlier is incorrect.

This proposed car-park will require development approval.

It's recommended that you arrange a pre-application meeting to help clarify matters and resolve any issues with the proposal.

To book a pre-application meeting please contact customer services (02) 6207 1923 or visit www.actpla.act.gov.au

Regards

Girish Sagaram

Development Assessment

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

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

www.environment.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.

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: [Sayers, Caroline](#)
To: [Kaucz, Alix](#)
Subject: Lyneham public open space precinct
Date: Thursday, 26 February 2015 2:22:00 PM

Hi Alix,

Here's the outcomes of the meeting (with some background thrown in):

- Brindabella college put in a DA for a 'sports pavilion' on the Lyneham neighbourhood oval- they did so with the sanction of SRS who turned the irrigation off during the drought and have not restored it.
- The DA didn't get far and I don't the details but it sounds the community were concerned the pavilion would be for sole use of the school and not the public.
- It also appears that the community through the NCCC suggested there be a precinct plan for the area.
- This is now the direction that SRS want to take. The central driver is still the BCC proposal for a sports pavilion on the oval but can also include:
 - Shared use of the oval by the Lyneham primary school (at the other end of the oval) the school currently doesn't have an oval
 - Shared use of the oval by Lyneham High school which is looking at becoming a sports school with a speciality in soccer.
 - Easing traffic and congestion in Brigalow Street created by BCC and the primary school by providing a car park along the length of oval frontage to the street. (there is currently a car park on the oval land adjoining the BCC.

The meeting seemed convinced that this could all be achieved under the current PRZ1 zoning. I suggested that once they have collected the proposed uses of the site from the three schools they should run it past us.

They intend to take a proposal to the NCCC by the end of next week.

Thanks
Caroline

Caroline Sayers | Senior Planning Officer

Phone 02 62071719 |

Territory Plan Section | Environment and Planning | **ACT Government**

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

www.planning.act.gov.au

From: Kaucz, Alix
Sent: Tuesday, 3 March 2015 8:52 AM
To: Crowe, Lindsay
Cc: Sayers, Caroline; Oshyer, Aaron
Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association

Hi Lindsay

The Lyneham neighbourhood plan has no status except where it is called up in any applicable zone development codes. The relevant provisions from the original neighbourhood plan were incorporated into the Inner North Precinct Code. The addition of any new area specific policies to the Lyneham precinct code would require a full Territory Plan variation.

As Aaron mentions, Economic Development and Education are interested in this Lyneham Oval area, as are Sport and Recreation. There have been a couple of meetings that have included EPD that have discussed the need to look at the area collectively and produce a 'master plan' for the broader site.

I hope this information helps

Alix

On 2 Mar 2015, at 7:02 pm, "Oshyer, Aaron" <Aaron.Oshyer@act.gov.au> wrote:

Hi Lindsay,

I provide the following dot points:

- ? There was a strong community reaction to the Development Application (DA) lodged for a sports pavilion and car parking facilities at Lyneham Neighbourhood Oval.
- ? The proposal was intended to provide a benefit to the Brindabella Christian School and the broader community.
- ? A public forum was hosted by the Brindabella Christian School on Thursday 20 November 2014 to discuss the DA proposal.
- ? The DA was withdrawn following the public forum.
- ? Merit Assessment was not aware of the creation of the Lyneham Community Association nor the public awareness campaign referred to.
- ? The Economic Development Directorate is in consultation with the Education Directorate regarding their desire to enlarge the capacity of the Lyneham Primary School by enlarging the size of their parcel of land adjacent to the Lyneham Neighbourhood Oval.

Alix may have some information about the status of the Lyneham Neighbourhood Plan.

Regards,
Aaron

Aaron Oshyer | Senior Manager (Development Assessment)
Phone 02 6207 1838
Planning Delivery | Environment and Planning | ACT Government

From: Crowe, Lindsay
Sent: Monday, 2 March 2015 1:39 PM
To: Kaucz, Alix; Oshyer, Aaron; Cilliers, George
Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association
Importance: High

Good afternoon all,

Your advice in relation to the below would be greatly appreciated.

Not sure if and who may be able to assist?

Many thanks,

Lindsay Crowe | Executive Assistant to Jim Corrigan

Phone 02 6205 9636

Planning Delivery | Environment and Planning | **ACT Government**

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

www.planning.act.gov.au

From: Butchart, Rebecca
Sent: Monday, 2 March 2015 1:24 PM
To: Crowe, Lindsay
Cc: McKeown, Brianna
Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association
Importance: High

Hi Lindsay

Please see below correspondence from the Lyneham Community Association. The MO have requested advice on

- ? anything EPD are aware of about this group
- ? the public awareness campaign they refer to
- ? their intentions to advocate for a Lyneham Plan and oval precinct plan

Can you please advise whether this is something planning delivery can respond to? Comms may be able to assist with info about the group, I will check with Mayumi.

The MO have asked for this by COB tomorrow, could I please have dot points to GS by 12:00pm tomorrow Tues 3 March 2015.

Thanks

Rebecca Butchart | Secretariat Services Officer
Environment and Planning Directorate

Ph: (02) 6207 5804 | **Email:** rebecca.butchart@act.gov.au

Communications, Government Services & Executive Support | Environment and Planning | ACT Government

Level 3 South, Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

IMPORTANT NOTICE

The information contained in this email and any attachments is for the intended recipient only. It may contain material of a confidential nature relating to the operations of the Environment and Sustainable Development Directorate, or its clients, contractors or stakeholders.

From: McEvoy, Justin
Sent: Monday, 2 March 2015 1:13 PM
To: Butchart, Rebecca
Cc: Smith, Mayumi
Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association
Importance: High

Hi Bec

Could you please arrange for the preparation of dot points on the following matters:

- ? anything EPD are aware of about this group
- ? the public awareness campaign they refer to
- ? their intentions to advocate for a Lyneham Plan and oval precinct plan

It would also be of assistance for EPD to prepare a response to group's request to have the Lyneham neighbourhood plan updated. Extract

... As the [last suburb](#) plan was published circa 2003 we will also be advocating for an updated Lyneham Plan ...

Mayumi may be able to assist with advice on the first item above and Planning Delivery on the second matter. Could the input be received in Minister Gentleman's office by 4PM on Tuesday 3 March 2015, if possible.

Kind regards

Justin McEvoy | Planning Directorate Liaison Officer
Phone 02 6205 4521
Environment and Planning | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601
| www.environment.act.gov.au

From: Guest, Clare
Sent: Thursday, 19 February 2015 3:20 PM
To: McEvoy, Justin
Subject: Constituent Inquiry - Lyneham Community Association

Hi Justin

Can I please have some quick dot points on the below for Minister Corbell's Office? They would like to respond to the below.

The office would like to know anything EPD are aware of about this group, the public awareness campaign they refer to and their intentions to advocate for a Lyneham Plan and oval precinct plan.

Regards

Clare

From: Friends of Lyneham [<mailto:friends.of.lyneham@gmail.com>]
Sent: Friday, 13 February 2015 4:33 PM
To: CORBELL
Subject: Lyneham Community Association

Hello Simon,

I am writing to you in your capacity as one of our local members for Molonglo to let you know of our existence and tell you a bit about what we are up to.

The catalyst for our formation was the recent Development Application by Brindabella Christian College on parts of Lyneham Neighbourhood Oval (LNO) and a community meeting that arose as part of the process. Since the withdrawal of the DA a number of people began thinking and talking about what we thought Lyneham would look like into the future and so our association was born.

We became an incorporated association under the act on 3rd February this year (# A05555).

The aim of the association is to protect, promote and enhance the economic, cultural, social and environmental well being of the Lyneham community that has easy access to a wide variety of excellent and appropriate community facilities by pursuing a number of complementary objectives.

You may have heard something briefly about our [#LynehamLoveLocks](#) public awareness campaign which is part of our bigger campaign to have a formal precinct plan for our oval and the adjoining open spaces between Mouat & Wattle Sts.

As the [last suburb](#) plan was published circa 2003 we will also be advocating for an updated Lyneham Plan and have this and the oval precinct plan incorporated into the territory plan so together we can create a Liveable, Lovable, Lyneham for now and well into the future as vital part of a vibrant and prosperous Canberra.

We will be in touch with your office in the near future so we can meet to discuss how, together, we can work to keep the ACT as great place to live.

I extend to you an open invitation to attend any of our general meetings which we will keep your office informed about. Our next meeting details are:

Date: Monday 23 February
Time: 7:30 pm - 9:00 pm
Place: St Ninian's Church Hall
Address: cnr Mouat & Brigalow Sts Lyneham

Please don't hesitate to contact us if you would like further information

Regards



Chair, Lyneham Community Association Inc.

From: Sayers, Caroline
Sent: Tuesday, 3 March 2015 9:43 AM
To: Kaucz, Alix; Crowe, Lindsay
Cc: Oshyer, Aaron
Subject: RE: URGENT Constituent Inquiry - Lyneham Community Association

Importance: High

Hi,

I also attended a meeting for Alix last week about the oval proposal, my notes from the meeting are below:

- Brindabella college put in a DA for a 'sports pavilion' on the Lyneham neighbourhood oval- they did so with the sanction of SRS who turned the irrigation off during the drought and have not restored it.
- The DA didn't get far and I don't the details but it sounds the community were concerned the pavilion would be for sole use of the school and not the public.
- It also appears that the community through the NCCC suggested there be a precinct plan for the area.
- This is now the direction that SRS want to take. The central driver is still the BCC proposal for a sports pavilion on the oval but can also include:
 - Shared use of the oval by the Lyneham primary school (at the other end of the oval) the school currently doesn't have an oval
 - Shared use of the oval by Lyneham High school which is looking at becoming a sports school with a speciality in soccer.
 - Easing traffic and congestion in Brigalow Street created by BCC and the primary school by providing a car park along the length of oval frontage to the street. (there is currently a car park on the oval land adjoining the BCC.

The meeting seemed convinced that this could all be achieved under the current PRZ1 zoning. I suggested that once they have collected the proposed uses of the site from the three schools they should run it past us.

They intend to take a proposal to the NCCC by the end of next week (that will be the end of this week now).

Caroline Sayers | Senior Planning Officer

Phone 02 62071719 |

Territory Plan Section | Environment and Planning | ACT Government

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

From: Kaucz, Alix
Sent: Tuesday, 3 March 2015 8:52 AM
To: Crowe, Lindsay
Cc: Sayers, Caroline; Oshyer, Aaron
Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association

Hi Lindsay

The Lyneham neighbourhood plan has no status except where it is called up in any applicable zone development codes. The relevant provisions from the original neighbourhood plan were incorporated into

the Inner North Precinct Code. The addition of any new area specific policies to the Lyneham precinct code would require a full Territory Plan variation.

As Aaron mentions, Economic Development and Education are interested in this Lyneham Oval area, as are Sport and Recreation. There have been a couple of meetings that have included EPD that have discussed the need to look at the area collectively and produce a 'master plan' for the broader site.

I hope this information helps

Alix

On 2 Mar 2015, at 7:02 pm, "Oshyer, Aaron" <Aaron.Oshyer@act.gov.au> wrote:

Hi Lindsay,

I provide the following dot points:

- ? There was a strong community reaction to the Development Application (DA) lodged for a sports pavilion and car parking facilities at Lyneham Neighbourhood Oval.
- ? The proposal was intended to provide a benefit to the Brindabella Christian School and the broader community.
- ? A public forum was hosted by the Brindabella Christian School on Thursday 20 November 2014 to discuss the DA proposal.
- ? The DA was withdrawn following the public forum.
- ? Merit Assessment was not aware of the creation of the Lyneham Community Association nor the public awareness campaign referred to.
- ? The Economic Development Directorate is in consultation with the Education Directorate regarding their desire to enlarge the capacity of the Lyneham Primary School by enlarging the size of their parcel of land adjacent to the Lyneham Neighbourhood Oval.

Alix may have some information about the status of the Lyneham Neighbourhood Plan.

Regards,
Aaron

Aaron Oshyer | Senior Manager (Development Assessment)

Phone 02 6207 1838

Planning Delivery | Environment and Planning | **ACT Government**

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

www.planning.act.gov.au

From: Crowe, Lindsay

Sent: Monday, 2 March 2015 1:39 PM

To: Kaucz, Alix; Oshyer, Aaron; Cilliers, George

Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association

Importance: High

Good afternoon all,

Your advice in relation to the below would be greatly appreciated.

Not sure if and who may be able to assist?

Many thanks,

Lindsay Crowe | Executive Assistant to Jim Corrigan

Phone 02 6205 9636

Planning Delivery | Environment and Planning | ACT Government

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

www.planning.act.gov.au

From: Butchart, Rebecca

Sent: Monday, 2 March 2015 1:24 PM

To: Crowe, Lindsay

Cc: McKeown, Brianna

Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association

Importance: High

Hi Lindsay

Please see below correspondence from the Lyneham Community Association. The MO have requested advice on

- ? anything EPD are aware of about this group
- ? the public awareness campaign they refer to
- ? their intentions to advocate for a Lyneham Plan and oval precinct plan

Can you please advise whether this is something planning delivery can respond to? Comms may be able to assist with info about the group, I will check with Mayumi.

The MO have asked for this by COB tomorrow, could I please have dot points to GS by 12:00pm tomorrow Tues 3 March 2015.

Thanks

Rebecca Butchart | Secretariat Services Officer

Environment and Planning Directorate

Ph: (02) 6207 5804 | **Email:** rebecca.butchart@act.gov.au

Communications, Government Services & Executive Support | Environment and Planning | ACT Government

Level 3 South, Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601

www.environment.act.gov.au

IMPORTANT NOTICE

The information contained in this email and any attachments is for the intended recipient only. It may contain material of a confidential nature relating to the operations of the Environment and Sustainable Development Directorate, or its clients, contractors or stakeholders. Information of this nature may be subject to the provisions of the *Privacy Act 1988* and/or the *Public Sector Management Act*. Any person who inappropriately discloses this information may be subject to disciplinary/criminal proceedings under any of these Acts. If you have received this email in error, please notify the sender and then delete this transmission and any attachments.

From: McEvoy, Justin

Sent: Monday, 2 March 2015 1:13 PM

To: Butchart, Rebecca

Cc: Smith, Mayumi

Subject: FW: URGENT Constituent Inquiry - Lyneham Community Association

Importance: High

Hi Bec

Could you please arrange for the preparation of dot points on the following matters:

- ? anything EPD are aware of about this group
- ? the public awareness campaign they refer to

? their intentions to advocate for a Lyneham Plan and oval precinct plan

It would also be of assistance for EPD to prepare a response to group's request to have the Lyneham neighbourhood plan updated. Extract
... As the [last suburb](#) plan was published circa 2003 we will also be advocating for an updated Lyneham Plan ...

Mayumi may be able to assist with advice on the first item above and Planning Delivery on the second matter. Could the input be received in Minister Gentleman's office by 4PM on Tuesday 3 March 2015, if possible.

Kind regards

Justin McEvoy | Planning Directorate Liaison Officer
Phone 02 6205 4521
Environment and Planning | **ACT Government**
Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 1908 CANBERRA ACT 2601
| www.environment.act.gov.au

From: Guest, Clare
Sent: Thursday, 19 February 2015 3:20 PM
To: McEvoy, Justin
Subject: Constituent Inquiry - Lyneham Community Association

Hi Justin

Can I please have some quick dot points on the below for Minister Corbell's Office? They would like to respond to the below.

The office would like to know anything EPD are aware of about this group, the public awareness campaign they refer to and their intentions to advocate for a Lyneham Plan and oval precinct plan.

Regards

Clare

From: Friends of Lyneham [<mailto:friends.of.lyneham@gmail.com>]
Sent: Friday, 13 February 2015 4:33 PM
To: CORBELL
Subject: Lyneham Community Association

Hello Simon,
I am writing to you in your capacity as one of our local members for Molonglo to let you know of our existence and tell you a bit about what we are up to.

The catalyst for our formation was the recent Development Application by Brindabella Christian College on parts of Lyneham Neighbourhood Oval (LNO) and a community meeting that arose as part of the process. Since the withdrawal of the DA a number of people began thinking and talking about what we thought Lyneham would look like into the future and so our association was born.

We became an incorporated association under the act on 3rd February this year (# A05555).

The aim of the association is to protect, promote and enhance the economic, cultural, social and environmental well being of the Lyneham community that has easy access to a wide variety of excellent and appropriate community facilities by pursuing a number of complementary objectives.

You may have heard something briefly about our [#LynehamLoveLocks](#) public awareness campaign which is part of our bigger campaign to have a formal precinct plan for our oval and the adjoining open spaces between Mouat & Wattle Sts.

As the [last suburb](#) plan was published circa 2003 we will also be advocating for an updated Lyneham Plan and have this and the oval precinct plan incorporated into the territory plan so together we can create a Liveable, Lovable, Lyneham for now and well into the future as vital part of a vibrant and prosperous Canberra.

We will be in touch with your office in the near future so we can meet to discuss how, together, we can work to keep the ACT as great place to live.

I extend to you an open invitation to attend any of our general meetings which we will keep your office informed about. Our next meeting details are:

Date: Monday 23 February
Time: 7:30 pm - 9:00 pm
Place: St Ninian's Church Hall
Address: cnr Mouat & Brigalow Sts Lyneham

Please don't hesitate to contact us if you would like further information

Regards



Chair, Lyneham Community Association Inc.

From: Sanderson, Jim
Sent: Wednesday, 11 March 2015 1:26 PM
To: Priest, Jenny; Jeffrey, David; Wood-Bradley, Ian; Nowack, Todd; Wynants, John; Jones, David; Chadwick, Graham; Pincombe, Neil; Gill, Tony; Skinner, Melanie; Kaucz, Alix; Sayers, Caroline; [REDACTED] Lewis, Paul; cindy.cantimessa@act.gov.au
Subject: Workshop actions and record 26 Feb 15
Attachments: Workshop actions and record - Thursday 26 February 2015 1 Clean.doc

Hi all

Attached find copy of minutes from meeting of 26 February 2015.

Please note that with effect from COB today, my contract at Sport and Recreation Services ends. Please refer to David Jeffrey as the main contact moving forward.

Regards and best wishes to all.

Jim Sanderson | Manager Strategic Projects, Policy and Planning

Phone 02 6205 6121 **Mobile** [REDACTED]

Sport and Recreation Services | Chief Minister, Treasury and Economic Development Directorate | Arts, Business, Events, Sport and Tourism Division | ACT Government

Ground Floor Annex, 220 Northbourne Avenue, Braddon, ACT | PO Box 147, Civic Square, ACT 2608

http://www.economicdevelopment.act.gov.au/sport_and_recreation/



Lyneham Community Precinct Strategy

Thursday 26 February 2015

Location: Sport and Recreation Services, Olympic Room

In attendance: Jenny Priest (SRS); Ian Wood-Bradley (LDA); Neil Pincombe (Roads); John Wynants (ETD); Graham Chadwick (ETD); David Jones (ETD); David Jeffrey (SRS); Todd Nowack (LDA); Caroline Sayers (EPD); Melanie Skinner (CMTEDD Communications); [REDACTED] (Brindabella Christian College[BCC]); [REDACTED] (BCC); [REDACTED] (BCC); Jim Sanderson (SRS)

Apologies: Alix Kaucz (EPD); Tony Gill (Roads); Mick Roberts (SRS); Paul Lewis (PHRT); Cindy Cantamessa (PHRT)

Background and context

- Previous Development Application (DA) by BCC had raised concern in the Lyneham community over the lack of engagement with the community prior to submission of the application. Following a community Forum on 20 November 2014, and recognising the community's concerns, that DA was subsequently withdrawn.
- A commitment has been made to the community, that prior to any further DA being advanced for lodgement, a revised proposal will be developed for consultation with the Community. SRS has provided various email updates to those who registered their details at the community forum. After some time having passed since the last email communication, the community's expectation for an update will be growing, including for clear information about the revised proposal and the process, and timing, for community engagement.
- The Lyneham Community Association has recently been established, to represent the collective interests of various Lyneham community members.
- Stakeholders represented at the meeting all agree:
 - that any known current or future proposal for use of land in the immediate vicinity of the Lyneham Neighbourhood Oval should be disclosed to enable the BCC's proposal to be considered in an holistic context.
 - to the development of a schematic plan (currently referred to as the Lyneham Community Precinct Strategy) which would identify known areas of current and proposed development in the area. A narrative would be included which considers the merits of the proposals to be presented to the community.

Meeting Purpose

- To agree on the approach to be taken in
 1. finalising a revised BCC proposal, including the engagement of and consultation with the community; and

2. preparing information, including a draft Lyneham Community Precinct Strategy (name to be confirmed during consultation) for presentation back to the community.

Lyneham Community Precinct Strategy

The Strategy should:

- articulate the boundaries of the precinct area – to include Lyneham Block 41 Sections 4; 18; 23; 24; and 27
 - NB –
 - The Motor Inn - Section 7 – while this is shown as a contextual element, it is not considered for inclusion in the strategy
 - Section 17 – owned and managed by TAMS – future plans to be established
- identify other known or potential future developments including but not limited to:
 - Capital Metro Project
 - Lyneham Primary School future expansion plans
 - Lyneham High School future plans
 - Community garden/orchard (TAMS)
- Give consideration to matters to mitigate, where possible, against potential conflict of future development proposals within the area (eg: possible infrastructure enhancements to Sullivans Creek)
- Include an agreed Vision and Objectives (which through consultation, must ultimately be owned by the community)

Proposed schedule for Community Engagement

The proposed schedule will include a maximum of 3 sessions:

- 1 Site analysis; list of issues; photos, plans etc.
 - a. Key drivers - existing issues in the area
 - Traffic Impact
 - Assets in precinct
 - Pedestrian route
 - Quality of the local environment – need for enhancement?
 - Impact on schools?
 - b. shared vision and agreed objectives
 - c. Identify a number of Options – evaluate the options against the objectives – produce a diagrammatic plan of current custodianship, planned developments etc., associated narrative
(1st Draft from Ian Wood-Bradley by Friday 13 March)
- 2 Establish community views/feedback - no drawings/plans
Host a Community Information session - (Library; Saturday??) 2 – 3 hours– Questionnaire??
Draft Vision and Objectives (from feedback and comments)
Include some options
Respond in 2 weeks
Consider feedback

3 Go back to community with the Preferred Option

Meeting with Lyneham Community Association (TBA w/c Mon. 16 March)

To include: Jenny Priest; Ian Wood-Bradley; [REDACTED] and Melanie Skinner

DRAFT

Action Sheet

Action	Responsibility	Action by date	Status
Following information to be forwarded to Jim Sanderson			
ETD Plans (diagrammatic and narrative)	John Wynants/ Graham Chadwick	27/02/15	Map has been provided by Graham Chadwick 10/03/15
Lyneham HS (Sports School proposal)	ditto	02/03/15	Advised by ETD that it is unaware of any developments in this regard
Section 17 (TAMS) – seek clarity on any proposals	Neil Pincombe	02/03/15	Feedback due 06 th – advised to cc JP and IWB
BCC drawings and narrative (including functional brief)		02/03/15	Resubmission of DA report to js and forwarded to IWB
1 st Draft of plans for community consideration	Ian Wood-Bradley/Todd Nowack	06/02/15	Awaiting further detail; drawings etc; IWB advises work will require half-day

Contact Details

Jenny Priest (SRS)	Jenny.priest@act.gov.au	Ext 72070
Ian Wood-Bradley (LDA)	ian.wood-bradley@act.gov.au	Ext 76647
David Jeffrey (SRS)	David.jeffrey@act.gov.au	Ext 75815
Mick Roberts (SRS)	Mick.Roberts@act.gov.au	Ext 75142
John Wynants (ETD)	John.wynants@act.gov.au	Ext 76541
David Jones (ETD)	David.jones@act.gov.au	Ext 59401
Graham Chadwick (ETD)	Graham.chadwick@act.gov.au	Ext 54865
Neil Pincombe (TAMS Roads)	Neil.pincombe@act.gov.au	Ext 57067
Tony Gill (TAMS Roads)	Tony.gill@act.gov.au	Ext 76588
Todd Nowack (LDA)	Todd.nowack@act.gov.au	Ext 54153
Melanie Skinner (CMTEDD Communications)	Melanie.skinner@act.gov.au	Ext 51294
Alix Kaucz (EPD)	Alix.kaucz@act.gov.au	Ext 50864
Caroline Sayers (EPD)	caroline.sayers@act.gov.au	Ext 71719
[REDACTED]	[REDACTED]	[REDACTED]
Paul Lewis (LDA - PHRT)	Paul.lewis@act.gov.au	Ext 71777
Cindy Cantamessa (LDA - PHRT)	Cindy.Cantamessa@act.gov.au	Ext 58339
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Jim Sanderson (SRS)	Jim.sanderson@act.gov.au	Ext 56121

From: Kaucz, Alix
Sent: Thursday, 28 May 2015 5:04 PM
To: Botha, Johannes
Subject: Fwd: Lyneham Neighbourhood Oval

Hannes

Is this advice saved in objective?

Alix

Begin forwarded message:

From: "Botha, Johannes" <Johannes.Botha@act.gov.au>
Date: 18 December 2014 4:00:14 pm AEDT
To: "Kaucz, Alix" <Alix.Kaucz@act.gov.au>
Subject: RE: Lyneham Neighbourhood Oval

Hi Alix

Block 23, section 41 Lyneham is in the PRZ1 Urban Open Space zone.

Educational establishment is a prohibited use in the PRZ1 zone.

We generally do not allow an ancillary use that is a prohibited use in a zone. However, in some cases we also look to the zone objectives to resolve this issue. In terms of the possibility to allow for an educational establishment as an ancillary use in the PRZ1 zone, the PRZ1 zone objectives “..Allow for ancillary uses that support the care, management and enjoyment of these open spaces including park maintenance depots, small-scale community activity centres”. No mention is made of educational establishment, except for the “small-scale community activity centre”, which may be somewhat associated with an educational use. It is difficult to tell the exact area from the map provided - it appears that the proposed boundary change will not only involve the existing sports oval, but also the PRZ1 zoned land to the south of the school. Therefore the proposed realignment of the current boundary will cover a not insignificant area of PRZ1 zoned land. It would be hard to argue for the proposal as an ancillary use.

Rezoning would seem the only option in this instance.

Regards

Hannes

From: Kaucz, Alix
Sent: Thursday, 18 December 2014 2:49 PM
To: Botha, Johannes
Subject: FW: Lyneham Neighbourhood Oval

Hannes

Could you please have a look into this one for me?

Thanks

Alix

From: Corrigan, Jim
Sent: Thursday, 18 December 2014 2:41 PM
To: Kaucz, Alix
Cc: Crowe, Lindsay
Subject: FW: Lyneham Neighbourhood Oval

Alix

Would you be able to commence an investigation of this for ant TP issues and whether there would be a need to amend the TP for these uses or can an ancillary argument be possible?

Thanks

Jim

From: Gilding, Louise
Sent: Tuesday, 16 December 2014 5:37 PM
To: Corrigan, Jim; Oshyer, Aaron
Cc: Priest, Jenny; Brighton, Meg; Tennent, Simon; McDuff, Ben; Rake, Gary
Subject: Lyneham Neighbourhood Oval

Dear Jim and Aaron

Following on from Friday's meeting I undertook to send through the various proposals for the Lyneham Neighbourhood Oval through to EPD to consider as a whole.

Please find attached and below ETD's plan in relation to the Lyneham Neighbourhood Oval.

The Senior Citizens relocation report is too large to email, so I will send it over on USB. However, ED have moved on from the recommendations of the report (ie the Lyneham site) and we are now investigating possible sites on Section 72 Dickson.

I assume you have access to the withdrawn BCC DA.

Kind regards

Louise

Louise Gilding | Executive Director | Policy, Projects and Legislation
Phone | 6205 0740 | 
Chief Minister, Treasury and Economic Development Directorate | ACT Government
Level 2 Telstra Building Dickson | GPO Box 158 Canberra ACT 2601

From: Brighton, Meg
Sent: Friday, 12 December 2014 10:10 AM
To: Gilding, Louise
Subject: Lyneham Neighbourhood Oval

Dear Louise

The background:

1. ETD had agreed with Sport and Recreation Services (SRS) to vary the Lyneham Primary School boundary to “future proof” the school to allow for expansion arising from residential developments along the Capital Metro corridor and North Canberra in general.
 - The proposed variation would allow the school to be extended to a four- and then a five-stream school
 - The design location had been prepared by a land surveyor
2. ETD had presented this proposal to the LRAC, managed by EPD and the process has commenced.
3. Following the presentation of the Sports facility proposal by the Brindabella Christian College (BCC), ETD had agreed with BCC and SRS’ request to vary the location of the proposed boundary to accommodate the carpark design. ETD agreed to this request.

Copies of site plans showing the existing ([Attachment A](#)) and proposed boundary ([Attachment B](#)) for Lyneham Primary School are attached.

Further information:

1. As part of the inner North Canberra Urban Waterway System, ETD installed a water tank to the south of Lyneham PS and installed an irrigation system.
2. Lyneham PS use the irrigated natural grass area extensively for curriculum and informal play.

I only have 15mins to attend the meeting at 1230pm as I have a 1pm in the city.

Regards

meg

Meg Brighton | Deputy Director-General, Organisational Integrity

T: +61 2 6207 0384 | F: +61 2 6205 9418 | M: 0408 408 333 | E: meg.brighton@act.gov.au

Level 4, 220 Northbourne Ave Braddon | GPO Box 158 Canberra ACT 2601 | www.det.act.gov.au

Education and Training Directorate | ACT Government

From: Jarman, Ron
Sent: Wednesday, 17 June 2015 11:45 AM
To: Gilchrist, Marijke
Subject: FW: SUB LEASEING QUERRY - Lyneham
Attachments: A02 - PROPOSED LEASE BOUNDARIES.PDF

FYI

Ron Jarman

Deputy Surveyor-General | Office of the Surveyor-General | Construction & Client Services Branch
Environment and Planning Directorate | ACT Government
p 6205 0058 | e ron.jarman@act.gov.au | web www.environment.act.gov.au

From: David Sloan [<mailto:david.sloan@landdata.com.au>]
Sent: Monday, 10 February 2014 2:04 PM
To: Jarman, Ron
Subject: SUB LEASEING QUERRY - Lyneham

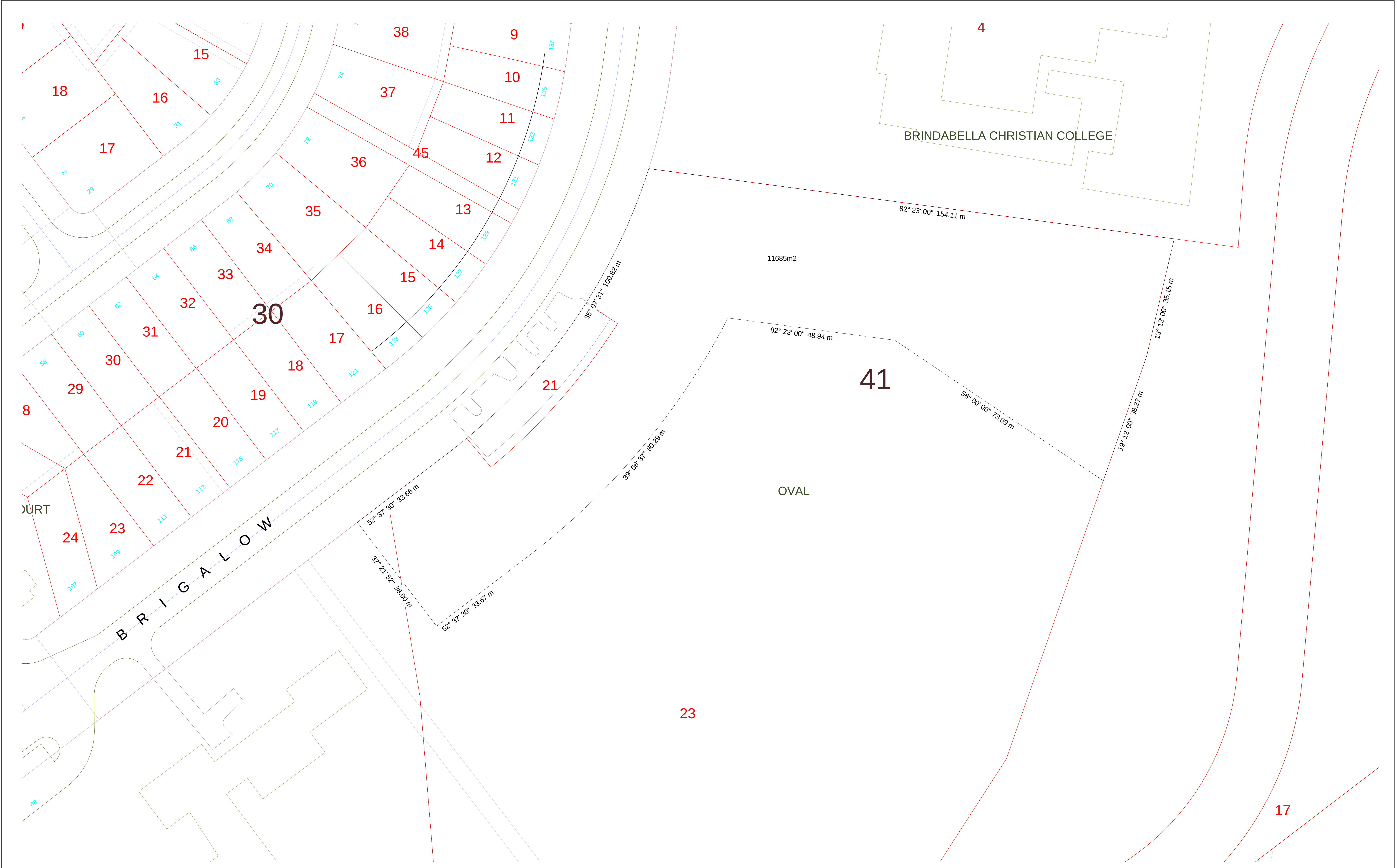
Will call to discuss



Ph (02) 6239-3088
Fax (02) 6239-3089
Mob 

ATTENTION: This email and any attachments may contain privileged and/or confidential information. If you are not the intended recipient, you must not disclose, copy or use the information contained in it. If you have received this email in error, please notify us immediately by return email and delete the transmission. The confidential nature of and/or privilege in the documents transmitted is not waived or lost as a result of a mistake or error in transmission.

LANDdata Surveys will not be responsible for any changes made to the document or attachment other than authorised changes made by LANDdata Surveys.



AMENDMENTS			AMENDMENTS			Copyright. "This document is & shall remain the property of Jefferson Godfrey Architects Pty Ltd. The document may only be used for the purpose for which it was commissioned & in accordance with the terms of engagement for the commission. Unauthorised use of this document in any way is prohibited". ALL DIMENSIONS ARE IN MILLIMETRES. DO NOT SCALE DRAWING. ALL DIMENSIONS AND LEVELS MUST BE VERIFIED ON SITE BY CONTRACTOR BEFORE THE COMMENCEMENT OF WORK	JEFFERSON GODFREY ARCHITECTS PTY LTD P.O.Box 4418 HAWKER ACT 2614 TELEPHONE: 02 6278 3055 FACSIMILE: 02 6278 3066 EMAIL: jgarchitects@hotmail.com	DESIGNED jlg DRAWN jlg CHECKED . APPROVED .	PROJECT TITLE BRINBABELLA CHRISTIAN COLLEGE BLOCK 4 SECTION 41 LYNEHAM	CLIENT BRINDABELLA CHRISTIAN COLLEGE	TITLE PROPOSED LEASE BOUNDARIES			
No	Description	Date	No	Description	Date						SCALES 1 : 500		DATE 27 NOV 13	DRAWING No A02
											Project Number 641 BCC			

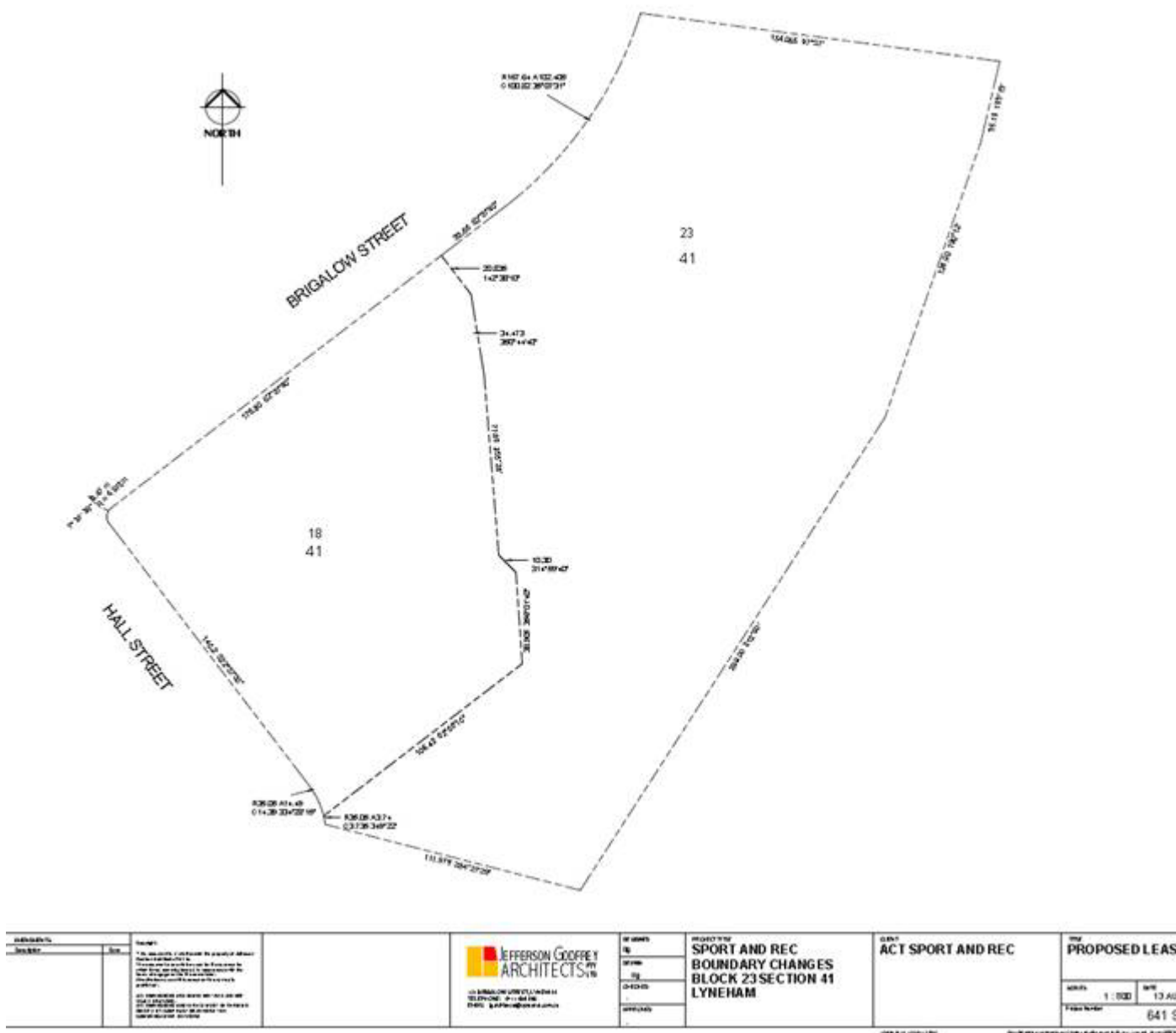
From: Harding, Barbara (ACTPLA)
Sent: Wednesday, 17 June 2015 3:01 PM
To: Gilchrist, Marijke
Subject: Notice of Decision - Signed (A10043639)
Attachments: Notice of Decision - Signed.obr

Hi Marijke,

As discussed, will ask some questions at LRAC tomorrow, but have just had a quick look at the DA files. There are two DA's. The one for the pavilion etc., and a separate (approved) one that seems to have been just for the minor change to the boundary between the playing fields and the Lyneham Primary School. See Notice of decision at attached reference. The plan lodged with that DA is pasted below. So looks like that small boundary change has already been approved. It is everything else that is still a question.

Talk to you after the meeting tomorrow.

Barbara



Barbara Harding has sent you a link to "Notice of Decision - Signed" (A10043639) from Objective.

Open in Navigator
Double click on the attachment

Open in Executive
<https://objective.act.gov.au:8443/executive/#query=id:A10043639>

Open in Your Browser
Latest: <https://objective.act.gov.au/id:A10043639/document/versions/latest>
Published: <https://objective.act.gov.au/id:A10043639/document/versions/published>

From: Brown, Ray
Sent: Tuesday, 23 June 2015 11:11 AM
To: Buddhadasa, Ajith; Sagaram, Girish
Subject: RE: Enquiry - 150623-000600

GS ATTENDING (please leave in inbox)

Hi Girish

Thanks for sending this to us. Yes, I think that the enquiry may have arisen from a public meeting on 17 June, where Sport & Rec officers discussed a proposal for a sports pavilion, oval upgrade and parking. The possibility of a plan variation may have been presented.

We don't have any feedback about the outcome of the meeting, so I'll try to find out from relevant people in S & R, and come back to you.

Regards

Ray

From: Terrplan
Sent: Tuesday, 23 June 2015 10:42 AM
To: Brown, Ray; Buddhadasa, Ajith
Subject: FW: Enquiry - 150623-000600

Hi Ray, Ajith

I'd just like to flag the below enquiry with you in case it has something to do with the Lyneham Oval / Brindabella College DA.

We've not responded as yet.

Please let me know if you wish to handle this, or return it to me for action.

Cheers.

Girish Sagaram
Planning Officer

Territory Plan Section | Environment and Planning | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au | (02) 6207 1923

From: Canberra Connect Customer Services [<mailto:canberraconnect@mailsy.custhelp.com>]
Sent: Tuesday, 23 June 2015 10:01 AM
To: Terrplan
Subject: Enquiry - 150623-000600

Hello,

A submission has been received through the ACT Government Customer Relationship Management (CRM) system used to manage correspondence from the community and has been directed to you for response.

Please use the link below to either:

- provide a response to the customer enquiry (the response to the customer will be sent by direct email); or
- if this enquiry is not your area of responsibility, please suggest an alternate contact in the comments field provided and select "Reply to Staff Member" prior to submitting.

The reference number for this incident is: **150623-000600**

Customer contact name: 

Please click on the link below to access the update form:

[To view and respond to this enquiry, click here.](#)

Kind regards,
Access Canberra

From: Sagaram, Girish
Sent: Tuesday, 30 June 2015 11:22 AM
To: Kaucz, Alix
Subject: Enquiry - Lyneham Oval - Section 41 Lyneham
Attachments: RE: Enquiry - 150623-000600; DA-201426427.obr; Advice - Lyneham neighbourhood oval.obr

Alix

The recent email thread relating to the Lyneham Oval (attached is initial email flagging the issue with DA North Team).

DA 2014 26427 for new 'Activity Centre' and car park was withdrawn by applicant in October.

There are a number of previous TerrPlan enquiries and responses on file.

(Attached links to the DA file and Advices file for your reference)

It appears that Sports and Rec and EPD are now consulting on the establishment of a 'Precinct plan' for the site.

Ray Brown is apparently across this.

G

From: Caddy, Gabrielle
Sent: Friday, 26 June 2015 3:03 PM
To: Sagaram, Girish
Subject: FW: Territory Plan [Incident: 150623-000600]

Thank you for the advice. I will add it to the DA file. I would guess that this is from a member of the public group in opposition to the proposal. The knowledge that there is at least one consultation point may soothe them.

From: Terrplan
Sent: Friday, 26 June 2015 3:00 PM
To: [REDACTED]
Subject: RE: Territory Plan [Incident: 150623-000600]

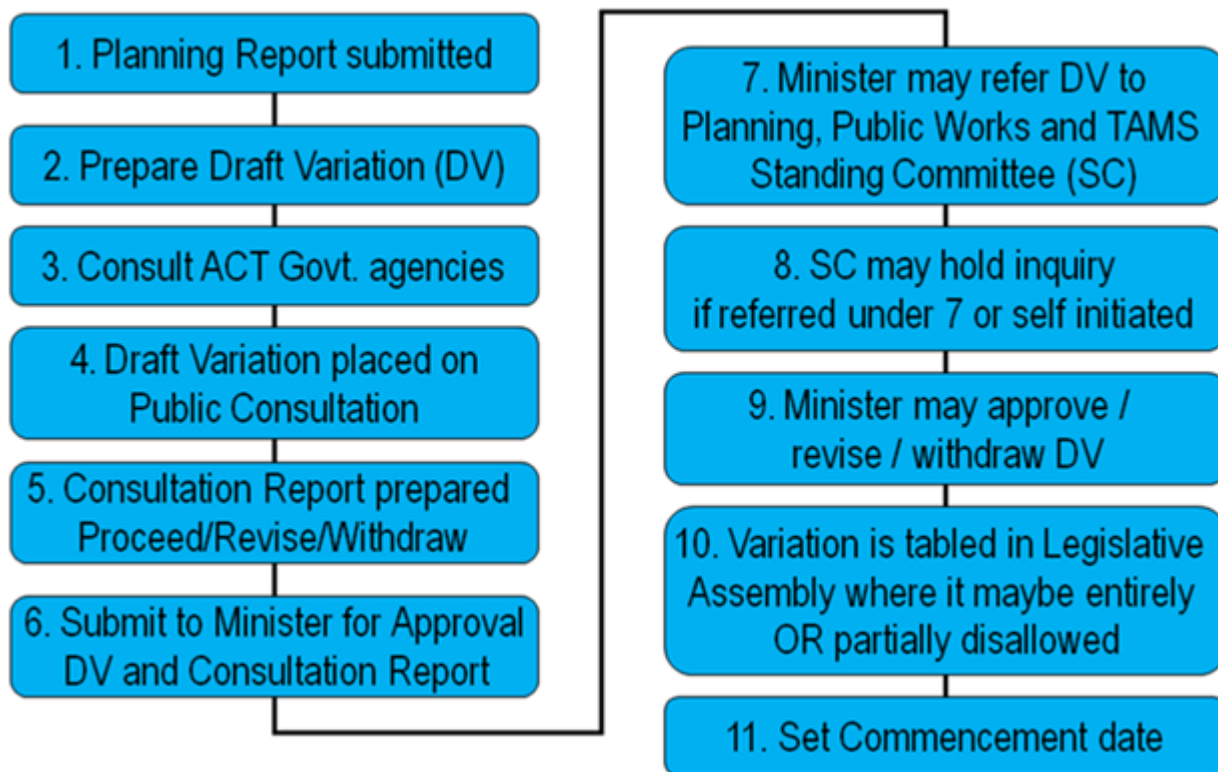
Dear [REDACTED]

Thank you for your enquiry.

The legislative processes to allow for a change in zoning through a [Territory Plan](#) Variation is contained in the *Planning & Development Act 2007*, (See *Chapter 5 Part 5.3.*)

Any proposal for a change in zoning is subject to a process of public consultation and review, and ultimately requires the approval of the Legislative Assembly to allow a variation to the Territory Plan.

The process is summarised as follows:



I trust this information is of assistance.

Should you require further advice or clarification you can contact us on 6207 1923.

Regards

Girish Sagaram
Planning Officer

Territory Plan Section | Environment and Planning | **ACT Government**

Dame Pattie Menzies House, 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au | (02) 6207 1923

From: [REDACTED]
Sent: Friday, 26 June 2015 2:14 PM
To: Terrplan
Subject: Fwd: Territory Plan [Incident: 150623-000600]

This is my original query regarding the process for variations to the Territory Plan.

I'd like to know what the general process is for variations to the TP (including community notification and consultation).

The specific context for this request for information is Sport & Rec's stated intention to seek a variation to the TP for the northern part of Lyneham Block 23 Section 41, currently zoned as PRZ1 (Urban Open Space).

If there's any published material on the standard process for TP variations I'd like to receive a copy.

Sincerely,

[REDACTED]

----- Forwarded message -----

From: **Access Canberra Customer Services** <accesscbr@act.gov.au>

Date: Tue, Jun 23, 2015 at 10:00 AM

Subject: Territory Plan [Incident: 150623-000600]

To: [REDACTED]



Canberra Connect is now part of [Access Canberra](#).

You recently contacted the ACT Government and an enquiry has been submitted. Below is a summary of your correspondence.

Subject

Territory Plan

Correspondence

Auto-Response By (Administrator) (23/06/2015 10.00 AM)

Thank you for your correspondence which has been received and referred to the relevant ACT Government business unit.

If you have requested a response you should expect to be contacted within 10 working days.

Your reference number is: #150623-000600

Customer By CSS Web [REDACTED]

(23/06/2015 10.00 AM)

Could you please advise the process for variations to the Territory Plan, in particular for areas currently zoned as open space or for community use.

With thanks,

[REDACTED]

Additional Details

Reference #: 150623-000600

Date Created: 23/06/2015 10.00 AM

Status: Unresolved

Category: Territory Plan

Type of Correspondence: Request for Information

Incident Address: [REDACTED], Lyneham, Australian Capital Territory, Australia

Your Details



You can [update or track your correspondence](#) on our website.



Direct Sale of Land Eligibility Application

Community

NAME OF APPLICANT: Brindabella Christian Education Limited

DATE OF APPLICATION: Friday 19 February 2016

Date Received (office use):

Contents

Section A Instructions	4
Completing Your Eligibility Application	4
Submitting Your Application	4
Enquiries	4
Section B Your Details	5
Applicant Details	5
Directors, Board and Committee Members	5
Representatives	5
Bankers	6
Accountants	7
Solicitors	7
Section C Your Proposal	8
The Land	8
Rationale and Alternatives	10
Section D Proposal Specifics	27
The Site	27
The Land Use	27
Contiguous Land	27
Unknown Site	33
The Buildings	33
Car Parking Facilities	34
The Development Schedule	34
Section E Your Organisation	35
Organisation Type	35
Non-Government Educational Establishments	35
Community Use and Supportive Accommodation	35
Education and Supportive Accommodation Needs	36
Government Policy	37
Activities and Services	37
Rules	37
Date of Incorporation and/or ASIC Registration	38
History	38
Current Employees	38

Current Membership	38
Future Membership.....	38
Current Land Holdings.....	39
Previous Direct Sales	40
Section F Your Financial Capacity.....	41
Tax Exempt Status	41
Costs.....	42
Totals.....	44
Section G Public Benefit	45
Public Benefits.....	45
Assessment of Community Need	45
Other Benefits.....	45
Section H Your Capabilities.....	46
Expertise and Experience	46
Resources	47
Section I Statutory Declaration.....	48
Statutory Declarations Act 1959.....	48
Section J Checklists	50
Overall Checklist.....	50
Attachment Checklist.....	51
Section K Help section.....	52
Useful Legislation.....	52
Other Important Links	52

Disclaimer

This material is provided as guidance for applicants and no undertaking or representation is made that an applicant would be eligible for the grant of land by answering the questions in the attached forms or following the procedures herein. Applicants should consult the relevant legislation and where appropriate, obtain their own legal advice.

Section A Instructions

Complete and submit this Direct Sale of Land Eligibility Application to the Economic Development Directorate (EDD) to find out if you are eligible to apply for a direct sale of land for community use. Part of your application requires that you make a relevant business case for your proposal, to provide justification for a direct sale of the land rather than a sale by other means. This form is designed to help you communicate your business case. For this reason, it is essential that you fill in all sections as directed and attach all supporting evidence that is requested.

For more information on the direct sale of land process, go to the EDD website www.economicdevelopment.act.gov.au

Completing Your Eligibility Application

- READ** Read the Eligibility Application taking note of the symbols:
-  → Denotes supporting documentation that you are required to attach;
 -  → Denotes that you may need help from a property professional; and
 -  → Denotes that you should go to the *Help Section* at the end of this document for information on relevant legislation and links.
- COMPLETE** Complete all sections of the eligibility application. Follow the questions in sequential order unless directed otherwise. *Note: If a section is 'not applicable' to your application this must be stated.*
- ATTACH** Attach all relevant documentation that is requested. Please note that if at any point you do not have enough room to list all that is required, please attach the information and mark this clearly on your application.
- SIGN** The Statutory Declaration must be completed by the person authorised to represent the applicant and that person's name, address and occupation must be stated.
- SUBMIT** Submit your completed application (**one hard copy** and **one disk copy** saved in PDF format) and your supporting documentation (one hard copy of each).

Submitting Your Application

- By mail** Director, Sustainable Land Strategy
Economic Development Directorate
GPO Box 158
CANBERRA CITY ACT 2601
- In person** Director, Sustainable Land Strategy
Economic Development Directorate
Level 6, Transact Building
470 Northbourne Avenue
DICKSON ACT

Enquiries

Contact Direct Sales, Sustainable Land Strategy, Economic Development Directorate on:
(02) 62051632

Section B Your Details

Applicant Details

- 1 Enter the applicant details (the name in which the lease will be granted) for your community organisation.

Organisation name	Brindabella Christian Education Limited
ABN	21100229669
Address	136 Brigalow St Lyneham 2612
Phone number	02 6247 4644
Email	finance@bcc.act.edu.au

Directors, Board and Committee Members

- 2 Enter the full names, addresses and occupations of all directors, board members and/or committee members.

Name	
Position	Acting Board Chair
Business address	C/- 136 Brigalow St Lyneham ACT 2602

Name	
Position	Board Member
Business address	C/- 136 Brigalow St Lyneham ACT 2602

Name	
Position	Board Member

Name	
Business address	C/- 136 Brigalow St Lyneham 2602

Name	
Position	Board Member
Business address	C/- 136 Brigalow St Lyneham ACT 2602

Representatives

- 3 Enter the contact details for a primary and a secondary contact who will act as your representative during the direct sale of land process.

PRIMARY REPRESENTATIVE

Name	
Position	Acting Board Chair
Phone number	
Address	C/- 136 Brigalow St Lyneham ACT 2602
E mail	

SECONDARY REPRESENTATIVE

Name	
Position	Principal Brindabella Christian College
Phone number	
Address	136 Brigalow Street Lyneham ACT 2602
E mail	

Bankers	
4	Enter the contact details for your organisation's bankers.
Name	National Australia Bank

Business address	Level 4, 14 Childers Street Canberra
Phone number	62067831

Section B Your Details

Name	
Position	Principal
Business address	136 Brigalow Street Lyneham ACT 2602

Name	Brindabella Christian Education Limited
Business address	136 Brigalow Street Lyneham ACT 2602
Phone number	6247 4644

Accountants

- 5 Enter the contact details for your organisation's accountants.

Name	Thomas Davis & Associates
Business address	GPO BOX 492 Sydney NSW
Phone number	

Name	
Business address	
Phone number	

Name	
Business address	
Phone number	

Solicitors

- 6 Enter the contact details for your organisation's solicitors.

Name	Symons Phillips Lawyers
Business address	Endeavour House 1 Franklin Street Manuka ACT 2603
Phone number	6295 5555

Name	
Business address	
Phone number	

Name	
Business address	
Phone number	

Section C Your Proposal

The Land

- 7 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.

- 8 Identify any peak periods of usage and the approximate number of people who will use the land daily

On the 1st of June as a part of a failed venture to extend parking along Brigalow Street as mentioned in Point 7. the College, at the request of Department of Sport & Recreation, commissioned and paid for a Parking Assessment of the area conducted by Northrop Consulting Engineers.

For the College the peak usage for the land is during term times which amounts to approximately 40 weeks per year. The obvious peak times for traffic flow through the carpark is during morning drop-off (8:15am-9:00am) and afternoon pick-up (3:00pm-3:45pm) Monday to Friday. For over 1200 parents of the current 728 students and the associated 130 College staff this land represents the only parking area close to the College apart from a smaller sealed car-parking area on Brigalow Street between the College and Lyneham Primary.

The College also operates a Café within the grounds as a College Community service with a significant number of parents who park, come in and have a coffee after dropping off their children or before they pick them up in the afternoon.

The College Early Learning Centre provides Long Day Care with the parents of some 73 children requiring temporary parking in the College car-park between 8:00am and 6:00pm for 50 weeks of the year.

There is also a College holiday program that runs during non College term times whereby up to 40 students attend each weekday.

In addition to this there are senior students who drive to school, currently numbering 10-20 students with this number growing through each year as more students successfully gain their drivers licences and dropping away after end of year 12 graduation.

Due to the student drawing area for the College being throughout the entire Canberra region, with a small minority of families living close enough to be able to walk or ride bikes to school each day and the public transport network being inadequate, the use and absolute need for the car-park only continues to grow.

Section C Your Proposal

Rationale and Alternatives

In the following questions describe why your organisation needs to obtain the land through direct sale and what other options you have considered:

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:

.



2-6 Shea Street Phillip ACT 2606

T (02) 6285 1822 F (02) 6285 1863

E canberra@northrop.com.au

CR150297E01_R4.2
01 June 2015

Ric Small

Small Quinton Coleman Architects
Suite 4 Hawker Professional Centre
Hawker ACT 2614

Email: [REDACTED]

Dear Ric,

Re: Parking Assessment

B23 S41 Lyneham (adjacent Brindabella Christian College)

This Parking Assessment is for the proposed development at Block 23, Section 41 Lyneham, which includes refurbishment of the sports ovals, outdoor sports courts, an ancillary indoor recreation centre (also intended for community centre uses), and modifications to the existing gravel carpark and the carpark on Block 21 Section 41.

Block 23 Section 41 (51,334m²) is located off Brigalow Street in Lyneham. In accordance with the Territory Plan this Block is designated as Land Use Zone PRZ1: URBAN OPEN SPACE. The site is highlighted below in Figure 1.

This report presents an assessment of existing and future parking demands, for the site and the surrounding schools.

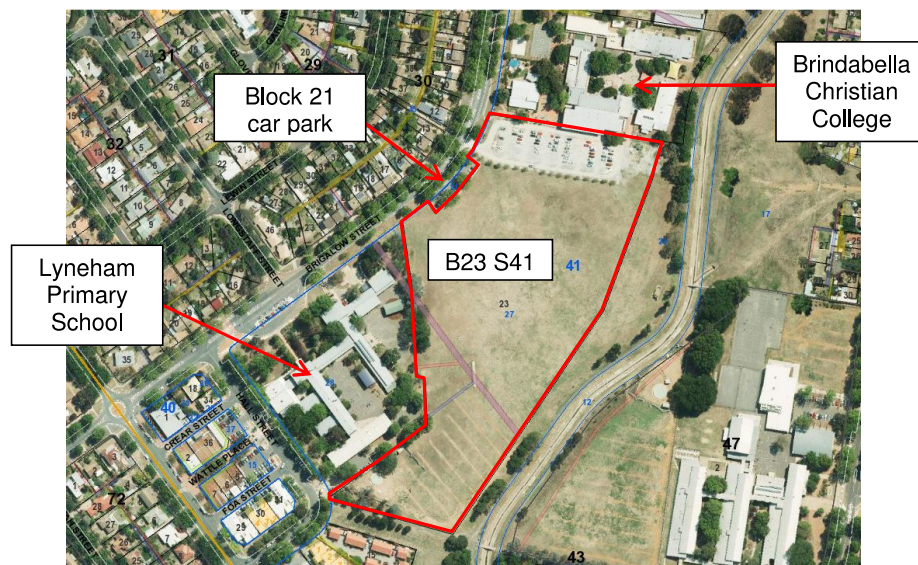
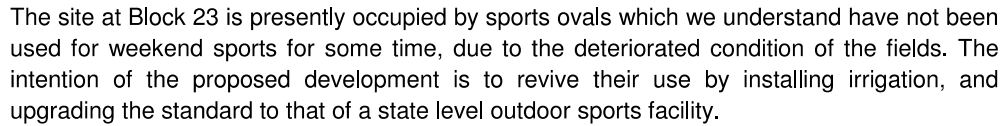


Figure 1 – Aerial of Proposed Site (ACTmapi June 2015)

1.0 Existing Site Conditions

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 1



South-west of Block 23 is the Lyneham Primary School on Block 18 section 41. Lyneham Primary School (LPS) has slightly more, but also limited parking on its own site.

It is the intention that during the school hours, the schools will be utilising the recreation facilities on Block 23 for their own sports activities. This is not anticipated to generate additional parking during the week, over that already generated by the schools.

The vehicular parking demand, generated from the proposed development and existing schools, has been assessed against the requirements in the *Parking and Vehicular Access General Code* (3rd October 2014).

The locational requirements for long stay, short stay, operational and visitor parking are as follows (*Clause 3.9.4, Locational requirements, Other Zones*):

- For long stay parking, on site or within 200m;
- For short stay parking, on site;
- For operational parking, on-site; and
- For visitor parking, on site



2.2 Parking Generation Rates

Due to the shared nature and varied uses associated with this development, an individual assessment has been completed with consideration to the following generation rates in the *Parking and Vehicular Access General Code*.

For a "Community Activity Centre":

- 4 spaces / 100m² GFA

For an "Indoor recreation facility (Basketball, netball)":

- 25 spaces / court

For an "Outdoor recreation facility":

- Tennis: 5 spaces / court
- Playing field: Subject to individual assessment – Assumed 40 spaces / field

For "Primary & High Schools":

- 0.8 spaces/10 students; plus
- 0.4 set-down/pick-up spaces/10 students

For a "Secondary College":

- 1.8 spaces/10 students; plus
- 0.2 set-down/pick-up spaces/10 students

Table 1 – Parking Generation

Table 1 - Parking Generation			
Space/type	Area/ No.	Rate	Parking Spaces Required
Brindabella Christian College	564 pre- Secondary college students	0.8 long stay spaces/ 10 students 0.4 short stay spaces/ 10 students	46 23
	88 Secondary college students	1.8 long stay spaces/ 10 students 0.2 short stay spaces/ 10 students	16 2
Sub Total			87
Lyneham Primary School	375 pre- Secondary college students	0.8 long stay spaces/ 10 students	30
		0.4 short stay spaces/ 10 students	15
Sub Total			45
Community Activity Centre	320m ² (22% of total area, 22% in range of likely community use)	4 spaces/ 100m ² GFA	13 spaces
Basketball Courts	2	25 spaces/ court	50 spaces
Soccer Fields	2	40 spaces/ Field (individual assessment)	80 spaces
Sub Total – Weekend Generation			143

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 3



Considering the greatest generation of parking spaces from the previous section is expected to occur on weekends (143 spaces), a minimum of, $(0.03 \times 143) = (5)$ car parking spaces are required to be designated as disabled.

As per the requirements of *Clause 2.4, Parking for motorcycles and motor scooters, Parking and Vehicular Access General Code*, the provision rate for motorcycles is three (3) dedicated spaces per (100) vehicle parking spaces, with minimum of one (1) space for car parks with a minimum of (30) parking spaces. These spaces are to be provided in addition to the number of car parking spaces required under this code.

Thus the minimum required number of spaces for motorcycles is $(0.03 \times 143) = (5)$ spaces. The motorcycles/scooters parking for long stay parking requires an on-site parking arrangement.



The Brindabella Christian College (BCC) has limited parking on its own site. The college has a sublease agreement with Sport and Recreational Services to use the existing gravel carpark at the northern part of Block 23. The existing gravel carpark has in the order of (137) spaces. There is also an on-street zone with bus parking and (3) car bays.

This carpark is proposed to be partially relocated and reconfigured as part of the proposed design.

There is a drop off area / bus pick-up-drop-off zone off Brigalow Street. It is common for several cars to park along here for short periods but there is formally only (1) car bay, the remainder zoned for busses.

A teacher's carpark adjacent can accommodate (20) cars.

Adjacent the school on Hall Street, there are also (40) 90-degree parking spaces along the entire length of the school.

The above school parking equates to approximately (48) spaces, which is adequate under the intent of the current Code for the uses of LPS only; Or up to (88) if the (40) on street spaces on Hall Street are counted.

There is an existing off-street carpark adjacent Block 23 on Block 21. This carpark currently has (27) spaces. This carpark is proposed to be replaced by the new carpark.



4.0 Proposed Parking Provision

The existing (137) spaces in the gravel carpark on Block 23, and the (27) spaces in the small off-street carpark on Block 21, are proposed to be removed and reconfigured into the new car parking and sports facilities proposed.

It is proposed to include approximately (99) off-street spaces along the western boundary of Block 23, and retain in the order of (46) formal spaces out of the (137) in the existing gravel carpark area. It is also proposed that a further (30) overflow spaces will be available in peak periods over the new outdoor sports courts. The new carpark will be relatively central for all the users.

This equates to a total in the order of (145) spaces or (175) in peak periods.

Under the intent of the Parking Code, this meets the peak weekend demand, expected to be in the order of (143) spaces. It also meets the requirements of the two schools, which have an expected requirement of (132) spaces under the intent of the current Code.

Table 2 - Existing and Proposed Parking Available

Area (Refer Figure 3)	Location	Existing Capacity (No. Car Spaces)	Proposed Capacity (No. Car Spaces)
1	On-street parking 1 hour & all day	7	7
2	On-street parking all day	19	19
3	Off-street carpark behind school	21	21
4	On-street parking opposite bus zone	5	5
5	Teacher's Car park near bus zone	15	15
6	Pick Up Drop off/ Bus zone	1	1
7	Off-Street teacher's carpark	20	20
8	Off-Street Tams Carpark	27	99
9	Off-street BCC carpark	137	46 - 76
10	On-street Bus zone	3	3
Total		255	236 - 266

The proposed parking facility is shown below in Figure 2.

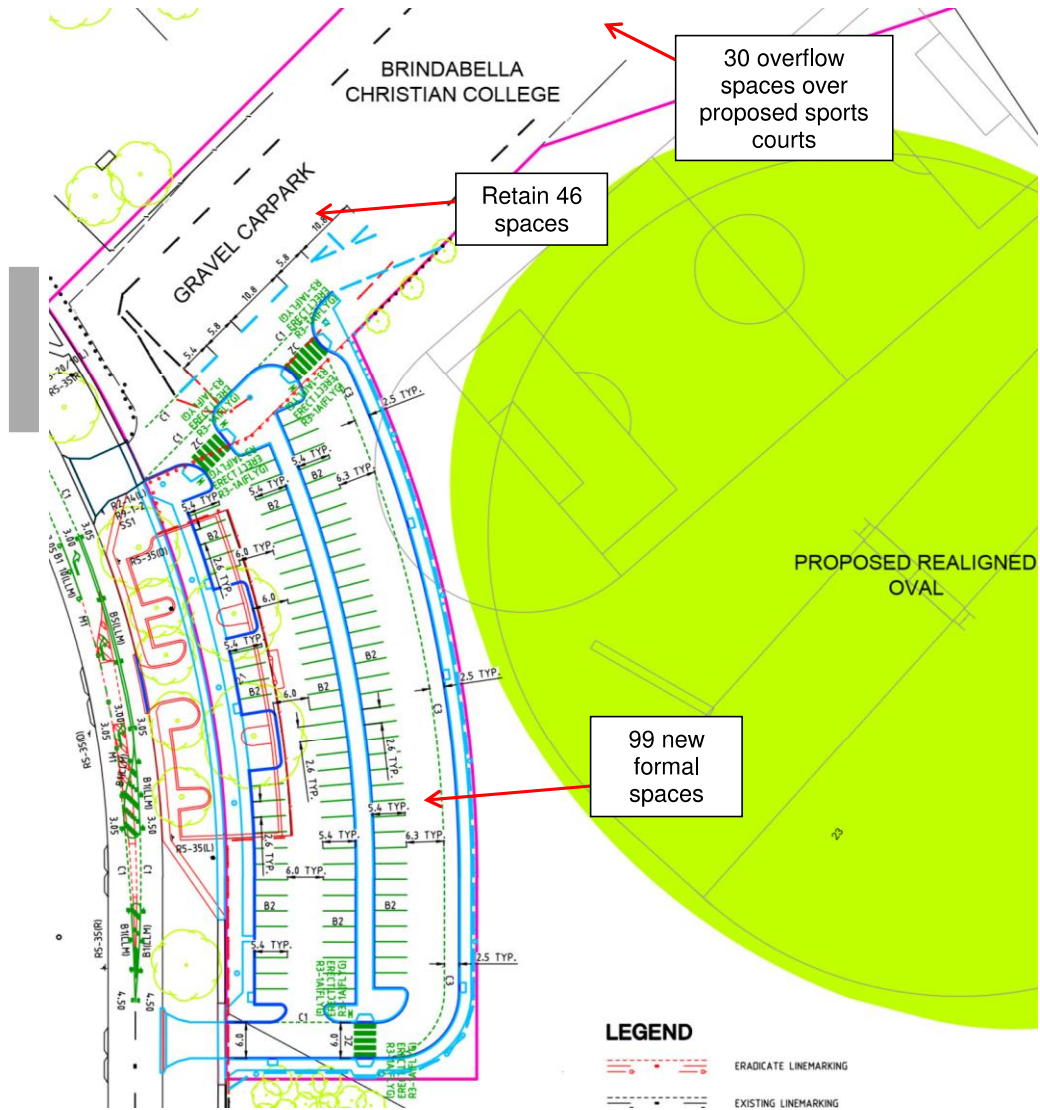


Figure 2 – Proposed Parking Facility
(Field representation indicative only)

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 7



- School drop off and pickup times on a weekday (8am - 9am and 2.30pm - 4pm).
- Expected peak weekend times (9am - 10am and 2pm - 3pm)

The existing parking facilities (marked 1 to 10), in close proximity to the schools and sports ovals, are depicted on Figure 3.



Figure 3 – Existing Parking Facilities in Close Proximity



5.1 Weekday Morning Peak Parking Demand

The survey was conducted at the peak school drop-off time, approximately 8am - 9am. Refer to Table 3 below.

It was observed that parking for Lyneham Primary School was generally over capacity, however BCC and the oval parking were at around 70% of their capacity during the peak.

The total number of spaces available was not exceeded, with an excess in the order of 53 spaces at peak occupancy.

Table 3 - Weekday Morning Summary 8am - 9am, 8th May - 14th May

Area	Location	Capacity (No. Car Spaces)	Average No. Cars Observed	Max No. Cars Observed	Average Occupancy (%)	Max Occupancy (%)
1	On-street parking 1 hour & all day	7	4	8	57	114
2	On-street parking all day	19	19	20	102	105
3	Off-street carpark behind school	21	20	21	93	100
4	On-street parking opposite bus zone	5	2	4	32	80
5	Teacher's Car park near bus zone	15	15	15	99	100
6	Pick Up Drop off/ Bus zone	1	3	6	320	600
7	Off-Street teacher's carpark	20	19	28	97	140
8	Off-Street Tams Carpark	27	18	21	67	78
9	Off-street BCC carpark	137	81	91	59	66
10	On-street Bus zone	3	1	2	20	67
	Total	255	181	202	71	79

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 9



5.2 Weekday Afternoon Peak Parking Demand

The survey was conducted at the peak school pick-up time, approximately 2.30pm - 4pm. Refer to Table 4 below.

Similarly to the morning peak, it was observed that parking for Lyneham Primary School was generally over capacity, however BCC had a max occupancy of 93%, and the oval parking was at 67% of its capacity.

The total number of spaces available was exceeded by 18 vehicles.

Table 4 - Weekday Afternoon Summary 2.30pm - 3pm, 8th May - 14th May

Area	Location	Capacity (No. Car Spaces)	Average No. Cars Observed	Max No. Cars Observed	Average Occupancy (%)	Max Occupancy (%)
1	On-street parking 1 hour & all day	7	13	19	191	271
2	On-street parking all day	19	20	21	104	111
3	Off-street carpark behind school	21	21	21	100	100
4	On-street parking opposite bus zone	5	4	5	84	100
5	Teacher's Car park near bus zone	15	17	21	112	140
6	Pick Up Drop off/ Bus zone	1	7	11	740	1100
7	Off-Street teacher's carpark	20	29	36	145	180
8	Off-Street Tams Carpark	27	27	29	101	107
9	Off-street BCC carpark	137	123	127	90	93
10	On-street Bus zone	3	1	2	47	67
	Total	255	263	273	103	107

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 10



5.3 Weekend Morning Peak Parking Demand

The survey was conducted at the expected future peak weekend sports time, approximately 9am - 10am. Refer to Table 5 below. Note that rates were higher due to the school fete which was being held on Saturday 9th May.

It was observed that the on-street parking along Hall Street, and the LPS drop-off area was relatively full. This is likely due to the proximity to the local shops adjacent.

Else the occupancy rates were relatively low, generally in the range of 30 - 40%. The total number of spaces available was not exceeded

Table 5 - Weekend Morning Summary 9am - 10am, 9th May & 17th May

Area	Location	Capacity (No. Car Spaces)	Average No. Cars Observed	Max No. Cars Observed	Average Occupancy (%)	Max Occupancy (%)
1	On-street parking 1 hour & all day	7	0	0	0	0
2	On-street parking all day	19	6	8	32	42
3	Off-street carpark behind school	21	21	21	100	100
4	On-street parking opposite bus zone	5	1	1	10	20
5	Teacher's Car park near bus zone	15	5	6	33	40
6	Pick Up Drop off/ Bus zone	1	1	1	50	100
7	Off-Street teacher's carpark	20	0	0	0	0
8	Off-Street Tams Carpark	27	6	10	20	37
9	Off-street BCC carpark	137	25*	50*	18*	36*
10	On-street Bus zone	3	1	1	17	33
	Total	255	64	98	25	38
	Total Excluding Area 9*	118	39	48	33	41

**Annual School fete was on for all of Saturday 09/05/2015, leading to an above normal parking weekend observation within area 9. Vehicles were observed using the adjoining oval for parking purposes. The results for Area 9 are considered outliers, are not viewed as typical vehicle parking.*

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 11



5.4 Weekend Afternoon Peak Parking Demand

The survey was conducted at the expected future peak weekend sports time, approximately 2pm - 3pm. Refer to Table 6 below. Note that rates were higher due to the school fete which was being held on Saturday 9th May.

It was observed that the most of the parking areas were relatively full, with the total capacity exceeded during the peak. This is likely due to the school fete which was held on Saturday 9th. Excluding outliers the total number of spaces available was not exceeded

Table 6 - Weekend Afternoon Summary 2pm - 3pm, 9th May & 17th May

Area	Location	Capacity (No. Car Spaces)	Average No. Cars Observed	Max No. Cars Observed	Average Occupancy (%)	Max Occupancy (%)
1	On-street parking 1 hour & all day	7	6	7	79	100
2	On-street parking all day	19	9	10	45	53
3	Off-street carpark behind school	21	21	21	100	100
4	On-street parking opposite bus zone	5	2	2	30	40
5	Teacher's Car park near bus zone	15	7	9	47	60
6	Pick Up Drop off/ Bus zone	1	1	2	100	200
7	Off-Street teacher's carpark	20	4	5	18	25
8	Off-Street Tams Carpark	27	20	21	72	78
9	Off-street BCC carpark	137	113*	214*	82*	156*
10	On-street Bus zone	3	2	2	50	67
	Total	255	182	293	71	115
	Total Excluding Area 9*	118	69	79	58	67

**Annual School fete was on for all of Saturday 09/05/2015, leading to an above normal parking weekend observation within area 9. Vehicles were observed using the adjoining oval for parking purposes. The results for Area 9 are considered outliers, are not viewed as typical vehicle parking.*

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 12



1000 JOURNAL OF CLIMATE

- Based on the current *Parking and Vehicular Access Code*, the two schools currently have adequate parking to meet the intent of the code.
- In peak pickup and drop-off times, the current leased parking arrangement between Brindabella Christian College and ACT Sport and Recreation (lease of the gravel carpark on Block 23) is adequately serving the parking demands of the school. There was some excess capacity observed.
- In peak times, there is some overflow parking near Lyneham Primary School, including illegal parking on verges, suggesting their current provision is not adequately serving the peak parking demands of the school. This may also be due to the limited amount of parking close to the school entrance, or the close proximity of the school to the nearby shops.
- The current proposal is intended to serve the needs of both schools, and future weekend sports on the ovals through a shared arrangement. This is allowable due to the non-concurrence of peak demands for school and weekend sports activities.
- Weekend observations were skewed due to the occurrence of a school fete during the observations. It is expected that that true current weekend usage is much lower than that observed.
- The proposed total number of spaces will be similar to the current number of spaces available, with additional overflow parking on the BCC sports courts. The new carpark will have a total in the order of (145) spaces or (175) in peak periods. This combined with the surrounding existing parking to remain, will equate to (236) - (266) spaces available.
- Under the intent of the *Parking Code*, this meets the peak weekend demand, expected to be in the order of (143) spaces. It also meets the requirements of the two existing schools, which have a total requirement of (132) spaces under the intent of the current *Code*.
- One advantage of the proposed parking locality is that it is more central to the three users. This is expected to alleviate some of the existing congestion at LPS during peak pickup and drop-off times.
- (5) motorcycle parking spaces need to be included in the proposed design under the intent of the *Code*;
- (5) disabled parking spaces need to be included in the proposed design under the intent of the *Code*;

Northrop Consulting Engineers
June 2015
Page 13

Electrical Environmental Civil Hydraulic Mechanical Structural Electrical Environmental Civil Hydraulic Mechanical Structural
Civil Hydraulic Mechanical Structural Electrical Environmental Civil Hydraulic Mechanical Structural Electrical Environmental
Structural Mechanical Structural Electrical Environmental Civil Hydraulic Mechanical Structural Electrical Environmental Civil Hydraulic



Based on the above, it is recommended that the proposed development be supported on Parking grounds.

NORTHROP CONSULTING ENGINEERS

Sincerely,



Civil Engineer

Reviewed by:



Principal

BBC Parking Analysis
B23 S41 Lyneham
CR150297E01_R4

Northrop Consulting Engineers
June 2015
Page 14

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.

- 11** Is there any reason why your organisation could not operate from a joint-use facility (e.g. co locating with another organisation)?

No ☐

Yes ☒ → Provide explanation below

As advised in Section 10, 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 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.

That has clearly put an end to any possibility of jointly collocating interests; being that of using Department of Sport and Recreation/TAMS land jointly for that of Lyneham Primary School and ourselves.

Section D Proposal Specifics

The Site

- 12** Do you have a preferred site?

Yes ☒ → Go to **13**

No ☐ → Go to **23**

- 13**  If you have a preferred site, please provide details:

Block	23
Section	41
Division	Lyneham
Size (m²)	6,472 Sq M
Current Territory Plan zoning ^H	CFZ: Community Facility
Why this site is preferred	The site is currently being used by the College for the above proposed purpose. It is the only land available for this purpose within a reasonable distance of the College.

The Land Use

- 14**   Attach a sketch plan of the ideal site layout, including:
- Proposed buildings
 - Car parking facilities
 - Public access arrangements

You should also indicate the staging of the development

Contiguous Land

- 15** Are you making an application for contiguous unleased land as described in Section 110 or Section 122 of the *Planning and Development Regulation 2008*? ^H

Yes ☒ → Go to **16**

No ☐ → Go to **24**

- 16** Is the land for the proposed lease adjoining land on which you hold a current lease?

Yes ☒ → Go to **19**

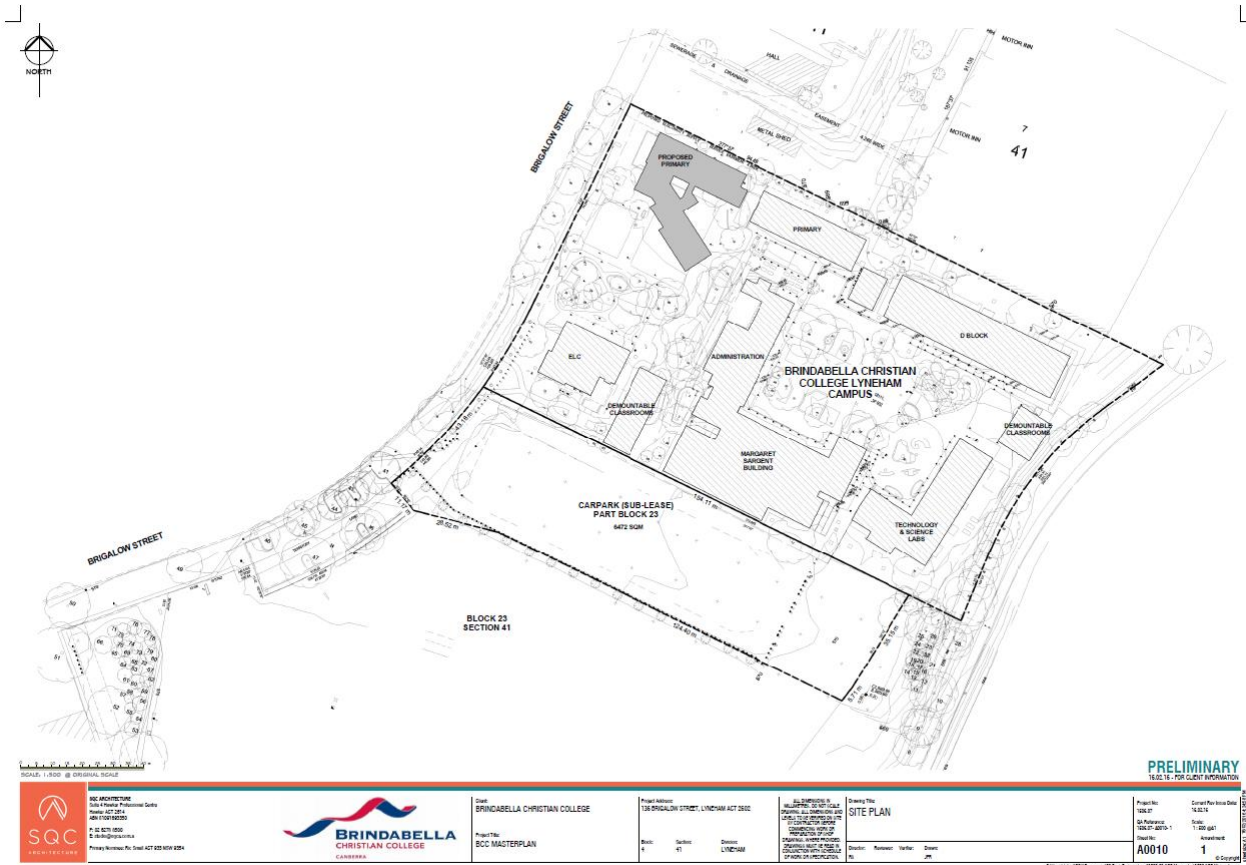
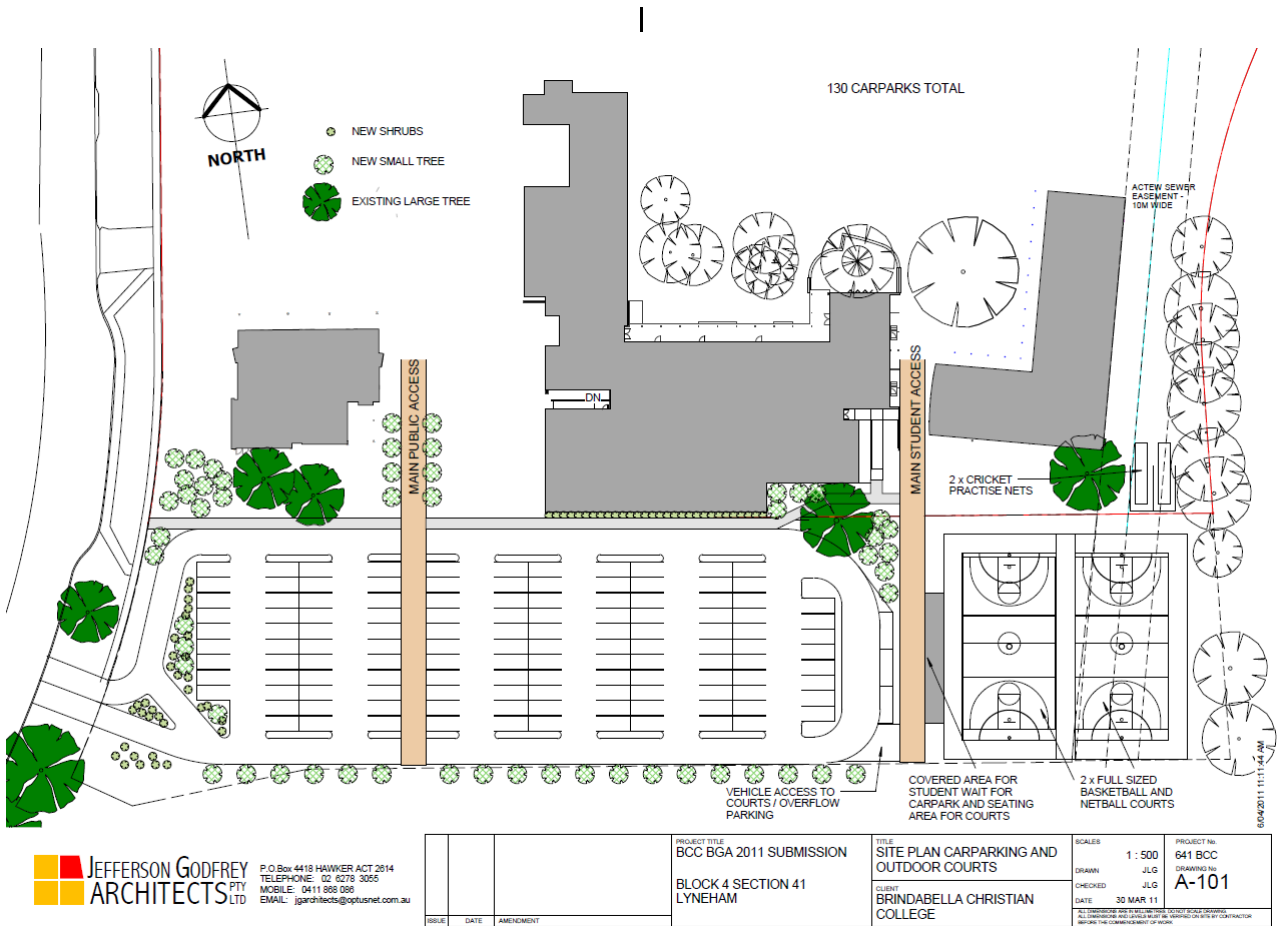
No ☐ → Go to **17**

- 17** Are you submitting this application to rectify an encroachment so the existing lease can be subdivided under the *Unit Titles Act 2001*? ^H

(Examples of such encroachments include balconies or signs that cross a boundary into unleased land)

Yes ☐ → Go to **19**

No ☒ → Go to **18**



Section D Proposal Specifics

18 Explain how your proposal would facilitate the achievement of a good planning outcome?^H

The land is currently being already highly utilised for the purpose of a car-park and traffic movement. In addition to it continuing to be used for the same purpose the purchase of the land would provide the certainty for additional capital expenditure on improvement of the surface and the facility to include outdoor sports facilities by way of courts being placed over overflow car-parking and the future potential for additional underground car-parking.

19 Explain why the contiguous land would not be viable for separate lease because of its size, location or configuration:

The land is not viable for any other commercial venture due to it adjoining the College and being the only car-parking the College has use of. This arrangement was a conditional prerequisite for the Commonwealth BER Funding and enabled by the then ACT Government's assistance in granting the current sub-lease.

The land also adjoins the Lyneham Oval and provides additional parking for the oval itself. If the car-park was reclaimed to the oval this would place extremely high pressure on the surrounding streets and Lyneham Primary School for College parking and parental traffic.

20 Explain how your proposal maintains or enhances the amenity of the surrounding area:

The purchase of the land will maintain its current use but the ability to improve the surface decreases the issues of dust for the local residents. Many parents are also reluctant to use the car-park in its current condition and will illegally park along Brigalow Street creating traffic hazards at peak times of the day. See a few examples of this:





- 21** Explain how your proposal will promote better land management, including how it will not unreasonably restrict public access to other land:

The land's existing primary use will not require variation and the provision of safe off-street parking and non-fenced outdoor court amenities that can be utilised by anyone will be an attractive future asset for the local community.

- 22** Does the *Territory Plan* identify this land as public land? **H**

Yes ☒ → Go to **24**

No ☐ → Go to **24**

Section D Proposal Specifics

Unknown Site

- 23 If you do not have a preferred site, provide details about the type of site you require:

Land area estimate (m²)	N/A
Preferred location	N/A
Why preferred location	N/A

The Buildings

- 24 Describe the proposed buildings:

Type of building	Gross floor area (m²)
N/A	
Total floor area (m²)	

- 25 If your proposed activity has any special location, land or building requirements, describe those requirements:

Land directly adjoining the College for the safe drop-off and pick-up of children such that they can access the existing College grounds without unnecessary exposure/risk.

Section D Proposal Specifics

Car Parking Facilities

- 26 Describe the proposed car parking facilities for your proposal:

The proposed land is already operating as an existing unsealed car-park.

The Development Schedule

- 27 Explain how you will schedule the development. If you will develop the land in stages, describe the stages and the estimated timeframe:

Stage	Development activities	Start and end dates (estimated)
1	Acquire the land	?? Ideally in the next few months.
2	Once acquired, develop a set of detailed architectural/civil engineering plans for the revised desired use	The completion schedule is highly dependant on the acquisition, however, the completion of a surfaced car-park is clearly deliverable within a calendar year. Obvious practical delays, outside weather, will relate to developing the car-park while operating a fully functional College – unlike the derailed extended car-park proposal along Brigalow Street which would have allowed for construction while utilising existing car-parking facilities.
3	Call for tenders to surface the car-park	
4	Appoint a successful tenderer and commence works to completion.	
5		

Section E Your Organisation

Organisation Type

Answer the following questions in the order in which they are presented to determine which of the following lease types you are eligible to apply for:

- Non-government educational establishment ^H
- Community use ^H
- Supportive accommodation ^H

Non-Government Educational Establishments

- 28** Is your organisation a registered non-government school? ^H
- Yes ☒ → Attach registration. Go to 37
 No ☐ → Go to 29
- 29** Is the land for an additional campus for a registered non-government school? ^H
- Yes ☐ → Attach registration. Go to 37
 No ☒ → Go to 30
- 30** Is your organisation registered under the Training and Tertiary Education Act 2003
- Yes ☐ → Attach registration. Go to 37
 No ☒ → Go to 31
- 31** Are you authorised to operate a university without contravening section 81 of the Training and Tertiary Education Act 2003?
- Yes ☐ → Attach registration. Go to 37
 No ☒ → Go to 32

Community Use and Supportive Accommodation

NOTE: You must be a community organisation, as defined in the Planning and Development Regulation 2008 to be eligible for either the community use or supportive accommodation lease type.

- 32** Does your organisation hold a club license under the Liquor Act 2010?
- Yes ☐ → **YOU ARE NOT ELIGIBLE TO SUBMIT THIS APPLICATION** do not continue
 No ☒ → Go to 33
- 33** Does your organisation carry out these services for the financial benefit of its members?
- Yes ☐ → **YOU ARE NOT ELIGIBLE TO SUBMIT THIS APPLICATION** do not continue
 No ☒ → Go to 34
- 34** Does your organisation provide—as its principal purpose—a service or assistance to people living or working in the ACT?
- Yes ☒ → Go to 35
 No ☐ → **YOU ARE NOT ELIGIBLE TO SUBMIT THIS APPLICATION** do not continue
- 35** Are you proposing to provide one of the following supportive accommodation services?
- A retirement complex
 - Residential care accommodation
 - Supportive housing
- Yes ☐ → Go to 36
 No ☒ → Go to 38
- 36** Does your organisation require approval under an ACT or Commonwealth law to provide the type of supportive accommodation you are proposing?
- Yes ☐ → Attach approval.
 No ☒ → Go to 37

Section E Your Organisation

Education and Supportive Accommodation Needs

- 37** Briefly explain how your proposal to use the land will address an education or supportive accommodation need in the ACT.

Examples include:

- *Non-government educational establishments:*
 - *Providing opportunities for education or training in an area of shortage of appropriately qualified or skilled people in the ACT; or*
 - *Providing education to people who, because of a group to which they belong, may suffer disadvantage in the provision of educational services unless their special needs are met*
- *Supportive accommodation:*
 - *Meeting a need for additional supportive accommodation in the form of a retirement complex, residential care accommodation or supportive housing.*

*Note: In **Section E**, you will need to provide a more detailed community needs assessment.*

Brindabella Christian College provides a high-grade quality educational experience for the students of both Christian and non-Christian families in the Canberra region within an identifiable Christian environment.

We currently have a high degree of special needs students that also benefit from the environment they are educated within. The strength of community spirit amongst the children ensures our most needy students are educated in a safe and protective environment.

Section E Your Organisation

Government Policy

- 38** Describe how your proposed use of the land is compatible with or will promote applicable ACT or Commonwealth policies, including a reference to the policy

The 'Supervision of Students on Schools Sites' Policy recognises the legal duty of care required for students while attending school and school-related activities. This policy identifies motor vehicle traffic as a safety consideration. Without a car park adjacent to the College, the excess road congestion does cause a considerable safety hazard for both our College and Lyneham Primary School.

Activities and Services

- 39** Describe your organisation's activities and the services it provides

Brindabella Christian Education Limited provides Christian Education from 3-year olds to Year 12 on the Lyneham campus. It has a current enrolment of 728 students (Kindergarten–Year 12) and 73 children in the Early Learning Centre.

Brindabella Christian College is currently registered as an ACT Non Government School until 31 December 2018.

Rules

- 40** If you are applying under the community use or supportive accommodation lease types, describe the way in which your proposed use of the land is consistent with your organisation's rules

N/A

Section E Your Organisation

Date of Incorporation and/or ASIC Registration

41 Is your organisation is incorporated?

Yes ☒ →

Enter date of incorporation: 2002

✎ Attach your certificate of incorporation and your organisation's constitution, rules, or articles of association

No ☐ → go to 42

42 Is your organisation registered with the Australian Securities and Investments Commission (ASIC)?

Yes ☒ → Now with ACNC

Enter date the date on which your organisation was registered: 2002 with ASIC then transferred to ACNC in 2013

No ☐ → go to 43

History

43 How long has your organisation been operating in the ACT?

Incorporated since 2002

Current Employees

44 Enter the approximate number of staff employed in your organisation:

130 Staff

Current Membership

45 How many members does your organisation currently have?

4

46 What percentage of your membership is considered active?

100%

47 Does your organisation service a particular community, demographic or location?

Yes ☒ → Describe:

Providing a quality education in a Christian environment for both Christian and non-Christian families in the Canberra region.

No ☐

48 Do your members pay any fees to your organisation?

Yes ☐ N/A

No ☐

Future Membership

49 Estimate the number of members your organisation expects to have over the next 5-10 years:

Varying from 5-7

✎ Attach a copy of your annual report and any other evidence to substantiate membership trends for your organisation (e.g. in other parts of Australia) and your future membership estimates.

50 Explain how the evidence you have attached substantiates your estimate of future membership?

Membership has, since incorporation, varied between 5-11 with a preference for remaining between 5-7; as each member actively serves on the Board of Directorship of the College, which is modelled on best practice in corporate governance.

Section E Your Organisation

Current Land Holdings

- 51 If your organisation currently holds land in the ACT or region identify the land, explain how you're using it and why it cannot accommodate the proposed development.

Note: If you are a religious organisation, please include all holdings of your wider denomination or group across the ACT or region.

SITE ONE

Block	23
Section	41
Address	136 Brigalow Street Lyneham ACT 2602
Lease period	5/6/89 99 years
Land use	School
Is this site fully developed?	Yes ☐ No ☒
Why it can't be used for the proposed development?	Absolutely no capacity to accommodate the parking, drop-off and pick-up requirements of the College on the existing site

SITE TWO

Block	N/A
Section	
Address	
Lease period	
Land use	
Is this site fully developed?	Yes ☐ No ☐
Why it can't be used for the proposed development?	

SITE THREE

Block	N/A
Section	
Address	
Lease period	
Land use	
Is this site fully developed?	Yes ☐ No ☐
Why it can't be used for the proposed development?	

SITE FOUR

Block	N/A
Section	
Address	
Lease period	
Land use	
Is this site fully developed?	Yes ☐ No ☐
Why it can't be used for the proposed development?	

Section E Your Organisation

Previous Direct Sales

52 Has your organisation (including any parent or subsidiary entities) ever previously applied for a direct sale of land?

No ☒

Yes ☐ → Provide details below:

Unknown

53 If your organisation has other land development projects in progress in the ACT or other jurisdictions, provide a brief description and the estimated costs of each:

Project description and location	Estimated costs
N/A	
Total estimated costs	

Section F Your Financial Capacity

Tax Exempt Status

- 54  *Attach audited financial statements from the previous two financial years*
- 55  *Attach bank statements for the two previous financial years*
- 56 **H** Has your organisation been endorsed as a non-profit organisation for the purposes of tax exemption?

No ☐ → Go to 57

Yes ☒ → Provide details below:

See Attached

Section F Your Financial Capacity

Costs

- 57 Itemise your cost estimates for the acquisition, site investigation, site servicing, development and maintenance of a parcel of land.

NOTE: You will be required to pay for the site investigation and site servicing costs including the cost of any offsite infrastructure works (this does not apply to contiguous parcels or parcels which are serviced and require no further investigation). You will only have to pay for these costs if you are found eligible and are offered a Crown lease. Please consider this when providing your estimates.

	ITEM	COST ESTIMATE
Land acquisition	Land (based on the area required)	Unknown
	Professional services and advice	
	Other	
	Subtotal	
Land development	Approvals	N/A
	Buildings	N/A
	Fit-outs, plant and equipment	N/A
	Landscaping	
	Car parking	\$1 Million
	Professional services and advice	\$100,000.00
	Other	
	Subtotal	\$1 Million
	Contingency (15% of the land development subtotal)	\$150 000.00
Land management	Professional services and advice	N/A
	Annual maintenance	
	Other	
	Subtotal	
	Total estimated costs (sum of ALL subtotals plus contingency)	\$1.25 million

Section F Your Financial Capacity

58 List all of your funding sources for the acquisition, development and maintenance of the land:

	FUNDING SOURCE	AMOUNT	
Grants	N/A		 Attach one of the following for each grant: - A letter of support from each source that states the amount of funds they are willing to commit to the project - A document that shows you have applied for a grant, stating the amount of funding, the circumstances on which the grant is based and the expected decision date
	Subtotal		
Loans	N/A		 Attach a letter of support from each source (bank or other) that states the amount of funds they are willing to commit to the project
	Subtotal		
Cash	Cash Reserves	\$1.25 million	 Attach current account statements that show the total amount of the cash holdings for each source
	Subtotal	\$1.25 million	
Other, including partnerships	N/A		 Attach supporting documents.  Where there is a partnership: - Attach a formalised contract indicating the relationship between your organisation and the funding partner - Attach your partner's audited financial statements from the two previous financial years - Attach your partner's bank statements for the two previous financial years
	Subtotal		
Total		\$1.25 million	

Section F Your Financial Capacity

Totals

- 59 Confirm that the total funding exceeds the total estimated costs

ITEM	TOTAL
Funding (enter funding total from 58)	\$1.25 million
Costs (enter costs total from 57)	\$1.25 million
Difference (funding – costs)	\$0

- 60 Is the difference (funding - Costs) positive?
Yes ☒ → Go to **64**
No ☐ → Go to **61**
- 61 Is the difference greater than the contingency calculated in question 36?
Yes ☐ → Go to **62**
No ☒ → Go to **64**
- 62 Will you fund the difference by obtaining additional financing?
- No** ☒ → Go to **63**
Yes ☐ → Explain your reasoning:

N/A as cash reserves will be used.

- 63 Will you fund the difference by scaling back the development?

No ☒ →

Your funding is insufficient to submit this application.

You may wish to consider the following questions:

- Can you revise your proposal so that it can be achieved with your current level of funding?
- Can you seek additional sources of funding?

Yes ☐ → Explain your reasoning:

N/A

Section G Public Benefit

Public Benefits

- 64 Explain why the benefits your project will deliver to the ACT community would not otherwise be achieved if the land were sold for the same purpose in a competitive process on the open market:
The car-park is the only space available adjacent to the College that can be used by the College for parking and safe drop-off and pick-up for the families of Brindabella Christian College.

If the land was not available to the College for use as a car-park for its community Brigalow Street and the surrounding areas would be a traffic disaster at peak times during the school term. There would be much greater pedestrian traffic crossing Brigalow Street as well as the likelihood of illegal parking on nature strips and numerous adjacent streets would be affected by the residual parking. NB: Current enrolment projections will see anywhere from 75-100 additional student places for 2017 only exacerbating the current position if this need is not addressed.

Assessment of Community Need

- 65  Attach a supply and demand analysis (based on factual, published, referenced data) in support of your proposal. This should include:
- The likely catchment of the area you wish to locate your facility
 - The existing range of similar type facilities and services within the catchment area
 - Evidence that there is demand for your proposal and that it is not adequately provided or available elsewhere
 - The options for multipurpose use of your facility (e.g. To meet other community groups needs in the locality)
 - An assessment of the existing and future demand for your proposed use in the locality of your preference based on demographic trends

Refer the attached Parking Assessment commissioned by the College from Northrop Consulting Engineers. The supply and demand is evident in the recommendations.

Other Benefits

- 66 Are there any other benefits of your proposed use of the land?
The commercial sealing of the current surface of the existing car-park on the land in question will benefit both the College community that currently use the carpark as well as the local residents who reside opposite the school and along Brigalow Street. The substantive use of the car-park during school terms, exacerbated by any accompanying winds creates ongoing dust clouds which are a health hazard to those in the immediate proximity of the car-park on any given day.

Section H Your Capabilities

Expertise and Experience

- 67 Describe the expertise, experience and any qualifications of your staff or contractors in relation to:

- Developing land
- Managing land
- Operating the proposed business

Name	TBC
Employment status	☐ Permanent ☒ Contractor ☐ Other:
Qualification/s	As required by tendered specification
Expertise/ experience	As required by tendered specification

Name	
Employment status	☐ Permanent ☐ Contractor ☐ Other:
Qualification/s	
Expertise/ experience	

Name	
Employment status	☐ Permanent ☐ Contractor ☐ Other:
Qualification/s	
Expertise/ experience	

Name	
Employment status	☐ Permanent ☐ Contractor ☐ Other:
Qualification/s	
Expertise/ experience	

Section H Your Capabilities

Name	
Employment status	☐ Permanent ☐ Contractor ☐ Other:
Qualification/s	
Expertise/ experience	

Name	
Employment status	☐ Permanent ☐ Contractor ☐ Other:
Qualification/s	
Expertise/ experience	

Resources

- 68** Describe any other resources your organisation has at its disposal to do all of the following:
- Develop land
 - Manage land
 - Operate the proposed business

Small Quinton Coleman Architects.

Section I Statutory Declaration

Statutory Declarations Act 1959

I, *[name, address and occupation of person making the declaration]*



c/- Brindabella Christian College

136 Brigalow St

LYNEHAM ACT 2602

Make the following declaration under the *Statutory Declarations Act 1959 (Cwlth)*:

That the answers to questions and the statements made in this application are true and correct in every particular.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959 (Cwlth)*, and I believe that the statements in this declaration are true in every particular.

[Signature of person making declaration]

.....

Declared at *[place]* Lyneham on *[day]* 18 *[month]* February *[year]* 2016

Before me,

[Signature of person before whom the declaration is made]

.....

Section J Checklists

Overall Checklist

Before submitting this eligibility application form, please check that you have done all of the following:

General	☐	<i>You have followed the questions in sequential order, completed all that you were directed to answer and attached all documents requested (complete the "attachment checklist" over page)</i>
	☐	<i>Any questions that you were directed to fill in but were not applicable to you are clearly stated as "N/A"</i>
Section B	☐	<i>The applicant listed is the name in which the lease is to be granted. Note: for contiguous land this must be the existing lessee.</i>
Section C	☐	<i>You have clearly stated why you need to obtain the land through direct sale rather than another process</i>
Section D	☐	<i>You have clearly identified whether the block you are applying for is contiguous land</i>
Section E	☐	<i>All current developments, previous direct sales and current leases of your business are listed.</i>
Section F	☐	<i>You have used the correct contingency in your calculations. Note: If funding is to be provided from a parent company, subsidiary, or another organisation etc., you must confirm the relationship and provide confirmation of that funding support (financial information must be current i.e. within the last six months).</i>
Section G	☐	<i>You have explained the public benefits of your proposal</i>
Section H	☐	<i>You have described the expertise, experience and any qualifications of your staff or contractors in relation to developing land, managing land and operating the proposed business.</i>
Section I	☐	<i>You have completed and signed the statutory declaration</i>

Section J Checklists

Attachment Checklist

Before submitting this eligibility application form, please check that you have attached all of the following documents:

REQUIRED FOR ALL APPLICATIONS	☐	(Question 14) Attach a sketch plan of the ideal site layout, including: - Proposed buildings - Car parking facilities - Public access arrangements You should also indicate the staging of the development
	☐	(Question 49) Attach a copy of your annual report and any other evidence to substantiate membership trends for your organisation (e.g. in other parts of Australia) and your future membership estimates.
	☐	(Question 54) Attach audited financial statements from the previous two financial years
	☐	(Question 55) Attach bank statements for the two previous financial years
	☐	(Question 65) Attach a supply and demand analysis (based on factual, published, referenced data) in support of your proposal. This should include: - The likely catchment of the area you wish to locate your facility - The existing range of similar type facilities and services within the catchment area - Evidence that there is demand for your proposal and that it is not adequately provided or available elsewhere - The options for multipurpose use of your facility (e.g. To meet other community groups needs in the locality) - An assessment of the existing and future demand for your proposed use in the locality of your preference based on demographic trends
ONLY ATTACH IF DIRECTED TO DO SO	☐	(Question 28) Attach registration if your organisation is registered as a non-government school
	☐	(Question 29) Attach registration if the land is for an additional campus for a registered non-government school
	☐	(Question 30) Attach registration if your organisation is registered under the Training and Tertiary Education Act 2003
	☐	(Question 31) Attach registration if your organisation is authorised to operate a university without contravening Section 81 of the Training and Tertiary Education Act 2003
	☐	(Question 36) Attach approval if your organisation requires approval under an ACT or Commonwealth law to provide the type of supportive accommodation you are proposing
	☐	(Question 41) If your organisation is incorporated, attach your certificate of incorporation and your organisation's constitution, rules, or articles of association
	☐	(Question 58) If your funding source is grants, attach one of the following for each grant: - A letter of support from each source that states the amount of funds they are willing to commit to the project - A document that shows you have applied for a grant, stating the amount of funding, the circumstances on which the grant is based and the expected decision date
	☐	(Question 58) If your funding source is a loan, attach a letter of support from each source (bank or other) that states the amount of funds they are willing to commit to the project
	☐	(Question 58) If your funding source is cash, attach current account statements that show the total amount of the cash holdings for each source
	☐	(Question 58) If you have any other funding sources, including partnerships, attach supporting documents. Where there is a partnership: - Attach a formalised contract indicating the relationship between your organisation and the funding partner - Attach your partner's audited financial statements from the two previous financial years - Attach your partner's bank statements for the two previous financial years

Section K Help section

The following list of legislation and links may be helpful in completing this form.

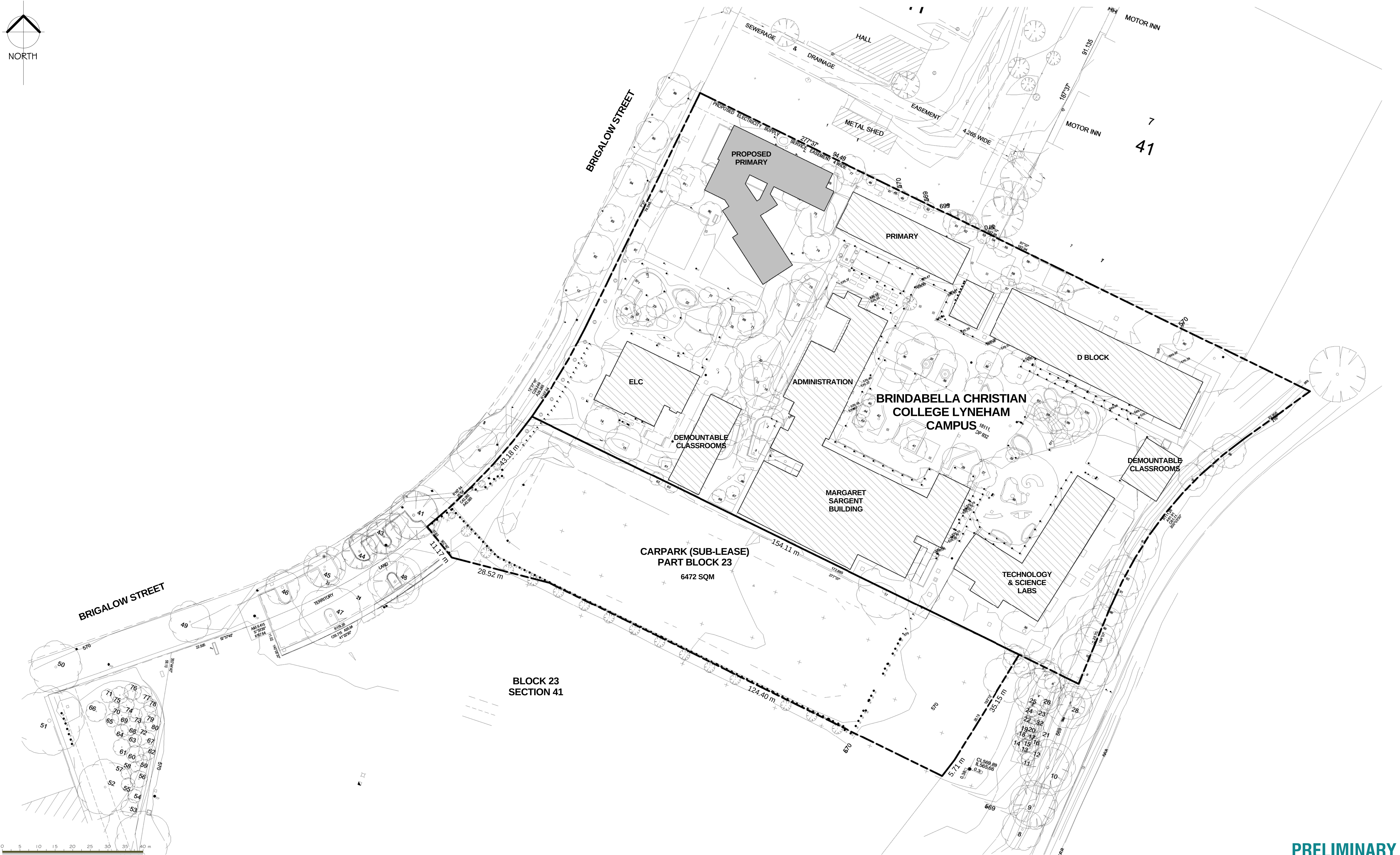
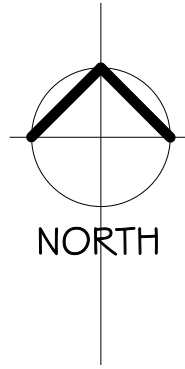
Useful Legislation

All ACT Legislation can be accessed at: www.legislation.act.gov.au

- [*Education Act 2004*](#)
 - **Part 4.2** relates to the registration of non-government schools
 - **Section 88B** relates to the registration of a school at an additional campus
- [*Planning and Development Act 2007*](#)
- [*Planning and Development Regulation 2008*](#)
 - **Section 108** relates to non-government educational establishments
 - **Section 112** relates to community use
 - **Section 113** relates to supportive accommodation
 - **Section 110** and **Section 122** relate to contiguous land
- [*Training and Tertiary Education Act 2003*](#)
 - **Section 81** relates to the operation of universities
- [*Territory Plan*](#)
- [*Unit Titles Act 2001*](#)

Other Important Links

- The ACT Economic Development Directorate (EDD) website www.economicdevelopment.act.gov.au
 - For more information on the direct sale of land process visit [*direct land sales*](#) on the EDD website
- The Australian Taxation Office www.ato.gov.au
 - For information relating to your tax exempt status as a non-profit organisation see the [*non-profit*](#) section



SCALE: 1:500 @ ORIGINAL SCALE

PRELIMINARY
16.02.16 - FOR CLIENT INFORMATION



SQC ARCHITECTURE
Suite 4 Hawker Professional Centre
Hawker ACT 2614
ABN 81091693350
P: 02 6278 8500
E: studio@sqa.com.au
Primary Nominee: Ric Small ACT 933 NSW 9354



Client:
BRINDABELLA CHRISTIAN COLLEGE

Project Title:
BCC MASTERPLAN

Project Address:
136 BRIGALOW STREET, LYNEHAM ACT 2602

Block:	Section:	Division:
4	41	LYNEHAM

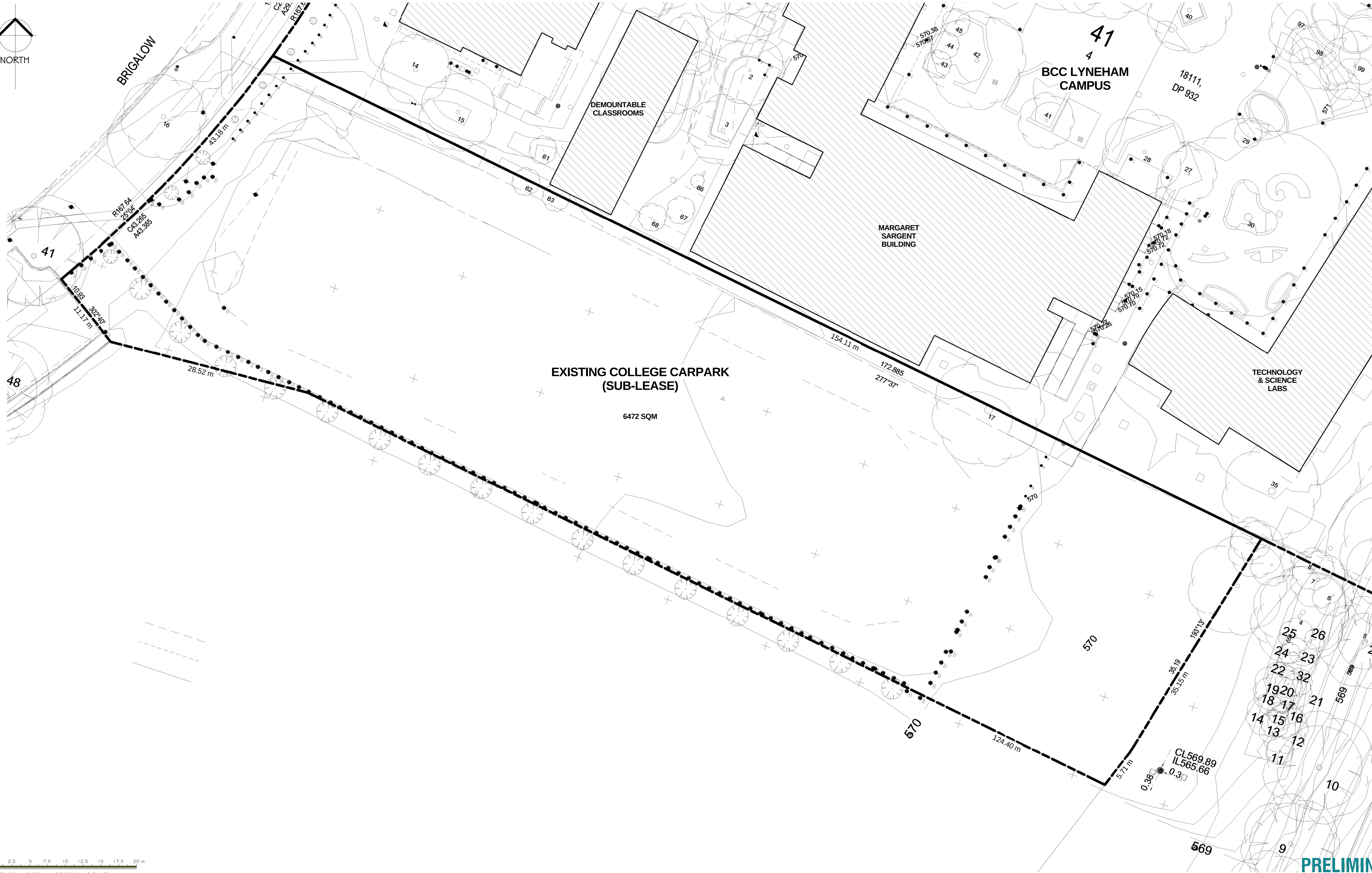
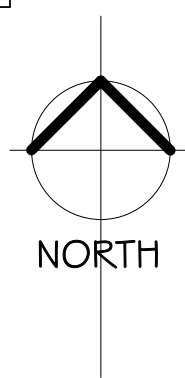
ALL DIMENSIONS IN MILLIMETRES. DO NOT SCALE DRAWING. ALL DIMENSIONS AND LEVELS TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE COMMENCING WORK OR PREPARATION OF SHOP DRAWINGS. WHERE PROVIDED, DRAWINGS MUST BE READ IN CONJUNCTION WITH SCHEDULE OF WORK OR SPECIFICATION.

Drawing Title:
SITE PLAN

Director:	Reviewer:	Verifier:	Drawn:
RS			JPR

Project No:	Current Rev Issue Date:
1506.07	16.02.16
QA Reference:	Scale:
1506.07- A0010- 1	1 : 500 @A1
Sheet No:	Amendment:
A0010	1

© Copyright



PRELIMINARY
16.02.16 - FOR CLIENT INFORMATION

0 2.5 5 7.5 10 12.5 15 17.5 20 m
SCALE: 1:250 @ ORIGINAL SCALE



SQC ARCHITECTURE
Suite 4 Hawker Professional Centre
Hawker ACT 2614
ABN 81091693350
P: 02 6278 8500
E: studio@sqca.com.au
Primary Nominee: Ric Small ACT 933 NSW 9354



Client:
BRINDABELLA CHRISTIAN COLLEGE

Project Title:
BCC MASTERPLAN

Project Address:
136 BRIGALOW STREET, LYNEHAM ACT 2602

Block: 4 Section: 41 Division: LYNEHAM

ALL DIMENSIONS IN MILLIMETRES. DO NOT SCALE DRAWING. ALL DIMENSIONS AND LEVELS TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE COMMENCING WORK OR PREPARATION OF SHOP DRAWINGS. WHERE PROVIDED, DRAWINGS MUST BE READ IN CONJUNCTION WITH SCHEDULE OF WORK OR SPECIFICATION.

Drawing Title:
SITE PLAN- SUBLEASE

Director: RS Reviewer: Verifier: Drawn: JPR

Project No: 1506.07 Current Rev Issue Date: 16.02.16
QA Reference: 1506.07- A0011- 1 Scale: 1 : 250 @A1
Sheet No: **A0011** Amendment: **1**

From: McKeown, Helen
Sent: Friday, 18 March 2016 8:22 AM
To: Harding, Barbara (ACTPLA)
Subject: RE: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

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

From: Harding, Barbara (ACTPLA)

Sent: Thursday, 17 March 2016 4:57 PM

To: Terrplan; Moroney, Anne; Wyatt, Tim; Saad, Monica; Walter, Stephan; EPD Impact; Dekiefte, 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,

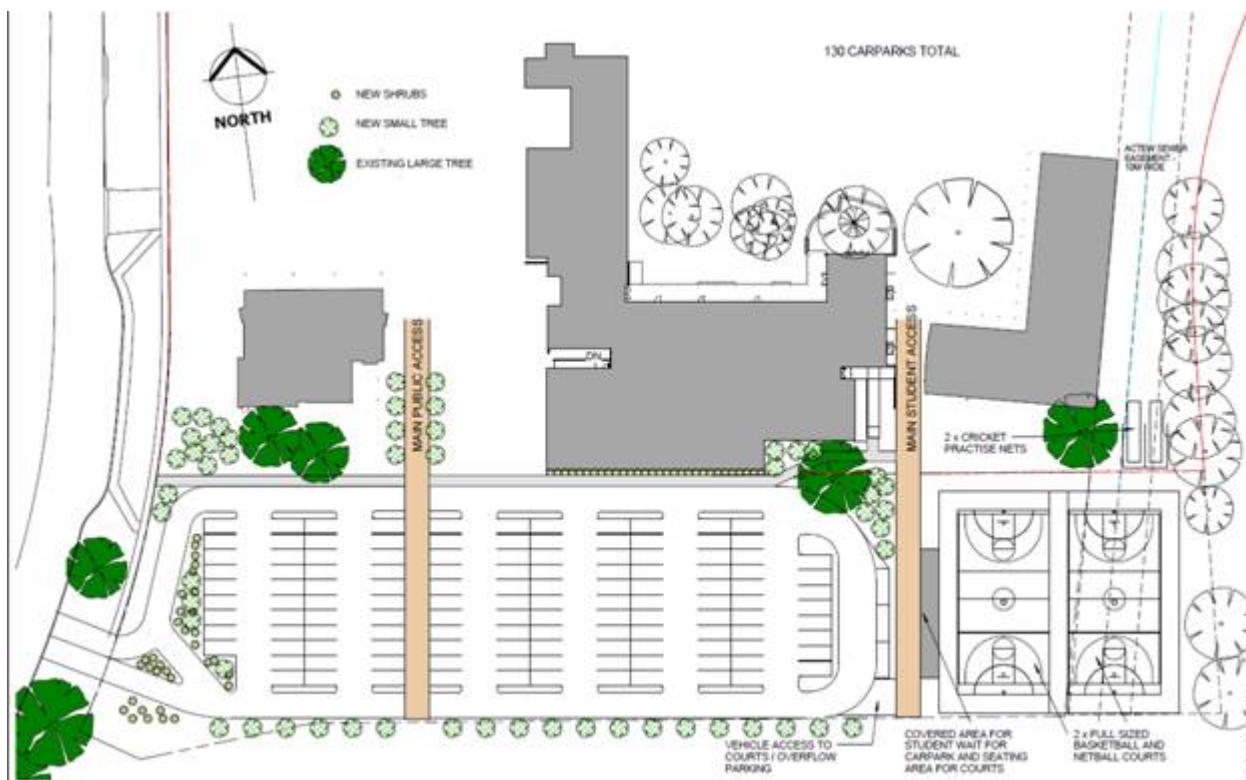
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

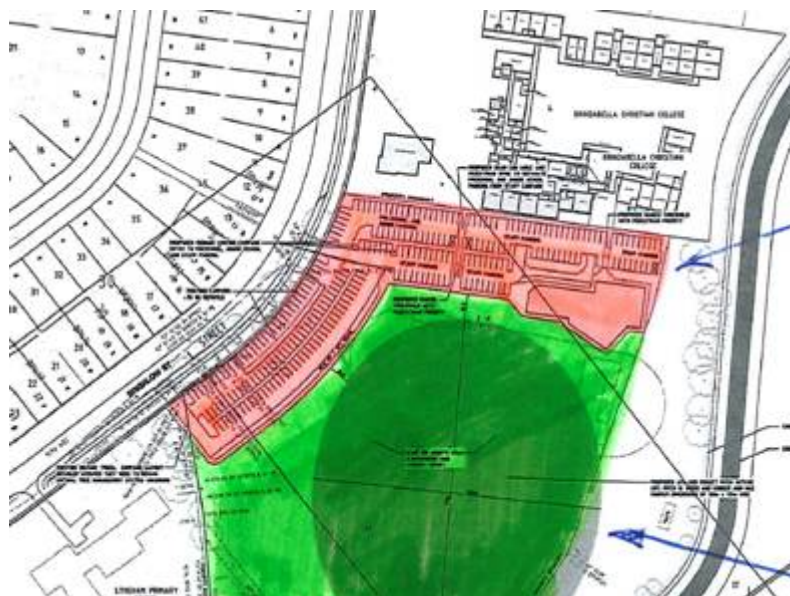
The land is zoned PRZ1-*Urban Open Space* and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “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: Monday, 21 March 2016 3:28 PM
To: ESD, LRAC
Subject: FW: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

From: EPAPlanningLiaison
Sent: Monday, 21 March 2016 3:19 PM
To: Harding, Barbara (ACTPLA)
Subject: RE: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

Hi Barbara,

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.

Regards,

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

From: Harding, Barbara (ACTPLA)
Sent: Thursday, 17 March 2016 4:57 PM
To: Terrplan; Moroney, Anne; Wyatt, Tim; Saad, Monica; Walter, Stephan; EPD Impact; Dekiefte, Rene; McKeown, Helen
Cc: ESD, LRAC; Quirk, Mike; Jurcevic, Suzanne; Moore, AlisonM (ACTPLA); Oswald, Petra; Kaucz, Alix; Chapman, Maggie; Messer, Sue; Jarman, Ron; EPAPlanningLiaison
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 Dekiefte

Environment Protection Planning Liaison (CMTEDD) – Robin Brown

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

Dear All,

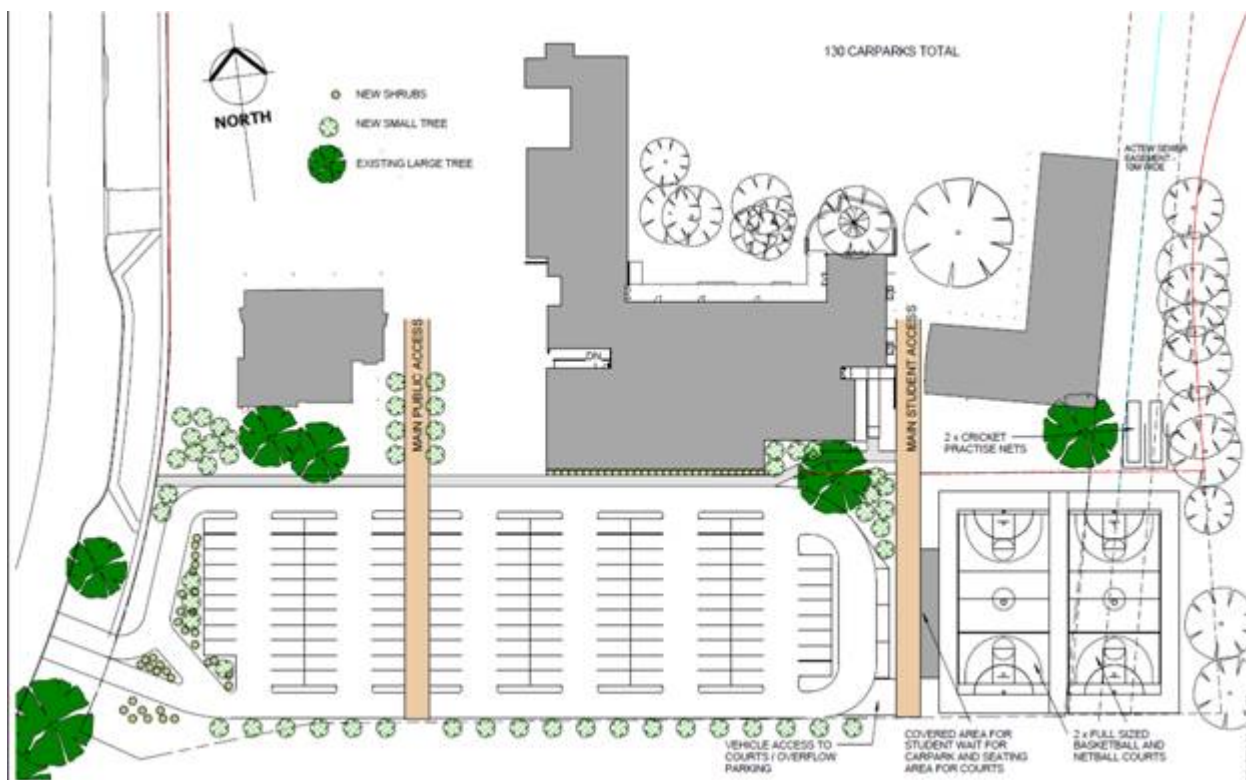
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

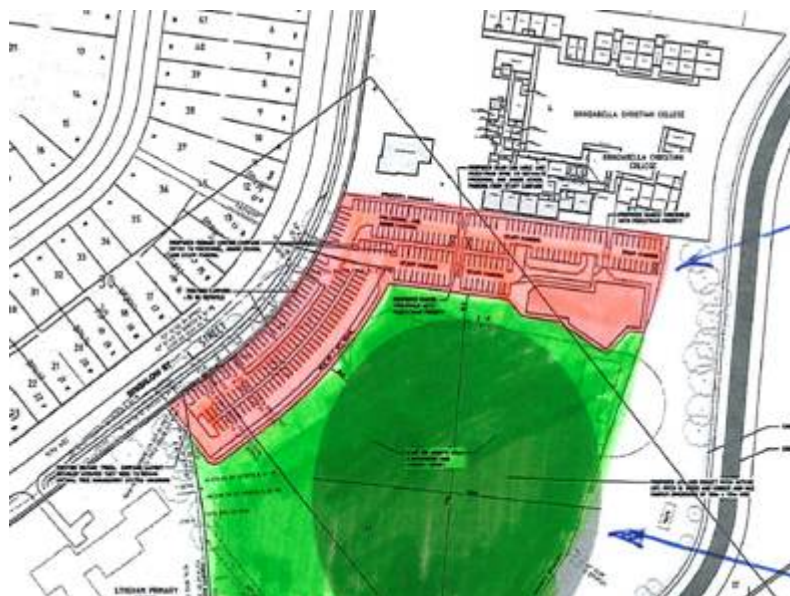
The land is zoned PRZ1-*Urban Open Space* and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “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 pre vious 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: Wyatt, Tim
Sent: Monday, 21 March 2016 5:00 PM
To: Harding, Barbara (ACTPLA)
Subject: RE: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

yes

From: Harding, Barbara (ACTPLA)
Sent: Monday, 21 March 2016 2:00 PM
To: Wyatt, Tim
Cc: Walter, Stephan; ESD, LRAC
Subject: FW: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

Hi Tim,

Re our conversation, I understand you are happy to rely on comments from Major Projects (Stephan) on this one.

Barbara

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,

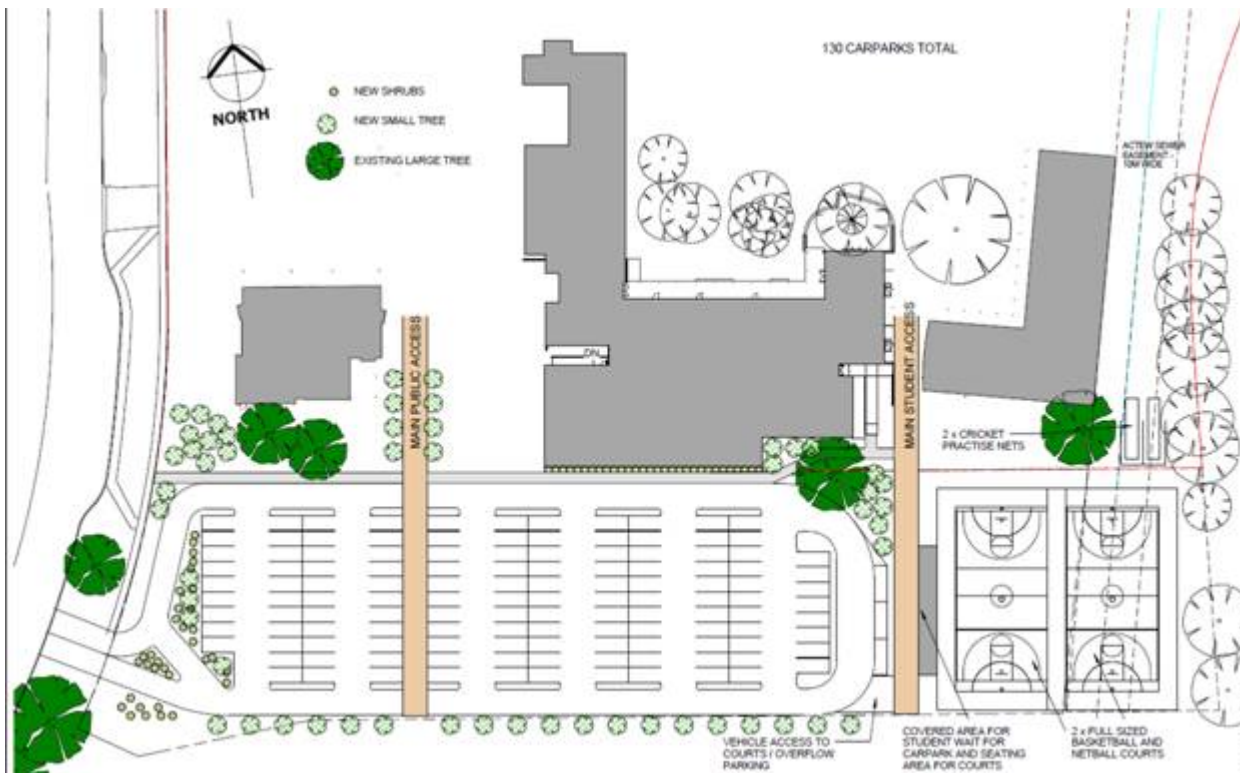
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

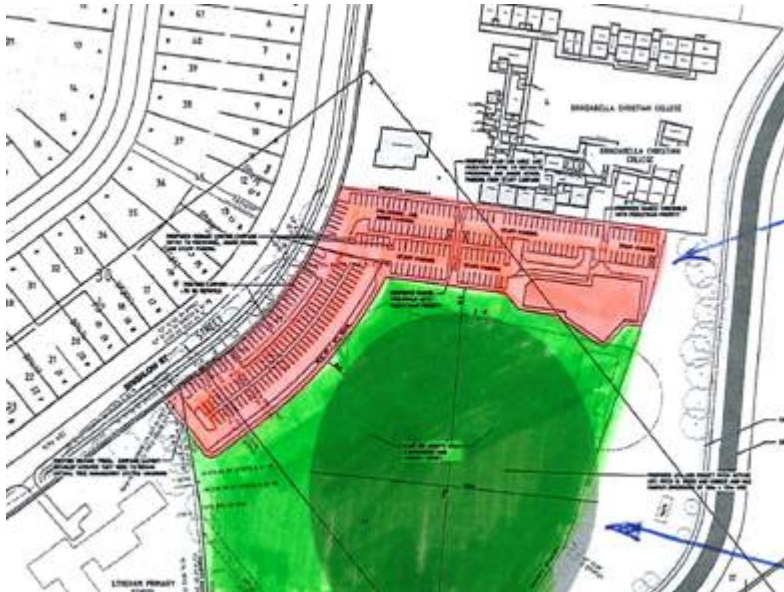
The land is zoned PRZ1-*Urban Open Space* and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “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: Kaucz, Alix
Sent: Tuesday, 22 March 2016 2:17 PM
To: Harding, Barbara (ACTPLA)
Cc: Terrplan
Subject: FW: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

Hi Barbara,

Please see comments from the Territory Plan section below.

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. If part block 23, section 41 is not to be consolidated with the current college site, 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.

However if part block 23, section 41 Lyneham is to be consolidated with block 4, consideration could be given to not rezoning the site if the proposed uses can be considered as either permitted in PRZ1 or ancillary to an education establishment.

Kind regards

Alix

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

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

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

Dear All,

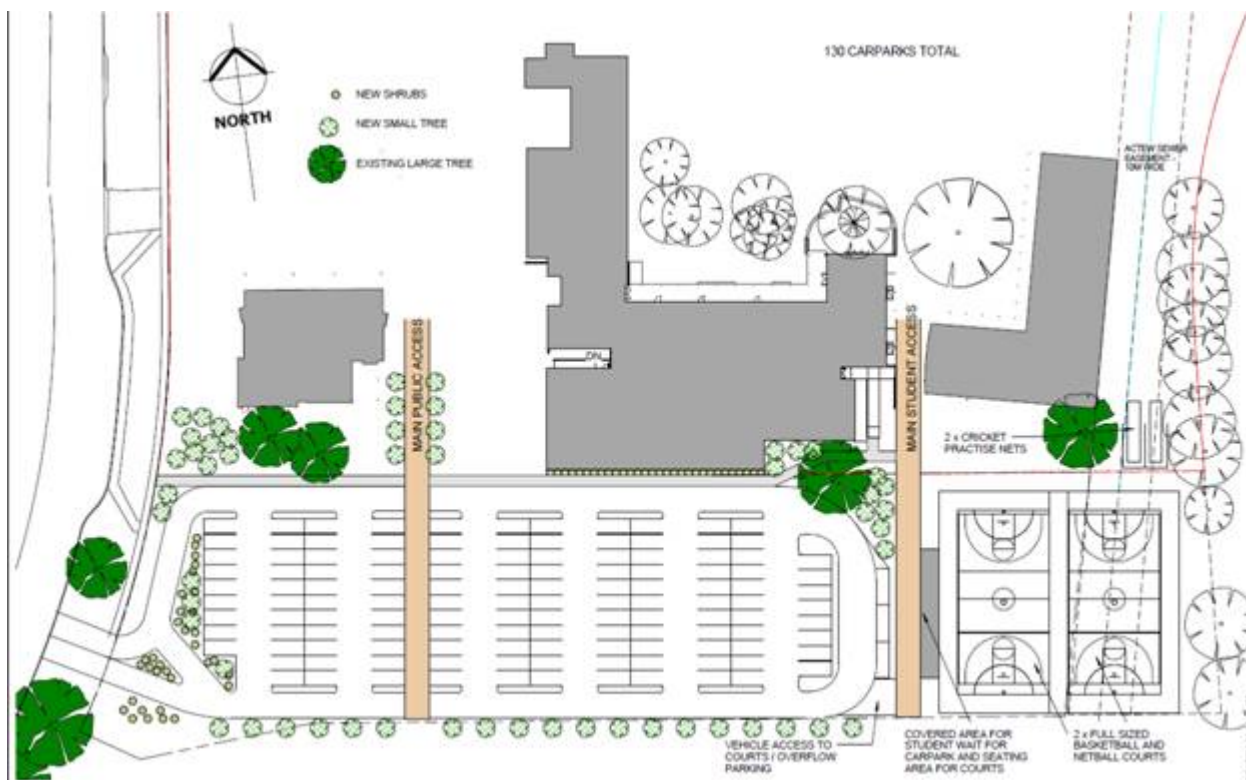
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

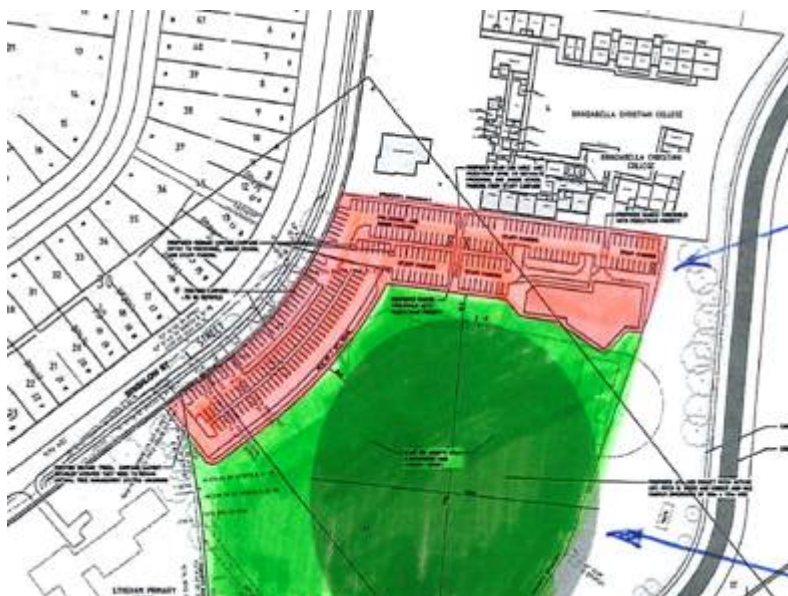
The land is zoned PRZ1-*Urban Open Space* and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “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: Tuesday, 22 March 2016 5:46 PM
To: Walter, Stephan
Cc: ESD, LRAC; Quirk, Mike
Subject: FW: Brindabella Christian College - Lyneham - New Direct Sale Application

FYI

From: Harding, Barbara (ACTPLA)
Sent: Tuesday, 22 March 2016 5:44 PM
To: Sparke, Chris
Subject: RE: Brindabella Christian College - Lyneham - New Direct Sale Application

Hi again, Chris,

Thanks very much, Chris. I passed the information on to the Major Projects and Transport area. They advised that, while it was helpful in identifying the number of current spaces and the number of 2016 students, they would still like the breakdown as per general code and the school's future growth forecast (student number).

I understand your comment that this isn't the time for a full DA assessment and that a DA approval would be required before sale, however Major Projects and Transport are having a fairly comprehensive look at the situation there -- parking, open space, implications re City and Gateway URS, which should be helpful in relation to considering this difficult case. It would be appreciated if you could obtain the specifics requested.

Barbara

From: Sparke, Chris
Sent: Tuesday, 22 March 2016 12:22 PM
To: Harding, Barbara (ACTPLA)
Subject: RE: Brindabella Christian College - Lyneham - New Direct Sale Application

Barbara

Attached is a Parking study that Northrop did on behalf of the College when looking at the previous development proposal (JV with Sport and Rec). Page 13 shows the table of students as at the time of that report (June 2015).

Please note that the current proposal is really only seeking to acquire the car park that it currently has under a sub-lease arrangement with Sport and Rec and that this isn't the time for a full DA assessment as the school will be required to get a DA approved for the site before we sell it to them.

The numbers for the 2016 School year that are in the application indicate that the BCC has the following:

Early Learning Centre	= 73
Primary/Secondary/College	= 728
Staff	= 130

If you have any further queries please do not hesitate to contact me.

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: Tuesday, 22 March 2016 11:27 AM

To: Sparke, Chris

Cc: ESD, LRAC; Walter, Stephan

Subject: RE: Brindabella Christian College - Lyneham - New Direct Sale Application

Hi Chris,

EPD Transport and Major Projects has asked for some clarification/additional information re student numbers. Would appreciate it if you could obtain the information from Brindabella and forward to enable parking calculations.

The information already provided does mention some numbers, however it is not entirely clear if some are additional to others, or included, etc. Also, noting the school goes up to year 12, we need the same breakdown as in the Parking and Vehicular Access General Code:

1. Pre-School, primary and high schools
2. Secondary College

So, would appreciate it if you could confirm with Brindabella (a) the current student numbers and (b) the projected future student numbers, both in the above breakdown.

Thanks

Barbara

From: Saad, Monica
Sent: Thursday, 24 March 2016 3:04 PM
To: ESD, LRAC
Cc: Zeller, Sam
Subject: FW: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

I refer to the below email dated 17 March 2016 seeking comments on the request on the direct sale of part Block 23 Section 41 Lyneham.

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.

Regards

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

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,

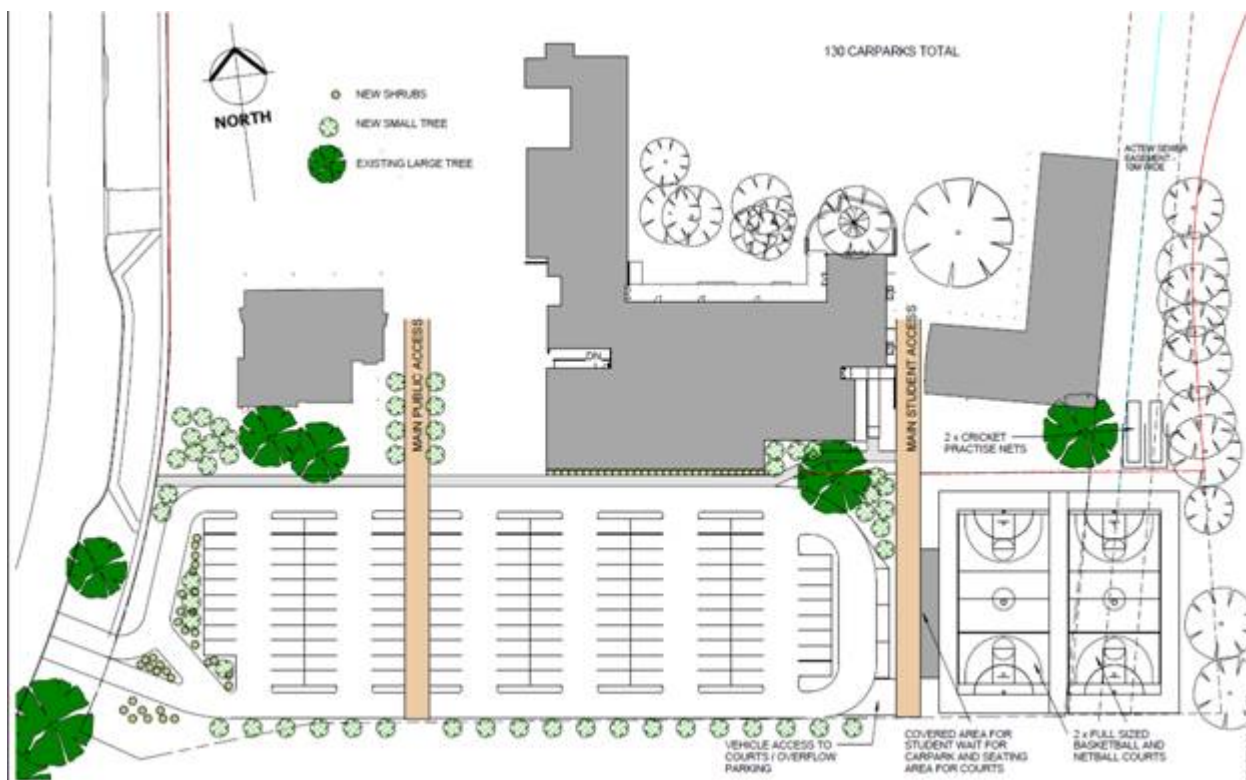
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

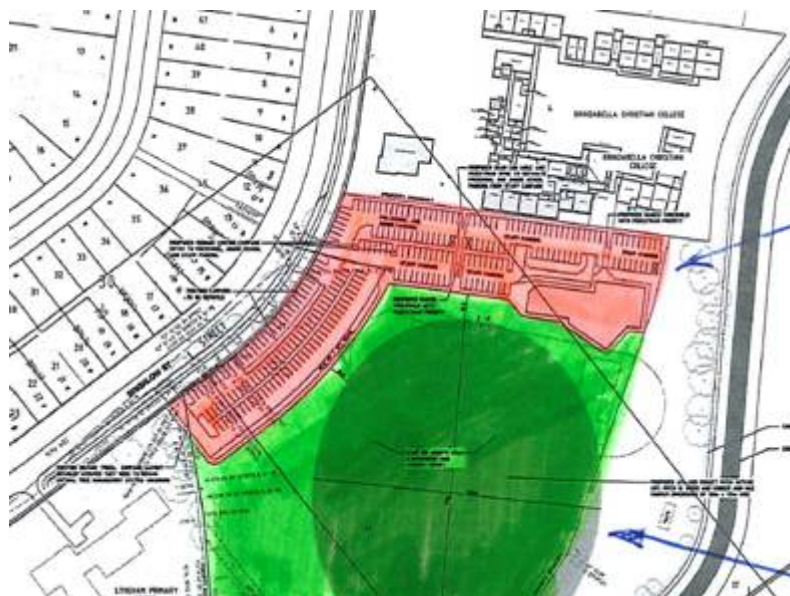
The land is zoned PRZ1-*Urban Open Space* and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “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: Riches, Dominic
Sent: Thursday, 24 March 2016 4:01 PM
To: ESD, LRAC
Cc: Teasdale, Jonathan
Subject: FW: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

Good afternoon Barbara

Thank you for referring the proposed direct sale of part of block 23 Section 41 Lyneham to the adjacent Brindabella Christian College (Block 4 Section 41 Lyneham). Please find below comments from Development Assessment.

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.

Regards

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

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,

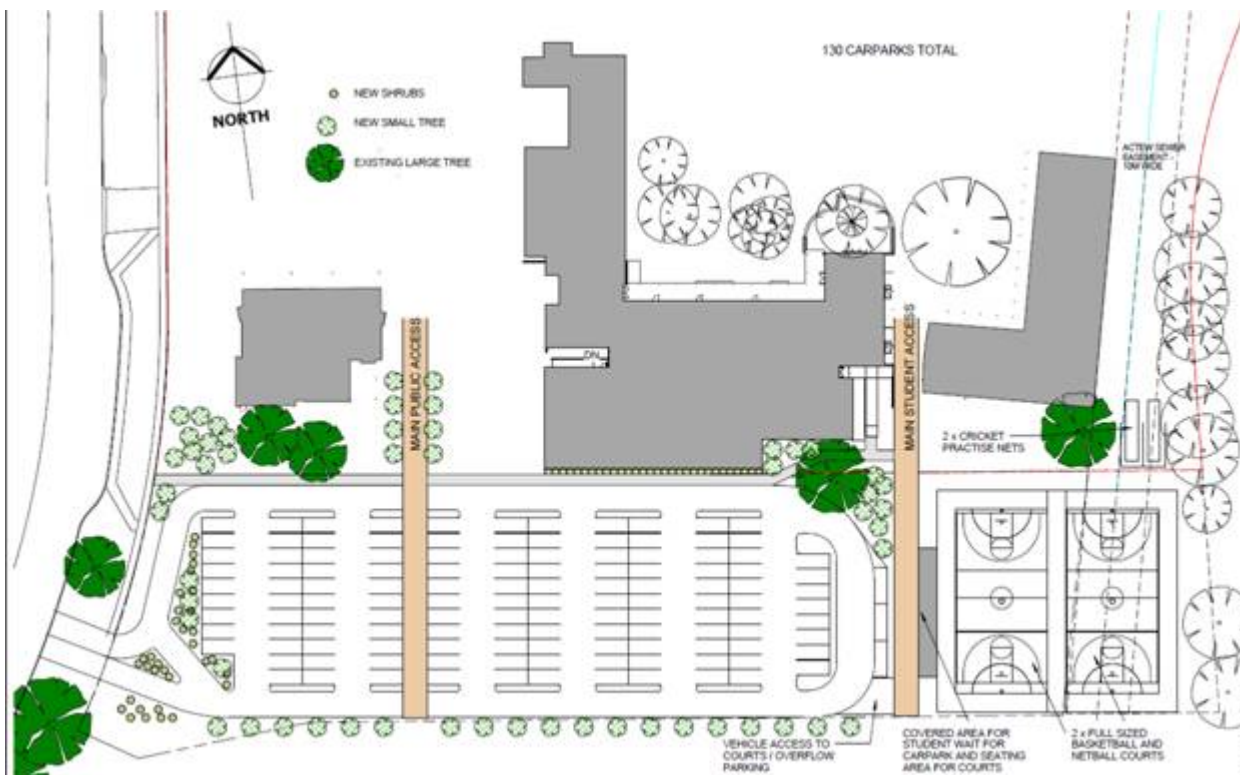
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

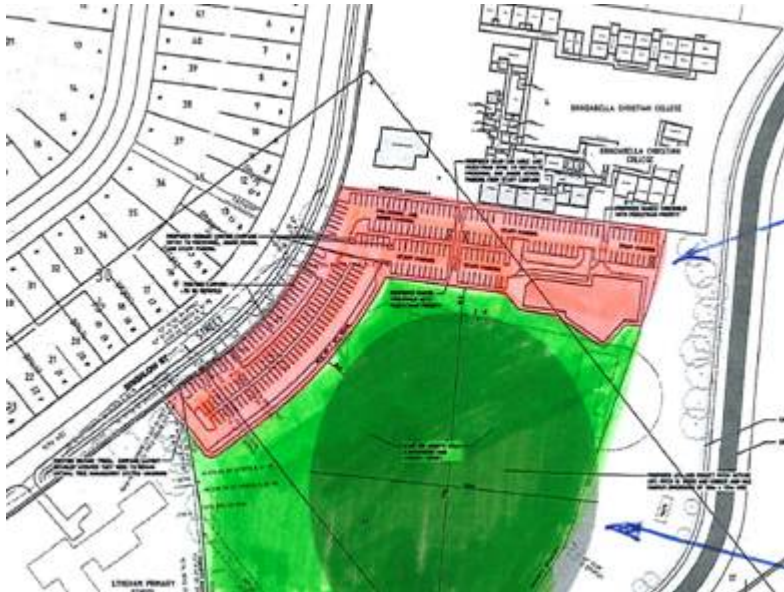
The land is zoned PRZ1-*Urban Open Space* and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “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: Sparke, Chris
Sent: Tuesday, 29 March 2016 9:33 AM
To: Harding, Barbara (ACTPLA)
Subject: FW: Brindabella Christian College - Lyneham - Direct Sale Application
Attachments: Northrop CR150297E01_R4.2 Parking Statement.pdf; BCC Lyneham Student Projections - 2016 to 2025.xlsx; 1506 BCC Masterplan - Sheet - A1012 - SITE PLAN- PROPOSED.pdf; 1506 BCC Masterplan - Sheet - A1011 - SITE PLAN- CURRENT.pdf; 1506 BCC Masterplan - Sheet - A1011 - SITE PLAN- CURRENT.pdf; 1506 BCC Masterplan - Sheet - A1012 - SITE PLAN- PROPOSED.pdf

Hi Barbara

Attached is the information that you requested. Please let me know if you need anything further.

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: [REDACTED]
Sent: Monday, 28 March 2016 10:50 PM
To: Sparke, Chris
Cc: Luchetti, Christine; BARR
Subject: Fwd: Brindabella Christian College - Lyneham - Direct Sale Application

Hi Chris,

Below are the details as requested:

1. June 2015 Northrop Car-Parking Study

2. Current Student Enrolment Numbers - College & Early Learning Centre are as below. I have included by way of our Architects SQC a plan view A1011 of our current footprint & car-parking calculations based on teachers, staff and students.

STUDENT NUMBERS

Preschool	73 – Head count; 41.2 - FTE
Primary	427
Secondary	229
College	70

Total	768 head count (or 726 ex ELC)
-------	--------------------------------

3. Projected Student Enrolment Numbers - College & Early Learning Centre, see Excel Spreadsheet below. I have also included by way of our Architects SQC a plan view A1012 our footprint & car-parking

calculations based on teachers, staff and students relating to construction commencing in a few months time. This is the reason we are so critical as we need to accomodate the lost play areas that will be consumed by the new classroom construction.

As you would suggest, in the future the details provided actually would support the purchase of additional land included in then 2015 planned joint venture car-parking along Brigalow Street.

Let me know if you need any more detail, regards & God Bless, Greg

[REDACTED]
Brindabella Christian College

<http://www.bcc.act.edu.au>
[REDACTED]

Begin forwarded message:

From: [REDACTED]
Subject: Re: Brindabella Christian College - Lyneham - Direct Sale Application
Date: 23 March 2016 at 7:56:15 PM AEDT
To: "Sparke, Chris" <Chris.Sparke@act.gov.au>
Cc: "Luchetti, Christine" <Christine.Luchetti@act.gov.au>, [REDACTED]
[REDACTED]

Hi Chris,

Will do, our Business Manager is on it, we had calculated needs back when the original leases were first undertaken with Sport & Recreation to establish the leased area.

As part of the failed partnership with the ACT Government last year we were also asked by Sport & Recreation to undertake a formal parking review of the entire area including our car-park.

I will send it as well, some good may as well come of us wasting \$8K on it - it only further highlights the issues we & Lyneham Primary + the shops actually have.

Since the study last year we have increased our student numbers by some 200 & permanent teaching staff by 23 not counting casual staff.

This is only getting worse. At our Principal's Tour yesterday we had some 30 parents attend, with 6 students signing up on the spot at the end of the tour - four for immediate enrolment!!

Watch out for the Canberra Times in the next few days as Brindabella's growth represents some 70% of the entire ACT's independent education sectors growth as of the last census data.

Have a great day, God Bless [REDACTED]
[REDACTED]

Brindabella Christian College

<http://www.bcc.act.edu.au>

Mobile:

Sent from my iPhone

On 23 Mar 2016, at 3:05 PM, Sparke, Chris <Chris.Sparke@act.gov.au> wrote:

Hi

Despite me having sent through the information supplied by you in the direct sale application. We have had some feedback from the Environment and Planning Directorate, it has asked for the *"...breakdown [of student numbers, each of the school classifications/grades (i.e. Preschool, Primary, High School and College)] as per [the] general [parking] code and the school's future growth forecast (student numbers)..."*. This information should enable it to properly consider the local area/parking requirements etc.

Are you able to provide this? I have a sense that we will need these figures before we get support from the Directorate for the proposed direct sale. It may also help make your case for acquiring further space than what you are applying for and will obviously be taken into account when you do a DA for the further development of the School.

Please can you provide these to me at your earliest convenience.

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

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.

From: Harding, Barbara (ACTPLA)
Sent: Friday, 8 April 2016 5:34 PM
To: Riches, Dominic
Cc: Teasdale, Jonathan; Liston, Tegan; ESD, LRAC
Subject: RE: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

Hi Dominic,

Have just had a call from CMTEDD Direct Sales who were wanting to ensure the LRAC response included advice on whether (assuming the direct sale proceeded, etc) the DA (as per current proposal for carparking and courts) would be exempt from DA approval, presumably re being a school. Would appreciate it if you could add advice on this to your comments.

Also, the Brindabella College direct sale request will be one of the matters discussed at the Land Requests Advisory Committee (LRAC) meeting next Wednesday, 13 April 2016. Impact Assessment has a standing invite to the meeting, so if you are able to attend, that would be good. The meeting commences at 10:30am and is in the DPMH boardroom. Usually goes for about an hour and a half, so if you want to attend for only that item, let me know and I will try and give you a time estimate. However, you would be welcome to stay for the whole meeting.

Barbara

From: Riches, Dominic
Sent: Thursday, 24 March 2016 4:01 PM
To: ESD, LRAC
Cc: Teasdale, Jonathan
Subject: FW: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham

Good afternoon Barbara

Thank you for referring the proposed direct sale of part of block 23 Section 41 Lyneham to the adjacent Brindabella Christian College (Block 4 Section 41 Lyneham). Please find below comments from Development Assessment.

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.

Regards

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

From: Harding, Barbara (ACTPLA)

Sent: Thursday, 17 March 2016 4:57 PM

To: Terrplan; Moroney, Anne; Wyatt, Tim; Saad, Monica; Walter, Stephan; EPD Impact; Dekiefte, 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 Dekiefte

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,

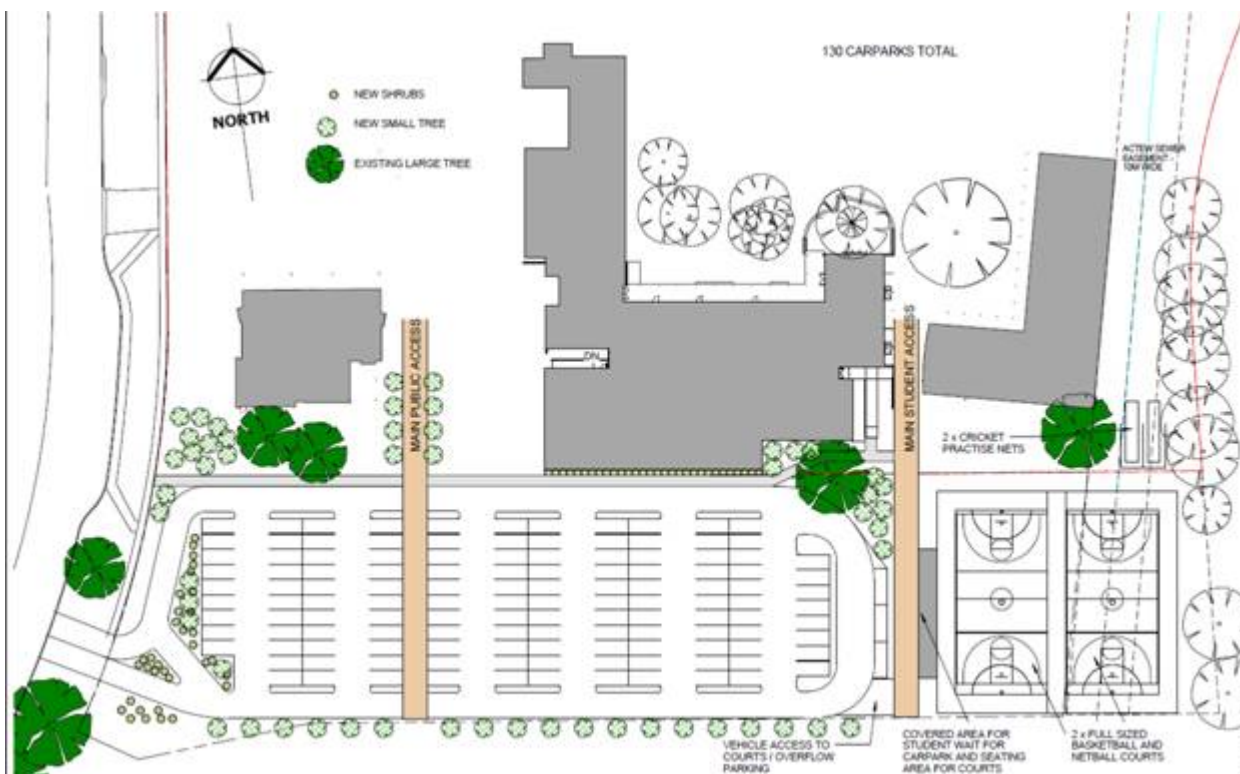
The CMTEDD Direct Sales unit have requested EPD advice on a direct sale application from the Brindabella Christian College in Lyneham (Block 4 Section 41 Lyneham) who are seeking the sale of land to the south of them, as highlighted on the aerial below.



AERIAL WITH LAND CURRENTLY SOUGHT BY DIRECT SALE HIGHLIGHTED

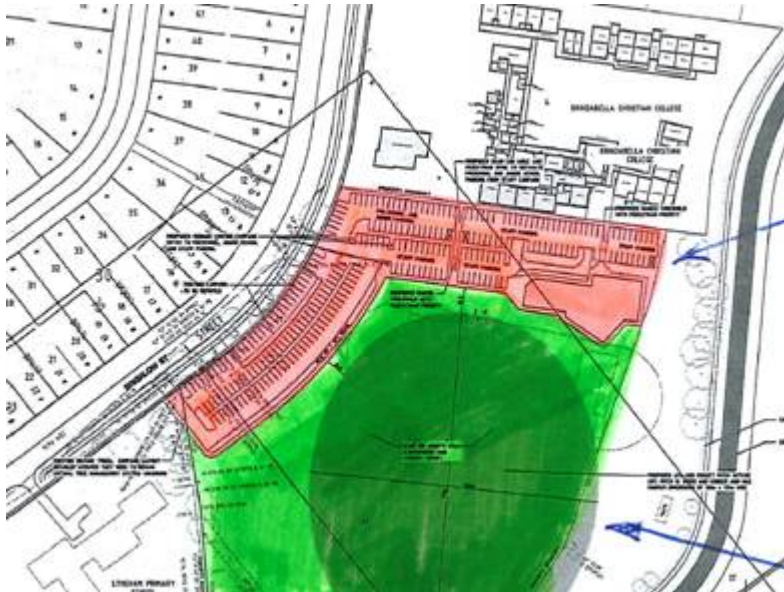
The land is zoned PRZ1-*Urban Open Space* and, while it is part of the Lyneham ovals, the land is currently sub-leased to Brindabella College under an Executive lease managed by Sport and Recreation (who are the custodians of the land.) The sublease has a 20 year term (2009 to 2029) and is for use as “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: Tuesday, 12 April 2016 5:01 PM
To: ESD, LRAC
Subject: FW: ACT Heritage comment - LRAC meeting agenda, 13 April 2016

From: Russell, Meaghan
Sent: Tuesday, 12 April 2016 4:35 PM
To: Harding, Barbara (ACTPLA)
Cc: Moore, FionaF
Subject: ACT Heritage comment - LRAC meeting agenda, 13 April 2016

Hello Barbara,

As discussed, ACT Heritage will not be able to attend tomorrow's LRAC meeting – but in our absence, please note the following comments on planned agenda items.

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.



Regards,
Meaghan

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



From: Harding, Barbara (ACTPLA)
Sent: Friday, 29 April 2016 1:53 PM
To: ESD, LRAC
Subject: FW: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham - Territory Plan comments

From: Kaucz, Alix
Sent: Friday, 29 April 2016 1:36 PM
To: Harding, Barbara (ACTPLA)
Cc: Terrplan
Subject: RE: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham - Territory Plan comments

Hi Barbara

I'm happy with that

Alix

From: Harding, Barbara (ACTPLA)
Sent: Friday, 29 April 2016 12:18 PM
To: Kaucz, Alix
Cc: Terrplan
Subject: RE: Brindabella Christian College - Direct Sale Application - part Block 23 Section 41 Lyneham - Territory Plan comments

Hi Alix,

Following our discussions, I propose, if you agree, to amend the final TP comments that will go to CMTEDD in the LRAC response as per below. Please let me know if the suggested amendments are acceptable. FYI - I have also pasted some of the "overview" from the draft LRAC response, which attempts to provide some clear guidance/consolidation to CMTEDD Direct Sales in light of the various views from the EPD commenting areas.

Thanks
Barbara

Territory Plan section comments with suggested amendments in blue:

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. ~~If part block 23, section 41 is not to be consolidated with the current college site,~~ 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.

~~However if part block 23, section 41 Lyneham is to be consolidated with block 4,~~ Consideration could be given to not rezoning the site if the proposed uses can be considered as ~~either~~ permitted in PRZ1 ~~or ancillary to an education establishment~~. 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.”)

Extract from the Overview in draft LRAC response:

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.

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 (“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 will 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 advice EPD can provide at this time is that:

- EPD could support the direct sale provided there is a successful Territory Plan Variation to rezone the subject land to Community Facility Zone.
- Icon Water will need to be consulted ...

From: Harding, Barbara (ACTPLA)
Sent: Wednesday, 4 May 2016 11:01 AM
To: ESD, LRAC
Cc: Quirk, Mike; Moore, AlisonM (ACTPLA); Jurcevic, Suzanne; Oswald, Petra; Walter, Stephan; Moroney, Anne; Wyatt, Tim; EPD Impact; Riches, Dominic; Terrplan; Kaucz, Alix; McKeown, Helen; Saad, Monica; Zeller, Sam; Van Vucht, Lisa; Brown, Robin; Russell, Meaghan; Messer, Sue; Dekieft, Rene; Jarman, Ron
Subject: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016 (A11979719)
Attachments: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016.obr

Dear All,

Please see attached reference to the response on the above direct sale proposal.

Thanks
Barbara

.....

Barbara Harding has sent you a link to "EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016" (A11979719) from Objective.

Open in Navigator
Double click on the attachment

Open in Executive
<https://objective.act.gov.au:8443/executive/#query=id:A11979719>

Open in Your Browser
Latest: <https://objective.act.gov.au/id:A11979719/document/versions/latest>
Published: <https://objective.act.gov.au/id:A11979719/document/versions/published>

From: Harding, Barbara (ACTPLA)
Sent: Thursday, 5 May 2016 11:46 AM
To: Quirk, Mike; Kaucz, Alix; Liston, Tegan; Oswald, Petra; Saad, Monica
Cc: ESD, LRAC; Walter, Stephan; Riches, Dominic; Buddhadasa, Ajith
Subject: 2016 05 05 - Update re EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College [DLM=Sensitive]

All – FYI.

From: McKeown, Helen
Sent: Thursday, 5 May 2016 11:23 AM
To: Harding, Barbara (ACTPLA)
Subject: FW: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016 [DLM=Sensitive]

I discussed this with the Conservator and she indicated that it may be able to be supported provided both the facilities were open to the members of the public

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

From: McKeown, Helen
Sent: Wednesday, 4 May 2016 11:44 AM
To: Luchetti, Christine
Subject: RE: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016 [DLM=Sensitive]

I will talk to the Conservator

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

From: Luchetti, Christine
Sent: Wednesday, 4 May 2016 11:43 AM
To: McKeown, Helen
Cc: Sparke, Chris
Subject: RE: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016 [DLM=Sensitive]

The carpark requires money to be spent on it because it is potholed and is muddy after rain. The school is reluctant to spend any money if they don't own it.

Regards

Christine Luchetti Senior Manager

Ph 6205 4866 Fax 6207 5101

Project Facilitation and Direct Sales, Chief Minister, Treasury and Economic Development Directorate ACT Government
Transact Building, 470 Northbourne Ave, Dickson, ACT
www.economicdevelopment.act.gov.au

From: McKeown, Helen

Sent: Wednesday, 4 May 2016 11:28 AM

To: Luchetti, Christine

Subject: RE: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016 [DLM=Sensitive]

Possibly, but why would they want it in their lease if that was the case. They already have a licence over the car park

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

From: Luchetti, Christine

Sent: Wednesday, 4 May 2016 11:22 AM

To: McKeown, Helen

Subject: RE: EPD Advice re direct sale of part Block 23 Section 41 Lyneham to the Brindabella Christian College - 4 May 2016 [DLM=Sensitive]

Hi Helen

If the Crown lease was to require the carpark and courts to be unfenced and to be made accessible to the public 24/7, would this meet the management objectives?

Regards

Christine Luchetti Senior Manager

Ph 6205 4866 Fax 6207 5101

Project Facilitation and Direct Sales, Chief Minister, Treasury and Economic Development Directorate ACT Government
Transact Building, 470 Northbourne Ave, Dickson, ACT
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.

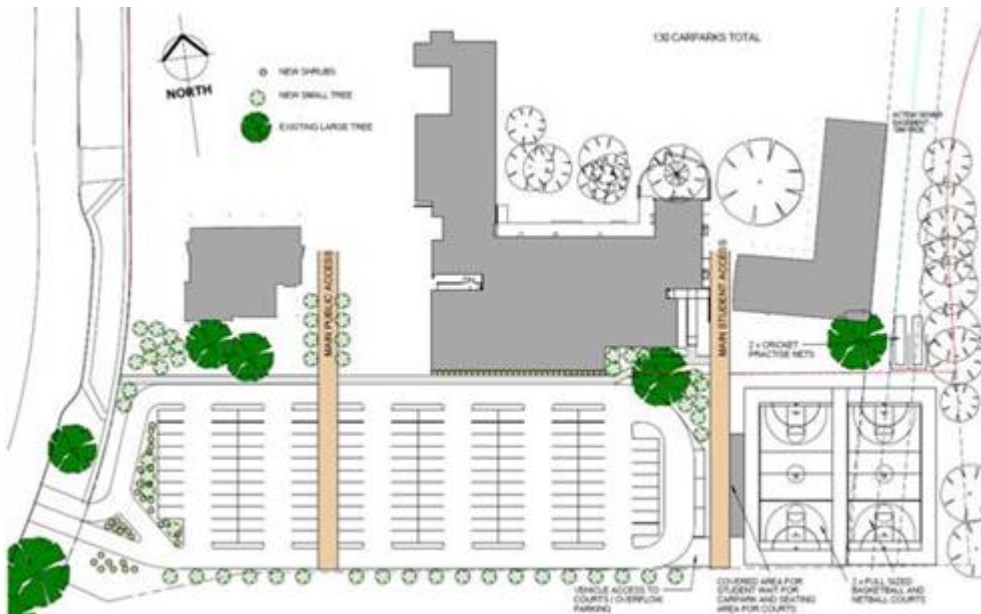
Leasing note the Executive lease over Block 23, managed by CMTEDD Sport and Recreation Services, would need to be surrendered. It is understood from the submission that Direct Sales is seeking the views of Sport and Recreation separately.

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

AP 7412**PROGRESS REPORT**Request date: 25/9/18
Requesting Officer: Ed Darke**District / Division: Lyneham**
Section: 41**DESCRIPTION OF PROJECT:** Please retire Blocks 27 & 28 as per AP**Note:** For Consolidations please check for DA to create Addressing DiagramContact officer ACTLIC: Rene de Kieft
1615

Phone: (02) 6207 1607 Fax: (02) 6207

Work performed: Blocks retired and AP diagram prepared.

.....
.....
.
.....
.....
.

Comments:

.....
.....
.....
..
.....
.....
.

Data Checked:

PALM ☒
SDMS ☒.....CO.....
ACTMAP Data Entry Office

Date: 26/9/18.....

.....RD.....
ACTMAP data co-ordinator, AIM

Date: 3/10/18.....



ACT

Government

Environment and Planning

MINUTE

**SUBJECT: Application for Cadastral Changes – X20769 –
(AP7083 27 & 28) – DA-201426093 – 18 & 23/41 Lyneham**

To: Rene de Kieffe
Office of the Surveyor-General and Land Information

Through: 1. Authorising Officer
2. Territory Plan Examiner

Cadastral Change Request

Alteration to block boundaries In the Spatial Data Management System (SDMS) as detailed in the attached Authorised Plan.

Location and Description of Project:

This electronic approval authorises the alteration to the boundaries of Blocks 27 & 28 Section 41 Lyneham (AP7083) to reinstate blocks 18 and 23 section 41 in accordance with the attached Authorised Plan.

Accordingly, please arrange for the alteration of the boundaries and cadastral information and the adjustment of the relevant records.

This alteration does not constitute a variation to the Territory Plan.

Signed: Ed Darke

Date: 24/09/2018

AP No. 7412

(Office of the Surveyor-General and Land Information Use Only)