

NOTICE OF MOTIONS

12.1 Bungendore Education Precinct (Ref: ; Author: Marshall/Marshall)

File Reference: 24 March 2021 motions

Notice

Councillor Peter Marshall will move the following motion:

Motion

That Council Resolution 211/20 parts 2, 5 and 6 be made conditional on development consent being granted for the Bungendore Education Precinct (high school).

Background

This Motion was first submitted and placed on the agenda for the Planning and Strategy Committee of 10 March 2021.

Consequently, there was some feedback received about the Motion, which can be addressed here. Due to illness, the submitter did not attend that meeting, and withdrew the Motion.

Purpose

Firstly, it is not the Mover's intent to delay the high school project. It is not the intention to introduce any new decision points.

The intent is simply to ensure that should the high school project not proceed, presumably by the Development Application being refused (although there are other possibilities), that the relevant properties remain in council ownership.

It would be absurd for council to have to replace buildings and facilities that the Department of Education is unable to use, or for Council to have buy them back from the Department of Education.

A submission from the Department of Education stated that the Heads of Agreement already allows for this:

"We wish to confirm that the Heads of Agreement foresees this scenario and includes a mechanism by which settlement of the contracts of land sale are delayed until after approval of the planning proposal [sic] is achieved.

In the event that the planning proposal [sic] is not approved, then the sale does not proceed."

If this is the case, then the Motion is uncontroversial, as it simply publicly reiterates something that was previously confidential. (However, the use of the words "planning proposal" leaves some uncertainty, as a Planning Proposal refers to rezoning of land, and the submitter may have meant Development Application.)

12.1 Bungendore Education Precinct (Ref: ; Author: Marshall/Marshall) (Continued)

Risk to Council

The submitter's confidence about development consent being granted is irrelevant. The community and Council have been assured that development consent is not a *fait accompli*. The consent authority is likely to be the Independent Planning Commission, and the subject of a public hearing.

However, the submitter makes clear that the Department of Education expects Council to bear many of the costs associated with the high school project not proceeding at this site, whether because of refusal of development consent, or other reasons.

The Department of Education expects council to incur the costs of identifying a site for, securing it, planning and potentially even building new council offices, as well as planning for and building a new swimming pool, with the potential that these will not be needed nor funded.

That risk-shifting and cost-shifting is surely not acceptable to Council.

Majara St

There has been concern expressed that Council's decision on the proposed closure of Majara St would be delayed. This issue is not addressed in the Motion. Clearly any action or inaction that might delay the high school project is to be avoided. The submitter inferred that a vote on closure of Majara St would be delayed until after development consent is granted. This need not be the case.

The submitter's concern could be easily addressed by any Staff Recommendation to Council proposing the closure of Majara St, being so worded as to make clear that the decision will be implemented at the same time as the sale of the properties.

Once again, Council will be in a difficult position if it closes a road for the purposes of a school being built, but the school does not proceed.

The Motion does not affect that part of Majara St relevant to the Abbeyfield project.

Text below is from the original Notice of Motion background section.

On 28 October 2020, Council resolved as below in relation to the building of a high school in Bungendore, to form an "education precinct". The building of a high school in Bungendore is subject to development consent being granted. Should development consent not be granted, it would not be in the interests of Queanbeyan-Palerang Regional Council, the NSW Department of Education nor the Bungendore community to enact all elements of Resolution 211/20. Resolution 211/20 should therefore be amended accordingly.

For clarity, those parts that should be made conditional on development being granted for the Education precinct (high school). are parts 2, 5 and 6. Part 3 relates to Abbeyfield and Council may wish to retain its options for that proposal.