

Representation for EIS or Territory Plan Amendment Notification - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

06 Mar 2026 6:08:00 PM

Reference code

9L9SRKDR

Access Canberra

GPO Box 158
Canberra City, ACT 2601

Phone: (02) 6207 1923
acepdcustomerservices@act.gov.au

Type of representation

About this form

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Application type

Please select the application type:*

Territory Plan Amendment Notification

Representor details

Title

Given name*

Family name*

Organisation name

Enter at least one phone number: *

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Email address*

Application details

Amendment number*

Provide the details of your representation*

Allowing this private school to effectively acquire public land by adverse possession sets an awful precedent. I find the idea offensive. It's all the worse for the fact that it's replacing public green space with a surface car park, with deleterious effects on active transport in the area.

The land should be resumed with the school required to pay to rectify it.

You may upload any additional supporting documentation or photos.

- Maximum file size is 10Mb.
- A maximum of 5 files can be uploaded.

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Representation for EIS or Territory Plan Amendment Notification - Submission confirmation

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Date and time

06 Mar 2026 9:24:46 PM

Reference code

WRQMY5LQ

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The amendment to retrospectively enable an illegal act should be rejected. The mere fact the planning authorities have been unwilling or unable to perform elementary parts of their job is not a justification for abandoning the entire principle that the plan represents a plan rather than a post hoc fig leaf. Were this an appropriate use of land the time to change the plan was before the carpark was built. To abandon that principal is to abandon any semblance that development need follow any form of rules and provide carte blanche to perform illegal development in the hope a suitably inept, indifferent or corrupt authority will justify it after the fact. We would not retrospectively deem a park to be R5 solely because someone has illegally built a tower on it, why would we make an exception for a carpark?

The above is sufficient in itself to reject the amendment on basic principals of good government, however the amendment justification also fails on its own merits by stating, falsely, that the amendment is not inconsistent with the 5 themes of the ACT Planning strategy.

The building of the carpark has allowed a 400 per cent growth in the school population in question without planning. The form this has followed has violated several of the themes of the plan. The fact this has already happened to some degree can not be taken as a mitigating factor - the effects will still accumulate and more importantly this could be used to justify any and all violations of the plan retrospectively. As such the only legitimate evaluation is to evaluate the plan change as if only the current allowed use was occurring.

Compact and efficient city - The carpark acts to bring in students from outside the area solely by motorised transport. This encourages sprawl by encouraging people to live far flung from places of education, and contributes to carbon emissions

Sustainable and resilient territory - The use as a car park encourage fossil fuel based vehicles and modes of transport that are vulnerable to spikes in the price thereof (as is occurring in March 2026). It also provides a large hard surface of tarmac that encourages heat retention and run off with environment impacts.

Liveable Canberra - The illegal carpark, built without planning oversight is a risk to students using active transport. My own children have had numerous near misses from motorists entering the carpark. Allowing the carpark limits to ability of other Canberrans to use active transport and significantly affects liveability for them.

Accessible Canberra - As above the carpark significantly limits the ability of non motorists to access the area.

As such the amendment is in clear violation of 4 of the 5 stated principles, in addition to abandoning any commitment to the idea that development be governed by the plan, and that illegal actions be sanctioned. Approving the amendment would effectively be abandoning the entirety of the plan.

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Date and time

06 Mar 2026 10:10:04 PM

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DPBQCFWK

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Application details

Amendment number*

Provide the details of your representation*

To whom it may concern,

I am a local resident writing to oppose Draft Plan Amendment 12 relating to the car park used by Brindabella Christian College near Lyneham Oval.

At its core, this proposal raises a fundamental issue of planning integrity. The car park was constructed and sealed on land zoned for Urban Open Space without development approval. As acknowledged in the amendment documentation and Supporting Report, the proposed change to the Territory Plan is required precisely because the current use is not permitted under the existing planning framework.

Changing the Territory Plan to accommodate a development that was built without approval risks establishing a troubling precedent: that developers can build first and seek to legalise the outcome later. The credibility of the ACT planning system depends on the consistent application of rules. If this amendment proceeds, it sends the message that compliance is optional for those willing to take the risk.

The land is zoned for Urban Open Space, intended for community use and recreation. Allowing a private school car park on this land represents a loss of public space and an effective privatisation of land intended for the wider community.

It is also difficult to ignore the broader governance context of the proponent. Brindabella Christian College has faced significant governance and financial issues in recent years, including regulatory scrutiny and recent voluntary administration. In this context, retrospectively changing planning rules to accommodate an unauthorised development sends the wrong signal about accountability and regulatory compliance.

For these reasons, I urge the ACT Government to reject Draft Plan Amendment 12 and require the site to be restored to its intended purpose as public open space.

Regards,



Lyneham Resident

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Date and time

06 Mar 2026 11:59:48 PM

Reference code

3HGQTBMM

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Amendment number*

Provide the details of your representation*

Brindabella Christian College built a carpark on an oval that was not allowed due to the land zoning, and there has been an ACAT ruling to this effect. It has been ruled that this should be remediated. To retrospectively allow this public space to become a car park would invite further illegal developments. This was an illegal activity and should be treated as such, and giving them the land and approving this after the fact is a poor choice to protect other zoning laws in the territory.

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Representation for EIS or Territory Plan Amendment Notification - Submission confirmation

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Date and time

07 Mar 2026 8:16:02 AM

Reference code

LHNRGR8X

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Application details

Amendment number*

Provide the details of your representation*

I oppose this draft plan amendment as I believe it sets a dangerous precedent for constructing first, ask forgiveness later. The car park was not allowed under the current territory plan, yet it was done anyways. Instead of forcing the removal, this DPA is seeking to approve this retrospectively

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Representation for EIS or Territory Plan Amendment Notification - Submission confirmation

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Date and time

11 Mar 2026 3:29:20 PM

Reference code

MRCT84GQ

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Title

■ ▼

Given name*

■

Family name*

■

Organisation name

Enter at least one phone number: *

Home phone

Work phone

Mobile

Application details

Amendment number*

DPA-12

Provide the details of your representation*

Absolutely outrageous that the ACT Govt or the Planning Authority seemingly does not have the spine to stand up to organisations that are trying to purloin our public land. Meanwhile the community has been obliged to spend years of time and effort to organise and oppose this underhanded behaviour, through multiple court cases.

The community is strongly opposed to this DPA, and our ACT Govt should disallow this DPA and require the applicant to restore the area to its original condition.

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Date and time

20 Mar 2026 9:44:39 AM

Reference code

HDVFZ7CY

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I am strongly opposed to the retro-active amendment to license the pre-existing and illegal carpark in the area in question. This really is an incredibly straightforward situation: the site was zoned as open public land, the College built a carpark there illegally, and now they are seeking retroactive sanction for this. If the amendment is granted then it encourages similar behaviour in the future by other entities. I, for one, would love to build a 4 story 2 bedroom house on the Lyneham oval. Should I simply proceed regardless, build the house, and then use the fact that I've already done it to argue for retro-active approval? If they were applying for approval legally, prior to building a carpark, then we could at least consider the case on its merits. In this situation, it's not possible to adopt that view, and the only reasonable response is to maintain the status quo including the restoration of the area in question to its originally licensed purpose.

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Date and time

20 Mar 2026 12:02:25 PM

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4G5LMGJN

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I am a resident of [REDACTED] which is close to BCC. Two of my children attend Lyneham Primary School (LPS) and I am a current member of the LPS Board.

My major concern with the plan amendment process (and the future DA process) is that I can see no evidence that the safety of LPS students and the broader Lyneham community is being considered and appropriately managed in this process. In particular, I think the safety of LPS students (who are walking and cycling to school) is actually at much greater risk than the BCC students (who are largely being dropped off by car). There needs to be much broader consideration of pedestrian safety in order to ensure the long term design and operation of the BCC carpark is appropriate.

I make three recommendations:

- 1) That a comprehensive traffic safety study be conducted that includes LPS students and the broader Lyneham community with the objective of determining the optimal ways of managing traffic and ensuring safety for both BCC students and pedestrians along Brigalow St
- 2) That as part of this process, consideration be given to the installation of an additional pedestrian crossing for Brigalow St shown at an indicative location on the attached image. A crossing in this location would ensure local foot and bike traffic would not have to interact with BCC car traffic in an unsafe manner associated with the car park
- 3) That the decision maker/s for the major plan amendment and subsequent DA visit Brigalow St at school drop off and pick up times to visually see and understand the scale of the issue, and the risk to the local community. I urge you to do this before someone is hit by a car

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SUBMISSION OPPOSING DRAFT PLAN AMENDMENT 12

Draft Plan Amendment 12 — Brindabella Christian College car park —
Lyneham Section 41, part Block 23

To:

Territory Planning Authority
Territory Plan and Coordination Section, CED (480 NBA)
Access Canberra Building Services Shopfront
8 Darling Street, Mitchell ACT 2911
Email: terrplan@act.gov.au

From:

[REDACTED]
[REDACTED]
[REDACTED]

Date: 20 March 2026

I am a resident of Lyneham, living approximately 250 metres from the Lyneham Neighbourhood Oval and the subject car park. I write to urge the Territory Planning Authority to reject Draft Plan Amendment 12 (DPA-12), which proposes to add “car park” as Additional Assessable Development on part of Block 23, Section 41 Lyneham — land zoned PRZ1 Urban Open Space.

I have reviewed the DPA-12 document, the SPACELAB supporting report (Rev. B, November 2025), and the Application Outcome Notice dated 5 February 2026. My objection is based on the following grounds.

1. THE THRESHOLD QUESTION: PRZ1 LAND SHOULD NOT BE USED FOR PRIVATE SCHOOL CAR PARKING

The Authority should first consider the threshold question: is it sound planning policy to create a site-specific pathway permitting a private commuter parking use on land zoned PRZ1 Urban Open Space?

Car parks are marked with a dash in the PRZ1 land use table — they are prohibited. This reflects a deliberate planning judgment that vehicle parking is incompatible with the purposes of urban open space. DPA-12 proposes to override this prohibition for a single site, to benefit a single private institution. On planning merits alone, the answer should be no.

2. THE AMENDMENT FAILS THE STATUTORY TEST UNDER SECTION 75(4)

Under section 75(4) of the Planning Act 2023, the Minister may approve a draft major plan amendment “only if” it is “not inconsistent with the planning strategy or any relevant district strategy.” This is a mandatory precondition.

2.1 Inconsistency with the ACT Planning Strategy

The ACT Planning Strategy 2018 commits to “retain the features of the city that people value, including the bush capital setting and access to green space” and to “protecting and expanding living infrastructure, managing our waterways, reducing emissions, protecting our parks and reserves for both our community and our biodiversity.”

The subject site occupies 9,175 m² — approximately 18% of Block 23 (51,331 m² total). Permitting a 130-space car park permanently converts a substantial portion of a neighbourhood’s urban open space to a private vehicle-storage function. The fact that PRZ1 zoning is technically “retained” does not cure this: the overlay would override the fundamental prohibition on car parks in PRZ1 and permanently alter the character and function of this public land.

2.2 Inconsistency with the Inner North and City District Strategy

The Inner North and City District Strategy identifies that the community values “open green space with parklands, wetlands, creeks and the ‘garden city’ concept.” The Blue-Green Network driver aims to protect areas vital for “providing clean air, water and visual amenity to suburbs, serving as native plant and animal habitat and supporting liveability and community well-being.”

The subject site is part of the Urban Open Space within this Blue-Green Network, adjacent to Sullivans Creek. Permanently establishing a sealed car park within this network is inconsistent with the strategy’s protection objectives.

I note the SPACELAB supporting report contains an error on page 14 where it refers to the “Inner South District Strategy.” The subject site is in the Inner North.

3. THE AMENDMENT CONFLICTS WITH PRZ1 ZONE OBJECTIVES

The seven policy outcomes for PRZ1 (section 4.4 of the supporting report) concern recreation, ecological protection, stormwater management, landscape quality, ancillary uses, integrated land/water planning, and safe pedestrian and cycling access. A standalone 130-space car park for a private school serves none of these. The supporting report’s responses are strained:

- It claims the car park “supports future increased use and maintenance of the oval” (outcome 4), but the car park is operated by and for BCC. The PRZ1 ancillary use provision contemplates “park maintenance depots, small-scale community activity centres” — not private school parking infrastructure.
- It claims the car park “improves pedestrian and cycling safety” (outcome 7), when ACAT found the opposite — noting safety deficiencies including vehicle-pedestrian interaction risks at the Brigalow Street access.
- It dismisses stormwater impacts (outcomes 3 and 6), but a 5,550 m² sealed bitumen surface adjacent to Sullivans Creek necessarily increases impervious runoff and reduces natural stormwater infiltration.

4. NO DEMONSTRATED NEED AND NO ALTERNATIVES ANALYSIS

The parking shortage was entirely self-inflicted. BCC acquired the O’Connor Christian School in 1998 with an on-site car park. In 2009, BCC built over its own car park using Building Education Revolution funds. It then obtained a sublease over part of the oval — without public consultation — and constructed the car park without approval.

The supporting report claims removal “would displace vehicles onto surrounding residential streets” but provides no traffic study, Transport Impact Assessment, or parking utilisation data. The

proponent has not demonstrated that alternatives were considered:

- On-site reconfiguration of the BCC campus
- Travel demand management (bus services, active travel programs, staggered drop-off times)
- Shared parking arrangements with nearby facilities
- Kiss-and-ride redesign on-site

The ACT Government's own Traffic Management & Safety: A Practical Guide for Schools states that long-term parking should "only be provided on school grounds" (emphasis in original) and that short-term parking should be "away from main entrances" used by walking, cycling, and bus students. The supporting report misrepresents this guide by implying it supports off-site parking on public open space.

5. ADVERSE ENVIRONMENTAL AND AMENITY IMPACTS

The supporting report understates the environmental consequences of a sealed car park on this site:

- Urban heat island: 5,550 m² of bitumen absorbs and re-radiates heat, counter to the Sustainability and Resilience planning principle (s 10 of the Planning Act), which requires "mitigating the effects of urban heat."
- Stormwater and water quality: Adjacent to Sullivans Creek, a sealed car park generates runoff carrying oils, heavy metals, and other pollutants, and reduces natural infiltration — directly relevant to PRZ1 outcome 3 and the Blue-Green Network driver.
- Loss of recreational land: With densification along Northbourne Avenue and the future Lyneham light rail stop, the loss of 18% of this oval block to private parking reduces recreation space for a growing population.
- Traffic and safety: ACAT found the car park was not designed to relevant standards, with pedestrian safety issues at the Brigalow Street access.

6. RECENT PLANNING TREATMENT OF COMPARABLE PRZ1 PARKING PROPOSALS

In March 2023, the Authority rejected Canberra Grammar School's application to convert a temporary gravel car park on Monaro Crescent, Griffith (also PRZ1) into a permanent sealed facility with 86 spaces. It classified it as a standalone car park — prohibited under PRZ1 — finding it would "not contribute a positive outcome in regards to the PRZ1 zone objectives." Transport Canberra found "little evidence supplied to justify" the necessity.

While that was a development application rather than a plan amendment, the planning analysis is the same: a school car park on PRZ1 land is a prohibited use that does not advance zone objectives. DPA-12 presents a weaker case — BCC built without any approvals and now seeks retrospective legitimisation.

7. PLANNING SYSTEM INTEGRITY AND FAIT ACCOMPLI REASONING

The supporting report's central argument is that the car park has operated for over a decade and should therefore continue. This is fait accompli reasoning.

Section 215 of the Planning Act 2023 requires that retrospective development applications be assessed "as if the development was not undertaken." While this applies to DAs rather than plan amendments, the underlying policy is instructive: the planning system should not give credit to unlawful development as a fait accompli.

The car park was sealed in 2016 “without a Development Application,” after the Planning Authority had rejected BCC’s request for a direct land sale and advised a Territory Plan variation was required. BCC disregarded this advice. In November 2023, ACAT found a “trifecta of non-compliance” — no development approval, breach of sublease conditions, and contravention of the Territory Plan.

This matters not as “punishment” but because it bears on planning system integrity. If the Territory Plan can be amended to accommodate development built in defiance of planning advice, it establishes a template: obtain a sublease, build without approval, operate until entrenched, then apply for a retroactive amendment. The Legislative Assembly petition E-PET-004-23 (1,134 signatures) raised exactly this concern.

BCC has a broader record of planning non-compliance: trees removed without approval in 2016, demountable buildings eventually removed years after being required, and failure to submit campus drawings required by a 2016 DA condition.

8. DPA-12 ONLY ADDRESSES ONE OF THREE LEGAL VIOLATIONS

ACAT found the car park illegal on three grounds: (i) no development approval, (ii) breach of sublease conditions, (iii) contravention of Territory Plan zoning. DPA-12 addresses only the third.

The supporting report acknowledges that a licence change and a retrospective DA will also be required. DPA-12 is the first step in a multi-stage retrospective legitimisation process, none of which is guaranteed to succeed. Creating a planning pathway for a use that may never achieve full legal compliance is a poor use of the Authority’s resources.

9. THE SOCIAL VALUE OF THE OVAL AND COMMUNITY EXPECTATIONS

The Lyneham community has consistently demonstrated the value it places on the Oval as public open space:

- In 2015, over 1,553 signatures (approximately one-third of Lyneham’s population) opposed BCC’s proposal to build on the oval. Minister Rattenbury’s survey found over two-thirds opposed.
- In December 2023, over 80 residents attended a community meeting. Of 8 discussion groups, 7 of 8 wanted the car park returned to open space.
- The 2023 Legislative Assembly petition attracted 1,134 signatures.
- The North Canberra Community Council has publicly opposed the car park.

This reflects the community’s expectation that PRZ1 land will be managed for recreation, as the zone objectives require. The supporting report’s “Public Consultation” section (4.5) omits any acknowledgment of this opposition.

10. THE SUPREME COURT APPEAL REMAINS UNDECIDED

The ACT Supreme Court appeal of the ACAT decision was heard on 4 February 2026 with no decision yet. It is inappropriate to proceed with a plan amendment designed to address the zoning element of a tribunal decision while judicial review is still pending. The Authority should await the Court’s determination before making any recommendation to the Minister.

CONCLUSION

DPA-12 proposes to create a site-specific exception to the PRZ1 prohibition on car parks, for a private school that created its own parking problem and then occupied public land without approval.

On planning merits, the amendment is inconsistent with the ACT Planning Strategy, the District Strategy's Blue-Green Network objectives, and all seven PRZ1 zone outcomes. No need has been demonstrated, no alternatives analysed, no Transport Impact Assessment provided, and the environmental impacts of a sealed surface adjacent to Sullivans Creek have not been addressed. The Authority's own rejection of a comparable proposal at Canberra Grammar (March 2023) confirms this type of use is prohibited and contrary to zone objectives.

Approving DPA-12 would diminish a valued public open space in a densifying suburb and establish a precedent that private entities can occupy public land, operate in defiance of the planning system, and ultimately have the Territory Plan rewritten to accommodate their non-compliance.

I urge the Territory Planning Authority to reject DPA-12.

Urban Open Space is for the community, not school car parks.

Yours sincerely,

[Redacted signature block]

Public comment for **Draft Plan Amendment 12 – Brindabella Christian College car park – Lyneham Section 41 part Block 23 (DPA-12)**

Approving this amendment sets a dangerous precedent that rogue actors can unlawfully act first and ask for (and be granted) approval later.

This cannot in good conscience be approved; it makes a mockery of our planning laws and authority and undermines our fundamental governance.

Considering the supporting report prepared by SPACELAB, below are several comments for consideration:

- The supporting report refers to accommodating 130 vehicles. The car park is also used for drop off and pick up of students resulting in a steady stream of additional vehicles significantly above the 130 figure referenced. All of these cars enter and exit via Brigalow Street across a walkway that is utilised by local Lyneham Primary students and puts them at unnecessary risk when using active travel to attend their local school.
- The issue of closing the car park and displacing these vehicles onto surrounding streets, increasing congestion and risk to children being dropped off at school without a dedicated facility would be limited if BCC adhered to their approved number of student enrolments.
- The report states the car park will also support continued growth of the school. Growth of the school will increase the substantial traffic congestion already experienced on Brigalow Street during the morning and afternoon peaks. The report also references “Pedestrian and cyclist safety has been a central consideration, with access improvements implemented in early 2023 and further upgrades anticipated through future development approval processes”. What are these future processes and how will they reduce congestions and risks? Further, the final determination by ACAT was to close the car park, and the primary reason was safety and conservation of active travel for the local community. This was even after the 2023 upgrades. Safety of the local community is not a priority of BCC and should not be considered addressed in any way within the current proposed amendment.
- The supporting report also refers to supporting the Lyneham Local Community Oval’s function and provide important amenity to support the oval with parking during sporting events. The oval already has a dedicated and sufficient car park that has been in operation since the oval was created. Any use of the oval is already catered for on the current dedicated car park. The watering system in the oval has also been decommissioned, this would cost an astronomical amount of funding and lobbying to approve and implement and should not be considered in support of this amendment.
- The response to Statement 9 of the planning principles of the Planning Act 2023 states it is not applicable to mitigating the effects of urban heat. Car parks are a major contributor to the urban heat island effect and this proposal will increase the effects of climate change.
- A final concern is the area at the rear of the parking lot. This has historically been used by the school for storage and holds several containers of equipment. Why is this

significant area included in the application? This area is not part of the car park and the issue of where to store that infrastructure should be the schools issue to solve on their current approved premises, this should not be considered as part of the application. If the current licence is for an 'outdoor sports facility', this area could be converted into a skate park for the wider local community to enjoy. It should not be included and considered for storage of the schools assets.