

From: [REDACTED]
To: [Terrplan](#)
Subject: DPA-12 Submission
Date: Saturday, 21 March 2026 5:56:57 PM

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Territory Planning Authority Attention:

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

Dear Territory Plan and Coordination Team.

I respectfully request you to reject the proposed amendment (DPA-12) to the Territory Plan. The land in question was sub-leased to Brindabella Christian College (BCC) in 2009 after the ACT Government gave approval for BCC to build over the existing carpark within its own block.

That should never have been allowed to happen. The conditions of the sub-lease have **never been met**, and yet the ACT Government has taken no action. The MPA makes the false claim that ‘parking provision for Brindabella Christian College aligns with the Traffic Management & Safety: A Practical Guide for Schools’-

The Guide actually says (p. 15) •” short-term parking, usually for the purpose of dropping off children in the morning and collecting them in the afternoon, should ideally be located away from the main entrances” ACAT found that the carpark, as an unapproved structure, was not designed in accordance with relevant standards and thus had a range of pedestrian safety issues and caused local traffic congestion.

An appeal lodged by BCC against the 2023 ACAT decision was heard by the Supreme Court on 4 February 2026. No decision has been made yet. It's particularly odd that this amendment proposal process is going ahead while the appeal outcome is unknown. The LCA have asked the Territory Planning Authority, and the Minister, Chris Steel, to suspend the process until after the outcome is known, but have not received a response.

If the amendment is adopted it will reward criminal behaviour, and set a troubling precedent for public open space in the ACT. ie. If your business starts using public land informally or obtains a sub-lease, and does what it wants on the land, after a few years the ACT Government will come to your rescue and legitimize all your failures and theirs by changing the zoning. Construction of a car park without

development approval and operating without insurance is a criminal act. No Govt action occurred in this case! The new owners when purchasing would have known the carpark was not approved and subject to proceedings including Supreme Court involvement. The failure of the government to uphold its laws has led to this situation, without these issues being resolved before the sale went through.

The ACT Government has

*Failed by allowing building on the school existing carpark

*Failed to terminate the sub-lease when it became apparent it was being breached

*Failed to halt the construction of the illegal car park and illegal entry with no insurance on the area.

*Failed have held BCC to the enrolment limits imposed in 2016 leading to new buildings on carpark.

*Failed to take action to protect the community instead of leaving it up to a community organisation to take action to force it to act.

If this amendment succeeds, will a safe, conforming, entry and carpark be built? who will pay? Will there be a fine? Will a lease be levied? What is to stop the BCC building on the carpark in the future and then going thru the same procedure, as a precedent has been set?

The government should not now try to paper over its earlier failures by corrupting what Urban Open Space means. Zoning is there to define permitted use and protect our open spaces.

As density increases in the inner suburbs, the demand for open space becomes more important to schools and the community.

I have corresponded with Minister Berry on these issues, with very unsatisfactory replies.

Sincerely

 Town Planner (retired)

From: [REDACTED]
To: [Terrplan](#)
Subject: DPA-12 Submission on Draft Major Plan Amendment 12
Date: Monday, 23 March 2026 8:45:15 AM

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Submission on Draft Major Plan Amendment 12 Brindabella Christian College car park Lyneham Section 41 part Block 23

I write to object to DPA-12, which proposes to add an Additional Assessable Development overlay permitting a car park on part of Block 23 Section 41 Lyneham, currently zoned PRZ1 Urban Open Space.

It sets a damaging precedent

The car park was established informally from around 2006 and sealed in 2016, despite the planning authority having previously advised that a Territory Plan variation would be required and that the development would breach the Planning and Development Act. The effect of DPA-12, if approved, would be to legitimise a pattern of non-compliance: occupy public land, resist enforcement, and wait until the planning framework is changed to match the facts on the ground. Approving this amendment would signal to other private organisations that this approach carries acceptable risk. The integrity of PRZ1 zoning across the ACT depends on it being upheld consistently.

Sealed surfaces are contrary to the ACT's urban heat goals

A CSIRO report commissioned by the ACT Government found that areas with large expanses of impervious surfaces, including car parks, can run significantly hotter than surrounding areas. Permanently formalising a large bitumen car park on what is otherwise open green space runs counter to the ACT Government's own commitments on urban heat, living infrastructure, and climate resilience. The site sits adjacent to the Sullivans Creek corridor, which is identified as part of the Blue-Green Network. Formalising this use conflicts with the intent of that designation.

Providing more car parking is the wrong response to school traffic

The planning documents acknowledge that the car park is primarily used during school drop-off and pick-up periods. Providing dedicated car parking to accommodate this demand entrenches car-dependent behaviour rather than reducing it. The ACT Planning Strategy, the District Strategy, and the Statement of Planning Priorities all emphasise active travel, reduced congestion, and sustainable transport. Formalising a 130-space car park adjacent to a school, on public open space, works against those stated goals.

ACAT itself identified that the school had alternatives available, including shuttle services, encouraging public transport and active travel, and engaging with TCCS to find workable solutions. Those options do not appear to have been meaningfully pursued.

Risk to children and pedestrians

The ACAT decision specifically noted evidence of pedestrian safety risks at the car park entrance on Brigalow Street, where children must cross vehicle movements. Concentrating large volumes of school traffic through a single access point on a street shared with two schools and a local centre has been a documented safety concern for years. Formalising the car park does not resolve this and may entrench it.

The legal process is not yet concluded

At the time of writing, the ACT Supreme Court appeal against the ACAT orders appears to still be ongoing. If that is the case, it is premature to progress a Territory Plan amendment while those legal proceedings remain unresolved. The planning process should not run ahead of the legal one.

I ask the Territory Planning Authority not to proceed with DPA-12. The correct outcome is for the school to address its transport planning needs through lawful means, on appropriately zoned land, and without permanent occupation of public urban open space. The community and the planning framework are not well served by amending the Territory Plan to retrospectively accommodate a development that should not have been built in the first place.

Thank you.

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MD439C3K

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Provide the details of your representation*

DPA-12 is seeking to allow a car park to be built on the land of the Lyneham Oval. This amendment seems to be a step in a process to retrospectively legalise the illegal act of putting a car park on the oval without permission. This should not be allowed to happen. The BCC put the car park on public land without permission. It ignored representations from the public about this illegal act. The ACT Government seems to have decided to ignore the fact that this act is illegal. BCC should be forced to return the land to its original use. They can then apply for a change of purpose, which would include an appropriate betterment charge. BCC has chosen to not put its car park on land it owns/leases. It chose to build on public land illegally when it could have used its own land. This is taking over public land for a private (albeit not for profit) purpose. There should be consequences for this act. So far, it seems that the ACT Government has not wanted to apply the law to this illegal act. DPA-12 should be rejected until the land is returned to its original state (without a car park). The potential retrospective approval of this illegal act sets an unacceptable precedent for the appropriation of public land for private use.

You may upload any additional supporting documentation or photos.

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-

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Provide the details of your representation*

While I appreciate the need for a school to have a carpark the high volume of cars entering the carpark creates significant congestion, increases the risk of harm to students and others, and drastically slows down traffic up to and through Ellenborough street.

It's almost as if Brigalow street and the carpark entrance were not designed for the current number of vehicles entering between 840 and 9am each weekday.

If at the very least, the carpark has to stay, please consider a requirement to amend the carpark access in a way that helps to ensure kids are safe and does not cause the traffic jams each day because a left hand turn is too tight.

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Date: Monday, 23 March 2026 6:22:31 PM

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Territory Planning Authority

Attention: Territory Plan and Coordination Section, CED (480 NBA)

Access Canberra Building Services Shopfront

8 Darling Street

Mitchell ACT 2911

Draft Plan Amendment 12 – Brindabella Christian College car park –

Lyneham Section 41 part Block 23 (DPA-12)

Dear Territory Plan and Coordination Team

I implore you to not support this proposed amendment (DPA-12) to the Territory Plan as it will set a

dangerous precedent for all private businesses in the ACT to acquire land through illegal takeovers.

The land in question was sub-leased to Brindabella Christian College (BCC) in 2009 after the ACT

Government gave approval for BCC to build extra classrooms on its existing carpark, within its allocated

land. BCC then used this sub-leased land to justify additional enrolments. BCC illegally bitumened the

carpark, built non compliant access ramps from Brigalow street and placed large signs claiming the

land. None of this was subject to Developmental Approval, nor was a road transport assessment ever

conducted. None of the conditions of the sub-lease have never been met, and yet the ACT Government

has taken no action.

Prior to the Lyneham Community Association's action in ACAT in 2023 against the ACT Government's

failure to take action against the numerous safety and planning issues with this carpark, all parties

(including BCC) agreed that the car park built by BCC in 2016 was constructed illegally as it

had no

development approval, breached the conditions of the sub-lease over the site, and contravened the

Territory Plan zoning.

The amendment DPA-12 only seeks to address the zoning issue in the most minimal way possible. No

information has been provided to give the community confidence that any of the other issues will be

resolved.

As the current car park is illegal it is uninsured, and uninsurable. Students at BCC cross this carpark

multiple times a day to reach the oval as they have no playground space on the school site. Students

from the local schools, Lyneham Primary, Lyneham Preschool, Lyneham High school walk along

the surrounding streets and have to navigate a traffic chaos twice a day and cars driving across the

pavement they walk. There are also residents of aged-care facilities and many community members

traversing this area. If an accident happens no one will be insured. BCC needs to design a safe and legal

way for its students and staff to access the school.

The arguments for allowing a carpark on this block in the report supporting DPA-12 are totally

inadequate. The only real justification put forward is that the carpark has been there, first informally

and then illegally sealed, since 2006. The argument offered is "It's being used by the school and

therefore, it may as well be made legal".

However, section 215 of the Planning Act 2023 in relation to development applications for development undertaken without approval points out in subsection (3) that 'the Territory Planning

Authority must treat the application for development approval as if the development was not

undertaken.' In other words, it must assess the development solely on its own merits relative to the

state of the land that existed before the unapproved development occurred. In this case, relative to its

former use as public open space.

While this provision relates to development approvals, as this Major Plan Amendment (MPA) proposal

is clearly the preliminary stage to a proposed DA for this carpark the MPA should be treated in the

same way.

Thus the MPA must first establish the need for a carpark on this block relative to its underlying zoning

of public open space. In this regard the ACAT process clearly found that the carpark was built by the

BCC for its own use because it had built over the carpark on its own land - it was never intended or

needed for ancillary parking for the adjacent neighbourhood oval.

The MPA needs to justify with evidence its untested claim that removing the car park would displace

these vehicles onto surrounding streets, increasing congestion and risk to children being dropped off

at school without a dedicated facility. In this analysis it must also examine alternative options for

transport of children to and from school and for staff parking.

The MPA makes the false claim that 'parking provision for Brindabella Christian College aligns with the

Traffic Management & Safety: A Practical Guide for Schools' by providing 'sufficient off-street parking

and dedicated pick-up/set-down areas'.

In fact, the Guide says (p. 15)

- short-term parking, usually for the purpose of dropping off children in the morning and collecting them in the afternoon, should ideally be located away from the main entrances used by students who walk, cycle or travel by bus in order to minimise traffic congestion and reduce safety risks
- long-term parking should only be provided on school grounds as often there is competition with surrounding land uses for parking spaces on public roads.

ACAT found that the carpark, as an unapproved structure, was not designed in accordance with

relevant standards and thus had a range of pedestrian safety issues and caused local traffic congestion.

If the amendment is adopted, it will set a dangerous precedent for public land in the ACT. If your

business starts using public land informally or obtains a sub-lease, but does what it wants

on the land,

after a few years the ACT Government will come to your rescue and legitimize all your failures and

theirs by changing the zoning.

Construction of a car park without development approval is a criminal act. If the amendment is

adopted it will reward criminal behaviour. What other crime is left unpunished and the perpetrators

rewarded?

This situation has only arisen due to the failure of the government to uphold its own laws. It should

have terminated the sub-lease when it became apparent it was being breached. It should never have

allowed the construction of the illegal car park. It should have held BCC to the enrolment limits

imposed in 2016.

It should have taken action to protect the community instead of leaving it up to a community

organisation to take action in ACAT to force it to act.

The government should not now try to paper over its earlier failures by corrupting what Urban Open

Space means. It's time the government protected local communities and our open spaces.

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

I urge you to consider the following suggestions: -

- Allow a small public car park to remain on the site, returning much of the land to open space to allow students from BCC to safely access the oval without traversing an uninsured car park multiple times a day.
- Cap enrolments at the school from 2027 onwards to reduce the numbers of students to the 2006 numbers that represent the legally allowed enrolment for the size of the land the school actually owns. (By gifting, or selling, them the land the government is allowing them to continue the current enrolment, which is the crux of the problem, as most are out of area students being driven to school).
- Demand the school finds a legal, and safe, pick up and drop off site away from the Brigalow entrance. This could be in the Tennis centre across Mouat Street which has a traffic light pedestrian crossing on it.
- Request the school encourage students and staff to use public transport, and/or school sponsored buses
- Monitor, and police, illegal parking in local streets and keeping the two hour limit at the Lyneham shops.

By building on their existing carpark, and nearly doubling their enrolments, this school has created a

disaster for the local community. Every school, and private business, in the inner suburbs of cities

around Australia has to work out a way for people to safely and legal access their sites. BCC must do

the same.

Reject the proposed amendment DPA-12.

Sincerely

[Redacted signature]

[Redacted address]

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Date and time

23 Mar 2026 9:18:28 PM

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3W4XWDTM

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Provide the details of your representation*

I strongly urge you to reject the proposed amendment (DPA-12) to the Territory Plan.

I am a Lyneham resident and frequent user of Lyneham Oval and the adjoining paths, as well as a frequent visitor to Lyneham shops. I love living in Lyneham. I cannot think of anything further from the interests of the local community than allowing the paving of paradise because Brindabella Christian College (BCC) have put up an illegal parking lot.

Reviewing the background papers and documents for consultation makes clear that the underlying argument for the amendment and possible future development application is that "the continued provision of parking in this locality is [considered] fundamental to the operation of the School". Well may that appear true to BCC, but it is no basis upon which to approve an amendment to the Territory Plan.

Subsequent statements that "the proposal demonstrates coordination between [BCC] and the Territory to ensure the delivery of government priorities whilst implementing principles of good planning and alignment with relevant strategies" undermines the concepts of inter-organisational coordination, 'government priorities', 'good planning' and 'alignment with relevant strategies'. This proposed amendment to the Territory Plan reflects coordination only in the sense that the Territory Government is now tacitly supporting illegal land uses. BCC have illegally used public land for parking without development approval, by breaching sub-lease conditions and contravening the zoning of the Territory Plan. This state of affairs has existed in some shape since 2006. I also note that the sealed carpark from c. 2016 has had a number of safety deficiencies noted by ACAT, which invites liability risk for BCC and for Territory Government.

The 'supporting' assessments against the ACT Planning Context make a mockery of a number of government priorities. In the first instance, BCC constructed a building on their previous carpark in 2009 using Commonwealth Government funding. The subsequent impact to parking led them to approach ACT Sport and Recreation and be granted a 20-year sub-lease on the part of Lyneham Oval adjoining BCC for peppercorn rent. I am yet to read that "Loss of greenspace and public recreational space for the interests of a private organisation" are a government priority. Likewise, I would be disturbed that a Territory Government would agree to set the precedent of legalising illegal development (in this instance, commencing the process through an amendment to the Territory Plan with a view to a post-hoc development application) - a move that does not accord with better regulation of land use. It beggars belief that this illegal carpark represents consistency with the Statement of Planning Priorities 2025-2028 through the "enhancement of community infrastructure to meet growing population demand by providing publicly accessible and available carparking" when those priorities write instead of "improving the quality, productivity and design of the built environment" whilst "protecting environmental values", enhancing "sustainability, biodiversity and resilience", and "improving livability, affordability and environmental performance".

At the core of the Major Plan Amendment submission prepared on BCC's behalf is the untested and unsourced argument that the car park "reduces traffic congestion and parking pressures in the area". Not only has this been found to be false by ACAT, but the notion that a carpark (especially a free one) can reduce congestion and parking pressures in the area is widely debunked. Carparks, and car infrastructure generally, act to induce demand for the driving of private vehicles. In this case, that means that people who otherwise would have used other means to reach BCC, such as active or public transport, would be more inclined to drive and park on the illegal carpark for drop off and pickup. Reducing car parking has the opposite effect - it discourages driving and encourages use of the many other safe options that already exist by improving the conditions for those options. For example, the constant flow of cars along Brigalow Street and into the carpark entrance makes using the paths and crossings converging on Lyneham's schools and local shops more dangerous. This 'traffic evaporation', contrary to the arguments made in the submission, is a well-documented phenomenon.

I cannot ratnom now the submission could in good faith claim to "improve accessibility to the School". I note that Lyneham and O'Connor are two of the suburbs with the highest bicycle commuting rate in the ACT and the country. BCC is accessible by 5 public bus routes as well as school busses. Lyneham also has a well-supported bicycle bus for local students which travels past BCC enroute to Lyneham PS. Fewer cars endangering riders of all ages and holding up those busses would make the school and district far more accessible than continuing to feed the line of cars which back up along Ginninderra Drive, Ellenborough Street, Mouat Street and Brigalow Street during school drop-off and pick-up hours. Funneling these cars to "a single formal drop-off and pick-up point" actually materially worsens rather than improves the experience for those both in and outside of cars.

The submission claims that the existence of the illegal carpark "provides a net positive impact to the Livable Canberra theme of the ACT Planning Strategy (2018)". Living on and next to busy roads and carparks is generally not considered a positive factor in livability calculations. On the contrary - their absence is generally considered to be a positive factor, especially where reduced traffic and quieter streets enables easy access to green space and recreation areas. The statement that the "removal of the facility will arguably detract from the livability of the locality" seems to be predicated on the false assumption that removing the carpark will somehow worsen traffic in the area. This fails to account for any alternate, non-carpark uses that the Territory Government, through ACT Sport and Recreation or otherwise, could make for this parcel of land.

The submission spectacularly fails to address any sustainability and resilience principles, instead claiming not to "detract from the sustainability and resilience of the locality". On the contrary, the current level of traffic generated from the presence of the illegal carpark invites significant air pollution, noise and damage to those same roads. This also impacts the conservation of the local environment, and has impacts to the climate of the area through heat island effects as well as global climate change through the use of emissions-intensive vehicles and construction.

Approving the proposed amendment to the Territory Plan would enable an illegal and dangerous act which already materially reduces the accessibility, livability and sustainability of Lyneham and is contrary to government priorities and planning strategies. On these grounds, I strongly urge you to reject the proposed amendment (DPA-12) to the Territory Plan.

Yours sincerely,

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Territory Planning Authority Attention:

Territory Plan and Coordination Section, CED (480 NBA)

Access Canberra Building Services

Shopfront 8 Darling Street Mitchell ACT 2911

Draft Plan Amendment 12 – Brindabella Christian College car park – Lyneham

Section 41 part Block 23 (DPA-12)

Dear Territory Plan and Coordination Team

I strongly urge you to reject the proposed amendment (DPA-12) to the Territory Plan. As a local resident in Lewin Street, adjacent to the illegal Brigalow Street car park, it is inconceivable that a reasonable Planning Authority, confronted by a **clear planning breach** would accept an amendment to that breach prior to legal proceedings being finalised.

A leaseback agreement between the BCC and a sub-department of the ACT Government - in this case ACT Sports and Recreation - allowed public parkland to be stolen by a school. This lease did not go to public consultation. The parkland was hastily covered in bitumen.

What is also unbelievable is that, currently, our Planning Authority would **accept** a Draft Plan Amendment for consideration before the appeal process finished.

It's as if the BCC wants a positive decision from you, the planning authority before the courts reject the BCC appeal and find the original ACAT decision stands. (Am I wrong?)

If the draft amendment is approved before the appeal process is handed down, and ACAT's decision stands, it sets a terrible legal precedent for future planning proposals where lawyers could argue that what was good for the Brindabella Christian College is good for their future unscrupulous developer clients. It creates a **rod for your own backs**.

The Car Park is green space oval. The car park has made access to the BCC and schools around it incredibly dangerous for pedestrians and motorists.

If the car park has to remain (for the short term) The Brindabella Christian College should be paying a hefty fee to the ACT Community Development grants fund for the breach and inconvenience to the ACT and residents of Old Lyneham North East quadrant.

In the medium term (say in the next 3-5 years) the BCC should be ordered to scale down its student quota to 300 once more and be allocated the existing small Oval Car park adjacent to the illegal one, for drop off and pick up. The current illegal

carpark should revert to green space as per order by ACAT.

Also, I trust the Public Servants that sneaked the original proposal through have been investigated.

[REDACTED]

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Date and time

25 Mar 2026 8:56:51 PM

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GDLJ5PX4

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Family name*

Organisation name

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Application details

Amendment number*

Provide the details of your representation*

I strongly disagree with this proposed amendment because to implement it would deprive North Canberra of very valuable open space for recreation. It would also reward past illegal activity by a profit motivated private business.

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25 March 2026

Territory Planning Authority
Attention: Territory Plan and Coordination Section, CED (480 NBA)
Access Canberra Building Services Shopfront
8 Darling Street
Mitchell ACT 2911

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

Dear Territory Plan and Coordination Team,

Together with my wife, I have lived right next to the Lyneham oval (separated only by a small block of units) for 23 years. Our now adult-age daughter attended Lyneham Primary School and then Lyneham High School. The oval was and is an incredibly valuable resource to me and my family providing open space in what is increasingly becoming the crowded environment of North Canberra.

If you are not familiar with the 'oval' it is far from just a sports playing ground but because of its size, its openness and its views across to Black Mountain, it has a spiritual dimension best appreciated on a clear night when it seems to make the very curvature of the Earth palpable.

The three of us are strongly against the passing of DPA-12. We also disagree with some of the judgements made in the public consultation version of the Draft Major Plan Amendment.

The car park that has been constructed by BCC should in our view be demolished and the space returned to the same open space as the rest of the oval. To do so would make Canberra more sustainable and resilient in compliance with the five themes of the ACT Planning Strategy. This would also make Canberra more liveable, again in compliance with the five themes. As apartments rise along the Northbourne Avenue corridor the occupants of those apartments need ready access to open space for recreation and renewal, and the oval provides that space.

The car park does not alleviate traffic and parking congestion but on the contrary adds enormously to it and creates serious safety risks for students of BCC and members of the public.

It is important to understand BCC's business model. It offers moderate cost non-government schooling to families largely in Gungahlin who can drop off their children on the way to work in Civic. This creates a traffic choke point in narrow streets adding to traffic delays and pollution. In other words, the school is really in the wrong location, and is the product of an expansionist business model backed up by extensive

advertising and dubious business practices, for example claiming Charnwood as a separate campus rather than a separate school simply to lock in preferential levels of Australian government funding.

As best as I can determine BCC has around 800 students at its Lyneham campus and employs 74 full time employees and 70 part time and 35 casual employees. The draft major plan amendment refers to the carpark as having 130 vehicles at peak periods. Let's hope this does not include the vehicles of driving age students, which would be manifestly unjust, but even so it is hard to see why ACT Open Space land should be used to provide parking for staff of BCC, a private for profit business, when Lyneham Primary school staff have no provision for their parking.

It is clear and understood that BCC presents a problem for the ACT government which does not want the school to close or even significantly reduce its student population because those students would be entitled to schooling in already over-stretched ACT government schools. BCC has the ACT government over a barrel, let's be honest.

But it would be galling to see the ACT Government reward the illegal creation of a car park by a change to the zoning of the land. Please don't do it, and in the process give away forever valuable Inner North open space.

Yours sincerely

A large black rectangular redaction box covering the signature area.

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

26 Mar 2026 3:08:03 PM

Reference code

SJ9WHDH4

Access Canberra

GPO Box 158
Canberra City, ACT 2601

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

Type of representation

About this form

Use this form to lodge a representation for a current amendment to the Territory Plan or a current Environment Impact Statement during the notification period.

Application type

Please select the application type:*

Territory Plan Amendment Notification

Representor details

Title

Given name*

Family name*

Organisation name

Private

Enter at least one phone number: *

Home phone

Work phone

Mobile

Email address*

Application details

Amendment number*

Provide the details of your representation*

To concentrate on the environmental impacts

It will undermine the ACT Active Travel Goals in Lyneham

The ACT Government's Active Travel Plan 2024–2030 aimed to prioritize walking, cycling, and public transport. This proposal does the opposite by formalizing vehicle infrastructure on land designated for community use. Legitimizing this site rewards a decade of non-compliance and encourages long-term traffic congestion rather than sustainable transport solutions for the neighborhood. Already we have congestion. Fatal accidents have been recorded concerning SUVs and pedestrians.

Environmental Hostility of Sealed Surfaces. Contrary to claims by the School, it was never a dust bowl. Replacing natural grass with an expansive tarred surface has been environmentally regressive.

Asphalt surfaces can reach temperatures about 10–16°C higher than surrounding vegetation [2]. In a warming climate, converting "green lungs" into heat-absorbing blocks increases local ambient temperatures. **Permeability and Runoff:** Unlike grass, which absorbs and filters rainwater, a sealed bitumen surface creates significant stormwater runoff. This increases the load on local drainage systems and carries pollutants directly into the Lyneham wetland ecosystem [3].

Loss of Ecosystem Services: Grass and soil provide natural cooling through evapotranspiration. A permanent carpark permanently removes these essential ecological benefits from the Lyneham Section 41 precinct.

Tactical Compliance vs. Strategic Benefit

This amendment is a tactical "fix" for a single proponent's compliance issues. It offers no strategic benefit to the Lyneham community. Urban open space (PRZ1) is a finite resource. Sacrificing it for a carpark is a poor trade-off that ignores the long-term planning needs of a densifying suburb. Between financial years FY-21 and FY-25, a total of 614 homes were approved in Lyneham, with an additional 51 approvals recorded so far in FY-26. The suburb has averaged approximately 122 new dwelling approvals per year, with significant multi-unit developments, such as the 40-dwelling proposal and the long-term [Yowani Country Club redevelopments], contributing to the area's increasing housing density

Alternatives.

The school has blundered and its neighbours should not have to pick up the bill. Suggestions are

* **Off-Site Agreements:** Negotiating the use of the nearby Saint Ninian's Uniting Church car park or the Lyneham Hockey Centre

* **On-Site Solutions:** Constructing a multi-deck or basement car park within the school's existing leased footprint.

* **Traffic Management:** Implementing staggered start times and improved "kiss-and-drop" zones to reduce peak congestion.

* **Active Travel:** Serious effort to increasing student use of buses, cycling, and walking to lower the overall demand for parking spaces.

* **Shuttle Services:** Running shuttles from larger, underused parking areas nearby to the school eg Southwell Park's Thurbon Road.

I urge the Authority to reject DPA-12 and require the restoration of this land to its intended state as high-quality urban open space.

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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From: [REDACTED]
To: [Terrplan](#)
Subject: Submission to Draft Plan Amendment 12
Date: Thursday, 26 March 2026 4:53:24 PM

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Planning Authority

Attention: Territory Plan and Coordination Section, CED (480 NBA)

Access Canberra Building Services Shopfront

8 Darling Street

Mitchell ACT 2911

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

Dear Territory Plan and Coordination Team

As a resident of Lyneham for over 25 years and one who thoroughly appreciates the open spaces provided for community enjoyment, I am strongly opposed to the permanent carpark developed illegally on public land by Brindabella Christian College and urge you to reject the proposed amendment (DPA-12) to the Territory Plan legitimising its permanence at the expense of public space.

The land in question was sub-leased to Brindabella Christian College (BCC) in 2009 after the ACT Government gave approval for BCC to build over the carpark within its own block. That should never have been allowed to happen. Since then the conditions of the sub-lease have never been met, and yet the ACT Government has taken no action.

Prior to the Lyneham Community Association's action in ACAT in 2023 against the ACT Government's failure to take action against the numerous safety and planning issues with this carpark, all parties (including BCC) agreed that the car park built by BCC in 2016 was constructed illegally as it had no development approval, breached the conditions of the sub-lease over the site, and contravened the Territory Plan zoning.

The amendment DPA-12 only seeks to address the zoning issue in the most minimal way possible. No information has been provided to give the community confidence that any of the other issues will be resolved.

The arguments for allowing a carpark on this block in the report supporting DPA-12 are totally inadequate. The only real justification put forward is that the carpark has been there, first informally and then illegally sealed, since 2006. The argument offered is "It's being used by the school and therefore it may as well be made legal".

However, section 215 of the Planning Act 2023 in relation to development applications for development undertaken without approval points out in subsection (3) that 'the Territory Planning Authority must treat the application for development approval as if the development was not undertaken.' In other words, it must assess the development solely on its own merits relative to the state of the land that existed before the unapproved development occurred. In this case, relative to its former use as public open space.

While this provision relates to development approvals, as this Major Plan Amendment (MPA) proposal is clearly the preliminary stage to a proposed DA for this carpark the MPA should be treated in the same way.

Thus the MPA must first establish the need for a carpark on this block relative to its underlying zoning of public open space. In this regard the ACAT process clearly found that the carpark was built by the BCC for its own use because it had built over the carpark on its own land - it was never intended or needed for ancillary parking for the adjacent neighbourhood oval.

The MPA needs to justify with evidence its untested claim that removing the car park would displace these vehicles onto surrounding streets, increasing congestion and risk to children being dropped off at school without a dedicated facility. In this analysis it must also examine alternative options for transport of children to and from school and for staff parking.

The MPA makes the false claim that 'parking provision for Brindabella Christian College aligns with the Traffic Management & Safety: A Practical Guide for Schools' by providing 'sufficient off-street parking and dedicated pick-up/set-down areas'.

In fact, the Guide says (p. 15)

- short-term parking, usually for the purpose of dropping off children in the morning and collecting them in the afternoon, should ideally be located away from the main entrances used by students who walk, cycle or travel by bus in order to minimise traffic congestion and reduce safety risks. In practice this never existed with the result that many drivers dropping off or picking up students from Brindabella Christian College are making a 'Rat-Run' through the nearby subdivisional roads generating periods of intense traffic on roads never designed for that level of traffic use.

- long-term parking should only be provided on school grounds as often there is competition with surrounding land uses for parking spaces on public roads.

ACAT found that the carpark, as an unapproved structure, was not designed in accordance with relevant standards and thus had a range of pedestrian safety issues and caused local traffic congestion.

If the amendment is adopted, it will set a dangerous precedent for public land in the ACT, literally 'Green Lighting' any business that starts using public land informally or obtains a sub-lease, but does what it wants on the land, anticipating that after a few years the ACT Government will come to your rescue and legitimize all your failures and theirs by changing the zoning.

Construction of a car park without development approval is a criminal act. If the amendment is adopted, it will reward criminal behaviour. What other crime is left unpunished and the perpetrators rewarded? Residents can receive significant fines for illegally parking their vehicles on the verge adjoining their property. Why is a privately owned education facility not similarly liable?

This situation has only arisen due to the failure of the government to uphold its laws.

It should have terminated the sub-lease when it became apparent it was being breached. It should never have allowed the construction of the illegal car park. It should have held BCC to the enrolment limits imposed in 2016.

It should have taken action to protect the community instead of leaving it up to a community organisation to take action in ACAT to force it to act.

The government should not now try to paper over its earlier failures by corrupting what Urban Open Space means. It's time the government protected local communities and our open spaces.

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

Reject the proposed amendment DPA-12.

Sincerely,

[REDACTED]

[REDACTED]