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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.

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Territory Plan Amendment Notification

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Application details

Amendment number*

Provide the details of your representation*

I am opposed to the approval of draft plan amendment 12 (Brindabella Christian College car park, Lyneham Section 41 part Block 23).

It is established fact that the car park—which is already in situ—was built not only illegally but with a reckless disregard for legal obligations. This application now attempts to regularise wilful, deliberate illegality. Whatever merits it might have in the abstract, this must not be permitted. To do so would be a mockery of the law, an insult to everyone who makes a good faith attempt to comply with it, and would border on “exercise of the public official’s functions as a public official in a way that is not honest or is not impartial” under section 9(b)(i) of the Integrity Commission Act 2018.

The application must be rejected, and Brindabella Christian College must be required to undo and make good its unlawful alterations to public land. Only then ought any discussion of a plan variation to be entertained.

You may upload any additional supporting documentation or photos.

- Maximum file size is 10Mb.
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-

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Copies of written comments will be made available on the authority website unless the submission is withdrawn. Copies of written comments will also be given to the proponent of the development proposal.

If you would not like your comments or a part of your comments to be made available on the website or to the applicant, a request must be made under Sections 502 or 503 of the *Planning Act 2023* (or Sections 411 or 412 of the *Planning and Development Act 2007*). A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Printed copies of the draft amendment (this document) and background documents are available for inspection and purchase at the EPSDD Customer Service Centre, 8 Darling Street, Mitchell, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call [\(02\) 6207 1923](tel:0262071923) to arrange a copy for purchase.

[Click here for more information on applying for exemption from the public register.](#)

Written comments on the [Draft Plan Amendment 12 – Brindabella Christian College car park \(DPA-12\)](#)

The draft amendment should not be made as it rewards illegal behaviour. According to the supporting report, the Brindabella Christian College (BCC) car park has been in use since 2006 and was sealed in 2016 without going through a Development Application process. In November 2023, ACAT found the car park lacked planning approval and was inconsistent with the relevant zoning.¹

BCC Lyneham campus enrolments have increased from 613 in 2015 to 1167 in 2024,² a 90% increase. Overall student numbers in the ACT increased from 71,917 in the 18 February 2015 Census to 82,654 in the 9 February 2024 Census, a 15% increase.³ It seems unlikely that the increase was driven by an equivalent increase in demand for school places in the ACT. Instead, BCC increased its enrolments and presumably revenue dramatically while using an illegal car park.

It would be helpful to compare data on enrolments, classroom capacity and revenue from 2006 to the present, but I was unable to find it. This data should have been published as supporting material for this consultation by the ACT Government. Or the ACT Government should have required that the supporting report include that data.

Despite increasing enrolments out of step with overall ACT enrolments, BCC's former operators managed to send themselves into receivership, among other things. Why should they be rewarded for their behaviour?

BCC Lyneham should be required to reduce their enrolments to a more sustainable level or significant works should be undertaken to better manage traffic in the area. During school drop off and pick up times, Brigalow Street is clogged with cars. At times, the congestion extends to Muoat Street. BCC traffic is addition to traffic for Lyneham Primary School (LPS).

My kids have to cross either the entry/exit of the illegal car park or Longstaff Street, which doesn't have a crossing guard or pedestrian crossing. Lots of other kids have to do the same.

Many parents are understandably in a hurry to get their kids to school so they can go to work. I've seen BCC drivers speed across a lane of traffic to take advantage of a gap and have to slam on their brakes to stop hitting children who are crossing the entry/exit of the illegal car park. The children are also distracted and don't always look properly.

Changes to the car park entry/exit have helped but it's still dangerous. In the absence of better traffic management, the car park should be closed and BCC Lyneham forced to reduce their enrolments. BCC could be given a year or two to slowly reduce enrolments, to ease the impact on students and their families.

If the amendment is approved, BCC should be required to fund better traffic management. Alternatively or in addition, BCC should be made to fund better traffic management that keeps children and drivers separate. A priority should be the construction of a barrier on Brigalow Street that prevents cars heading north from turning into the car park across a lane of traffic,

¹ https://www.planning.act.gov.au/_data/assets/pdf_file/0003/3028323/supporting-report.pdf

² https://www.education.act.gov.au/_data/assets/pdf_file/0004/2205814/EDU_2023_007_Record.pdf,
https://www.education.act.gov.au/_data/assets/pdf_file/0010/2565775/EDU_2024_022_Record.pdf

³ https://www.data.act.gov.au/Education/Census-data-portal/dfp9-87s8/about_data.

and prevents cars leaving the carpark from turning right across a lane of traffic. That would add to safety considerably by reducing pressure on drivers, and may reduce congestion by promoting a steadier flow of traffic.

Another possibility would be to construct a new road that runs alongside Sullivan's Creek and joins Mouat Street directly to the rear of BCC Lyneham. This would add to congestion on Mouat Street, but would be safer for children. The traffic lights at Sullivan's Creek and Mouat Street and at Brindabella and Mouat Streets could be adjusted to provide opportunities for drivers leaving the carpark to turn on to Muoat Street. They should only be able to turn left on to Mouat.

Thank you for the opportunity to comment.

Lyneham resident.

From: [REDACTED]
To: [Terrplan](#)
Subject: Submission to Draft Plan Amendment 12 - Brindabella Christian College car park
Date: Monday, 30 March 2026 10:01:36 AM
Attachments: [BCC carpark submission \(2\).docx](#)

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Please find below and attached my submission to
Please do redact my name and contact details from the published version of my submission, as per your standard practice listed on your website.

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 oppose Draft Plan Amendment DPA-12.

My concern is not limited to the specific proposal, but also to the decision-making pathway it represents.

1. This amendment reverses the proper order of planning decisions

Ordinarily, planning follows a clear sequence:

1. establish whether a land use is appropriate under the Territory Plan
2. assess a development proposal against that framework
3. approve or reject based on merit

In this case, that sequence is being inverted.

A car park has already been constructed and operated without approval. The current amendment appears to respond to that fact by proposing to adjust the planning framework itself.

This risks shifting planning from a **rules-based system** to a **reactive one**, where existing non-compliant uses shape future zoning decisions.

2. The proposal does not demonstrate that this is the right location for a car park

The key question is not whether the car park exists, but whether it *should exist in this location*.

On that question, the amendment is not persuasive.

In particular, it does not adequately demonstrate:

- why a car park is appropriate on land designated as Urban Open Space
- why on-site or alternative parking solutions are not feasible
- how transport demand could be managed without permanent conversion of public land

Without this analysis, the proposal reads as an attempt to accommodate an existing outcome, rather than justify a planned one.

3. Urban Open Space should not be incrementally repurposed

Urban Open Space plays a specific role in the Territory Plan: it protects land for shared, community use.

Changes to that designation should meet a high threshold, particularly where:

- the land is already in active community use
- the proposed use is not community-serving in nature
- the benefit is largely confined to a single institution

Even relatively small encroachments matter. Once land is repurposed, it is rarely returned.

4. This is a test of planning system credibility

Decisions like this signal how the planning system operates in practice.

If an unapproved use can later be accommodated through a plan amendment, it creates an expectation—whether intended or not—that:

- compliance is negotiable
- planning controls are adaptable to outcomes already realised
- similar proposals may be pursued elsewhere

That has implications beyond this site.

5. Clarification on consistency of application

If this amendment is approved, I request that the Authority provide a clear public explanation of how this decision will be applied consistently across the Territory Plan.

In particular, it would be useful to understand:

- whether similar proposals, or unilateral actions without approval like that undertaken by Brindabella Christian College, by other schools or institutions to use Urban Open Space for car parking would be considered acceptable in principle
- what criteria would distinguish this case from others
- how the Authority will ensure consistent treatment of comparable sites

Without this clarity, there is a risk that this decision is interpreted as a case-specific exception rather than a principled application of planning policy.

6. Proceeding while legal status remains unresolved

The amendment process is occurring while the legal status of the car park remains unsettled. The ACT Supreme Court heard the appeal against the ACAT decision on 4 February 2026, and judgment is still pending. That decision may directly affect:

- whether the car park can lawfully continue to operate
- what remedial actions are required

Proceeding with a Territory Plan amendment in advance of that outcome risks:

- pre-empting the Court's findings
- creating inconsistency between planning policy and legal determinations
- undermining confidence in orderly decision-making

At a minimum, there is a strong case for deferring consideration of DPA-12 until the appeal outcome is known.

7. Partial resolution of compliance issues

The proposed amendment addresses only one of several compliance failures.

Even if the zoning were amended:

- the existing structure would still require development approval
- the sub-lease breach would remain unresolved

- safety and design deficiencies identified by ACAT would still need to be addressed

There is no clear pathway set out for how these issues would be resolved.

As such, the amendment does not provide a complete or coherent solution — it simply removes one barrier while leaving others unaddressed.

8. Absence of scrutiny through the normal development pathway

Because the car park was constructed without approval, it has never been subject to proper planning assessment.

This means there has been no formal evaluation of:

- compliance with Australian design standards
- pedestrian and traffic safety
- environmental or community impacts

ACAT has already identified safety concerns, particularly in relation to vehicle–pedestrian interaction.

A plan amendment should not be used to bypass the scrutiny that would ordinarily occur through a development application process.

9. Lack of transparency around long-term land use and tenure

There is limited clarity about the long-term arrangements that would follow approval of the amendment.

Key questions remain unanswered:

- what form of lease or tenure would apply
- whether market-based rent would be required
- who would fund necessary upgrades to bring the car park to standard
- whether expanded development (beyond parking) would be enabled

Without this information, it is difficult to assess the full implications of the amendment. On this basis the proposal should not proceed until these issues are resolved.

10. Failure to enforce existing conditions as context for this proposal

The proposal should be considered in the context of prior regulatory and compliance issues.

These include:

- longstanding breaches of sub-lease conditions
- lack of enforcement action over an extended period
- reported non-compliance with enrolment limits tied to earlier approvals

This history raises legitimate concerns about whether future conditions—if imposed—would be effectively enforced.

11. Irreversibility of the decision

If the amendment is approved and the land is repurposed, the change is effectively permanent.

Unlike temporary uses, conversion of Urban Open Space to a sealed car park:

- alters the physical character of the site
- reduces flexibility for future community use
- is unlikely to be reversed once formalised

This places a higher burden on demonstrating that the change is justified — a burden that has not been met.

Conclusion

This amendment has not demonstrated that a car park is an appropriate or necessary use of this land. More importantly, it raises concerns about the integrity and sequencing of planning decisions.

For the reasons listed above, I recommend that Draft Plan Amendment DPA-12 be rejected.

I request a response to my submission addressing each issue raised.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

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
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Yours sincerely,



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Submission re Draft Major Plan Amendment to the Territory Plan 12

I am writing to oppose the planned amendment to formalise parking space for Brindabella Christian College (BCC).

1. Rewarding Brindabella Christian College for poor planning, management and compliance.

This amendment would not only legitimise the illegal car park on Urban Open Space. It would in essence reward BCC for doing the wrong thing over a considerable period of time. I assume that when BCC received approval to establish a college on the site, it was required to provide adequate parking for teachers and staff. Where is that parking space now, that BCC needs to take space from Lyneham Oval for parking? Is it a fact that BCC has converted previously designated parking space into buildings to accommodate increased student numbers? All the more reason not to allow it to appropriate open space for parking.
2. Traffic Congestion on major streets

In the 10 years I have lived in Lyneham I have seen evidence of BCC's attempts to increase student numbers in Lyneham and develop another campus. It is inconsistent with both the current and projected future density of population in Lyneham to increase student numbers in such a poorly located facility. Student drop-off for BCC blocks a major thoroughfare (Mouat Street). Lyneham is already well served by public primary and high schools which do not create traffic problems. If anything, the Department of Education should encourage BCC to reduce student numbers to alleviate traffic problems.
3. Open Space and the Environment

To permanently turn this space into an asphalted heat sink appears contrary to all principles of modern urban planning. With the increase in population density, Lyneham will need even more open space, trees and nature. Stormwater runoff into Sullivan's Creek and Lyneham Wetlands can already be serious, and many parts of Lyneham have suffered flooding. Any alienation of existing open space will contribute to already existing problems, while increase in open space will assist in reducing urban heating and rainfall runoff.
4. Active Travel

Without knowing exact demographics, it is safe to assume that many if not most of BCC's students reside outside the Lyneham Primary and High School catchment areas and most if not all are transported to school by private car. ACT Government's Active Travel Plan 2024–2030 aimed to prioritize walking, cycling, and public transport. This proposal does the opposite, not only by formalizing vehicle infrastructure on land designated for community use, but also by disadvantaging and indeed endangering students and parents who walk or cycle to Lyneham Primary School or other destinations. Both Mouat and Brigalow Streets are clogged around 9am and 3pm with often large vehicles picking up children from BCC. Again this proposal rewards BCC for its failure to respect the community where it is located.

5. Lack of Community Benefit

This amendment may fix a single proponent's compliance issues. It offers no strategic benefit to the Lyneham community or the ACT generally. Urban open space (PRZ1) is a finite resource. Sacrificing it for a carpark 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. More open space is needed, not less.

6. Alternative Solutions

This proposal does not identify what, if any, alternative options BCC has considered to accommodate staff parking, and indeed what other efforts BCC is taking to reduce both need for this carpark and to address the current congestion caused by student drop-offs.

Possible alternative solutions include:

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

* On-Site Solutions: Construction of 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 1: Serious effort to increase staff use of cycling, walking and public transport to lower the overall demand for parking spaces.

* Active Travel 2: Incentives to preference students from within a reasonable catchment area, to encourage student use of cycling, walking and public transport.

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

I urge the Authority to reject the Draft Major Plan Amendment and require the restoration of this land to its intended state as high-quality urban open space.



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

Please reject the proposed amendment (DPA-12) to the Territory Plan.

My understanding is that the land 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. As recognised at the time (e.g. Canberra Times) this should never have been allowed to happen. The conditions of the sub-lease have never been met - but the ACT Government has not taken any action.

I follow and support the Lyneham Community Association's action in ACAT in 2023 against the ACT Government's failure to take action against many 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.' 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 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.

The proposed amendment DPA-12 should be rejected on the above grounds

Sincerely

A large black rectangular redaction box covering the signature area.

From: [REDACTED]
To: [Terrplan](#)
Subject: DPA-12 Submission Brindabella Christian College car park - Lyneham Section 41 part Block 23
Date: Thursday, 2 April 2026 5:10:34 PM

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Territory Planning Authority
Attention: Territory Plan and Coordination Section
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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. My husband and I regularly use the Lyneham oval and surrounding areas for walking, and for exercising our dog, and have done so for many years. Many other people who live locally similarly make good use of this public green space. The space is large, but well-used and valued by many local residents as a community green space.

We were very disappointed when cars started to be parked on part of the public green space, and shocked when BCC sealed over this public area as a car park for themselves, without Planning approval.

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. I trust the illegal sealed car park will be restored for community use as part of the Lyneham oval and surrounding grassed area, and that the DPA-12 amendment is rejected.

Yours truly

A large black rectangular redaction box covering the signature and name of the sender.

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

04 Apr 2026 9:42:34 AM

Reference code

H7V75Q4N

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

Enter at least one phone number: *

Home phone

Work phone

Mobile

Email address*

Application details

Amendment number*

Provide the details of your representation*

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.

The oval is precious public space for the people of Lyneham. We walk and play there and meet our friends and neighbours there. We should not have to dodge traffic caused by this school. Brigalow street is narrow and the large school car parking lot creates an unnecessary hazard for locals with streams of cars going in and out.

The current setup gives enormous favour to the “fly- in fly-out” parents from outer suburbs to drop off their children. This creates substantial traffic congestion and pedestrian danger in the neighbourhood. The other local schools, Lyneham Primary and Lyneham High do not have enormous and dedicated car parking lots.

We should not favour this deceptive and self-entitled business over local resident interest and wellbeing.

There is plenty of public transport in the area: Bus 50 goes right past the door and buses 51, R9 and light rail are within a short walk. If needed a separate school bus could be negotiated.

I urge the ACT Government to reject the private car parking lot and return the space to local use.

[Redacted signature]

You may upload any additional supporting documentation or photos.

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

Disclaimer

Your personal information will be managed in accordance with the *Information Privacy Act 2014* and the Environment, Planning and Sustainable Development Directorate (EPSDD) [Information Privacy Policy](#), which is available for viewing on EPSDD's website.

Copies of written comments will be made available on the authority website unless the submission is withdrawn. Copies of written comments will also be given to the proponent of the development proposal.

If you would not like your comments or a part of your comments to be made available on the website or to the applicant, a request must be made under Sections 502 or 503 of the *Planning Act 2023* (or Sections 411 or 412 of the *Planning and Development Act 2007*). A request for exclusion under these sections must be in writing, clearly identifying what parts of your submission you are seeking to exclude and how the request satisfies the exclusion criteria.

Printed copies of the draft amendment (this document) and background documents are available for inspection and purchase at the EPSDD Customer Service Centre, 8 Darling Street, Mitchell, Monday to Friday (except public holidays) between 8:30am and 4:30pm. Please call [\(02\) 6207 1923](tel:0262071923) to arrange a copy for purchase.

[Click here for more information on applying for exemption from the public register.](#)

From: [REDACTED]
To: [Jerrisa](#)
Subject: DPA 12 Brindabella Christian College car park
Date: Sunday, 5 April 2026 2:30:20 PM

You don't often get email from [REDACTED].

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

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, for the following reasons:

- The car park was illegally built without development approval, breaches the sublease over the site and contravenes the zoning under the Territory Plan. Construction of a carpark without development approval is a criminal act in the ACT.
- 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 land acquisition by illegal means across public land in the ACT.
- The matter is under consideration by the Supreme Court of the ACT. At a minimum, any decision should be deferred until the Court's ruling is handed down.

Yours sincerely

[REDACTED]

Please don't allow The Draft Major Plan Amendment to the Territory Plan, Ref 12:
Brindabella Christian College car park Lyneham Section 41 part Block 23

Brindabella Christian College (BCC) constructed an unauthorised, sealed car park on the northern end of Block 23 Section 41 in Lyneham, this is public land, zoned as PRZ1 Urban Open Space. This type of development is explicitly prohibited on the site.

At an Administrative Review (AT 55/2023), the ACT Civil and Administrative Tribunal (ACAT) ruled in 2023 that the car park is a prohibited development, requiring it to be closed and the site rehabilitated¹. The new owners of Brindabella Christian College, were made aware of the car park's illegal history, the ongoing legal case, and Brindabella Christian College's other relevant development breaches.

Changing planning law to allow a previously illegal development to be permissible is likely considered retroactive law. It opens the door for developers to deliberately contravene our planning legislation, seek forgiveness via an amendment, and then be rewarded. This shouldn't be treated as a regular Draft Plan Amendment, it should be carefully scrutinised by the ACT Legislative Assembly. Especially because the illegal activity was willful and deliberate².

The ACT Government should do what they know is right: A private car park that services a private school is obviously not an ethical or legal development on this site, this is protected urban open green space.

ACT Government - Please keep our community safe, uphold our environmental and planning legislation, and do the right thing now.

¹ ACAT Reasons for Decision (AT 55/2023), please see link below:

https://www.acat.act.gov.au/__data/assets/pdf_file/0012/2390799/LYNEHAM-COMMUNITY-ASSOCIATION-INC-v-ACT-PLANNING-AND-LAND-AUTHORITY-and-ORS-Administrative-Review-2024-ACAT-16.pdf

² ACAT Reasons for Decision (AT 55/2023), Paragraph number 101 to 114.

The Brindabella Car Park development was a deliberate and reckless contravention of our Planning legislation and it sets a dangerous precedent.

- Brindabella Christian College (BCC) constructed an unauthorised, sealed car park on the northern end of Block 23 Section 41 in Lyneham, this is public land, zoned as PRZ1 Urban Open Space. This type of development is explicitly prohibited on the site.
- The Lyneham Oval is a highly protected piece of public land, with what is known as an 'Pe - overlay' applied - Overlays protect significant parcels of public land in the ACT, like our National Parks (Pb - Overlay) and Wilderness Areas (Pa - Overlay). Overlays require strict Management Plans, and impose heightened custodial responsibilities on the ACT Government.
- The Brindabella car park is an illegal development activity, the developers deliberately and recklessly breached ACTs planning laws. Approving this amendment would set a dangerous precedent, suggesting that developers can:
 1. Deliberately violate planning laws.
 2. Seek retroactive approval, made possible via an amendment.
 3. Be rewarded with permanent changes to the law.

Evidence:

Please read B23 S41 Lyneham Controlled Activity Order Application, lodged December 2022 (ACAT Exhibit A1), and the ACAT Reasons for Decision (AT 55/2023). If you don't have time to read all the evidence please, prioritize paragraphs 101 to 114 (pages 35–40) of the ACAT Reasons for Decision, which outline the core legal considerations.

Figure 1: Extract from The ACAT 55/2023 Reasons for Decision, paragraph number 111.

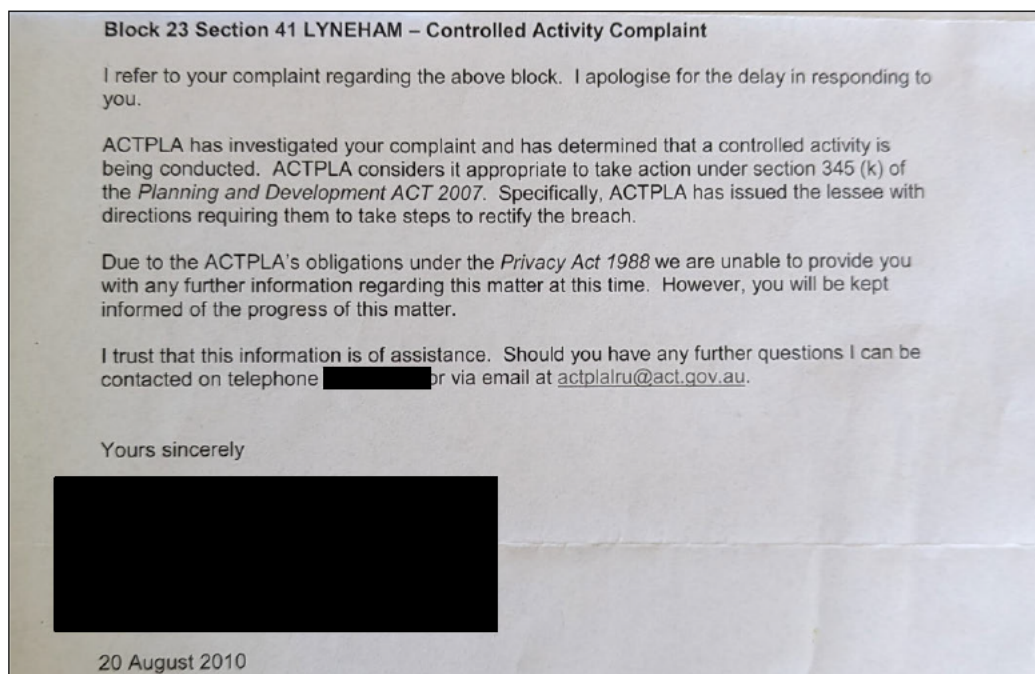
111. The fact that the contravention of the planning laws was deliberate or reckless rather than inadvertent is relevant. There is a clear public interest in discouraging persons who may wish to undertake a development from seeking to circumvent the planning laws to achieve their development objectives. However, the Tribunal also sees this as a second order consideration.

There has been a long history of community concern against the car park:

The community opposition and community distress caused by this car park development dates back decades, and has often been made directly to the Legislative Assembly or ACTPLA.

- A Petition to the ACT Legislative Assembly in 2015, Petition No 9-15 - 'Lyneham—urban open space', signed by 1,553 ACT residents.
- A Petition to ACT Legislative Assembly in 2023, E-PET-004-23 - 'Stop Private Car Parks on Protected Public Green Open Spaces', signed by 1,134 ACT Residents.
- A Petition to ACT Legislative Assembly in 2022, E-PET-007-22 - 'Safe active travel to school in Lyneham', signed by 613 ACT Residents.
- Please also see extensive public comments and representations against BCCs use of public land as a car park, and the dangers of the car park, submitted in response to development applications DA201629628, DA201446227 (withdrawn) and DA201426427.
- Most alarmingly, a local resident alerted the ACT Government of the car park being a Controlled Activity in 2009, to which the ACTPLA responded in 2010, in agreement that the car park was in breach, and considered it to be a Controlled Activity. ACTPLA directed the lessee (Brindabella Christian College) to rectify the breach, ACTPLA said they would take action against the contravention, but never did.

Figure 2 - ACTPLA response to Local Resident, August 2010



A car park on this site is utterly inconsistent with four out of the five key themes of the ACTs new Planning Strategy, specifically:

- **Sustainable and Resilient Territory:** The car park exacerbates the impacts of climate change by directly contributing to urban surface temperature warming of our suburb. It reduces our local resilience to the effects of climate change, and directly degrades living infrastructure (specifically a designated public green space). Block 23, section 41 already has the hottest land surface temperature in Lyneham, as per a 2017 CSIRO Study. Car Parks are the leading cause of urban warming, via the Urban Heat Island Effect. It is incredibly irresponsible to amend the Territory Plan to allow a car park as an eligible development on this site.
- The car park also brings between 600-1000 additional cars to the area³, contributing to air and noise pollution and undermining ACTs goals for a carbon-neutral future. The school is well serviced by public transport, and in the 2023 ACAT 55/2023, ACAT recommended that Brindabella Christian College (BCC) pursue safer transport alternatives, such as shuttle buses and public transport⁴.
- **Liveable Canberra:** The community have made it very clear, through complaints, petitions and objections, that this car park currently undermines the quality of life in Lyneham, it reduces access to social infrastructure, and vibrant public spaces, disrupts access to safe streets for cyclists, pedestrians and children, and undermines the general amenity and livability of our suburb⁵.
- **Accessible Canberra:** This car park is dangerous, it disrupts an ACT Safe Active Travel Route to school, and makes it unsafe to walk/cycle in the area, especially for our youngest and most vulnerable residents.
- **Compact and Efficient City:** The car park design and location, as well as the unchecked rapid expansion of enrollments brings 600 to 1000 daily cars to the area⁶, reducing efficiency and disrupting the public bus routes and active travel, with impacts stretching to Mouat Street⁷.
- The Witness Statement from [REDACTED] the Chair of the Lyneham Primary School Board for ACAT 55/2023 has relevant testimony regarding public transport disruption, and reduction of communities access to community public green space - Exhibit A6, an extract is available in paragraph 29 of the Reasons for Decisions document.

³ ACAT 55/2023 Reasons for Decision, paragraph 5, BCCs estimated traffic to the car park

⁴ ACAT 55/2023 Reasons for Decision, paragraph number 107 to 114.

⁵ Please see the three relevant Petitions to ACT Legislative Assembly, ACAT AT 55/2023 case

⁶ Paragraph Number 5 in ACAT AT 55/2023 decision reasons

⁷ Please read B23 S41 Lyneham Controlled Activity Order Application, lodged December 2022, and BCCs own evidence in ACAT AT 55/2023.

The Car Park is dangerous, especially for the local public school children who walk and cycle to Lyneham Primary School:

- A car park at this site presents an unacceptable safety risk. It is well-documented that it endangers pedestrians, cyclists, and young children walking to school.^{8 9}
- The car park directly obstructs an ACT Government-designated 'Safe Active Travel to School Route,' placing children at significant and avoidable risk.¹⁰
- In the 2023 Review, ACAT recognised that a car park is not a safe development for this site. In his decision to classify the car park as a 'Controlled Activity,' Member Orlov issued scathing remarks regarding the dangers that the car park posed. ACAT further recommended that Brindabella Christian College (BCC) pursue safer transport alternatives, such as shuttle buses and public transport¹¹.
- Evidence submitted during the ACAT review highlighted a series of alarming incidents, including:
 - **Intentional Aggression:** Reports of a driver deliberately accelerating and swerving toward families on Brigalow Street.
 - **Targeting Minors:** An incident where a driver accelerated and braked suddenly to intimidate a child at the BCC driveway crossing (reported to then-Principal [REDACTED]).
 - **Frequent Near-Misses:** Multiple accounts of vehicles failing to yield to pedestrians and cyclists at the BCC driveway. These incidents have been reported to Access Canberra and the Lyneham Primary P&C.
 - **Further Evidence:** Evidence from the Lyneham community is detailed in the ACAT (AT 55/2023) Reasons for Decision. I can also provide the witness statements mentioned above, and please see the B23 S41 Lyneham Controlled Activity Order Application, lodged December 2022 (ACAT Exhibit A1)

⁸ Region Media - Lyneham kids face stomach flipping journey to school due to car park placement <<https://region.com.au/lyneham-kids-face-stomach-flipping-journey-to-school-due-to-car-park-placement/545706/>>

⁹ Petition to Legislative Assembly ' Safe Active Travel to School in Lyneham': <<https://epetitions.parliament.act.gov.au/details/007-22>>

¹⁰ ACT Government Safe Active Route to School Lyneham <https://www.transport.act.gov.au/_data/assets/pdf_file/0006/1258836/Lyneham-Primary.pdf>

¹¹ ACAT 55/2023 Reasons for Decision, paragraph number 107 to 114.

Figure 3: Extract from The ACAT 55/2023 Reasons for Decision, paragraph number 112.

112. The determinative consideration, in the Tribunal’s view, is that the daily interaction of a large number of young children and cyclists and vehicular traffic entering and exiting the car park presents an unacceptable risk of an accident causing serious injury to a child or cyclist. The Tribunal rejects ACTPLA’s submissions that “on balance, the net safety impact of the car park is positive”³⁶ and that “the current arrangement is significantly better for both child safety and traffic management”³⁷ than if the car park is closed.

Figure 4: Images showing public school children weaving through BCC traffic while walking or cycling on an ACT Governments designated: Safe Active Travel to School Route (last image was a near miss in 2023).



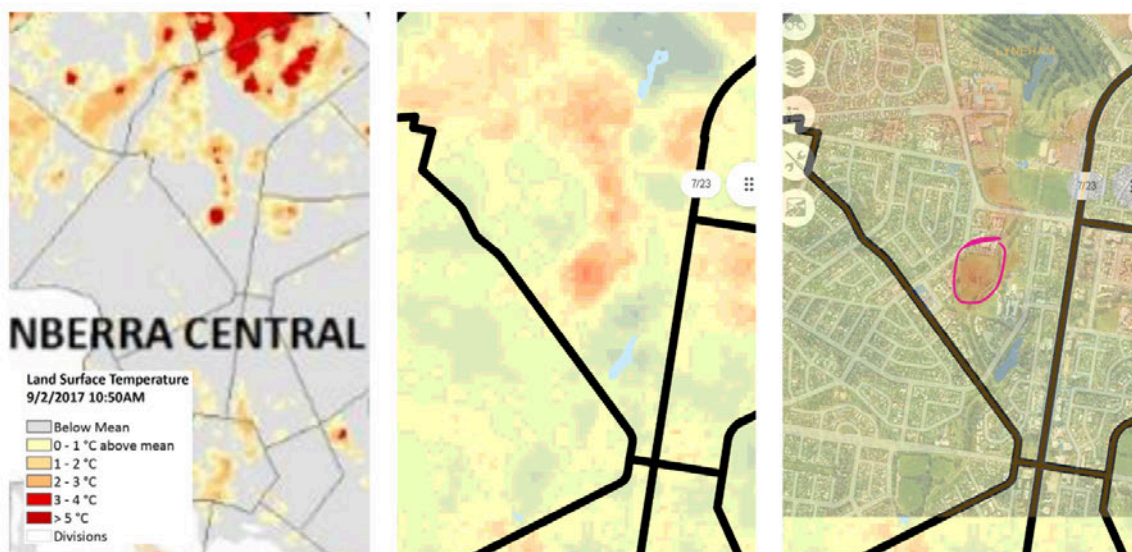
Environmental and Climate Change Impact: Urban Heat Island Effect.

In 2017 The CSIRO Conducted a mapping study of Urban Ground Temperatures in the ACT¹². The research appears to show that The Lyneham Oval (Block 23, Section 41) has the hottest land surface temperature in our entire suburb, see images below. This is the protected urban open green space that BCC have illegally built a car park on.

It is very well established in Climate Change research¹³ that car parks are one of the leading causes of localised warming, via what is known as the 'Urban Heat Island Effect'. The surface temperature for the Lyneham Oval area is already 5 degrees hotter than the mean for the ACT.

The ACT Government has directly exacerbated the impacts of climate change for residents of Lyneham, by allowing the Brindabella Christian College to build an illegal car park on this block, refusing to take action against it, and now considering amending the ACT legislation.

Figure 5: CSIRO Heat Maps 2017, and transposed on ACTMapi Basic map of Lyneham



Left: CSIRO Heat Map 2017. Note this image is less zoomed than the Middle and Right Figures, to illustrate that the Lyneham Oval (b23 s41) has the hottest land surface temperature in Lyneham.

Middle: Figure 4, Mapping surface urban heat in Canberra CSIRO 2017.

Right: Figure 4, Mapping surface urban heat in Canberra CSIRO 2017 transposed over the Basic ACTmapi Map, with the Lyneham Oval (block 23 s41) circled for easy reference.

¹² CSIRO, 2017, Mapping surface urban heat in Canberra
<<https://publications.csiro.au/publications/publication/Plcsiropublication/EP178961>>

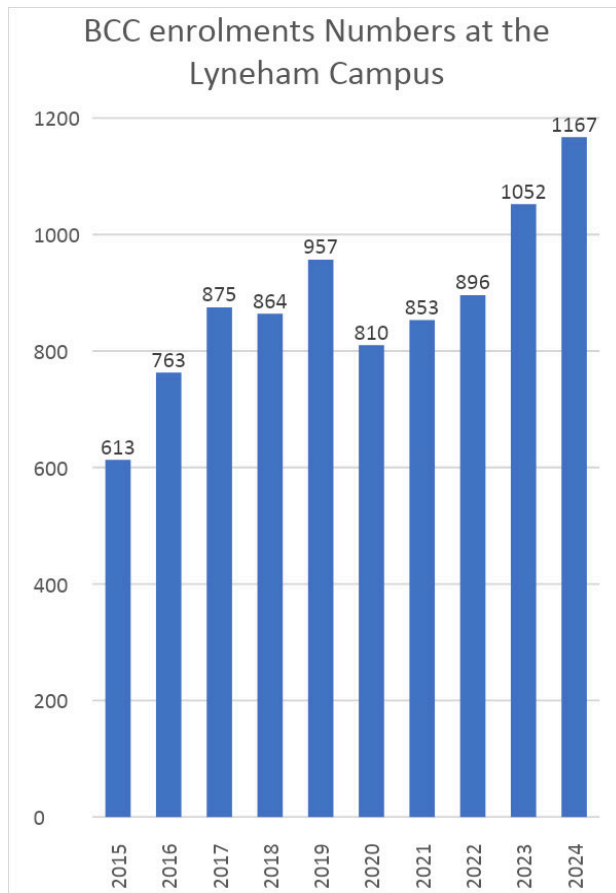
¹³ UNSW, 2022, Despicable Urban Places: Hot Car Parks
<<https://researchers.westernsydney.edu.au/en/publications/despicable-urban-places-hot-car-parks/>>

The car park services Brindabella, not public visitors to Lyneham or the Lyneham Oval. The Lyneham Oval has, and always has had a sufficient car park.

- Visitors who drive to the Lyneham Neighbourhood Oval exclusively park in this existing car park, that is titled 'Lyneham 1 Sportsground Parking' on Google Maps and identified as the ancillary car park for the Lyneham neighbourhood sports ground. This car park adequately services the Lyneham Playing fields.
- There is **NO** history, prior to Brindabella, of cars parking on the northern end of the Lyneham Neighbourhood Oval (the BCC car park site). This is evident in aerial images which show exactly when the College built on top of their legal on-site car park, and started parking on the public land.
- The car park was designed and constructed with the clear intent to service the BCC. In the TCCS's car park design and the ACT development and planning terms, this is known as "the destination".
- Both Brindabella and TCCS / ACTPLA recognise block 21 as the 'public car park' for the playing fields, and the car park on block 23, Section 41 as 'the BCC' car park, it is even referenced as 'The BCC' Car Park in official TCCS Plans, shared in 2022/23.
- The BCC have always asserted that it is 'their' car park, in development applications, in the media, and official documentation. For over a decade there has been a large sign at the car park entrance which states "Brindabella Christian College". They have even had a history of chaining the car park entrance to prohibit public access.
- The construction of the car park on block 23, section 41 has never been a 'public works' development, it has never been for the benefit of the wider community, it's always been a car park that services the private school.
- For a full collection of evidence, please see the following sections of the B23 S41 Lyneham Controlled Activity Order Application, lodged December 2022 (ACAT Exhibit A1):
 - **Section 6.1.1** Where do visitors to the Lyneham Playing Fields park?
 - **Section 6.1.2** Why was the car park created? (ie the 'destination' of the car park)
 - **Section 6.1.3** The design provides evidence it was NOT 'public works'
 - **Section 5.** History of the site: The car park was created by and for the Brindabella Christian College School

Risk of further enrollment expansion and acquisition of even more public land.

Figure 6: BCC Enrollments at Lyneham Campus (School Census data - via FOI)



- As established at ACAT, Brindabella Christian College (BCC) has no entitlement to use public land for a car park for the primary purpose of servicing their private school, on the neighbouring block. They willfully expanded on top of their legal car park, within the grounds of their school site, and they should consider alternative and legal transport alternatives, such as public transport, active travel, and offsite shuttle services.

- In 2016, BCC lodged an application for extensive development on b4, s41 Lyneham (their legal school site). The Lyneham community and entities of ACT Government were very concerned about enrollment expansion as a result of the Development application. In their development application for

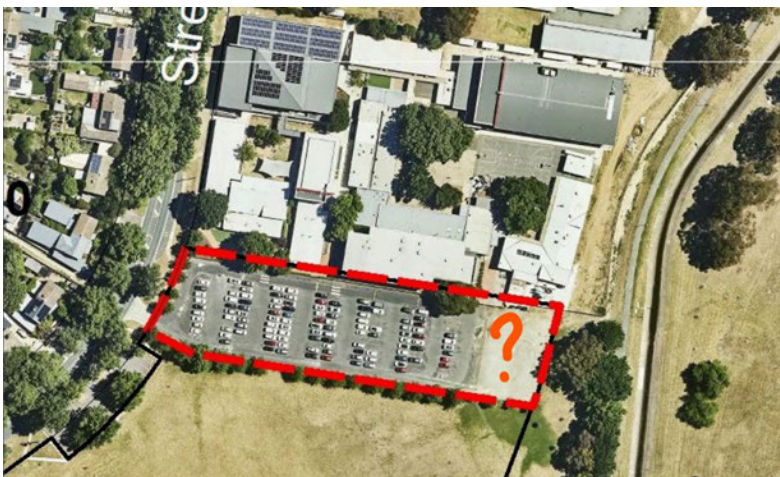
DA201629628, the BCC stated that expansion of enrolments had ceased, and assured ACTPLA and the community that the Lyneham campus was already at capacity.

- **Evidence:** Please read the B23 S41 Lyneham Controlled Activity Order Application, lodged December 2022 (ACAT Exhibit A1)
- The BCC were given strict conditions by ACTPLA, to ensure that the development would **not** lead to expanded enrollments. The BCC breached these conditions, and has prioritised enrollment growth over its legal obligations (BCC failed to remove the demonstrables and instead registered 'C-bock' as an unoccupied 'maintenance shed').
- BCC's current "dependency" on this car park is a self-inflicted crisis. It is the direct result of a deliberate strategy to expand over their existing car park, and nearly

doubling enrolments since 2015 ¹⁴—a move made in **direct contradiction** to representations made during the 2016 development approval (DA201629628) and in breach of the ACTLA conditions applied.

- The BCC Lyneham Campus is bursting, creating congestion and safety issues on the roads, and an uncomfortable experience for the students and families from Brindabella and Lyneham Primary, as well as the Lyneham community (exactly what the DA conditions were trying to prevent). The ACT Government has done nothing to address the increase in enrollments as a result of the DA conditions breaches.
- The new owners of Brindabella Christian College appear to have no intention of regulating enrollments and rectifying the breaches of the previous administration. They were made aware of the breaches, yet upon purchasing the school, the new administration immediately hung a 'Now Enrolling' banner on Brigalow St, Lyneham Campus.
- The current Amendment application appears to be seeking acquisition of **even more** public land. Please don't reward stealing public land, and breaching development conditions by giving them even more land (the vacant area to the East of the Car Park, that has traditionally been used to store BCCs rubbish and sporting equipment). See figure below. There is actually a group of local kids who wish to use this area as a Public Skate Park, which would be a permissible development on the site.

Figure 7 - Extract of map, showing cheeky extra area - in DRAFT MAJOR PLAN AMENDMENT to the TERRITORY PLAN 12 Brindabella Christian College car park Lyneham Section 41 part Block 23, February 2023, page 4. This could be a Skate Park!



¹⁴ ACT School Census Data - Brindabella Lyneham Campus, Available via a public FOI.

April 5, 2026

The 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 Planning Team,

As a resident of Lyneham I'm writing to ask you to reject the proposed amendment DPA-12 to the Territory Plan.

Brindabella Christian College made a choice to build over their previous car park on their own land and to completely fill their site with their own buildings so there was no room for a car park. Having created a parking problem entirely of their own making, BCC then moved onto public open space as though it were simply there for the taking. And for too long, our ACT Government turned a blind eye and let them.

The land was sub-leased to BCC in 2009, following ACT Government approval to build over the car park within BCC's own block - approval that, frankly, should never have been granted. Since then, the conditions of that sub-lease have never been met, and the ACT Government has done nothing about it. It took the Lyneham Community Association going to ACAT in 2023 to force the issue into the open. At that point, BCC and all other parties acknowledged that the car park built in 2016 had no development approval, breached the sub-lease conditions, and contravened the Territory Plan zoning.

DPA-12 does the bare minimum to address just one of those three problems - the zoning - while leaving the community with no confidence that the others will ever be resolved.

The case made in the report supporting DPA-12 is, to put it plainly, inadequate. The core argument amounts to 'the car park has been there since 2006, first informally and then illegally sealed, so we may as well make it legal'. That doesn't help the Lyneham community in any way to maintain their public spaces as public spaces, it's simply an inadequate justification and the ACT government retroactively rewarding non-compliance.

It's also legally the wrong approach. Section 215(3) of the Planning Act 2023 is clear that when assessing development undertaken without approval, 'the Territory Planning Authority must treat the application for development approval as if the development was not undertaken' and judge it on its

merits against the original state of the land, which in this case was a grassed area of public open space. While that provision strictly applies to development approvals, DPA-12 is plainly the preliminary step toward exactly such a DA. The same logic must apply. The amendment needs to first establish why a car park belongs on public open space at all and that case has not been made.

The ACAT process was clear on one important point: BCC built this car park for its own use, because it had already built over its own previous parking area. It was never intended as overflow parking for the neighbourhood oval. That matters, because it means the burden of solving BCC's parking needs should fall on BCC and not on the public.

The claim in the Major Plan Amendment that removing the car park would push vehicles onto surrounding streets and create safety risks for children has not been tested or evidenced. Before this amendment goes any further, that claim needs proper scrutiny, and alongside it, a genuine examination of alternative options for how students and staff travel to and from the school. BCC made choices that created this situation. It's reasonable to expect them to find solutions that don't come at the public's expense.

As a Lyneham resident, this is my local open space. I have a direct interest in seeing it protected, and I have no confidence that DPA-12 does that. I urge you to reject it.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]