



Mr Chris Steel MLA
Minister for Planning and Sustainable Development
ACT Legislative Assembly
196 London Circuit
Canberra ACT 2601

Dear Minister

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

Thank you for your letter dated 22 July 2026 referring DPA-12, under section 70 of the *Planning Act 2023*.

On behalf of the Committee, I write to advise you that the Committee has resolved not to prepare a report on DPA-12. The Committee extends its thanks to you and your officials for the briefing on this matter.

The Committee notes that DPA-12 proposes a pathway for a carpark to be assessed on the land despite its current PRZ1 Urban Open Space zoning. The Committee further notes that the amendment would not, of itself, approve or regularise the existing carpark. Any future proposal would remain subject to a development application process, through which matters such as traffic, safety, design, environmental impacts and other planning considerations would be assessed on their merits.

In reaching its decision the Committee had regard for the fact that the circumstances giving rise to DPA-12 have already been the subject of extensive consideration through ACAT, and ongoing court proceedings. In this regard, the Committee notes that any decision on DPA-12 could be superseded by future court decisions and urges caution in taking any steps before a final outcome is reached in the courts.

The Committee notes that it is currently undertaking a self-referred inquiry into the use of controlled activity orders. The terms of reference for that inquiry include consideration of action taken under Chapter 12 of the *Planning Act 2023*, as well as the enforcement of lease conditions in relation to several sites, including the Brindabella Christian College carpark site.

As part of that inquiry the Committee will examine whether there are broader systemic issues relating to the effectiveness of controlled activity order provisions and government enforcement of lease conditions in ensuring maintenance of facilities, compliance with crown leases, and preventing unauthorised developments.

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Accordingly, the Committee has determined that a separate inquiry into DPA-12 would be unlikely to add materially to the scrutiny already provided through existing planning, legal and parliamentary processes. Further, the information already available makes it clear that approving DPA-12 would act as a concerning precedent which, in effect, retrospectively approves the unlawful development of public unleased land.

This Committee urges caution. Should you proceed to approve DPA-12 ahead of the resolution of the current matter on foot, you may be approving a zoning decision that is later found to be inconsistent with a Supreme Court decision. You may also send a signal that the ACT Government tolerates and rewards non-compliance with lease conditions and the planning system.

Queries may be directed to the Acting Committee Secretary, Kate Mickelson, on (02) 620 50199.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Jo Clay', written in a cursive style.

Ms Jo Clay MLA
Chair

12 August 2025