

IN THE AUSTRALIAN CAPITAL TERRITORY
CIVIL AND ADMINISTRATIVE TRIBUNAL

AT 55/2023

Lyneham Community Association Inc
Brindabella Christian Education Ltd ACN 100 299 669
trading as Brindabella Christian College
Australian Capital Territory (as represented by
Transport Canberra & City Services)

Applicant
First Party Joined

Second Party Joined

and

ACT Planning and Land Authority

Respondent

Tribunal: **Senior Member M Orlov**
Senior Member G Trickett

Date of Order: **14 November 2023**

CORRECTED ORDER

1. The parties are to prepare orders giving effect to the Tribunal's decision by 21 November 2023.
2. The resumed hearing listed for 15 November 2023 at 10:00 am is vacated.

Decision

The Tribunal is satisfied, first, that a controlled activity has occurred and is continuing to occur; second, that the Tribunal has jurisdiction to make a controlled activity order; and third, balancing all relevant considerations, that it is in the public interest to do so.

The controlled activity order will require:

- (i) the use of the land as a carpark and drive-through access point for dropping off and picking up school children to cease from the last day of the current school term;
- (ii) vehicular access to the land to be blocked by a locked chain, steel bollards, or the like from the last day of the current school term;
- (iii) the verge crossing to be demolished and the kerb and footpath to be reinstated before the commencement of the next school term in 2024;



- (iv) demolition of the carpark and reinstatement of the land by a date that is 12 months from the date of final orders.

The parties are to have liberty to apply on 21 days notice in writing for an order extending the date on which the orders for demolition and reinstatement of the carpark takes effect, or an order ending the controlled activity order in the event the College obtains development approval to use the land as a carpark or other approved use.

The Tribunal will give reasons for its decision at a later date.

