

**IN THE AUSTRALIAN CAPITAL TERRITORY
CIVIL AND ADMINISTRATIVE TRIBUNAL**

AT 46/2024

**Community for Constitutional Reform at Brindabella
Christian College Inc
Brindabella Christian Education Limited**

Applicant

Party Joined

and

Territory Planning Authority

Respondent

Tribunal: **Senior Member B Meagher
Senior Member G Trickett**

Date of Order: **02 September 2024**

IN CHAMBERS ORDER

1. The Subpoena issued by the respondent to the Northrop Consulting Engineers AT 46/2024 (T), SQC Group AT 46/2024 (U) and the Party Joined AT 46/2024 (V) be discharged.
2. The Tribunal accepts the further undertakings given to it by the Party Joined and recorded in Annexure A.
3. The Tribunal discharges the Party Joined from the undertakings given to it by the Party Joined on 22 August 2024.
4. In the event that the Party Joined does not comply with the undertaking at point 2 of Annexure A, the decision of the respondent made on 16 April 2024 is set aside and the Tribunal makes a controlled activity order in the following terms: the Party Joined must comply with the condition A2 of development approval DA201629628 within 60 days of the making of this controlled activity order.
5. In the event that the Party Joined does not comply with the undertaking at point 1 of Annexure A to these orders, the decision of the respondent made on 16 April 2024 is set aside and substituted by a decision to make a controlled activity order in the following terms: the Party Joined must comply with conditions A1 and D1 of development approval DA201629628 by immediately removing the demountables from the Party Joined's premises and permanently disconnecting them from utilities.
6. If the Party Joined complies with the undertakings at points 1 and 2 of the Annexure A to these orders, ACAT proceedings be dismissed.
7. This proceeding is adjourned to Wednesday, 25 September 2024 at 10:00 am.

 **Senior Member B Meagher**



ANNEXURE A

Agreed Undertakings of the Party Joined - 29 August 2024

1. The Party Joined undertakes to the Tribunal that by 11 September 2024, it will disconnect from utilities and remove from the Lyneham school campus site, the Block C demountables.
2. The Party Joined undertakes to the Tribunal that by 11 September 2024, it will provide to the Respondent and Applicant all plans that are required by Condition A2 of the 2016 development application (DA201629628), as of 22 August 2024.

