

Submissions Report
New High School in Bungendore
SSD-14394209

On behalf of
NSW Department of Education
September 2022



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*This document is for discussion purposes only unless signed and dated by the persons identified.

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Appendices

Appendix 1: Bungendore High School (SSD-1439420) Analysis of Submissions from Public and Organisations prepared by Micromex dated 8 March 2022

Executive Summary

This Submissions Report has been prepared by Mecone NSW Pty Limited on behalf of the NSW Department of Education to support the proposed new high school in Bungendore (SSD-14394209).

The Environmental Impact Statement (EIS) for the project was exhibited from 20 September 2021 to 18 October 2021. A total of 326 submissions were received including 312 submissions from individual members of the public, 8 submissions from organisations, 5 submissions from government agencies and 1 submission from a public authority.

Key issues raised by the submissions and agencies included the location of the site, site selection process, layout of the school (across two sites), impact on heritage and culture, impact on quality of life for residents, joint use arrangements of open space, acquisition process, closure of Majara Street, contamination, transport/traffic/parking, acoustic impacts, tree removal, impacts on privacy, views and overshadowing, flooding, impacts on Turallo Creek, social impacts and inconsistency with strategic/statutory requirements. The concerns raised have been categorised for the purposes of addressing the issues raised in submissions, which have been referenced in the Submissions Register in Appendix 1.

Notwithstanding, there were also 72 submissions in support of the proposal which include addressing the need for a high school in Bungendore and it being a positive addition to the community/regional centre. Submitters were supportive of the location, safety, accessibility, and comment that there would be limited impact on recreation space and community facilities.

The project team has provided additional information and refined the design to address the issues raised. This report should be read in conjunction with the Amendment Report, which describes and assesses amendments to the project made in response to the submissions received.

Key design refinements include amendment to the layout and design of school buildings, relocation of the open space and sporting facilities, reduction in the bulk and scale, revision of colours and materials, removal of community facilities, removal of delineation/fencing around Mick Sherd Oval and the war memorial, amendment to waste collection arrangements, provision of 58 additional parking spaces and 6 kiss and drop spaces along Turallo Terrace, provision of 2 wombat crossings (1 on Turallo Terrace and 1 on Gibraltar Street to replace the originally proposed pedestrian crossings), replacement of the electronic notice board sign with a static notice board sign within the school boundaries and removal of 75 trees (as opposed to the originally proposed 76 trees).

The mitigation measures provided as part of the EIS generally remain relevant, with only the mitigation measures relating to aboriginal heritage requiring updates. Overall, the proposal as refined will result in a high-quality development that achieves the original aims of the proposal while resulting in no unacceptable environmental impacts.

1 Introduction

This Submissions Report has been prepared by Mecone NSW Pty Limited on behalf of the NSW Department of Education (DoE) to support the proposed new high school in Bungendore (SSD-14394209).

The Environmental Impact Statement (EIS) was exhibited from 20 September 2021 to 18 October 2021. A total of 326 submissions were received including 312 submissions from individual members of the public, 8 submissions from organisations, 5 submissions from government agencies and 1 submission from a public authority.

The Department of Planning and Environment (DPE) addressed a letter to DoE dated 16 November 2021 outlining key issues and requesting a response to the submissions and agency advice received during exhibition of the EIS.

This report addresses the issues raised in DPE's letter and in the submissions and agency advice received during exhibition.

This report is being submitted alongside an Amendment Report, which describes and assesses amendments to the project made in response to the submissions received. This report should also be read in conjunction with the Analysis of Submissions from Public and Organisations Report prepared by Micromex dated 8 March 2022 (**Appendix 1**).

2 Analysis of submissions

Micromex has prepared the *Bungendore High School (SSD-1439420) Analysis of Submissions from Public and Organisations* as a separate report that analyses the submissions (**Appendix 1**). Key findings from Micromex's report are outlined below.

A total of 326 submissions were received including:

- 312 public submissions, broken down as:
 - 239 objections
 - 70 supports
 - 3 comments
- 8 organisation submissions, broken down as:
 - 4 objections
 - 2 supports
 - 2 comments
- 5 government agency submissions
 - Biodiversity and Conservation Division within DPE
 - Heritage Council of NSW
 - NSW Environment Protection Authority (EPA)
 - Transport for NSW (TfNSW)
 - Crown Land

A response was received from NSW Rural Fire Service, however the response dated 29 September 2021 provided General Terms of Approval and is therefore not considered a submission for the purposes of this report.

- 1 submission from a public authority (Queanbeyan-Palerang Regional Council), which was an objection.

A total of 319 unique submissions (311 public submissions 8 organisation submissions) were identified for the purposes of analysis. This number excludes the submission made by Council and the advice received from government agencies.

Overall:

- 76% objected to the proposal.
- 23% supported the proposal.
- 2% provided comments.

It is worth noting that a net subtotal of 50% of participants made at least one supportive comment, suggesting there is some ambivalence. In fact, a number of objections specifically noted that they do not object to a high school in Bungendore but do object to the proposal set out in the EIS. Across all 319 submissions, 39% indicated support for a high school in Bungendore generally but had some reservations about the particulars of the proposed development.

Regarding location, 250 out of 319 submissions analysed (78%) were from the suburb of Bungendore. Other submissions were received from residents in nearby suburbs, previous residents and visitors (as stated in the submissions). Several submissions came from residents in nearby areas such as Bywong, Wamboin, Queanbeyan/Queanbeyan East, Hoskinstown and Mulloon. Other submissions mainly came from NSW and ACT, though 5 submissions came from Queensland, 1 from Victoria and 1 from New Zealand.

Refer to Micromex's report at **Appendix 1** for further detailed analysis of the submissions.

3 Actions taken since exhibition

3.1 Amendments to the project

A number of design amendments have been made to the project in response to the submissions received and government advice. These amendments are described and assessed in the separate Amendment Report, which is being submitted alongside this Submissions Report.

The Environmental Impact Statement (EIS) for the project was exhibited from 20 September to 18 October 2021. During that period a total of 326 submissions were received. In response to those submissions, the proposed changes are summarised as follows:

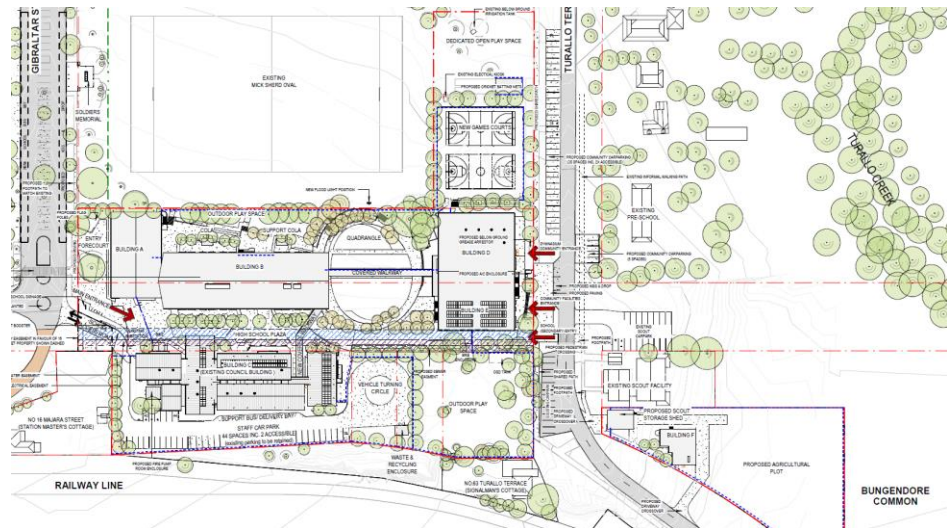
- Amendment to the layout and design of the school buildings including relocation of buildings and sporting facilities, reducing bulk and scale, amending the colours and finishes, and removal of the community facilities which are being provided by Council through a separate planning process on a separate site.
- The original alignment of Majara Street has been reinstated within the revised design. The built form and landscape design have been amended to acknowledge and reinforce the original street alignment. The relocation and redesign of the built form from the Majara Street axis retains the site's existing visual connection with Turallo Creek to the north.
- Amendment to the landscaping scheme with additional planting, relocation of covered walkways, removal of bollards and fencing around Mick Sherd Oval and the war memorial, and provision of a through-site connection between the school plaza and Mick Sherd Oval.
- Amendments to the waste collection arrangements and relocation of the waste storage area.
- Provision of an additional 58 parking spaces and a total of 10 kiss and drop spaces (6 kiss and drop spaces on Turallo Terrace and 4 spaces on Gibraltar Street).

- Replacement of the pedestrian crossings with wombat crossings on Turallo Terrace and Gibraltar Street,
- Replacement of the electronic notice board with a static notice board within the boundaries of the school; and
- Removal of 75 trees which is one less tree than originally proposed.

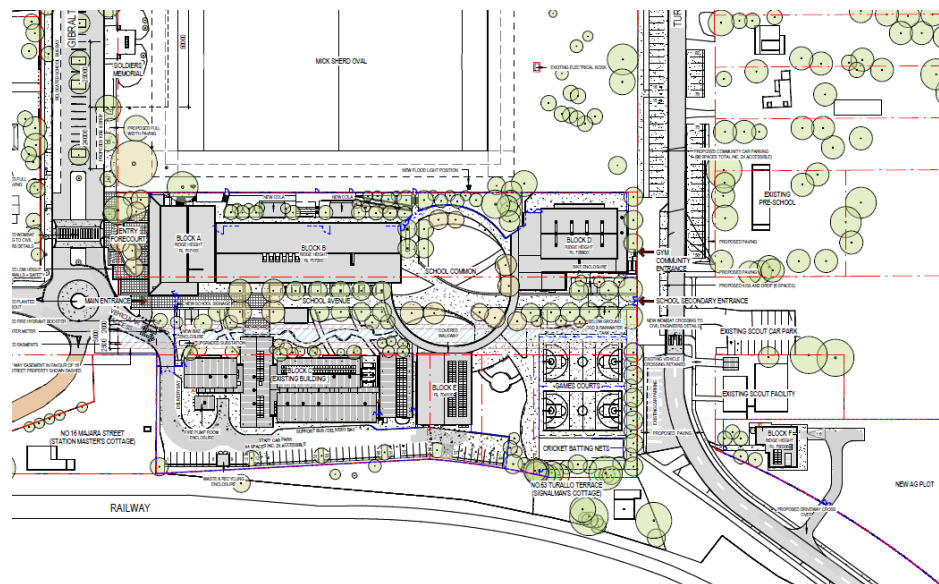
The tables below provide a brief overview of some of the amendments to the proposal.

Amended Layout

Plans at
Lodgement
(Drawing
No. AR DA
HS-1010,
Revision A)



Amended
Plans
(Drawing
No. AR DA
HS-1010,
Revision C)



Reduced Bulk and Scale of Block A Perspectives

Plans at
Lodgement
(Drawing
No. AR DA
HS-3000,
Revision A)



Note: Trees not shown for diagrammatic purposes
View from Majara Street

Amended
Plans
(Drawing
No. AR DA
HS-3000,
Revision C)



Note: Trees not shown for diagrammatic purposes

SINGLE STOREY
ELEMENT

Revised Landscape Scheme

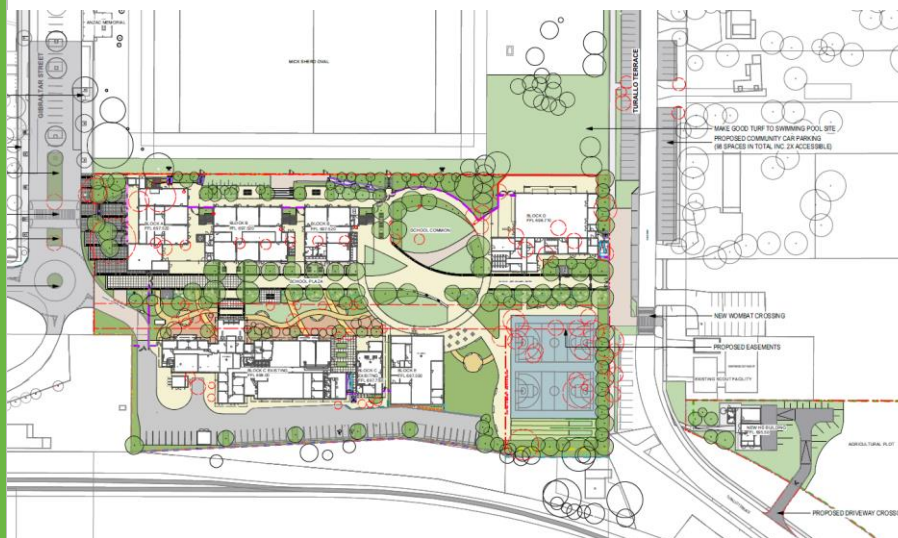
Plans at Lodgement

(Drawing No. BHS_LA_SSDA_1001, Revision 2)



Amended Plans

(Drawing No. BHS_LA_DA_1001, Revision 12)



3.2 Consultation

As noted in the Amendment Report, which accompanies this Submissions Report, the proposed changes are primarily in response to submissions received as part of the community consultation process. The community consultation process involved liaising with government authorities, service providers, community groups, relevant special interest groups including affected landowners.

The original consultation process was undertaken between 14 August 2020 and 11 September 2020 receiving a generally positive response with various concerns raised primarily relating to shared use of Mick Sherd Oval and Bungendore Park, pedestrian and

traffic access, infrastructure upgrade requirements, impacts on existing facilities, and lack of consultation around the site selection process.

The SSDA was exhibited between 20 September 2021 and 18 October 2021, receiving 326 submissions including 312 submissions from individual members of the public, 8 submissions from organisations, 5 submissions from government agencies and 1 submission from a public authority. The basis of responses from agencies and submissions from the community are discussed in detail in this Submissions Report.

As a result, further consultation was undertaken with key stakeholders which has occurred during late 2021 and in 2022. The consultation sought to obtain feedback directly from the relevant stakeholders and present the proposed amendments in order to establish greater positive working relationships in the local community. The key concerns and responses to the concerns are discussed further below.

Meetings with Queanbeyan-Palerang Regional Council

Following exhibition of the proposal, representatives from SINSW met with QPRC for four workshops on the following dates:

- 16 February 2022
- 6 April 2022
- 15 June 2022
- 21 July 2022

The workshops included representatives from the Department of Education and QPRC and provided opportunity for SINSW to present updates on aspects of the project.

On 16 February 2022, a meeting was held in person and via Microsoft Teams with attendees from the Department of Education, QPRC, SINSW and members of the project team.

On 6 April 2022, the workshop included representatives from the SINSW project team and other business units, and representatives from QPRC.

On 15 June 2022, attendees at the workshop included representatives from SINSW project team and other business and representatives from QPRC. The discussions at the meeting focused on the project's evolution through the SSDA process including consultation and review of submissions.

On 21 July 2022, a workshop was held with representatives from SINSW and QPRC.

Site Selection and Built Form

Discussions held with agencies, authorities and the community noted concern with the location of the school and asked questions regarding the process, sequence of events, criteria, summary of constraints and basis for selecting the subject site. The discussions confirmed the process which included the details relating to the acquisition of the site, design of the school and construction processes which all influenced the selection of the site.

Discussions also involved the design of the new high school with members of the community, including asking how the proposal will integrate into the historical character of the community through use of materials. The amended proposal incorporates materials and colours which are representative of the rural village character of Bungendore. Face brickwork has been introduced at ground level to the public-facing facades of Gibraltar Street, Mick Sherd Oval and Turallo Terrace. Face brickwork has also been used to frame the new covered walkthrough of Block B from the school avenue side. This use of brick responds to the traditional aesthetic of a solid base and lightweight upper storey, provides depth to the facades, and creates an improved civic quality that relates through materiality to the historic buildings within the town.

Light-coloured, horizontal metal plank cladding has been introduced at first floor level to be suggestive of horizontal painted weatherboard cladding while meeting NSW Education's durability and maintenance requirements.

Corrugated metal walling has been retained to the high-level walling of Block D and to Block F located on the Agricultural Plot.

Corrugated metal roofing is proposed to each of the new buildings.

Majara Street Road Alignment

Consultation with a number of stakeholders has been undertaken regarding the location of school buildings within the Majara Street road alignment. Confirmation has been provided to the stakeholders stating that the buildings on the site have been reduced in scale and relocated to retain a visual corridor from the intersection of Majara Street and Gibraltar Street towards the creek. It is worth noting this is also in response to the feedback from the State Design Review Panel (SDRP). The revised layout has consideration for the historic grid layout of Bungendore and the relocation of the buildings outside of the Majara Street alignment is a direct response at maintaining the character of the town.

Mick Sherd Oval and Bungendore Park

The original proposed development included preliminary details of a joint use arrangement over Mick Sherd Oval and community facilities. Concern has been raised in relation to the location of works also taking place within Bungendore Park as part of the new school.

Representatives from SINSW confirmed all structures associated with the exclusive use of the new high school are wholly contained to land acquired by the Minister for the purposes of the school. A total of 6,070m² of Bungendore Park and 4,500m² of Bungendore Common was acquired by the Minister for Education and Early Learning for the purposes of the new high school. The proposed works within Bungendore Park include pathways, light pole relocation, some irrigation works and installation of a public announcement system for the war memorial. The amended proposal includes relocation of the playing courts and cricket nets to be wholly within the school site. It was also confirmed the joint use arrangement over Mick Sherd Oval has not been finalised and is still being discussed with Council.

Traffic and Parking

Submissions received through the consultation process regarding traffic and parking, related to the following:

- School staff using the public parking spaces on Turallo Terrace
- Querying the lighting of the wombat crossings
- Provision of parking during construction
- Mitigation of construction vehicle impacts during peak hours
- Changes to the function of Turallo Terrace
- Location of the new high school's waste collection facility
- Supportive of the kiss and drop locations

Confirmation was provided stating that staff will be provided with parking on school grounds and there is no reliance on street parking for staff. It was also confirmed lighting is required to be in accordance with the Australian Standards and this would be developed further with the traffic engineers to confirm the lighting requirements.

It is noted the site establishment would be wholly contained to the boundaries of the site, including contractor parking and site compound.

SINSW confirmed the function of Turallo Terrace will remain as is wherever practicable. Waste collection arrangements have been revised which was supported by the community member.

In their submission QPRC raised particularly concern with the net loss of 20 parking spaces. In response, the proposal has been amended to provide an additional 58 parking spaces on Turallo Terrace. The addition of 58 additional parking spaces provides a sufficient offset to replace those spaces being lost as a result of the school.

Relocation of Balladeers Place

Consultation was undertaken regarding the relocation of the Bush Balladeers Place, with concern raised regarding its relocation due to the history of the site, design and social and cultural importance. Particular concern was raised regarding the consultation process and lack of involvement from the community. The discussions raised concerns about the proposed relocation site and suggested the relocation would need to be in a central location, noting there is limited space on Bungendore Park for its relocation.

SINSW confirmed the relocation process would involve a detailed survey of the structure to confirm measurements, size, positioning and reconstruction requirements. The position of plaques would be recorded and measured to ensure reinstallation mirrors the current layout. It was also stated the relocation would require involvement from Council and the relevant stakeholders. Ongoing consultation will be undertaken with the relevant parties to ensure appropriate dialogue is maintained.

Relocation of Abbeyfield House project

The site of the proposed school was initially the location of a proposed seniors housing development known as Abbeyfield House. The progression of the site for a new high school and acquisition of the site by the Department of Education resulted in the Abbeyfield House project being delayed. As a result, concern was raised by the community and relevant stakeholders during the exhibition period for the impact of having to relocate the Abbeyfield House project.

SINSW met with the relevant stakeholders to provide an update on the progress of the school. The new location of Abbeyfield House is yet to be finalised/confirmed.

Bungendore War Memorial

The feedback received during the exhibition period from members of the community regarding the potential impacts to the War Memorial have been considered and discussed with relevant stakeholders and community representatives. SINSW confirmed the amended design has had a key focus on considering the local heritage and revision to the works around the War Memorial. The proposal has removed the post and rail delineation on Mick Sherd Oval and the timber bollards near to the War Memorial, relocated the bus bay to the southern side of Gibraltar Street and removed the kiss and drop facilities from the front of the war memorial.

Details of the public address system to be provided as part of the school development are subject to further discussion between the Bungendore War Memorial Committee and the audio engineer for provision of a public address system to the war memorial site.

Landscaping and planting buffers

Consultation involved discussion relating to landscaping treatment and fencing associated with the new high school, which will provide a buffer around the site in certain locations.

It was also requested during the consultation process that the accessway fronting the new roundabout at Gibraltar and Majara Streets be landscaped with native plants. The revised Landscape Plans incorporate native grasses and shrubs outside of trafficable areas.

Other comments

In addition to the above matters, discussions with QPRC also included general commentary regarding Aboriginal Land Claim, relocation of council services, reduction of scale of buildings, material use, Mick Sherd oval (including engagement with QPRC and local stakeholders, and also lighting), joint use of school facilities, kiss and drop locations, bus zones, car parking, the area of school site for students, expansion zone for school, and

construction management. Each of these is covered by the commentary in this report or the Amendment Report.

3.3 State Design Review Panel

The proposed new high school was presented to the SDRP on 8 December 2021, being the third review by the panel. Following the meeting on 8 December 2021, the Government Architect NSW (GANSW) issued advice and recommendations in their letter dated 22 December 2022. Each of the matters raised in their letter is addressed in the 'Response to GANSW SDRP Advice 3' (SDRP report) prepared by TKD and attached to the Amendment Report as Appendix 1c.

The amendments outlined in the SDRP report are summarised in section 3.1 above. The changes are in response to the matters raised by GANSW as well as the submissions received from members of the public, organisations, government agencies and Council. The advice provided from GANSW following the SDRP meeting has been considered and the design of the proposed new high school amended where required to satisfy the recommendations of the GANSW.

4 Response to DPE key issues


Following its initial assessment of the proposal and review of submissions, DPE commented on a number of key issues in a letter to the applicant dated 16 November 2021. Table 1 provides responses to these key issues.

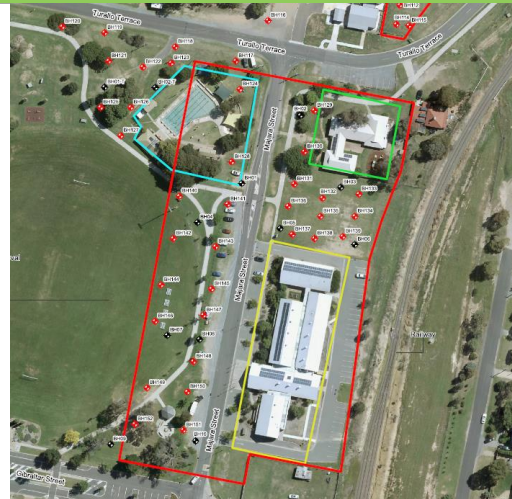
Table 1. Response to DPE key issues

Issue	Response
<p>1. Native Title Claims, Crown Lands and Joint Use Agreements</p> <p>Provide further information on the status and closure of matters relating:</p> <ul style="list-style-type: none"> Native Title Claims affecting the site; Crown land acquisition and extinguishment of associated dedication / reservation and community land reclassification; Road closure; Proposed joint use agreement for use of Mick Sherd Oval including details of any agreement; and Proposed joint use agreement or other arrangements (including details of any agreement) to enable Council and community use of the proposed facilities within Building D/E. 	<p><u>Native title claims</u></p> <p>There were no native title claims over any of the School Site at the date of acquisition, being 26 April 2022. This was confirmed by status searches provided by Crown Lands.</p> <p><u>Aboriginal land claims</u></p> <p>The Minister for Education reached agreement with the Ngambri Local Aboriginal Land Council and the New South Wales Local Aboriginal Land Council in relation to the two Aboriginal Land Claims which were lodged but undetermined over the Ag Plot. The Minister for Education and Early Learning (Minister), the New South Wales Aboriginal Land Council (NSWALC) and the Ngambri Local Aboriginal Land Council (Ngambri LALC) entered into an agreement on 8 April 2022 whereby the Ngambri LALC and NSWALC agreed to withdraw the Aboriginal Land Claims insofar as they relate to the Acquired Land. The Ngambri LALC withdrew the two undetermined Aboriginal Land Claims over the acquired portion of the Ag Plot on 10 May 2022. Further details contained below at 7.2.3.</p> <p><u>Crown land acquisition</u></p> <p>The acquisition of the school site through publication of the acquisition notice in the NSW</p>

Issue	Response
	<p>Government Gazette on 26 April 2022, effected the acquisition of:</p> <ul style="list-style-type: none"> • 2, 4-6 and 10 Majara Street (being land vested in Council); • Part of the Majara Street Road Reserve (being land vested in Council); and • Part of Lot 701 of DP 96240 and part of Lot 701 in DP 1027107 (land vested in the State of New South Wales, with Council being the Crown Land Manager under the <i>Crown Land Management Act 2016</i>). This land is referred to below as the Crown Land. <p>According to status searches undertaken by Crown Lands, each parcel of the Crown Land was at the date of acquisition burdened by the following reservations or dedications:</p> <ul style="list-style-type: none"> • Lot 701 DP 96240 (the "Ag Plot"): <ul style="list-style-type: none"> ◦ Reservation 94996 for public recreation vide Government Gazette 29 May 1981 Folio 2941 • Lot 701 DP 1027107 (Mick Sherd Oval): <ul style="list-style-type: none"> ◦ Proclamation as a Public Park known as Bungendore Park vide Government Gazette 4 August 1886 Folio 5206. ◦ Dedication 1000193 for Park vide Government Gazette 19 September 1884 Folio 6305. The subject parcels boundaries are published vide Government Gazette 3 October 1884 Folio 6631. <p>In addition, Council was the "crown land manager" of the two parcels of Crown Land.</p> <p>Section 20 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> provides</p> <p><i>(1) On the date of publication in the Gazette of an acquisition notice, the land described in the notice is, by force of this Act:</i></p> <p><i>(a) vested in the authority of the State acquiring the land, and</i></p> <p><i>(b) freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land.</i></p> <p><i>(1A) Subsection (1) is subject to any express provision of an Act that authorises the acquisition of land by compulsory process but preserves the operation of any trusts, restrictions, dedications, reservations, declarations, setting apart of or other matters relating to the land concerned.</i></p> <p>The Department of Education is not aware of any express provisions in any Act which would</p>

Issue	Response
	<p>engage section 20(1A) of the Just Terms Act. As such, under section 20 the Crown Land has been acquired "freed and discharged from all...restrictions, dedications, reservations...in connection with the land". The relevant restrictions referred to above are removed as is the community land designation.</p> <p>Further, section 29 of the Just Terms Act relates to the acquisition of crown land. Section 29 provides:</p> <p><i>(1) Land may be compulsorily acquired by an authority of the State under this Act even though it is Crown land.</i></p> <p><i>(2) If Crown land is subject to a dedication or reservation that (by virtue of any Act) cannot be removed except by an Act, that land may not be compulsorily acquired. However, this prohibition does not apply if the dedication or reservation is not affected by the compulsory acquisition of the land.</i></p> <p>Section 29(2) prohibits the acquisition of land which is subject to a reservation or dedication which "cannot be removed except by an Act". This does not apply to the reservations burdening the Crown Land – it applies to land reserved under for example the National Parks and Wildlife Act 1974 (see section 52 of that Act) which can only be removed by an Act of parliament.</p> <p>Finally, it is noted that community land designation requires some explanation. The land is managed by Council as a Crown Land Manager under the Crown Land Management Act 2016. Under section 3.21 of the CLM Act,</p> <p><i>(1) A council manager is authorised to classify and manage its dedicated or reserved Crown land as if it were public land within the meaning of the Local Government Act 1993, subject to this Division.</i></p> <p><i>(2) Accordingly, a council manager is also authorised to manage its dedicated or reserved Crown land as if it were community land or operational land, but only as permitted or required by this Division.</i></p> <p>While the land is community land for practical purposes, and is subject to a plan of management, it is not legally "community land" in the Local Government Act for the purposes of the Local Government Act. The acquisition of the Crown Land by the Minister for Education and Early Learning takes the land from the care and control of Council, and any classification of community land under the CLM Act is extinguished.</p>

Issue	Response
	<p><u>Road closure</u></p> <p>The publication of the acquisition notice in the NSW Government Gazette on 26 April 2022 included the portion of the Majara Street Road Reserve, formerly a public road. Under section 41 of the Roads Act 1993 a part of a public road that is compulsorily acquired ceases to be a public road. Accordingly, that land is now vested in the Minister for Education and Early Learning and is no longer a public road. The formal transfer of the title is in the process of being finalised and registered with NSW Land Registry Services.</p> <p><u>Joint use agreement for Mick Sherd Oval</u></p> <p>Discussions between Council and DoE regarding the joint use of Mick Sherd Oval are ongoing. The formal arrangements will be finalised between Council and DoE at a later date.</p> <p><u>Joint use agreement for Council and community use of facilities</u></p> <p>The community facilities have been removed from the proposal. Discussions between Council and DoE regarding the joint use of the School Hall are ongoing. The formal arrangements will be finalised between Council and DoE at a later date.</p>
<p>2. Contamination</p> <p>The submitted Preliminary Site Investigation (PSI) identifies that additional site investigations are required to be undertaken on the agricultural plot. A Detailed Site Investigation (DSI) is required to be submitted and must include the additional site investigations recommended in the PSI. If the DSI concludes that remediation is required, a Remediation Action Plan (RAP) is also required to be submitted. The RAP must be prepared in accordance with the EPA's Consultants reporting on contaminated land: Contaminated land guidelines (2020).</p> <p>Since the Application was lodged, Transport for NSW (TfNSW) has identified lead contamination in soil along the rail corridor at Bungendore.</p> <p>Please ensure the technical consultant addresses these recent lead contamination findings in the requested DSI.</p>	<p>Since the PSI was undertaken by Douglas Partners Pty Ltd (DP) as reported in 'Report on Preliminary Site Investigation (Contamination), New High School in Bungendore' (report ref 202107.03.R.001.Rev2), dated 7 September 2021), DP has completed a Detailed Site Investigation for the site, including the agricultural plot.</p> <p>The DSI comprised drilling of 52 locations in addition to the 12 locations undertaken as part of the PSI (DP, 2021). The borehole locations undertaken with the PSI are identified by the black markers in the plan below, and borehole locations undertaken with the DSI are identified by the red markers.</p> 



Following receipt of Environmental Resources Management Australia Pty Ltd (ERM) PSI of the rail corridor (reported in Preliminary Site Investigation, Bungendore Rail Corridor, report ref: 0608750.Rev03, dated 2 March 2022 (ERM, 2022)), and ERM PSI of the Bungendore Rail Station (report in Preliminary Site Investigation, Bungendore Rail Station, report ref 0608750.Rev0, dated 3 May 2022 (ERM, 2022a)) the DSI completed for the Bungendore High School has been revised to incorporate the findings of ERM reports (2022 and 2022a). The revised DP DSI is detailed in 'Report on Detailed Site Investigation (Contamination), Proposed New High School in Bungendore' (report ref 202107.04.R.002.Rev2), dated 14 July 2022.

The DSI concluded that *'it is considered that the site is suitable, from a contamination perspective for the proposed development'*. In addition, the following recommendations were made:

- 'A Construction Environment Management Plan (CEMP) should also be prepared before future development works including an 'unexpected finds protocol' and asbestos finds protocol (including underground services that may contain ACM) and implemented during the works (i.e. hydrocarbon staining and/odours observed during works, suspected ACM fragments of asbestos fibres);
- Where practicable, anthropogenic materials should be removed from the fill material and disposed off-site during the construction phase at the site;
- A detailed HAZMAT survey will need to be undertaken for existing structures before any demolition or refurbishment works can occur. The buildings will have to be

Issue	Response
	<p>vacated completely before any detailed HAZMAT surveys can be undertaken and it is understood that this can only happen once the Council vacates the site. It is also recommended that if HBM are found to be present in the structures, a validation assessment within the soils of the structure footprints should be undertaken once demolition works have been completed;</p> <ul style="list-style-type: none"> • Should suspected asbestos be encountered at the site, the affected area should be fenced off and assessed by an NSW licensed asbestos assessor; and • Should any fill material be required to be disposed off-site, the material must be stockpiled, assessed in accordance with NSW EPA Waste Classification Guidelines Part 1 Classifying Waste (2014) and assigned a formal waste classification prior to off-site disposal'. <p>Given the above it is not considered that a remediation action plan is required.</p>
<p>3. Noise Impact Assessment</p> <p>The location of the unattended noise loggers (excluding logger 1) identified in the submitted Noise Impact Assessment (NIA) are a substantial distance from the school site. Given how far the noise loggers are from the site, it is not clear how the selected noise loggers would accurately represent background noise levels of closest sensitive receivers to the site as required by the Noise Policy for Industry 2017 (EPA). Additionally, there were high winds and rain on many days during the noise monitoring. Concerns are raised with the impact this would have on accurately established the background noise levels as outlined in the Noise Policy for Industry 2017 (EPA). Please update the submitted NIA to address the issues raised above. In addition, ensure that the revised NIA addresses any operational (including servicing) and construction noise and vibration impacts on:</p> <ul style="list-style-type: none"> • the occupier/s of No. 63 Turallo Terrace which directly adjoins the proposed play area and waste collection area in the north-east corner of the site. • the existing primary school and preschool located adjacent to the site on Gibraltar Street and Turallo Terrace, respectively. 	<p>An updated NIA has been prepared to address DPE's concerns (attached to separate Amendment Report).</p> <p>Properties to the north, east and west of the site will be most impacted, particularly 63 Turallo Terrace. The Acoustic Report Addendum prepared by Acoustic Logic states that noise levels will generally exceed the "noise affected" management level (NML) but will be less than the "highly noise affected" level (HNAL).</p> <p>63 Turallo Terrace</p> <p>With respect to impacts on 63 Turallo Terrace, noise from the sports courts located nearby will require a 2.1m high imperforate fence, which is proposed to be erected between the residence and the sports court and will act as an acoustic barrier. This barrier will provide noise reductions of up to 15 dB(A) from noise from the sports court and general recess/lunch areas of the school.</p> <p>With respect to noise from waste collection, the waste pad has been relocated further away from the dwelling to approximately 200 metres distance. Distance attenuation, attenuation from the proposed imperforate fence and removal times during daytime hours should adequately address the noise impacts from removal operations.</p> <p>Initial analysis of construction and noise impacts to 63 Turallo Terrace indicates the NML to 63 Turallo Terrace is 49 dB(A)Leq(15 min), and the HNAL is 75 dB(A)Leq(15 min) Primary noise</p>

Issue	Response
	<p>emissions will occur during excavation and earth retention with equipment items typically having sound power levels of approximately 112dB(A)Leq(15min). Excavators (dozers with bucket, saws or hammers) are typically the loudest activity during construction. Noise levels of between 45-72dB(A) will potentially be generated, indicating that EPA NML may be exceeded from time to time, with higher noise levels generated when working near the north-eastern boundaries of the site.</p> <p>During construction, it is the use of hand tools (such as angle grinders) and concrete pumps which are the loudest typical activity (sound power levels of approximately 110dB(A)Leq(15min)). Noise levels of between 33-70dB(A) will potentially be generated to the dwelling, indicating that a minor exceedance of EPA NML is possible from time to time to the residential receiver, with higher noise levels generated when working near the north-eastern boundaries of the site.</p> <p>Once construction of the building shell is complete, noise from hand tools will be relatively low, as the new building façade will provide considerable noise attenuation and barrier effect. Once the building shell is largely complete, use of hand tools in internal areas is unlikely to exceed EPA recommended levels.</p> <p>It is not expected that the HNAL will be exceeded to the dwelling.</p> <p>Preschool</p> <p>In relation to the preschool, the NML to the child care is 55 dB(A)Leq(15 min), and the HNAL is 75 dB(A)Leq(15 min). The same conditions as the above dwelling apply to the preschool given their close proximity.</p> <p>Primary school</p> <p>In relation to the existing primary school, the "noise affected" management level to is 45 dB(A)Leq(15 min) internally in the classroom. It is noted that predictions internally assume noise in classroom with windows with full view of the construction site along the northern boundary (assuming 10 dB(A) external to internal reduction with windows open). Noise attenuation will occur to classrooms with partial view, barrier effects from other buildings as well as distance noise attenuation.</p> <p>Primary noise emissions will occur during excavation and earth retention with equipment items typically having sound power levels of approximately 112dB(A)Leq(15min). Excavators (dozers with bucket, saws or hammers) are typically the loudest activity during construction. Noise levels of between 43-</p>


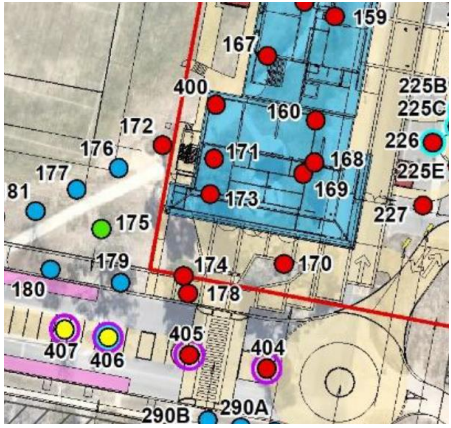
Issue	Response
	<p>55dB(A) will potentially be generated, indicating that EPA noise management level may be exceeded from time to time, with higher noise levels generated when working near the southern boundaries of the site.</p> <p>In summary, noise levels to the primary school will generally be within the NML but (except for periods where the loudest plant/activity will be operating at the closest boundary) but will be less than the HNAL. Therefore, "reasonable and feasible" mitigation will be applied in accordance with the EPA requirements.</p> <p>Vibration</p> <p>The updated NIA notes there are no significant sources of vibration envisaged. Given the distance from nearby receivers, vibration impacts on all receivers are expected to be within the recommended levels detailed in the NSW EPA document "Assessing Vibration: A Technical Guideline".</p> <p>Updated monitoring</p> <p>The updated NIA includes updated noise logger locations closer to the site and updated monitoring carried out in February 2022. The Rating Background Noise Level has been determined using Noise Policy for Industry guidelines, with periods affected by excessive wind or rain (as noted on the attached graphs) excluded from the calculation.</p>
<p>4. Statement of Heritage impact</p> <p>The submitted Statement of Heritage Impact (SoHI) does not address the potential impact on the historic grid road layout through the removal of part of Majara Street. Please update the SoHI to address this matter and any proposed mitigation measures such as a Heritage Interpretation Plan.</p>	<p>An updated SoHI has been prepared by EcoLogical Australia, version 9, dated 20 July 2022 (attached to Amendment Report). The report considers the historic grid and notes that, while a portion of Majara Street will close, the historic street grid will be maintained. The report also notes that the grid is not a heritage item and closing Majara Street will have no impact on the historic character of Bungendore.</p> <p>Notwithstanding, the design has been amended to reinstate the original alignment of Majara Street. The built form and landscape design have been amended to acknowledge and reinforce the original street alignment.</p> <p>The relocation and redesign of the built form from the Majara Street axis retains the site's existing visual connection with Turallo Creek to the north. Block A and Block B have been shifted west so that they are fully outside of the road alignment. The School Library has been relocated to the east of the Majara Street alignment and centred on the School Common. Block D has been replanned to address the relocated library and removal of Council facilities from the proposal, and Block B has been relocated to the west to sit east of the Majara Street alignment. The central areas</p>

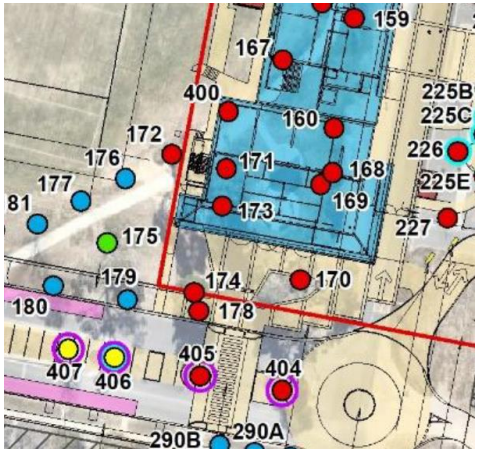

Issue	Response
	<p>between Block B and C have been redesigned to incorporate formal and informal learning spaces either side of the school avenue, which sits on the Majara Street axis.</p> <p>Additionally, the hall has been substantially reduced in size as a consequence of Council removing its functions from the school site.</p> <p>For further detail, refer to the discussion in the separate Amendment Report.</p>
<p>5. Archaeological Assessment</p> <p>The public submissions raise concern that there may be an Aboriginal grave on the site. Please update the submitted Archaeological Assessment to address this matter.</p>	<p>The originally submitted SoHI (Appendix 7 of the EIS) addresses this matter in detail. The same discussion can also be found in the updated SoHI submitted with the Amendment Report.</p> <p>In summary, Ecological has found that the alleged grave is not a recorded site; its location is ambiguous; reports of the person supposedly interned are contradictory; the previous ground penetrating radar results (from 2012) are inconsistent; and there are no reliable records or photographic evidence. Additionally, none of the heritage studies or previous Aboriginal archaeological reports relating to the site mention a grave.</p> <p>It is also worth noting Heritage NSW have not raised any concern in relation to a potential grave on the site. In any case, the mitigations measures outlined in Section 10 of the EIS require preparation of an unexpected finds protocol which will cover any potential uncovering of a grave.</p>
<p>6. Materiality</p> <p>Provide further information on how the proposed external materials are sympathetic and respond positively to the existing rural village character, particularly the materials of surrounding heritage items which include brick, stone, timber cladding and corrugated iron. It is recommended that reference is made to the Bungendore Character Statement contained in Part D of the Palerang Development Control Plan 2015 in responding to this matter.</p>	<p>Additional information and detail has been provided with the amended design to ensure the colours and materials are sympathetic and respond to the existing rural village character of the area.</p> <p>The following summarises the amendments discussed in the Architectural Design Report:</p> <ul style="list-style-type: none"> • Reduced bulk and scale, • Use of face brickwork, timber look metal cladding and zincalume. <p>Part D1 of Palerang DCP identifies Bungendore as a rural village defined in character by low scale development with a combination of commercial, civic and residential neighbourhood. The DCP identifies the rural village as containing mostly single storey buildings, constructed with local timber, brick or stone with corrugated steel roofs, either pitched between 25-30 degrees with hips or gables or low slope skillions often concealed behind parapets. The amendments incorporate the materials identified to create a cohesive development, with parts of the development reduced to incorporate single storey elements.</p>

Issue	Response
	It is considered the amended design is appropriate in addressing the matter raised by DPE.
<p>7. State Design Review Panel</p> <p>The Government Architect has requested that the proposal is returned to the State Design Review Panel (SDRP) for further review on 8th December 2021. The presentation to be given to SDRP must focus on how the proposal addresses the design concerns raised in the public submissions and the SDRP advice sheet advice sheet dated 16 July 2021. Any issues raised by SDRP are to be responded to prior to lodgement of the Submissions Report.</p>	<p>The design team met with the State Design Review Panel on the 8 December 2021. Further Advice was received from the GANSW dated 22.12.2021. Comments raised within this advice have been addressed in the Response to GANSW SDRP Advice 3 report within the Architectural Design Addendum Report prepared by TKD Architects.</p>
<p>8. Clause 4.6 Variation</p> <p>Proposed Building E contains facilities for the exclusive use of the community and Council. Proposed Building E breaches the 8.5 metre height of building (HOB) development standard under Clause 4.3 of Palerang Local Environmental Plan 2014 (PLEP). Consequently, a written request to vary the HOB development standard is required to be submitted in accordance with Clause 4.6 of PLEP.</p>	<p>The community facilities have been removed from the development (refer to discussion in Amendment Report). As such, a Clause 4.6 variation request is not required for the proposed height variations.</p> <p>Notwithstanding the variations, consent can be granted to the development pursuant to Clause 3.43 of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p>
<p>9. War Memorial</p> <p>The Bungendore War Memorial Committee (BWMC) has raised a number of concerns in its' submission including potential impacts on ANZAC Day and Remembrance Day commemorations due to the location of fencing around Mick Sherd Oval and the drop-off/pick up zone. The Department recommends that you consult with the BWMC to address these issues.</p>	<p>Plans have been amended which remove the fencing and removable timber bollards near the war memorial and around Mick Sherd Oval.</p> <p>Further consultation has been undertaken with Bungendore War Memorial Committee who indicated support of the amendments made to the school design.</p> <p>The proposed kiss and drop zone has been amended to reduce the length of the area and is not located in front of the war memorial.</p>
<p>10. Mick Sherd Oval Fencing</p> <p>The Department notes that the scheme presented to the SDRP on 7 July 2021 did not show fencing around Mick Sherd Oval. In the SDRP advice sheet dated 16 July 2021, SDRP state that they are supportive of 'the reduction of fencing resulting in improved integration with the surrounding neighbourhood'. In light of the concerns raised by BWMC, as well as concerns raised in other public submissions regarding the proposed fencing, the Department requests that further consideration be given to the need to provide fencing and opportunities to reduce/remove fencing around Mick Sherd Oval.</p>	<p>Fencing around Mick Sherd Oval, including the post and top rail and removable timber bollards, have been removed from the proposal.</p> <p>Fencing associated with the school has been amended to relocate the perimeter fence fronting Mick Sherd Oval which now follows the perimeter of the school common. Face brickwork piers are also provided at Gibraltar Street and Turallo Terrace to frame the entries to the school.</p>
<p>11. Pedestrian access to Bungendore Common</p> <p>Provide further information on how residents residing south and west of the Bungendore</p>	<p>The amended plans include provision of a wombat crossing on Gibraltar Street and Turallo Terrace, which will be connected by the existing and proposed footpaths. Particular</p>

Issue	Response
<p>Common would safely and conveniently gain pedestrian access to the remaining area of the Bungendore Common.</p>	<p>attention is drawn to the new footpath on the western side of Mick Sherd Oval which provides a safe and convenient path of travel for pedestrians.</p> <p>Access to Bungendore Common and the off-leash dog area is provided via the footpath on the north western side of McCusker Drive before Turallo Creek. The civil drawings submitted illustrate a continuous footpath from Turallo Terrace to Bungendore Common.</p>
<p>12. Bush Balladeers Place</p> <p>The proposal includes the relocation of Bush Balladeers Place and rotunda to Frogs Hollow Reserve. The EIS notes that the reconstruction of Bush Balladeers Place and rotunda would occur under a separate approval process. Please provide further information and status of the separate approval process. Additionally, please provide information of any consultation with the Bungendore Country Music Muster committee regarding the relocation of Bush Balladeers Place.</p>	<p>The Bungendore Country Music Muster has been consulted regarding the relocation of the Bush Balladeers Place and rotunda from Bungendore Park. The Bush Balladeer's Place will be reconstructed by SINSW at a location within Bungendore subject to further discussion between Council, Bungendore Country Music Muster committee and SINSW.</p>
<p>13. Social Impact Assessment</p> <p>The submitted Social Impact Assessment (SIA) does not include a signed declaration in accordance with the Department's SIA Guideline 2021. The SIA Guideline requires: The lead author of the SIA report should include a signed declaration confirming:</p> <ul style="list-style-type: none"> • the date(s) on which the SIA was completed • that the SIA contains all relevant information • that they understand their legal and ethical obligations, and that none of the information in the SIA is false or misleading • their qualifications, experience and professional memberships. 	<p>The Social Impact Assessment prepared by Urbis and submitted with the original application has been updated to include a signed declaration conforming to the requirements of the SIA Guideline. Refer to Appendix 11 of the Amendment Report.</p>
<p>Update the SIA to respond to additional relevant concerns raised in the public submissions including:</p> <ul style="list-style-type: none"> • relocation of the Abbeyfield (seniors housing) site as a consequence of the development; • concerns raised by BWMC; and • relocation of Bush Balladeers Place. 	<p>A Social Impact Addendum has been prepared by Urbis and is attached to the Amendment Report.</p> <p>The Social Impact Addendum has addressed the relocation of Abbeyfield, relocation of Bush Balladeers Place and concerns raised by BWMC.</p> <p>Detail is provided in Sections 7.3.19- 7.3.22 of this Submissions Report.</p>

Following further assessment of the proposal, DPE requested the following information in relation to survey, landscape plans, architectural plans, and Arboricultural Impact Assessment.

Summary of issue/comment	Response
<p>The ID, and location of each tree to be retained and removed across all of the abovementioned documents and the EIS should be crosschecked (compare for example, tree 174 and 176).</p>	<p>An updated Arboricultural Impact Assessment (AIA) prepared by EcoLogical dated 9 September 2022 has been prepared and is submitted as Appendix 14 of the Amendment Report. The ID and location of all trees have been cross checked and updated to ensure they are consistent.</p>
<p>The ID of some existing trees to be removed are shown in the landscape drawings but not in the AIA (example highlighted below). Please address the inconsistency.</p>  <p>(Above images provided by DPE as examples of inconsistency)</p>	<p>The updated Landscape Plans prepared by Context and updated Arboricultural Impact Assessment prepared by EcoLogical have been amended to ensure the ID and status (removal or retention) of existing trees is consistent.</p>
<p>In the location of trees 170 and 171 are shown in the landscape drawings but the survey only shows one tree. Please address the inconsistency.</p>	<p>Collaboration between the surveyor and arborist has been undertaken to ensure all relevant trees have been identified. The definition of a tree is in accordance with AS4970 which identifies a perennial plant greater than 3 metres in height with one or few main stems or trunks. The survey and arborists report have been updated to account for this definition and identify all trees on the site.</p>
<p>The AIA shows that tree 171 is the largest high value retention tree but it is proposed for removal. Please clarify whether it is proposed for removal and if so, please amend the proposal to retain this tree or alternatively justify its removal.</p>	<p>Tree 171 is proposed for removal due to the high impact as a result of the development. The below extract from the updated AIA identifies Tree 171 as being within the footprint of Block A and is therefore required to be removed.</p> 

Summary of issue/comment	Response
<p>The Department undertook a site inspection and noted a mature tree at the corner of Majara Street and Gibraltar Street (photograph below). Please clarify:</p> <ul style="list-style-type: none"> (a) the ID of this tree (b) if it is proposed for removal (c) if it is to be removed, please amend the proposal to retain this tree or alternatively, justify its removal 	<p>The tree referred to is identified as Tree 170 in the updated AIA which is identified as a <i>pinus radiata</i>. The tree is identified as having medium landscape significance and low retention value. The proposed structures result in a 100% encroachment on the tree protection zone and significant impact on the structural root zone as illustrated in the extract from the AIA below, and is therefore proposed for removal.</p> 
	
<p>Update the landscape plan, and all other documents as required, to show the details of the exact locations and species of each proposed new tree.</p>	<p>The Landscape Plans prepared by Context have been updated to provide pot sizes and quantities of the 131 trees proposed.</p>

5 Response to Council

Table 2 provides a response to the comments by Queanbeyan-Palerang Regional Council in the submission letter dated 29 October 2021.

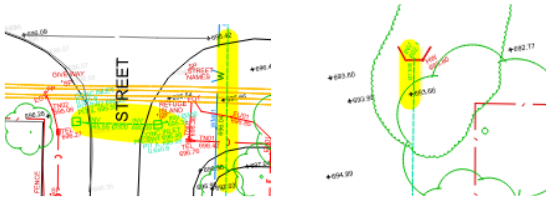
Table 2. Response to Council

Summary of issue/comment	Response
1. Permissibility	
Council can be satisfied that the permissibility of the development is satisfactory.	Noted.
2. Crown Land Impacts	
Several members of the community have raised the issue that the legislative instruments that created Bungendore Park and Bungendore Common dedicated them for a specific purpose and that the construction of a school is not within that purpose. There is a view that this may require a legislative change to the reserves'	No legislative change is required. Item 1 in Table 1 above establishes that section 20 of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> ensures that the land is vested in the Minister "freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates

Summary of issue/comment	Response
<p>dedication to allow the school to proceed on the land.</p> <p>The Council recommends that the consent authority require the applicant to provide further clarification on whether the legislation creating the dedication of Bungendore Park and the Bungendore Common permits the use of a school on the land and whether legislative change may be required to facilitate that use.</p>	<p><i>and contracts in, over or in connection with the land".</i></p> <p>The possible exceptions to this contained in sections 20(1A) or 29(2) of the Just Terms Act do not apply to the reservations or dedications on Bungendore Park or Bungendore Common, and pursuant to section 20(1)(b) of the Just Terms Act they no longer apply to the Acquired Land following the compulsory acquisition and vesting of that land in the Minister for Education and Early Learning.</p>

3. Utilities

<p><u>Water</u></p> <ul style="list-style-type: none"> The size of the proposed water service required for the multi-level building is to be calculated by a specialist hydraulic consultant specifying the required service size suitable for functionality and firefighting abilities. An easement will need to be created over the water main in the eastern verge of Majara St to benefit Council. The easement should include a provision that no structures be erected over the easement. New stop valves should be installed 1m outside the northern and southern lot boundaries on the existing water main to permit rapid isolation of water mains in the event of breakage without having to arrange access The water connection for the School will need to come from a single offtake with the meter located on an accessible boundary. There should only be one master meter. Any submeters will be the responsibility of the school. The location and sizing for a connection to the mains for fire services should be carried out in consultation with Council's Utilities Branch once the final hydraulic design for these services has been completed. It is unclear if existing water main off Turallo Terrace will be located clear of School boundary. If it is located within the School boundary an easement will be needed, or the main can be relocated. Preparation of a hydraulic design plan providing details of the required sizing for all water, sewer and stormwater services required for the site. 	<p>The Infrastructure Management Plan prepared by NDY highlights the location and sizing for the water and sewer services for the site. A copy of the plan is provided as an attachment to the Amendment Report.</p> <p>The report confirms the pressure and flow is sufficient for firefighting abilities.</p> <p>As Majara Street is being closed as part of the works, the existing water main running through the site will include a permanent easement. New buildings on the site will not be located over the main.</p> <p>New stop valves will be installed as recommended and where required. These will be included in hydraulic services plans in the later stages of design.</p> <p>Only one single water connection is to be provided to the site. All replumbing required to achieve this will be part of the scope of works for the school. Consultation with Council's Utilities branch will be undertaken once the final hydraulic design for these services has been completed.</p> <p>Ground survey conducted shows the existing water main to be out of the new high school boundary site. Confirmation of any works will be based on the final design and will be undertaken in consultation with Council.</p> <p>Preparation of a hydraulic design plan will be provided with the detailed design of the school.</p>
<p><u>Sewer</u></p> <ul style="list-style-type: none"> The sewer main located at the eastern verge of Majara St can be abandoned and a new 	<p>The current design is that a new DN 150 sewer connection is proposed in the existing 150 mm sewer main in Turallo Terrace. All sewer discharge from the school is connecting to this</p>

Summary of issue/comment	Response
<p>connection can be established at the northern boundary on Turallo Terrace. This would require relocating the existing sewer lines servicing the existing Council building. All sewer for the School would be directed to this new connection. As an alternative, ownership of the main can be transferred to DoE with a new pit to be provided at the northern boundary with all sewer from the school to fall to that new point. The Utilities Branch support handing over the sewer main to DoE as their asset. If this were to occur, no sewer easement would be required.</p> <ul style="list-style-type: none"> The sewer connection to the Bungendore Pool will become redundant. It will need to be decommissioned and all works made good as part of the School development. Due to the locality of the development adjacent to the 1% AEP flood zone in Turallo Terrace, the incorporation of a sewer reflux valve is highly recommended. Preparation of a hydraulic design plan providing details of the required sizing for all water, sewer and stormwater services required for the site. 	<p>main. The alternative option was not pursued as it was not preferred for the sewer assets be transferred from Council to DoE. Appropriate easements will be provided where required.</p> <p>All sewer pipework associated with the Bungendore pool connection that lies within the new school boundary will be decommissioned, removed and capped off at the property boundary and sewer reflux valve will be installed. This approach was discussed with and agreed to by Council representatives in a meeting with QPRC.</p> <p>Preparation of a hydraulic design plan will be provided with the detailed design of the school.</p>
<p><u>Storm Water</u></p> <ul style="list-style-type: none"> The high school development site can be serviced by a storm water connection to the existing pit in Turallo Terrace. The school development should be responsible for extending this main to a point north of the proposed Abbeyfield site through to the footprint of the proposed extended levee, and any rights of way, installing any headwalls and dissipation works required. The 1400mmØ RCP trunk stormwater line in the eastern verge of Majara Street will require implementation of a stormwater easement to benefit Council. A 5.0m wide easement created centrally over the existing pipes is appropriate. The proposed development of the site will increase runoff, thus a stormwater management plan demonstrating the proposed development will not exceed pre-development runoff flow for both 20% and 1% storm events is required in accordance with Council's D5 Stormwater Drainage Design specification, and water quality in accordance with Council's D7 Erosion Control and Stormwater Management Design specification and corresponding computer modelling. The civil plans provided do not appear to show the construction of an on-site detention (OSD) tank to accept stormwater from 	<p>New structures other than the new paths are clear of this easement. Please note that the roof to the path does not require a footing, the path supports the roof.</p> <p>The proposed works account for the new high school and any parking or ancillary structures necessitated by the development, which is reasonable and justified, however the request for the extension of the stormwater system to benefit an unapproved and uncertain development is unreasonable.</p> <p>The OSD has been relocated to the Turallo Terrace entry of the school plaza. The OSD outlet will connect to one of the two existing pits located at the northern end of Majara Street (snapshot below).</p>  <p>Please note additional survey information is required to confirm that how this line connects to the existing trunk drainage line in question. This connection will be coordinated with Council.</p>

Summary of issue/comment	Response
<p>impermeable areas, which is a necessary requirement for this development</p> <ul style="list-style-type: none"> Preparation of a hydraulic design plan providing details of the required sizing for all water, sewer and stormwater services required for the site. 	<p>The underground OSD tank has been designed and detailed on M+G drawing No BHS-CE-2053 and attached to the Amendment Report.</p> <p>This OSD tank will attenuate post-development flows to pre-development conditions. The updated stormwater design complies with Council's requirements.</p>
<p><u>Other Utilities</u></p> <p>Council understands that electricity and communications utilities may also traverse the former Majara Street road reserve. If this is the case appropriate easements should be required to protect these assets.</p>	<p>The Infrastructure Management Plan Report prepared by NDY identifies both high and low voltage underground cabling within the former Majara Street road reserve. Appropriate easements will be provided to protect these assets.</p>
4. Erosion and Sediment Control	
<p>An Erosion and Sediment Control Plan (ESCP) will be required for any works causing surface cover disturbance. An ESCP will be required to be submitted with the construction certificate. A Soil and Water Management Plan (SWMP) will be required to be implemented by the property owner for any works causing surface cover disturbance. This requirement applies for all stages of development.</p> <p>Council recommends that the consent authority impose conditions require the preparation, implementation and maintenance of an erosion and sedimentation plan throughout the construction of the development</p>	<p>Appropriate erosion and sediment control measures will be installed prior to commencement of construction works. It is noted upon granting consent, a condition will be applied requiring preparation of Construction Environmental Management Plan which will provide details of measures to be installed to protect the environment.</p> <p>A preliminary Soil & Water Management Plan (SWMP), in accordance with the "Blue Book" has been prepared and is detailed on M+G drawing No's BHS-CE-2005 & 2006 and attached to the Amendment Report.</p> <p>SWMP containing detailed design of the Sediment Control, Erosion Control and Site Stabilisation practices, including staging of the earthworks and these practices, will be prepared by the earthwork contractor and reviewed and approved by Hindmarsh/M+G prior to civil works commencing.</p> <p>This plan will include monitoring provisions that will allow the SWMP to be changed/modified during the works to ensure that the required Water Quality Objective are achieved during the construction stage.</p>
5. Traffic and Roads	
<p><u>Traffic Assessment</u></p> <p>Council is satisfied that the proposed upgrades to the intersections will continue to perform with a good level of service.</p>	<p>Noted.</p>
<p><u>Parking Facilities</u></p> <ul style="list-style-type: none"> The high school development site should meet the requirements of AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking, AS/NZS 2890.6-2009 Off-Street Parking for People with Disabilities, and Palerang DCP 	<p>Consultation with QPRC, Bungendore Scout Group, Bungendore Pre-School and a representative of the signalman's cottage has been undertaken and the authority's recommendation has been implemented in the amended design. An additional 58 parking spaces have been provided to Turallo Terrace.</p>

Summary of issue/comment	Response
<p>2015 Section B7.1. All parking spaces and aisle widths must meet the functionality of the Australian Standard as a minimum. This includes ensuring that the carpark behind the existing Council building is capable of supporting two way traffic in its new configuration.</p> <ul style="list-style-type: none"> Of concern is the statement that 60 existing on street parking spaces are being lost i.e. there is a net loss of 20 carparking spaces. This is not considered acceptable given the additional demands the School will impose on the surrounding neighbourhood. It would also appear that the calculation does not include the loss of approximately 15 parking spaces resulting from the Scout Hall parking being subsumed by the development of the Abbeyfield project. Nor has any provision been made for the estimated 23 additional parking spaces the traffic analysis has calculated to cater for senior students bring vehicles to the school. The consent authority request that the applicant submit a design for an additional 58 on street parking spaces which including the 15 car spaces that support the Scout Hall. The location and configuration of those spaces to be designed in conjunction with QPRC. 	<p>A total of 98 car spaces will be provided to the street.</p> <p>The Transport Assessment Addendum prepared by PDC (0593r02v03, dated 20/07/2022) notes that all car parking spaces are provided in accordance AS/NZS 2890.1-2004 Parking Facilities Off-Street Car Parking, AS/NZS 2890.6-2009 Off-Street Parking for People with Disabilities, and Palerang DCP 2015 Section B7.1.</p> <p>All angled car parking spaces are provided with a minimum width of 2.5 metres and length of 5.4 metres.</p> <p>PDC confirm the existing Council car park and modifications to the parking area as part of the proposed new high school will maintain an aisle width of 5.8 metres complying with AS2890.1 and AS2890.6, which is sufficient for accommodating two-way movement.</p> <p>All accessible parking spaces are provided with a minimum width of 2.4 metres and a length of 5.4 metres, with a minimum aisle width of 5.8 metres. These spaces are located adjacent to a 2.4 metre wide and 5.4-metre-long shared area.</p> <p>Refer attached Proposed Site Plan BHSTKD-DA-HS-1010 drawings illustrating the incorporation of the additional parking spaces, attached to the Amendment Report. Parking along Butmaroo St was explored but found to be unfeasible.</p>
<p><u>Roundabouts</u></p> <p>That the consent authority request that the applicant confirm the proposed roundabouts will be landscaped in similar form to existing in Gibraltar/Ellendon Street intersection</p>	<p>The two new roundabouts are designed to be similar to the existing roundabout at the Gibraltar and Ellendon Street intersection. The roundabouts include a central landscaped reserve with planting to match that of the intersection. This has been documented within attached landscape drawing BHS-LA-1001 and the civil engineering package, provided with the Amendment Report.</p>
<p>6. Student Pick-Up and Drop-Off</p>	
<ul style="list-style-type: none"> Council considers that the number of spaces on Turallo Terrace needs to be increased. While the number of pick-up/drop-off spaces have been based on 18% of student population being dropped off, this calculation will not cater for inclement weather days or winter weather where families will choose to drop off on the commute out of Bungendore. Council requires the drop off/pickup zone on Turallo Terrace be extended or relocated to accommodate a total of 6 vehicle spaces 	<p>The authority's recommendation has been implemented in the design. Three student pick-up and drop off spaces have been relocated from the northern side of Gibraltar Street to the drop off zone on the southern side of Turallo Terrace to increase the number of vehicle spaces to 6. Refer attached Architectural Proposed Site Plan BHS-TKD-DA-HS-1010 and M+G drawing BHS-CE-2130 provided with the Amendment Report.</p>

Summary of issue/comment	Response
7. Public Transport	
Council is satisfied that high school students will share the primary bus zone.	Noted.
8. Access to 16 Majara Street	
Council recommends that the consent authority impose a condition requiring a right of way to be established at the front of No.16 Majara Street to allow access to this property from the access road into the school parking area.	A Right of Carriageway easement will be registered to provide suitable access to No. 16 Majara Street.
9. Crossings and Pedestrian Movement	
<p><u>Crossings</u></p> <ul style="list-style-type: none"> A school crossing supervisor must be provided for Gibraltar Street crossing to reduce the safety risks associated with the large number of crossing movements of unaccompanied school children. Fencing should be provided for Gibraltar Street on the northern (high school side) to channel high school students to the crossing The wombat crossing should also feature children crossing facilities including hold line, barber polls and school crossing flags. Council recommends: <ul style="list-style-type: none"> That TfNSW's management of the School Crossing Supervisor Program be noted in the School Transport Plan. That the school crossing supervisor be included as a member of the internal working group proposed in the Preliminary School Transport Plan Council requires that in order to reduce travel speeds consideration be given to making the proposed pedestrian crossing on Turallo Terrace a wombat crossing. 	<p>Discussions with TfNSW are ongoing regarding the provision of a school crossing supervisor. There is no final position on provision and the discussions with TfNSW will continue to address this point.</p> <p>Fencing has been provided along the northern kerbside of Gibraltar Street, as a physical measure for students to cross Gibraltar Street at the new wombat crossing.</p> <p>A wombat crossing is now provided on Gibraltar Street as indicated on the revised architectural drawings. Reference is made to the following drawings illustrating the amendments incorporating the wombat crossings:</p> <ul style="list-style-type: none"> Appendix 4a of the Amendment Report: Concept Signage and Linemarking Plan prepared by PDC, and Appendix 3a of the Amendment Report: Updated Civil Plans prepared by M+G Consulting (drawings BHS-CE-2061 and 2063) <p>In response to the last item, a wombat crossing is now provided on Turallo Terrace.</p>
<p><u>Pedestrian Links</u></p> <ul style="list-style-type: none"> Paths coming from the north of the town should be extended to direct students to the safest crossing points. Council recommends that the applicant be required to install new pathways as indicated in the sketch on page 14 of the submission. 	<p>Footpaths and pedestrian crossings have been provided generally in accordance with Council's mark up on the plan on Page 14 of the submission. The details of these items are illustrated on the Concept Signage and Linemarking Plan prepared by PDC and the Updated Civil Plans prepared by M+G (drawings 2059 and 2063).</p>
10. Waste Collection and Deliveries	
Council recommends that the consent authority impose a condition of consent requiring waste collection to be between 6:00am – 7:30am or 4.00pm to 7.00pm.	The Environmental Noise and Vibration Assessment prepared by Acoustic Logic (reference 20210459.1/2207A/R7/GC, dated 22/07/2022) notes that waste removal is

Summary of issue/comment	Response
	proposed to occur between 6am and 7.30am. The proposed time is considered suitable given the distance separation and fencing to 63 Turallo Terrace and provides flexibility in the event of any minor changes required to the waste collection arrangements. Whilst this is the anticipated waste collection timeframe, it is requested this not be included as a condition of consent to allow flexibility.
11. Entrance and Access	
Council recommends that the consent authority impose a condition requiring the access off Majara Street to be designed for heavy rigid 10.5m vehicle manoeuvrability for garbage service.	<p>Access to the waste storage area, including manoeuvring within the site, has been designed for a heavy rigid 12.5m vehicle manoeuvrability for garbage service.</p> <p>Please note that there is no standard Austroads 10.5m HRV.</p> <p>Sweep path diagrams have been included in with the civil engineering package attached to the Amendment Report.</p>
12. Flooding	
<ul style="list-style-type: none"> The development is adjacent to the 1% AEP flood zone in Turallo Terrace, the incorporation of a sewer reflux valve is highly recommended. Council recommends that the consent authority impose a condition requiring the floor level of all utility buildings erected of the agricultural plot on Bungendore Common to have a finished floor level at or above the flood planning level for the site. 	<p>As indicated in the response by NDY, sewer reflux valves will be provided and installed as required.</p> <p>The utility buildings on the Ag Plot site have a finished floor level of 695.5m AHD, which is above the flood planning level of 692.3m AHD and probable maximum flood (PMF) level of 693.6m AHD.</p>
13. Developer Contributions	
<p><u>Section 7.11 Contributions</u></p> <p>Council recommends that the consent authority be advised the Council concurs with the determination that Section 7.11 developer contributions should not be applied in this case.</p>	Noted.
<p><u>Section 64 Water and Sewer Contributions</u></p> <p>Council recommends that the consent authority impose a condition requiring the payment of section 64 water and sewer contributions prior to the school being occupied.</p>	<p>The Department understands there is no requirement for payment of sewer and water.</p> <p>Section 64 provides that Council is effectively the water supply authority for the purpose of the Water Management Act, when exercising functions under Division 5 of Part 2 of Chapter 6 of that Act. Section 306(4) of the WM Act allows the Crown to apply for an exemption from the Minister for Urban Affairs and Planning, now the Minister for Planning.</p> <p>The Department of Education, as an agent of the Crown, is able to request an exemption under s306(4) of the Water Management Act. The works relate to a public facility being a</p>

Summary of issue/comment	Response
	school and it is considered imposing a condition for payment of contributions is not reasonable or necessary.
14. Bushfire Assessment	
Council is satisfied with the findings of the Bushfire Protection Assessment Report	Noted.
15. Fire Services/Disability Access	
Council is satisfied with the findings of the BCA and Access Assessment Report	Noted.
16. Section 68 Local Government Approvals	
<u>Details of Internal Water and Sewer Services</u> <ul style="list-style-type: none"> That consent authority impose conditions requiring water, sewer and trade waste installations to be inspected by Council staff. That the consent authority impose a condition requiring that a copy of the works as executed drawings of the water, sewer, stormwater and trade waste installations be provided to Council within three months of the occupation of the site. 	Noted.
<u>Trade Waste Discharges</u> <ul style="list-style-type: none"> That consent authority impose conditions requiring water, sewer and trade waste installations to be inspected by Council staff That the consent authority impose a condition requiring that a copy of the works as executed drawings of the water, sewer, stormwater and trade waste installations be provided to Council within three months of the occupation of the site. 	Noted.
17. Building Design and Amenities	
Council recommends that the applicant be requested to review the design of the eastern elevation of Building A with a view to strengthening its appearance from the school plaza.	The eastern elevation of Building A has been amended to better address the school plaza. Specifically, face brickwork has been introduced at ground level, which responds to the traditional aesthetic of a solid base and lightweight upper storey, provides depth to the facades, and creates an improved civic quality that relates through materiality to the historic buildings within the town. Light-coloured, horizontal metal plank cladding has been introduced at first floor level to be suggestive of horizontal painted weatherboard cladding while meeting NSW Education's durability and maintenance requirements.
18. Heritage	

Summary of issue/comment	Response
<p><u>Building A</u></p> <p>Building A does not address its context particularly well. The form of the building is not in character or particularly sympathetic with those of the primary school, the Station Master's Cottage or the station itself. Furthermore the siting of the building does not relate to the historic view north along Majara Street, and sits half way across the former road alignment in a manner that is inconsistent with historic Georgian town planning.</p>	<p>The bulk and scale of buildings facing public roads has been reduced.</p> <p>The design of Building A has been amended to incorporate a single storey element wrapping the south, east and west facades to reduce the bulk and scale. The revised functions within Block A have also reduced the length of the two-storey mass along the southern facade. The amended design incorporates colours, materials and finishes which align with the rural village character and heritage of Bungendore.</p> <p>Additionally, Building A has been shifted west so that it is outside of the Majara Street alignment, allowing for retention of views to the north.</p>
<p><u>Digital Sign</u></p> <ul style="list-style-type: none"> • These types of signs have no place in an area that is publically visible and has a strong historic component, regardless of whether the site is technically heritage listed or not. A large fixed sign is already proposed for the wall of the building and so a secondary digital sign facing street is not necessary to advertise the school or its function. The digital sign should be directed into the school, not into the public arena where many members of the community find them visually offensive. • Council requires that the consent authority request the applicant to remove the digital sign from the proposal and deploy an alternative design. 	<p>The electronic school sign has been removed from the street front and replaced with a changeable, static 'notice board' sign. The sign has been relocated with a greater setback from Majara Street behind the school entrance to reduce its visual impact on the streetscape.</p>
<p><u>Fence around Station Master's and Signalman's Cottages</u></p> <ul style="list-style-type: none"> • Council requires that the consent authority seek clarification around the type of fencing which will be installed along the boundaries with the old station master's residence and signalman's residence to ensure that it is sympathetic to heritage character of these two properties. • Council's preference would be that this fencing is constructed of lapped and capped timber fencing to be more sympathetic with the adjacent heritage buildings. Council's Heritage Advisor should be consulted in selecting the design of the proposed fencing 	<p>A new 2.1m-high timber lap and cap fence is proposed to the school boundaries which are shared with the Old Station Master's Cottage and Signalman's Cottage. The existing corrugated iron fence to the Signalman's Cottage is also to be retained. A landscape plan, prepared by Context, identified as Drawing BHS_LA_DA_2007 is attached to the Amendment Report.</p>
<p><u>Rotunda & Bush Balladeers Stone Memorial</u></p> <p>Council require that the consent authority impose a condition requiring the Rotunda and Bush Balladeers Stone Memorial being relocated at no cost to Council to Frogs Hollow Reserve or</p>	<p>The reconstruction of the Rotunda and Bush Balladeers Stone Memorial will be undertaken as part of the development. The new location is subject to ongoing negotiation and discussion</p>

Summary of issue/comment	Response
another location within the Village as agreed with Council.	between the relevant parties and will be located elsewhere within Bungendore.

19. Use and Maintenance of Mick Sherd Oval and Games Courts

<ul style="list-style-type: none"> • Council recommends that: <ul style="list-style-type: none"> ◦ The consent authority impose a condition of consent requiring a maintenance gate to be installed in the post and rail fence around Mick Sherd Oval, such fence to be located in consultation with QPRC. ◦ The consent authority impose a condition of consent ensuring that an access gate is placed in the fence around the Games Court that is accessible by members of the public after hours. ◦ The consent authority impose a condition of consent requiring the applicant to relocate floodlighting and irrigation services displaced by the new development at no cost to Council. ◦ The consent authority impose a condition require the applicant to consult with QPRC and the Bungendore War Memorial Committee about the form and length of bollards required for fencing in the proximity of the War Memorial 	<p>The fencing around Mick Sherd Oval has been removed in response to community and agency submissions.</p> <p>The games courts have been relocated within the school grounds.</p> <p>The flood lighting has been located and designed as per discussions with Council. Irrigation is not required to be relocated as confirmed by Council.</p> <p>The bollards near the war memorial have been removed.</p>
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20. Contamination

<p>Council recommends that the consent authority impose a condition requiring a Stage 2 Detailed Site Investigation to be carried out prior to the commencement of work and that the condition include the requirement that any recommendations, site management or remediation resulting from that report be implemented.</p>	<p>A Stage 2 Detailed Site Investigation has been prepared and is submitted and attached to the Amendment Report.</p> <p>Douglas Partners notes that in addition to the PSI for the rail corridor, TfNSW commissioned ERM to conduct a PSI for the Bungendore Rail Station as reported in Preliminary Site Investigation, Bungendore Rail Station, report ref 0608750.Rev0, dated 3 May 2022(ERM, 2022a). The findings of ERM (2022 and 2022a) conducted on behalf of TfNSW were incorporated into the DSI. The DP DSI is detailed in 'Report on Detailed Site Investigation (Contamination), Proposed New High School in Bungendore' (report ref 202107.04.R.002.Rev2), dated 14 July 2022.</p> <p>The DSI concluded that 'it is considered that the site is suitable, from a contamination perspective for the proposed development' and provides suitable recommendations. A RAP is not required.</p>
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21. Other Matters

<p>Council is satisfied that other issues of concern have been adequately dealt with in the EIS.</p>	<p>Noted.</p>
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Summary of issue/comment	Response
22. Environmental Health Matters	
<ul style="list-style-type: none"> Council also notes the following concerns with the design of amenities: <ul style="list-style-type: none"> There is no visual barrier into the student toilet facilities There is no urinal in boys toilets The Access Shower/ WC Change seems to be a unisex facility with no provision for privacy. Council recommends that the consent authority be requested to impose a condition requiring the canteen facilities to be constructed in accordance with the appropriate NSW Food Standards and that Council be provided with a detailed floor plan of all floor preparation areas within the school for its records. 	<p>Toilets have been designed in response to the DoE brief and current community expectations as gender neutral, self-contained cubicles. The cubicles are fully enclosed and maintain privacy as individual units. To address child safety imperatives, no additional visual barriers are provided. Toilets are designed to be gender neutral and compliant with the NCC under Clause F2.6(a)(iii).</p> <p>The canteen will be designed to comply with AS 4674-2004.</p>

6 Response to agency advice

6.1 EPA

Table 3 provides a response to comments made by the EPA in its submission letter dated 9 November 2021.

Table 3. Response to EPA

Summary of issue/comment	Response
1. Contamination	
<ul style="list-style-type: none"> Consideration should be given to the potential for lead contamination in areas adjacent to the Rail Line and Corridor EPA recommends: <ul style="list-style-type: none"> That a Construction Environment Management Plan that incorporates an unexpected finds protocol be developed prior to construction commencing and implemented for the length of the construction activities. Further investigation to identify potential contamination be undertaken within the proposal site, with particular focus given to the agricultural area in the north. 	<p>An updated DSI has been prepared and submitted and attached to the Amendment Report which confirms that a remediation action plan is not required.</p> <p>Since the PSI was undertaken by Douglas Partners Pty Ltd (DP) as reported in Report on Preliminary Site Investigation (Contamination), New High School in Bungendore (report ref 202107.03.R.001.Rev2), dated 7 September 2021), DP has completed a Detailed Site Investigation for the site.</p> <p>The DSI comprised drilling of 52 locations in addition to the 12 locations undertaken as part of the PSI (DP, 2021). Of the 52 locations, 15 locations targeted the agricultural plot located in the north of the site. The borehole locations undertaken within the proposed agricultural plot are presented in Drawing R.002.D002, Appendix A of the DSI.</p> <p>Douglas Partners notes that in addition to the PSI for the rail corridor, TfNSW commissioned ERM to conduct a PSI for the Bungendore Rail Station as reported in Preliminary Site Investigation, Bungendore Rail Station, report</p>

Summary of issue/comment	Response
	<p>ref 0608750.Rev0, dated 3 May 2022(ERM, 2022a). The findings of ERM (2022and 2022a) conducted on behalf of TfNSW were incorporated into the DSI. The DP DSI is detailed in 'Report on Detailed Site Investigation (Contamination)', Proposed New High School in Bungendore' (report ref 202107.04.R.002.Rev2), dated 14 July 2022.</p> <p>The DSI concluded that 'it is considered that the site is suitable, from a contamination perspective for the proposed development' and provides suitable recommendations. A RAP is not required.</p> <p>Given the above and the recommendations of the DSI, it is not considered that a remediation action plan is required.</p>
<p>2. Noise and Vibration</p> <p>EPA recommends:</p> <ul style="list-style-type: none"> o That the proponent develop a Noise Mitigation and Management Plan prior to commencing construction works to minimise impacts on sensitivities receivers. The EPA recommends that the proponent also consider additional management strategies including community engagement and communication. o That the proponent identify and implement all reasonable and feasible noise mitigation and management measures to minimise noise impacts at sensitive receivers during operations 	<p>An updated Environmental Noise and Vibration Assessment has been prepared and Section 13 of the updated report provides a construction noise assessment. Upon granting consent, it is understood DPE will apply a condition requiring a Construction Environmental Management Plan to be prepared which will detail the construction noise and vibration management requirements to be applied during construction phase.</p>
<p>3. Agricultural Plot Management</p> <p>Consideration should be given to the management of runoff and erosion from the agricultural plot following the completion of construction activities to ensure there is no impact on the environmental values of the receiving waterways.</p>	<p>A bioretention swale has been provided to the northern end of the Ag Plot to ensure that there are no significant impacts on the environmental values of the receiving waterways. Drainage from the southern part of the Ag Plot will drain to the bioretention swale. Refer to the updated civil plans prepared by M+G, drawing reference BHS - CE - 2034 provided with the Amendment Report.</p>
<p>4. Pre-rainfall Procedures</p> <p>The EPA notes that the EIS and supporting documents outline that additional sediment and erosion controls are to be implemented during wet weather events. The EPA recommends that these additional controls are developed and implemented at a high standard to protect the receiving environment. Typical measures that can be implemented include covering high-risk areas with geotechnical material and maintaining site traps and check dams. The EPA further recommends these additional measures are captured as formal procedures and all</p>	<p>A preliminary Soil & Water Management Plan (SWMP), in accordance with the "Blue Book", providing preliminary details of the sediment control measures, has been prepared and is detailed on M+G drawing No's BHS-CE-2005 & 2006 provided with the Amendment Report.</p> <p>A detailed SWMP containing detailed design of the Sediment Control, Erosion Control and Site Stabilisation practices, including staging of the earthworks and these practices, will be prepared by the earthwork contractor and reviewed and approved by Hindmarsh /M+G prior to civil works commencing.</p>

Summary of issue/comment	Response
<p>relevant team members are aware of the procedures.</p>	<p>The SWMP requires, at times of wet weather, windy events and or extended dry periods that appropriate additional measures are taken to ensure that Water Quality Objectives of the SWMP are achieved.</p> <p>The SWMP will reference that prior to these significant high-risk events which may lead to soil erosion across soil stockpiles, steep disturbed slopes etc. such areas will be covered with geotechnical material to reduce potential soil erosion.</p> <p>Sediment traps and check dams etc will be inspected and maintained as require prior to storm events.</p> <p>All erosion and sediment control measures will be required to be regularly inspected, particularly prior to and following wet weather events, repaired and/or maintained to ensure functionality across the system is not compromised.</p>
<p>5. Use of Flocculant</p> <ul style="list-style-type: none"> • The EPA reminds the proponent the Section 120 of the Protection of the Environment Operations Act 1997 (POEO Act) applies to any discharges from the proposal site, as such the proponent must ensure that any discharge does not pollute the receiving waterway. • Should flocculants be used to treat the water captured onsite, information on the product and details on the proposed chemicals to be used and potential impacts must be provided to the EPA for consideration and assessment. Such details should include, but need not be limited to: <ul style="list-style-type: none"> ○ The dose concentration(s) of the proposed flocculant ○ A characterisation of the expected quality in terms of all pollutants present that pose a risk of non-trivial harm to the environment should they enter the receiving water ○ An assessment of the potential impact of discharges on the environmental values of the receiving waterway with reference to the Australian and New Zealand Guideline for Fresh and Marine Water Quality and the NSW Water Quality objectives ○ The degradation rate of the flocculant and the potential for accumulation in bed sediment of the receiving waterways. 	<p>To ensure that the discharging waters from the site meet Water Quality requirements in terms of suspended solids, sediment basins will be detailed in the SWMP. These sediment basins will be sized so that the use of flocculants will not be required or use minimised.</p> <p>Should flocculants be used to treat the water captured onsite, information on the product and details on the proposed chemicals to be used and potential impacts will be provided to the EPA for consideration and assessment.</p>

6.2 Biodiversity and Conservation Division

Table 4 provides a response to comments made by the Biodiversity and Conservation Division in its submission letter dated 11 October 2021.

Table 4. Response to BCD

Summary of issue/comment	Response
<p>1. Indirect Impacts on Turallo Creek</p> <p>The BCD recommend the following measures to mitigate the ongoing indirect impacts of the development on the riparian values of Turallo Creek:</p> <ul style="list-style-type: none"> All agricultural activities must be restricted to the approved development footprint. A 60m (60m buffer) separation from Turallo Creek is to be maintained for the life of the development such that there shall be no encroachment of agriculture, gardens or livestock into the 60m buffer. A pollution bund or some form of pollution control is to be constructed and maintained around the agricultural plot boundary to restrict the discharge and overland flow of effluent and nutrient discharge from the site. As part of the landscaping and groundskeeping, we also recommend that the area between the plot and Turallo Creek is maintained in a weed free state for the life of the development. 	<p>All agricultural activities will be restricted to the approved Ag. Plot land. This land is subject to a subdivision to create the Ag. Plot land, separate to the balance of area. No agricultural activities will be outside the area identified for the Ag. Plot.</p> <p>To restrict the discharge and overland flow of effluent and nutrient discharge from the site, a bioretention swale will be constructed at the northern end of the Ag plot boundary to capture runoff from the Ag Plot site before being discharged to the receiving waterways. Refer to the updated civil plans prepared by M+G, drawing reference BHS - CE - 2034 provided with the Amendment Report.</p> <p>DoE are unable to manage the land outside the Ag. Plot, as it remains under the management of Council and does not form part of the school site. However, we note that the land is currently maintained as an off-leash dog park and will continue to be maintained for this use, following the establishment of the Ag. Plot.</p>

6.3 Heritage Council of NSW

Table 5 provides a response to comments made by the Heritage Council of NSW in its submission letter dated 18 October 2021.

Table 5. Response to Heritage Council of NSW

Summary of issue/comment	Response
<p>1. Matters relating to Historic Heritage</p> <ul style="list-style-type: none"> Request that if any positive information regarding historic burials within the study area becomes available that the Department of Planning, Industry and Environment refer it to Heritage NSW for comment. Within the SOHI/AA section 4.2.2 Bungendore Common is duplicated at 4.2.4. It may be worthwhile adding the referenced letters and newspaper articles relating to the historic burials as an appendix to the SOHI/AA. If any construction works associated with this SSD fall within the curtilage of the 	<p>The amended SoHI has been submitted as an attachment to the Amendment Report.</p> <p>The SoHI states that there is unlikely to be any evidence of burial of anyone within the boundaries of the subject site or Bungendore Park.</p> <p>The SoHI addresses the statement that a 'grave' was present at the park and includes detail of any photos or newspaper articles referenced in these claims.</p> <p>The SoHI confirms that there is no evidence, reliable records or photographic evidence to suggest there is a grave located within the site. A review of previous heritage studies and Aboriginal archaeological reports has been</p>

Summary of issue/comment	Response
<p>Bungendore Railway Station and Yard Group SHR item they will potentially require approval from the Heritage Council of NSW. It would be best if this curtilage is clearly identified on relevant plans so that construction personnel are aware of its location at all times.</p> <ul style="list-style-type: none"> Three unexpected finds protocol conditions are recommended to cover any eventualities during construction work. This includes one specifically tailored for burials. 	<p>undertaken and there is no evidence in those to suggest a grave is located within the park.</p> <p>The report has been updated to remove the duplication of Bungendore Common. The heritage constraints are identified within the Site Constraints plan prepared by TKD Architects and identified as Drawing AR DA HS-0500 which is submitted with the Amendment Report. The proposal does not include any works within the curtilage of any local or state heritage item, as illustrated on the Preliminary Site Establishment Plan marked up by Hindmarsh. As all works are located outside of the curtilage of heritage items, approved from NSW Heritage Council is not required.</p> <p>An unexpected finds protocol will be adopted in consultation with the heritage consultant where required.</p>
<p>2. Matters relating to Aboriginal Cultural Heritage</p> <ul style="list-style-type: none"> There is some discrepancy between the date referenced for the Aboriginal Heritage Information Management System (AHIMS) search under section 4.1 of the ACHAR compared to the date in the search data attached as Appendix B. We recommend an updated search of AHIMS be undertaken as search results are only valid for 12 months. It is noted that the mitigation measures outlined in section 10 of the EIS do not incorporate all of the management recommendations from section 9 in the ACHAR. We recommend clarification be sought regarding how and when these recommended measures would be implemented. 	<p>An updated Aboriginal Cultural Heritage Assessment (ACHA) has been prepared by EcoLogical dated 22 July 2022. The updated ACHA confirms a search of the AHIMS databased was conducted on 2 February 2022 to identify any registered Aboriginal sites. The search and study area identified in Appendix B of the report is consistent with the date mentioned in the report and is valid (as it was undertaken within 12 months).</p> <p>Section 9 of this Submissions Report provides updated mitigation measures which incorporate the management recommendations in Section 9 of the updated ACHA submitted.</p>
<p>3. Recommended Conditions of Approval</p> <p><u>1. Heritage Management Plan</u></p> <p>A Heritage Management Plan is to be prepared to outline how the management measures from the ACHAR and the unexpected protocols would be implemented for this project. The plan needs to be prepared by a suitably qualified archaeologist in consultation with Heritage NSW and the registered Aboriginal parties.</p>	Noted.
<p><u>2. Unexpected Finds Protocol – Aboriginal Heritage</u></p> <p>In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal parties must be contacted to determine the significance of the objects. The site is to be</p>	Noted.

Summary of issue/comment	Response
registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.	
<p><u>3. Unexpected Finds Protocol - Historic Heritage</u></p> <p>If any unexpected archaeological relics are uncovered during work, then all works must cease immediately in that area and the Heritage Council contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of the Heritage Council.</p>	Noted.
<p><u>4. Unexpected Finds Protocol – Burials</u></p> <p>In the event that a burial or skeletal remains are uncovered during work, then all works must cease immediately in that area and the NSW police and Heritage NSW contacted. A suitably qualified archaeologist must be contacted to determine the specific nature and significance of the skeletal remains. The Applicant must consult with relevant stakeholders, the archaeologists and Heritage NSW to develop and implement appropriate management strategies for the skeletal remains. Works shall only recommence with the written approval of Heritage NSW.</p>	Noted.

6.4 TfNSW


Table 6 provides a response to comments made by TfNSW in its submission letter dated 20 October 2021.

Table 6. Response to TfNSW

Summary of issue/comment	Response
<p>1. School Zone</p> <ul style="list-style-type: none"> A school zone that complies with current TfNSW requirements is required to be implemented within the adjoining road network (e.g., Majara Street, Gibraltar Street and Turallo Terrace). The developer/landowner shall provide details on the school zone and the associated speed zone reductions (e.g. location of required signage, pavement 	<p>A school zone will be implemented in accordance with TfNSW requirements within the adjoining road network. The concept Signage and Line marking drawings illustrate pick-up and drop-off areas, pedestrian crossings and school zones. These may be subject to further design revision and will be undertaken prior to occupation of the site and issued to TfNSW for approval.</p> <p>School zone signage, speed management signage and pavement markings are to be installed at the cost of the owner/developer.</p> <p>Upon installation of school zone and speed management signage, the developer / landowner will arrange an</p>

Summary of issue/comment	Response
<p>marking, etc) to TfNSW for approval at least 12 weeks prior to occupation of the site.</p> <ul style="list-style-type: none"> • Installation of all required/approved school zone signage, speed management signage and pavement markings is to be undertaken at the developers/landowners expense and are to be in place prior to commencement of occupation of the development. • Following the installation of school zone signage, speed management signage and associated pavement markings, as required by condition 1 b) above, the developer/landowner must arrange an inspection with TfNSW for formal approval/handover of assets. The handover of assets must occur prior to the commencement of occupation of the development. • The approved school zone shall be operated and maintained in accordance with approvals issued by TfNSW for the life of the development. 	<p>inspection with TfNSW for formal approval and handover of assets.</p>
<p>2. Bus Bay</p> <p>Before finalising the school bus bay within Gibraltar Street, discussions shall be had with the school bus providers to determine the suitability of the bus bay (e.g. its length to cater for the required/determined number of buses) any concerns/issues and identification of appropriate mitigation measures to be implemented.</p>	<p>Further consultation was undertaken with Bungendore Bus & Coach, who have confirmed that 100 metres is a sufficient length to accommodate the additional demand of buses along Gibraltar Street generated by the primary and high schools.</p> <p>It is also noted that the bus bay has been relocated to the southern side of Gibraltar Street as indicated on the amended Architectural Plans.</p>
<p>3. Pedestrian Crossings</p> <ul style="list-style-type: none"> • The new pedestrian crossing to be provided in Gibraltar Street and Turallo Terrace shall be raised (i.e. wombat crossings). The design should comply with Austroads Guide to Road Design and Guide to Traffic Management including applicable supplements. • The details on the proposed pedestrian crossings shall be 	<p>Raised pedestrian crossings are provided along Gibraltar Street and Turallo Terrace as illustrated on the Architectural Plans.</p> <p>This new pedestrian crossing is designed as a raised crossing (wombat crossing) and the design complies with Austroads Guide to Road Design and Guide to Traffic Management including applicable supplements and the design is detailed on M+G drawing No BHS - CE - 2102, 2110 and 2200 provided with the Amendment Report.</p> <p>The detailed design of all the proposed pedestrian crossing is detailed on the Concept Signage and Linemarking Drawing by PDC and the amended civil engineering drawing BHS -</p>

Summary of issue/comment	Response
<p>submitted to the Queanbeyan-Palerang Regional Council Local Traffic Committee for review and comment before the submission of a detailed design to Council as part of obtaining Section 138 approval under the Roads Act 1993.</p>	<p>CE - 2200. These detailed drawings will be submitted to Council for a Section 138 approval.</p>
<p>4. School Travel Plan</p> <ul style="list-style-type: none"> Before occupation/use of the development as a school, the NSW Department of Education shall: <ul style="list-style-type: none"> Finalise the School Travel Plan (STP) in consultation with Council and TfNSW Submit a copy of the final Travel Plan to TfNSW and Council. Every 6 months the operation of the STP shall be reviewed with the travel plan being updated annually. As part of updating the STP consultation should be had with Council, TfNSW and the school community/parents. 	<p>The School Travel Plan (STP) will be finalised in consultation with Council and TfNSW and prior to the occupation / use of the development as a school.</p> <p>Details of the monitoring and review process will be provided in the final STP and include a review every 6 months, an annual update, and consultation undertaken with Council, TfNSW and the school community / parents o form part of an input for any updates to the STP.</p>
<p>5. Bus Service Implementation</p> <ul style="list-style-type: none"> Before the commencement of construction the NSW Department of Education shall contact the TfNSW Rural and Regional Contracts team and provide the required information to enable the school to be registered on the School Student Transport Scheme (SSTS) portal which will allow students to enrol for a bus pass. A minimum of 8 months before the occupation/use of the development as a school, the NSW Department of Education shall contact the TfNSW Rural and Regional Contracts team to enable discussions with bus operators. This is required to ascertain whether TfNSW can vary existing school bus routes under a Bus Service Alteration Request (BSAR) with existing buses or determine if a new service is required. 	<p>Initial discussions have commenced and are ongoing between (1) TfNSW and Bungendore Bus & Coach (BBS) and (2) TfNSW and QCity Transit (QCity).</p>

Summary of issue/comment	Response
<p>6. Rail Corridor Requirements</p> <ul style="list-style-type: none"> Before commencing any activities regarding demolition and construction, the proponent must provide JHR with a Risk Assessment/Management Plan and detailed Safe Work Method Statements for its review and comment. Before commencing works relating to demolition and construction, the proponent shall obtain written approval from JHR and TfNSW regarding the works including but not limited to the construction of a car parking space and the waste and recycling enclosure involving penetration of ground to a depth of at least 2m below ground level (existing) within 25m measured horizontally from the relevant rail corridor The use of cranes and equipment in proximity to the rail corridor shall comply with the following: <ul style="list-style-type: none"> the proponent must submit an application to JHR for approval of the Transport Asset Holding Entity of New South Wales (TAHE) before any use of cranes and equipment in the air space over the rail corridor the proponent is required to provide a safety assessment of the works necessary for the development assessing any potential impact or intrusion on the Danger Zone and that any works are undertaken by a qualified Protection Officer the use of cranes and equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment The proponent must not, and must ensure its employees and all other persons do not, enter 	<p>First point is noted.UGL Limited are the contractor for the operations and maintains of rail infrastructure for the Country Regional Network (CRN) on behalf of Transport for NSW. UGL commenced operations in January 2022 and replace the services provided by JHL. Coordination with TfNSW and UGL will be undertaken prior to commencement of works to ensure appropriate site fencing, waste storage areas and car parking is provided. This will form part of the construction management plan for the project and will be coordinated between the relevant stakeholders.</p> <p>Use of cranes will be detailed in the Risk Assessment/Management Plan and Construction Management Plan.</p> <p>To prevent unauthorised access to the railway, a 2.4m high TfNSW compliant palisade fence is proposed to the school boundary which fronts the rail corridor. Refer extract below from Landscape Architect Fencing.</p>  <p>The materials pallet of the existing Council Chambers building located against the railway corridor will remain as originally shown on the architectural plans. These materials include prefinished roofing, prefinished fibre cement cladding, anodised fenestration framing, bagged render and regular clear glazing. Roof mounted solar panninging is also visible from the railway.</p> <p>Highly reflective materials have not been selected for the proposed development. Block E will be positioned in general alignment with the former Council chambers, separated from the railway boundary by the carpark. It will use materials of similar reflectivity to the existing building including clear finished grey fibre cement, powder coated window framing and sun-shading louvres, and Zincalume finished corrugated wall and roof sheeting. Other proposed buildings on the site use similar materiality, including face brickwork in selected areas.</p> <p>If required, further consultation with UGL and TfNSW can be undertaken to demonstrate the suitability of the proposed materials, colours and finishes.</p>

Summary of issue/comment	Response
<p>any parts of the rail land during construction and the developments ongoing operation unless otherwise permitted in writing in advance.</p> <ul style="list-style-type: none"> • Before commencing any works, appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. • Before commencing any works, the proponent shall ensure car park lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor have been designed to limit glare and reflectivity to the satisfaction of TfNSW and JHR. Should any issues be identified post construction they are to be rectified by the proponent • The proponent must incorporate all the measures recommended in the Noise and Vibration Assessment in its development. The recommendations of the acoustic assessment are to be incorporated in the construction drawings and documentation before commencing of the construction activities. • Before occupation /use of the site as a high school permanent fencing of the rail corridor impacted by the school development must be in place to prevent unauthorised access. Written confirmation that the fencing is in place and is adequate shall be obtained from JHR or the authority at that time who has been appointed to manage the CRN. 	<p>Refer to drawing BHS-TKD-AR-DA-HS-3003–Elevations 04 prepared by TKD.</p>

6.5 DPE – Crown Lands

Table 7 provides a response to comments made by Crown Lands in its submission letter dated 6 October 2021.

Table 7. Response to Crown Lands

Summary of issue/comment	Response
<p>1. Lineal Infrastructure traversing Crown land/roads</p> <ul style="list-style-type: none"> Should the need for lineal infrastructure (gas pipes) to traverse Crown reserve arise, then an easement over the reserve will be required for protection of the infrastructure. As the easement process may be lengthy, it is also recommended that, if an easement is required, the proponent apply for a licence as soon as possible. A licence will temporarily authorise use and access for the infrastructure to traverse Crown Reserve whilst the easement applications are being processed. 	<p>As an interim measure, easements will be created over the sewer and water infrastructure on Crown land. The land subject to the easements will become redundant once the land is in the ownership of DoE.</p> <p>Should delays with the easement process be anticipated, appropriate discussions and licenses will be obtained from Crown land.</p>
<p>2. Aboriginal Land Claims</p> <ul style="list-style-type: none"> It is noted that Lot 701 DP 96240 is currently the subject of two incomplete Aboriginal Land Claims, ALC 19614 Lodged 26th August 2019 by NSWALC and ALC 23457 lodged 10th December 2009 by NSWALC. These claims are incomplete which may limit how the land can be used. The Department is unable to process a notification for an acquisition of the Crown Land where there is an undetermined or incomplete ALC. If the claim has formally been withdrawn, the proponent will need to provide written evidence from the Office of the Registrar of the Aboriginal Land Right Act 1983 (ORALRA). The proponent is encouraged to consult with the Scout Association of Australia New South Wales Branch regarding the use of, or access to, this Crown land and to contact Crown Lands as early as possible if Crown Lands' involvement is required to assist 	<p>The Minister for Education reached agreement with the Ngambri Local Aboriginal Land Council and the New south Wales Local Aboriginal Land Council in relation to the two Aboriginal Land Claims which were lodged but undetermined over the Ag Plot. A Deed of Agreement was fully executed on 8 April 2022. Following execution, the Ngambri LALC withdrew the two undetermined Aboriginal Land Claims over the acquired portion of the Ag Plot, which occurred on 10 May 2022. Further details contained below at 7.2.3. On 11 May 2022, the Office of the Registrar of the Aboriginal Land Rights Act 1983 wrote Crown Lands confirming that the application had been withdrawn over the Acquired Lands.</p> <p>Ongoing discussions have been held with the Scout Association regarding the use and access to Crown land.</p>

7 Public and organisation submissions

This section provides responses to the issues raised in the organisation and public submissions. The issues and responses are categorised as per the Department of Planning and Environment's *State significant development guidelines – preparing a submissions report* (Appendix C to the state significant development guidelines).

Overall, the responses received from members of the public and organisations varied, with 72 of the total number of submissions being in support of the proposed new high school. From the perspective of objectors, the primary concern was the site location, which has a variety of restrictions/limitations and a significant impact on both heritage and quality of life in the eyes of some residents.

In some submissions there was also a perception of limited opportunity to provide feedback earlier on the site selection (i.e., there is a sense that consultation was limited to input on design principles).

Another sentiment expressed in some objecting submissions was that the proposal reflected a poor understanding of the Bungendore area and dismissed heritage value and cultural significance, which some participants felt stemmed from a lack of consultation opportunities and transparency in the planning process.

The site location, in some objecting submissions, was said to have considerable impact on residents' access to green space/open space, way of life, community facilities and appreciation of the heritage of Bungendore. Furthermore, some submissions noted that the EIS did not sufficiently address how and why the site was considered for a high school, and questioned the need and justification for the development. Some objections raised surrounding developments, such as Bungendore Preschool, Bungendore Public School, Abbeyfield and surrounding housing developments and whether these were adequately addressed, along with the requirements for future capacity.

There are also concerns raised in the objections about consideration of alternative sites, including the extent of discussion or clear reasoning to how conclusions were reached in the EIS. The site selection process was criticised in the objections, with concern expressed that it had been rushed, flawed, and lack transparency. Further concerns were that the proposed high school could be inconsistent with various government guidelines, planning policies, legislation, and strategic plans.

Several legal issues were also raised, which, as highlighted in submissions, may impact the timing and/or feasibility of the proposal. These include Crown Land and the compulsory acquisition process, road closures and Aboriginal land claims. There is also the issue of lead contamination along the railway corridor which requires further testing/evaluation by TfNSW.

7.1 The project

7.1.1 Site location

Issue:

- The site is severely constrained due to the Crown Land classification, unresolved Aboriginal land claims and public road through middle of site.

The site also requires removal of pool and community hall, as well as sporting, health and child care facilities.

Response:

A 12-month site due diligence process was undertaken, and over 1000 hectares of land was assessed.

Each site was assessed based on its suitability to support the needs of the project. This included availability of services such as sewerage, electricity, and roads; the accessibility of the site; and environmental constraints such as bushfire, ecological impacts and flooding.

A public expression of interest (EOI) was undertaken, as a site was not initially found that met the needs of the project. Three submissions were received for proposed locations through the EOI process. These were investigated thoroughly and, unfortunately, were also found to be unsuitable for this project.

Following the due diligence process, the Majara/Gibraltar Streets precinct was identified as the most suitable location.

The acquisition of the part of Majara Street effectively closes the public road. Under section 41 of the Roads Act, "A public road that is compulsorily acquired under this or any other Act or law ceases to be a public road as a consequence of its compulsory acquisition." The land is now vested in the Minister for Education and Early Learning following the acquisition on 26 April 2022 and ready for inclusion as part of the school site.

The resolution of the Aboriginal Land Claims, including outlining that the Ngmabri LALC agreed to withdraw those claims over the Acquired Land for Compensation, are detailed below in 7.2.3.

Consultation also occurred with Council and 18 stakeholder groups that use Mick Sherd Oval. The concerns raised regarding the removal of the pool have been considered and it is worth noting a new pool is planned for construction by QPRC at the Sports Hub. Further, the pool at Bungendore Park was nearing the end of its lifespan.

Issue:

- The site is inconsistent with DoE's school site selection and development guidelines regarding multiple ownership and Aboriginal land claims.

Response:

The ownership and Aboriginal land claim matters regarding the site have now been resolved. Following acquisition of the land required for the school and post determination of the application, lot consolidation can occur. This will occur prior to occupation of the buildings as part of a lot consolidation process (auto-consolidation) through the NSW Land Registry Services.

DoE has reached agreement with all parties and finalised the Aboriginal Land Claim Deed of Agreements in order to formally resolve the Aboriginal land claims on the site. Regarding ownership, the site was transferred to the ownership of DoE in April 2022.

Issues:

- The school will disrupt town centre fabric and amenity.
- Bungendore Park as a traditional 200m x 200m town square will be destroyed.

Response:

The proposal has been amended to retain as much of Bungendore Park as possible. The sporting facilities have been relocated to within the school grounds, and the proposed school buildings fronting the park have been redesigned to reduce the bulk and scale and retain the north-south aspect of Majara Street. The amendments also incorporate a change in colours, finishes and materials to ensure consistency with the established character of Bungendore and its heritage. The amendments are considered to satisfactorily address the concerns raised.

Issue:

- The project will restrict access to/impinge upon Bungendore Park. The Park should remain reserved for community purposes.

Response:

Bungendore Park is a community asset and will continue to be available for community use. The Park is being subdivided and a small portion is being amalgamated with other portions of land to create the site for the new high school.

A joint use arrangement is intended to facilitate continued community use of Mick Sherd Oval outside of school use. There are no changes to Mick Sherd Oval amenities (and the adjoining carpark), tennis club and playground.

Mick Sherd Oval, and other community facilities such as the new sporting field at Bungendore Public School and the Council Sport Hub facilities, will be subject of discussions to agree joint use arrangements between Council and DoE. It is anticipated that the Oval will be used exclusively by the school for the delivery of the school curriculum during school hours. The Oval is not proposed to be used for general school break time use. This is a common arrangement for schools adjacent to public open space areas. The formal arrangements are subject to ongoing discussions between Council and DoE.

Issue:

- It is inappropriate to place a high school adjacent to railway due to suicide risk.

Response:

DoE is not aware of any evidence which suggests that high schools near railways are affected by increased suicide risk, nor is DoE aware of any guidelines that advise against placing a high school near a railway due to suicide risk.

This general risk will be managed through the use of fencing along the railway corridor, which will prevent unauthorised access, as well through general curriculum and operational management measures.

Issue:

- The school's urban location fails to take advantage of local agricultural and equine resources.

Response:

The proposal provides an agricultural support building and agricultural plot off Turallo Terrace. These facilities will be suitable for purpose and meet DoE's curriculum requirements. Students can independently pursue further extracurricular agricultural and equine activities if they desire.

Issue:

- The site location is unsuitable for emergency evacuation due to train line, narrow roads and flooding.

Response:

DoE has identified no acute site issues that would impede evacuation during an emergency situation. An emergency management plan will be developed and put in place prior to occupation of the school.

Additionally, emergency evacuation training will be prepared and implemented for employees and contractors during construction works in accordance with DPE's standard conditions.

7.1.2 Site size and school capacity

Issues:

- The site does not meet the recommendation for 4ha site area for a regional school in DoE's school site selection and development guidelines.
- Educational quality will be reduced given the small site size and lack of recreational space.

Response:

The 4ha requirement in DoE's site selection and development guidelines applies to regional/rural secondary schools *with capacity up to 2,000 students*.

The teaching spaces in the proposed high school in Bungendore are sized to accommodate 450 students, and the core facilities are sized to accommodate 600 students in case of future expansion. Therefore, even accounting for future expansion, it is clear that the required site area is much less than 4ha.

The site provides outdoor open space in accordance with the Educational Facilities Standard and Guidelines (EFSG's) benchmark of 10sqm of open space per student, with additional space provided in case of future expansion. Based on 450 students, a total area of 4,500sqm would be required. The amended design provides a total of 7,717sqm of outdoor play space as illustrated in Figure 1 below.

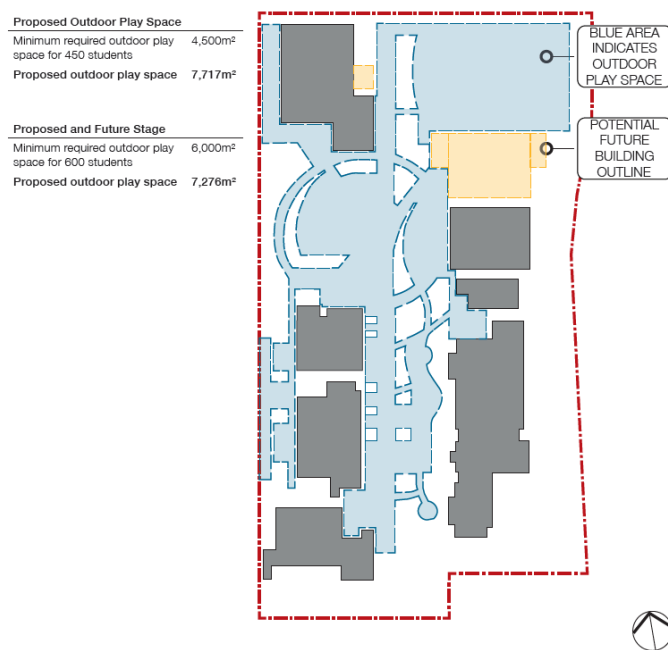


Figure 1: Outdoor Play Space and Future Expansion Details

Source: TKD

Issues:

- The site is too small for future expansion, and the school fails to cater for anticipated population growth. Demand will exceed capacity in only a few years (based on information obtained from DoE under GPA request). Specifically, the school will already exceed capacity in 2026 (i.e., within 3 years of opening) and will be 25% over capacity by 2036.
- Several submissions express concern regarding “user creep” into park as the school grows.

Response:

The proposal has been designed as a stream 3 high school to initially provide for approximately 450 students with core 4 facilities aimed to future-proof demand forecasted to 2036. A space between the library and sports courts has been identified for potential future expansion which will allow for an additional 150 students. The extract in Figure 1 above illustrates the potential expansion area whilst remaining compliant with the open space requirements.

The school site has been acquired to facilitate the provision of a new high school in Bungendore. Land that has not been acquired for the school will remain a public asset and will not be subject to ‘user creep’. Fencing illustrated on the Architectural Plans ensures the boundaries of the school are well defined.

7.1.3 Built form, design and materiality

Issues:

- The development is not compatible with the rural and heritage context in terms of height, architectural style and materiality.
- Concrete and fibre cement are inappropriate materials.

Response:

The design of the buildings has been revised to incorporate colours and materials that are compatible with the rural village character and heritage context of Bungendore. The

buildings now incorporate timber look cladding, perforated steel with custom artwork and face brickwork. The amendments replace perforated metal screening and textured fibre cement.

Issue:

- The design ignores current trends in education which focus on outdoor education and connection to nature.

Response:

The design for the new high school has been developed in consultation with regional educational leaders to ensure the new school facilitates contemporary pedagogical approaches, which include the adoption of co-teaching and co-learning, where multiple class groups learn together. The design has also developed in reference to DoE', Educational Facilities Standards and Guidelines. The learning spaces are designed to be flexible, offering varied settings for students to develop and learn. All general learning spaces are provided with high quality external views, and ground floor spaces and physical connections to outside. Formal and informal outdoor learning settings are also provided throughout the campus, including covered outdoor areas, tiered seating for performances and presentation, yarning circles and spectator areas around the games courts.

Issue:

- It is poor planning to split Ag Plot from main school. This appears to be an ad hoc effort to increase site size.

Response:

The Ag Plot design complies with the Educational Facilities Standards and has been deemed suitable by the Department of Education. There are also distinct advantages in locating agrarian and animal husbandry activities away from the main campus.

Issue:

- The layout results in limited spectator areas on Mick Sherd Oval.

Response:

The acquisition of part of the park for the new high school ensured there is sufficient space around the sporting field for spectators. The areas within the park and surrounding the field are level and provide ample space for spectators.

Issue:

- The reuse of the Council building appears to be less about sustainability and more about offsetting an inherited liability.

Response:

Re-purposing of the Council facility was not exclusively generated by or necessary to achieve sustainability outcomes, although this is an advantageous outcome of its reuse.

7.1.4 Ag Plot

Issues:

- The Ag Plot is subject to flooding.
- The Common is an inappropriate location for Ag Plot due to Tiger Snakes.
- There is potential for conflict between Ag Plot and dogs in off-leash area.
- The Ag Plot is too small for the intended use.

Response:

Proposed buildings within the agricultural plot are outside the PMF extents and are therefore compatible with local flood risks. Council's LEP and DCP do not have any requirements for locating agricultural land outside the flood extents; rather, it is commonly accepted across NSW that agricultural activities are appropriate within the floodplain. Therefore, the agricultural plot being subject to flooding is not a significant issue.

If the Common is currently suitable for a dog park, it should be more than suitable for agricultural activities that will be fenced off, maintained and free of large areas of long grass conducive to snake concealment.

The agricultural plot will be fenced off to avoid conflict with dogs in the off-leash area.

The size of the agricultural plot complies with the EFSG requirements for the intended use.

7.1.5 Fencing

Issues:

- Fencing around school will disrupt village atmosphere, is not in keeping with town centre aesthetic and will alienate the community.
- Fencing of Ag Plot is intrusive and incompatible with the Common.

Response:

The extent of fencing to the school boundary has been minimised, using building facades where possible to provide a secure line to the school in the case of an intruder emergency.

At the main entry of the school on Gibraltar Street, a large publicly accessible entry forecourt provides a civic space for the town and school. The school fence is setback from this space to reduce the visual impact.

To the northern boundary, the proposed school hall is setback from the street by planting and a community entrance to the hall connects to the street.

The games courts to Turallo Terrace are fenced to provide security to the school and to stop ball run off to the street. Brickwork piers within the fence line frame the two school entries and complement the character of the town. A 1m high chain wire fence, reflective of the existing public school fencing, is proposed along the Mick Sherd Oval to minimise the extent of high fencing on the public interface. A second fence line is provided around the School Common at the building line, allowing the school to be secured if needed. The post and top rail delineation around Mick Sherd Oval has been removed and community access to the park is maintained.

Fencing around the Ag Plot is 2.1m high with nominal 50mm posts at 3m centres. Wire is 3mm gauge with 50mm openings in diamond shaped pattern. This type of fence is very common and used extensively throughout. It is highly see-through and will have very minor visual impact on the park.

7.1.6 Landscaping

Issues:

- There is a concerning amount of impermeable surface. Heat island not considered. Unclear whether COLAs will be paved.
- It is preferable to use exotic deciduous species rather than natives to achieve denser shade in summer and sunlight in winter.
- The proposed trees will take many years to mature, resulting in significant interim impacts on tree canopy.
- The project makes no significant contribution to QPRC's Vegetation and Heat Adaption Strategy.

- Item 22 on the landscape plan identified as open space, but this has previously been identified as an area for future school expansion.

Response:

The amended design increases the total area of permeable surfaces and decreases the area of paving. COLAs will be paved.

A mix of indigenous and deciduous species has been chosen for biodiversity and native habitat outcomes. Deciduous trees are preferred for microclimatic purposes and have therefore been prioritised around gathering and passive recreation areas throughout the school. Native planting has been provided at the perimeter of the site.

The landscape strategy utilises a mix of native and deciduous planting typical to the Monaro region to ensure the planting palette is in-keeping with the natural aesthetic and character of the region. Where possible, buffer planting at the perimeter of the school is proposed to soften the visual impact of the proposed buildings.

Additional trees are proposed to offset those being removed as part of the development, which will be semi-mature at planting.

Council's Vegetation and Heat Adaption Strategy has been addressed through the provision of a planting scheme that will provide an increased tree canopy as trees mature. The reduced hard surface areas throughout the site also contribute to mitigating the heat island effect.

The open space area previously identified as an area for future expansion has been removed.

7.1.7 Staging

Issue:

- EIS says community uses will remain operational until Building E is complete and that there will be no period of time during which community uses are unavailable. This is incorrect: Bungendore Community Centre users have been given notice to vacate by the end of 2021.

Response:

The operation of the existing community facilities will remain open to the public for as long as practicable. All attempts will be made to minimise disruption to existing users of the facilities and ongoing discussions between Council, DoE and the construction/project managers will aim to continue operation of the facilities until demolition is to occur.

The Sports Hub is currently under construction and will be open in 2023/2024.

Furthermore, the community facilities have been removed from the proposal and will be replaced by new facilities to be constructed by QPRC at 19-21 Gibraltar Street.

7.1.8 Hours

Issue:

- Proposed hours of operation from 8am to 5pm mean that the community will be unable to utilise Mick Sherd Oval during daylight hours for much of the year.

Response:

The details of any joint use arrangement have not been finalised and are subject to ongoing discussions between Council and DoE.

7.1.9 Signage

Issue:

- Large, illuminated signage is inappropriate in the rural town centre context.

Response:

The digital sign has been removed from the proposal and replaced with a static board located within the boundaries of the school.

7.1.10 Joint use arrangements

Issue:

- EIS provides insufficient information re joint use arrangements.

Response:

The details of any joint use arrangement have not been finalised and are subject to ongoing discussions between Council and DoE.

7.1.11 Other issues

Issue:

- Project should provide purpose-built music, performance and creative arts facilities.

Response:

The school has been designed based on curriculum requirements and the Educational Facilities Standards and Guidelines. The curriculum offers opportunities for students to extend their knowledge and skills in a variety of creative arts including dance, drama, music, photographic and digital media, visual arts, and visual design.

7.2 Procedural matters

7.2.1 Site selection process

Issues:

- The site selection process was rushed, flawed, lacked transparency.
- It is unclear why other greenfield sites were not selected, as these are evidently more suitable.
- The grounds for not going ahead with other sites (obtained from DoE under GIPA request) are spurious.
- Concern was raised in submissions stating the process was driven by political expediency and affected by corruption.

Response:

A 12-month site due diligence process was undertaken, and over 1000 hectares of land was assessed. Each site was assessed based on its suitability to support the needs of the project. This included availability of services such as sewerage, electricity and roads; the accessibility of the site; and environmental constraints such as bushfire, ecological impacts and flooding.

A public EOI was undertaken, as a site was not initially found that met the needs of the project. Three submissions were received for proposed locations through the EOI process. These were investigated thoroughly and, unfortunately, were also found to be unsuitable for this project.

Following the due diligence process, the Majara/Gibraltar Streets precinct was identified as the most suitable location.

Consultation also occurred with Council and 18 stakeholder groups that use Mick Sherd Oval.

7.2.2 Adequacy of consultation

Issues:

- The overall level and quality of consultation was inadequate. The community was not adequately represented during consultation. Very few people participated in survey.
- The released information was promotional/generic. Key matters were not addressed during consultation, namely location and road closure/road disruptions.
- DoE did not provide a clear way to object until now.
- There is no evidence of consultation with many key stakeholders including Mick Sherd Oval users, community centre, swimming club and St Mary's church and Bungendore Country Music Muster committee.
- Community was lied to re location, traffic, alternative sites and Crown Land issues.
- Proponents actively suppressed dissent by restricting access to consultation sessions and deleting public commentary in open forums.
- It is unclear who the "community representative" was in the PRG and how they were selected.

Response:

DoE has carried out extensive consultation for the project. This has included consultation with:

- Potentially impacted residents whose properties border the school site.
- Local community groups including Bungendore Rugby Football Club, Abbeyfield House, Mick Sherd Oval Canteen Committee and Bungendore High School Action Group.
- Key public authorities including the Department of Planning and Environment (DPE), Council, TfNSW, John Holland Rail, Heritage NSW and the Government Architect of NSW.

Since August 2020, DoE has published 11 Project or Planning Updates, 3 Frequently Asked Questions, a Works Notification (soil testing), and a Traffic Assessment Summary (24 March 2021) and an acquisition notice (29 April 2022).

Consultation with the community has included a Virtual Information Session (20-26 September 2021), a fly-through showing an artist impression of the proposed school, a community information session on 11 May 2021, a community hub in September 2020, and a community survey in 2020.

Consultation has also included members of the NSW Aboriginal Education Consultative Group (AECG), with site visits with AECG representatives and the design team being held on 7 April 2021 and 18 June 2021.

In March 2021, architects for the project met with a Ngambri-Ngunnawal Elder and representatives from the AECG to undertake a Walk on Country. The school is being designed in partnership with the local Aboriginal community and a second Walk on Country was undertaken on 2 June 2021.

A Project Reference Group (PRG) was also established at the start of the new high school project to provide feedback into the design process. The PRG is attended by representatives from the Department of Education, the principal of Bungendore Primary School and a community representative. The PRG has met approximately 6 times from October 2020 to July 2021. Key areas of discussion have included:

- Changes to the internal building layouts and access to maximise learning outcomes and student safety.
- The capacity of the school to cater for the open space needs of all students.

- The proposed access arrangements between Bungendore Public School and the new high school, as well as transport options for the incoming students.
- The proposed fencing and maintenance strategy for the school site.
- The expected planning timeframes and enrolment opening dates.
- Support for retaining the Bungendore Public School library as is, opposed to relocating the library to the new high school site.
- In addition to regular community and stakeholder engagement, consultation following lodgement of the SSD application and prior to preparation of this Submission Report included:
 - 4 workshops with QPRC which included staff and councilors.
 - Discussions with community organisations in proximity to the site (Bungendore War Memorial Committee, Bungendore Country Music Muster, Bungendore Pre-school, Abbeyfield House, 1st Bungendore Scout Group).
 - Owners of adjoining properties.
 - Other Government agencies, including TfNSW.

7.2.3 Aboriginal land claims

Issue:

- The EIS does not satisfactorily address the Aboriginal land claims over the site.

Response:

The new high school site encompasses part of Lot 701 in DP 96240 (**Lot 701**). This land was acquired as Lot 1 in proposed DP 1276285 on 26 April 2022 (**Acquired Land**). Lot 701 was subject to Aboriginal Land Claims 19614 and 23457 (the **Aboriginal Land Claims**), which were lodged on 26 August 2009 and 10 December 2009 and remained undetermined at the time DoE began investigating the site generally as a site for the school.

The Minister for Education and Early Learning (**Minister**), the New South Wales Aboriginal Land Council (**NSWALC**) and the Ngambri Local Aboriginal Land Council (**Ngambri LALC**) entered into an agreement on 8 April 2022 whereby the Ngambri LALC and NSWALC agreed to withdraw the Aboriginal Land Claims insofar as they relate to the Acquired Land. On 11 May 2022, the Office of the Registrar of the *Aboriginal Land Rights Act 1983* wrote Crown Lands confirming that the application had been withdrawn over the Acquired Lands on 10 May 2022.

In light of agreement reached with the NSWALC and the Ngambri LALC, the Aboriginal Land Claims no longer apply to any part of the School site.

7.2.4 Consistency with SEARs

Issue:

- EIS does not provide adequate consideration of alternatives as required by SEARs.
- EIS does not provide complete description of development in that it fails consider Bungendore Preschool, Bungendore Public School, Abbeyfield development, and the East Bungendore, North Elmslea and Ashby developments.
- SIA does not satisfy SEARs.
- EIS does not adequately set out need and justification for the development.
- EIS does not provide details of construction, commissioning, and timing.

- EIS does not provide estimate of new and retained jobs along with methodology.
- EIS does not provide details of proposed before and after school services.
- EIS does not consider relevant legislation policies and guidelines including CLMA, Strategic Plan for Crown Land 2031, EFSG, School Site Selection and Development Guidelines, Roads Act 1993 and Improving Road Safety: School Zones.
- EIS fails to provide an adequate response to GANSW advice.

Response:

DoE considers that the EIS adequately addressed the project SEARs. In response to the specific issues raised:

- Section 1.3 of the EIS considers project alternatives in accordance with the SEARs. It is beyond the scope of the EIS to set out detailed analysis of the various alternative sites that were considered as part of the 12-month due diligence process and public EOI process.
- Surrounding development was considered in the design of the school and assessment of impacts. The transport report at Appendix 6a of the EIS considers surrounding residential subdivisions, such as Bungendore East and North Elmslea, in its analysis of impacts.
- The SIA at Appendix 9 of the EIS was prepared by a qualified planner in accordance with the project SEARs.
- Section 1.2 of the EIS sets out the need for the development, and section 11 sets out a summary justification for the project is set out section 11.
- Section 3.11 of the EIS provides construction details, including timing.
- Section 3 of the EIS provides an estimate of jobs. The methodology was included in the cost report, which was submitted to DPE separately for confidentiality reasons.
- The before and after school services (BaSC) proposed as part of the SSDA and will operate Monday to Friday during the following hours:
 - 7.30am-9am in the morning, and
 - 3pm-6pm in the afternoon.

Further details of the proposed BaSC are outlined in the Amendment Report submitted in conjunction with this Submissions Report.

- Sections 4 and 5 of the EIS considers all legislation, policies and guidelines nominated by the project SEARs. The EIS also considered the CLM Act and Roads Act 1993.
- DoE considers that the response to GANSW, provided at section 6.2.1 of the EIS, is adequate for the purposes of meeting the SEARs requirement. Since lodgement of the EIS, further meetings with GANSW have been held, and a further response to GANSW has been prepared. The project architect, TKD, has prepared a response to the comments provided by GANSW which is included as an attachment to the Amendment Report.

7.3 Environmental, social and economic impacts

7.3.1 Economic impacts

Issues:

- Impacts on local businesses and reduction in tourism due to loss of historical character.
- Cost appears high compared to new Jerrabomberra high school. Bungendore is not getting good value for money.

- Two storeys will require installation of costly lifts to meet accessibility requirements.
- Relocation of community facilities will impose significant financial cost on community.

Response:

As stated in the EIS and SoHI, the proposed school will not adversely impact on the historical character of Bungendore and the nearby heritage items. The amended architectural plans illustrate a reduced bulk and scale with colours and materials consistent with the established rural village character of the area.

The strategic plans and strategies outline an increase in housing and jobs in Bungendore which is likely to increase activity in the town centre. The school will provide increased opportunities for families with children to reside in the locality therefore positively contributing to the Bungendore economy.

The cost of the school is in line with NSW budget figures and local requirements.

The cost of the lifts is marginal in the context of the school as a whole.

The relocation of the community facilities is being undertaken by QPRC under a separate process. The facilities being removed as part of the proposal will be provided at the Sports Hub which is currently under construction by Council.

7.3.2 Transport – impacts on network operation

Issues:

- Road network cannot accommodate the increase in traffic. Many submissions point to impacts to area around post office and primary school.
- School zones will cause congestion.
- Majara St is a major thoroughfare; closure will cause significant issues including diversion of traffic to residential streets. Many submissions point to impacts on travel between Bungendore and Elmslea.
- No consideration given to cumulative impacts associated with nearby child care centre.
- Making McCusker Dr one-way will cause inconvenience.
- Carpooling for teaching staff as a method to minimise traffic is unrealistic.
- Relocation of bus stop to southern side of Gibraltar St will cause chaos.

Response:

The Transport Assessment Report prepared by GHD (dated 10 September 2021) that accompanied the EIS at Appendix 6a includes modelling which was undertaken at key intersections in the vicinity of the proposed high school. The assessment had taken into consideration several factors and assumptions such as traffic distribution and cumulative impacts at certain locations. The report and modelling confirms the local road network would be able to accommodate the increase in traffic volumes for commencement year 2023 and year 2033. All modelled intersections will perform satisfactorily with acceptable delays and spare capacity for both scenarios. Further, the traffic volumes generated by the proposed high school would only typically occur during the school weekday morning (8.00-9:30am) and afternoon (2:30-4pm) peak periods. Outside of these school peak periods, the local road network would typically operate with substantially less traffic volumes.

In response to the school zones causing congestion, the proposed location of the new high school is already subject to school zone restrictions due to the neighbouring primary school. This includes school zones along Majara Street and Gibraltar Street. Under the proposed development, school zones would be extended along Turallo Terrace (frontage road). As noted above, the local roads have capacity to adequately cater for the new high school.

It is noted Majara Street provided a direct north-south link between Malbon Street and Turallo Terrace. Acquisition of the section of road has taken place and the modelling undertaken with the traffic assessment accounted for the closure of this section of Majara Street. The results confirm that the local road network would be able to readily accommodate the increase in traffic volumes.

There are no changes proposed to McCusker Drive.

Given the school location, it is acknowledged that the majority of staff may drive to / from the proposed high school. Notwithstanding, the School Travel Plan (STP) once finalised will outline strategies to improve uptake of alternative transport modes which would reduce parking demand and in turn, reduce motor vehicle traffic generated by the high school (i.e. remove staff car trips from the local road network).

The existing bus stop on the northern side of Gibraltar Street only serves the Primary School. Relocating the bus bay to the southern side of Gibraltar Street will remove the requirement for primary school students to cross Gibraltar Street resulting in a safer road environment. Consolidation of bus bays would allow for the northern kerbside of Gibraltar Street to be provided as a Kiss & Drop (K&D) spaces space during school peak periods and operate as typical on-street parallel space at all other times.

7.3.3 Transport – safety

Issues:

- Increased car and bus traffic will pose safety risks to children.
- Influx of newly licensed drivers in close proximity to primary school raises safety concerns.
- Proposed parking along Turallo Terrace raises safety concerns associated with reversing vehicle movements given the location on a rising bend combined with increased traffic movements.
- Increased traffic at the T-junction of Turallo Terrace with Molonglo St/Tarago Rd is a problematic given line-of-sight issues.
- Kiss-and-drop areas on Turallo Terrace and Gibraltar St pose unacceptable safety risk due to traffic and sight lines.
- Dangerous for high school students to share bus zone with primary school students.
- Improve pedestrian crossing across Kings Highway to facilitate safe travel. Pedestrian island is not appropriate for students.

Response:

To address concerns raised in relation to safety, the area will be subject to school zone restrictions and enforce a low-speed environment. New wombat crossings are proposed along Gibraltar Street and Turallo Terrace. The STP will detail the management of pedestrians during school hours, noting the provision of a crossing supervisor is unlikely to be required. Provision of school zones and wombat crossings is expected to reduce the risk and potential for crashes with an expectation that drivers are aware of school zone restrictions and adapt their driving accordingly.

The current parking arrangement along Turallo Terrace involves angled car parking serving Bungendore Community Centre and the Preschool, at its eastern end. A review of crash history data has found no vehicle incidences along Turallo Terrace. Additional parking has been provided along Turallo Terrace with the amended plans. It is recognised that increased traffic movements and provision of additional angled and indented on-street car parking spaces would create additional situations where reverse car manoeuvre occur to access these spaces. However, it is expected the increased traffic movements would only occur during school peak periods and during these times, school zone restrictions of 40km/h speed limit would apply. Furthermore, vehicle speeds would be further controlled with the

proposed wombat crossing on the eastern end of Turallo Terrace. Outside of these school peak periods, the local road network would typically operate with substantially less traffic volumes.

The intersection of Turallo Terrace with Molonglo Street and Tarago Road is a standard T-junction intersection and is not considered to be subject to obstructions affecting driver sight lines. It is considered that there are adequate sightlines for drivers to satisfactorily and safely undertake turn manoeuvre due to the existing and standard geometric intersection layout and road conditions.

The School Travel Plan will detail the kiss and drop arrangements and operation to ensure staff, parents and students are aware of the road environment within the vicinity of the proposed high school. The Proposed wombat crossings, including 'No Stopping' zones along the immediate arrival and departure side generally comply with the relevant requirements of AS 1742 and is therefore considered acceptable from a sightlines perspective.

The concerns raised regarding the danger associated with high school students sharing the bus zone with primary students is unsubstantiated on traffic and parking grounds.

Upgrade of the pedestrian crossing facilities at Kings Highway is not considered warranted by the new high school. A review of crash history data was undertaken of the subject intersection and pedestrian refuge. The review confirmed that two (2) incidents have occurred within the vicinity of the pedestrian refuge however, both incidents did not involve pedestrians. Whilst it is acknowledged that the proposed high school would generate increased pedestrian movements with additional students utilising the refuge for journeys to and from south of the site, it would not necessitate a provision for a pedestrian crossing.

7.3.4 Transport – adequacy of analysis

Issue:

- Analysis excludes residents of outlying areas and students who currently attend private schools. This is described in GHD's report as a "major limitation to the assessment of the potential bus catchment".
- Data was only collected over a single 3-hour period. This is insufficient.
- Analysis neglects impacts caused by periodic flooding of McCusker Dr and Turallo Terrace
- Traffic data does not match counts conducted by locals.
- No evidence of traffic analysis equipment used in the area.

Response:

The Transport Assessment Report prepared by GHD (reference 12548316, revision 5, dated 9/10/2021) confirms traffic surveys were undertaken on a typical school day (Thursday 5/11/2020) over two (2) separate 1.5-hour periods, being 8:00am – 9:30 am 2:30pm – 4:30pm. It is noted that the above times coincide with the typical morning and afternoon school peak periods of the existing Primary School and that of the proposed High School. The surveyed times are considered acceptable as it would capture the periods where traffic volumes are expected to be the greatest within the local road network and subject to assessment.

Analysis of flooding does not take place in modelling and analysis of traffic impacts.

Traffic data surveys were undertaken by Trans Traffic Survey (TTS) who is an ISO 9001-accredited company. The surveys undertaken and raw data collated by them is reliable.

Liaison with the traffic surveyor, TTS, was undertaken to confirm survey details and has confirmed the methodology uses video equipment to record the site at the time required. The video is then counted at an office to extract traffic volume. The equipment is small and

wouldn't attract any attention. The footage has been provided to the traffic consultant, PDC, who can substantiate the survey was undertaken.

7.3.5 Transport – vehicular access and parking

Issues:

- Proposed car parking is inadequate.
- Unclear why station forecourt parking is not included in the proposal despite this being noted in previous project information. Delineated parking in train station car park should be provided.
- Objection to loss of on-street parking.
- No allocation for student car parking.
- On-street parking is already difficult during school peak hours, and the project will exacerbate this issue.
- New parking should not take up existing green space.
- 76 bike spaces are inadequate.
- New Turallo Terrace parking will impact residential amenity along the road.
- Objection to new roundabouts; these will require tree removal, add concrete and disrupt the network.

Response:

The new high school will accommodate up to 41 staff. The development will provide 44 on-site car spaces and therefore will accommodate all staff car parking demands.

In accordance with Council's comment, 98 angled and indented on-street car parking spaces will be provided along Turallo Terrace. The 98 spaces proposed offsets the loss of some 60 spaces as a result of the proposed high school, potential loss of 15 spaces associated with Bungendore Scout Hall, and demand of some 23 spaces by high school students that are expected to drive. In addition, a total of 10 kiss and drop spaces will be provided (4 spaces along Gibraltar Street and 6 spaces along Turallo Terrace). The kiss and drop operations will only occur during school peak periods. Outside these times, the spaces will function as typical on-street car parking spaces which would benefit the general public. The station forecourt is outside of the scope of works proposed.

Given the nature of the proposed development, it is expected that there will be increased traffic movements within the vicinity of the area during school peak periods. However, outside of these school peak periods, the local road network would typically operate with substantially less traffic volumes. It should be noted that the proposed high school benefits from 2 street frontages, and traffic movements and parking are expected to disperse between Gibraltar Street and Turallo Terrace.

The kerbsides of Turallo Terrace between its intersections with Butmaroo Street and Majara Street is primarily in the form of grassed verges. As part of the new high school development, it is proposed to formalise the kerbside car parking arrangements as illustrated on the amended plans. It is considered the proposed on-street parking arrangements provide a net-benefit to the local community which would serve, the new high school, Pre School, local residents and visitors to Mick Sherd Oval.

The provision of 76 bicycle spaces is based on the targeted travel mode share of students and staff as outlined in the traffic report. It should also be noted that as part of the STP, details of a monitoring and review process will be provided to gain an understanding of actual travel modes of the new high school. As part of this process, should it be determined that there is additional demand for bicycle parking (i.e., higher cycling uptake), the school would be able to provide additional bicycle parking to accommodate such demand. The

initial provision for 76 bicycle spaces is appropriate and the demand for bicycle racks and the like would be monitored (as part of STP requirements).

The provision of roundabouts is required to ensure the local road network performs satisfactorily. No tree removal is required for construction of the roundabouts as evident on the demolition plan forming part of the amended Architectural Plans.

7.3.6 Transport – pedestrian network

Issues:

- Surrounding roads and streets have no guttering or footpaths are not equipped to handle the high school pedestrian traffic.
- TA contains errors in its description of the active transport network and offers illogical upgrade recommendations.

Response:

New footpaths and kerb will be provided alongside the on-street parking spaces on Turallo Terrace. Sufficient crossings and footpaths have been provided with the amended proposal to cater for high school pedestrian traffic.

The existing active transport options (i.e., cycle network) within the vicinity of the site. The cycle network is provided in accordance with TfNSW requirements. The site has good access to the cycle network with cycle paths separated from the public road which are provided along Turallo Terrace and within Bungendore Park. These cycle paths are provided to the north-east and west of the site respectively. Adjustment to the footpath network in the immediate vicinity of the school (including within Bungendore Park and along Turallo Terrace) will be required as part of the proposal. A walkway connection between Gibraltar Street and Turallo Terrace will be provided on the western side of Mick Sherd Oval.

7.3.7 Transport – construction traffic and parking

Issues:

- Proposed heavy vehicle route along Turallo Terrace is unsuitable due to impacts on residential amenity and pedestrian safety.
- Proposal to locate construction parking in Council carpark does not consider the need to accommodate 35 Council staff within the Council building during works mentioned elsewhere in EIS. Construction vehicles will likely spill out into streets.
- Inappropriate to use Butmaroo St for construction parking as it a residential street with no kerb and is used heavily by pedestrians.

Response:

The site is located at the north western extent of the village centre. As much as is reasonably practical, use of local roads as part of the heavy vehicle route is minimised. The site has good access to Turallo Terrace (north of the site) connecting with Molonglo Street (Regional Road) to the west and Majara Street (south of the site) connecting with Kings Highway / Malbon Street (State Road) to the south. As outlined in the Preliminary Construction and Pedestrian Traffic Management Plan (PCPTMP), construction hours of work aim to minimise construction impacts (i.e. traffic, acoustics etc.) on the local road network and adjoining properties. Vehicle access to the site via Majara Street will be restricted during school peak periods with the site only accessible via Turallo Terrace. This will ensure that heavy vehicle movements do not coincide with the school peak periods of the Primary School.

The use of public transport and car-pooling will be actively encouraged by the builder and all sub-contractors to reduce the reliance on private vehicles and minimise parking demands. With regards to on-site parking, the following is noted:

- It is estimated that a maximum of 110 workers would be on-site at any one time. Applying a car occupancy rate of 1.5 persons / car, this equates to a car parking demand of approximately 74 contractor spaces.
- The Preliminary Site Establishment Plan marked up by Hindmarsh indicates provision for on-site contractor car parking including:
 - An estimated 135 contractor car parking spaces can be provided within the new high school site and additional overflow available on the Ag Plot site. Accordingly, the anticipated demand for 74 car spaces can be wholly accommodated with no reliance on on-street car parking.
 - Following the demolition of the existing community centre (north-eastern corner of the new high school site) a further 50 car spaces can be accommodated for contractor parking after mid-2023.
 - In the unlikely event that there is greater demand of contractor parking which cannot be accommodated within the new high school site, an overflow car park area has been designated within the new high school agricultural plot site.
- As much as reasonably practical, the builder shall ensure that contractor parking demands are accommodated on-site. To convey the available on-site car parking areas to all on-site workers, workers will undergo a site induction during which, they will be advised to utilise the designated on-site car parking areas.
- Having regard for the above, there are sufficient provisions for on-site contractor parking that would reduce, if not prevent, any impacts on the existing on-street parking conditions along nearby local roads including but not limited to, Turallo Terrace, Gibraltar Street and Butmaroo Street.

The above is considered satisfactory for the proposed new school.

7.3.8 Heritage

Issues:

- General:
 - 2-storey height not in keeping with the heritage context.
 - Proposal will compromise heritage value of the town centre.
- Grave – proposal will impact suspected grave in southeast corner of site.
- War Memorial – significance will be eroded. Several submissions point to the bus bays and kiss-and-drop in front of memorial as an issue.
- Railway station – proposal will compromise State-significant railway precinct.
- 63 Turallo Terrace (signalman's cottage) – proposal will affect visual outlook from 63 Turallo Terrace (railway signalman's cottage) and diminish the cultural significance of the property.
- Gallipoli pines – concern re impacts on Gallipoli pines.
- Heritage report inadequate:
 - Report neglects non-built heritage (i.e., social and civic) associated with the park.
 - Report is incomplete given access to State archives and non-digitised maps was unavailable due to Covid restrictions.
 - Report does not recognise Bungendore Park as a traditional 200m x 200m town square.

Response:

A revised Statement of Heritage Impact (SoHI) report has been prepared and submitted as part of the separate Amendment Report. The revised SoHI satisfactorily addresses the concerns raised in submissions in relation to heritage, and also concludes that the amendments to the proposal result in no adverse impact to heritage.

In direct response to the above concerns:

- In keeping with the character of the town, the proposed new buildings are one and two storey, and they are grouped collectively opposite the existing Council Chambers which are of similar height.
- The original street network will remain legible. A portion of Majara Street will be closed; however, sight lines through Majara Street are maintained with the relocation of buildings east and west of the road alignment.
- The proposal will not directly or indirectly impact on the locally listed War Memorial. Notably, the kiss and drop spaces fronting the War Memorial have been relocated, and bollards around the War Memorial have been removed.
- The proposal will not directly or indirectly impact on the locally listed signalman's cottage at 63 Turallo Terrace.
- The proposal will not directly or indirectly impact on the State listed Bungendore Train Station or its curtilage.
- No other heritage items in the vicinity will be directly or indirectly impacted by the works.
- No significant views to or from heritage items will be obscured.
- The proposed Agricultural Plot will retain the open vegetated character of the Bungendore Common.
- No notable evidence of a grave has been found on the site.
- The proposal requires removal of a number of trees, including 2 Radiata Pines, but these 2 pines are not traditional 'Gallipoli Pines' (which are Aleppo Pines) and are not known to have any heritage significance.
- In response to the adequacy of the SoHI, the report was prepared in accordance with the NSW Heritage Manual (Heritage Office and DUAP, 1996), Assessing Heritage Significance (OEH, 2015), Statements of Heritage Impact (Heritage Office and Department of Urban Affairs & Planning, revised 2002), Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and 'Relics' Heritage Branch, Department of Planning, 2009) guidelines as required by the SEARs.

7.3.9 Aboriginal heritage

Issue:

- Aboriginal heritage of park never fully investigated.

Response:

Aboriginal heritage has been investigated in accordance with all relevant legislation and guidelines. No further action is required.

7.3.10 Tree removal

Issue:

- Mature tree removal/loss of green canopy unacceptable.

Response:

One of the key objectives of the landscape design was to incorporate as many existing trees as possible within the site into the new school design. Tree retention and removal has

been reviewed by an arborist. All trees across the site have been graded by the arborist as high, medium, and low value for retention. The high value trees have been maintained where feasible. For further detail on trees to be removed and retained, refer to the updated Arboricultural Impact Assessment prepared by EcoLogical dated 9 September 2022 submitted as part of the Amendment Report.

An additional 131 trees (at 75 & 25L pot sizes) will be planted across the site as part of the school development. This will increase tree canopy cover in the school site by 50% compared to existing conditions, and will provide biodiversity, shade and amenity for the school.

7.3.11 Noise – operational

Issues:

- General noisy nature of high school will impact town amenity.
- Railway noise may interfere with student learning.
- Particular concern raised by owner of 63 Turallo Terrace re traffic noise and outdoor play space noise.
- Exceedance of noise levels by outdoor activity is unacceptable. Inappropriate to locate hall/gym and sports courts directly opposite residences on Turallo Terrace.
- Noise assessment is flawed given it was undertaken when Covid health orders were in place and there was reduced traffic.

Response:

The Acoustic Logic (AL) Noise Impact Assessment (ref 20210459.1/0809A/R3/GC dated 8/09/2021) assesses noise impacts to receivers with consideration of NSW EPA Noise Policy for Industry. Design and modelling of the buildings has taken into consideration the noise amenity of the existing residents and commercial receivers. With respect to the outdoor noise from playground use, it is typical to apply a less stringent indicator of noise impact than the NSW EPA NPfl requirements (i.e. intrusiveness noise level of background + 5 dB(A)) given that it is present for short periods through the day and it is regarded as "community" noise and "non-offensive". Railway noise impact to the school has been measured and assessed in the Noise Impact Assessment based on the criteria from the Department of Planning Development Near Rail Corridors and Busy Roads Interim Guidelines. Internal noise levels to classrooms have been assessed and complying construction treatments have been provided.

The Noise Impact Assessment provides assessment of additional traffic noise to Turallo Terrace and has been found to be in compliance with the NSW Road Noise Policy 2011 requirements based on the data provided from the GHD Traffic Report dated July 2021. With respect to the outdoor noise from playground use, it is typical to apply a less stringent indicator of noise impact than the NSW EPA NPfl requirements (i.e. intrusiveness noise level of background + 5 dB(A)) given that it is present for short periods through the day, and it is regarded as "community" noise and "non-offensive".

Noise impacts to residential receivers from the gym/hall was carried out as part of the noise impact assessment based on architectural drawings. Noise has been predicted to be 40 dB(A) Leq to Turallo Terrace with hall doors open along the west and 33 dB(A) with doors closed. This is in compliance with the NSW EPA Noise Policy for Industry day/evening noise amenity requirements.

To our knowledge there were no Covid restrictions to regional NSW during initial noise measurement period between 29/4/2021 to 10/5/2021. Regardless, additional unattended noise monitoring was conducted as per EPA requirements between 1 February and 11 February 2022 during a period of no Covid restrictions. The monitoring locations were selected to represent the background noise level at the potentially most impacted receivers. The source of ambient noise was noted as being distant traffic noise. For technical

details regarding the logger locations and equipment utilised, refer to the updated AL Noise Impact Assessment.

7.3.12 Noise – construction

Issue:

- Objection to proposed extended construction hours.

Response:

There are no extended hours for construction being sought.

7.3.13 Lighting

Issues:

- Lighting report is overly generic.
- Sports courts should not be flood-lit due to amenity impacts.

Response:

The Lighting Impact Management Plan by NDY dated 14 July 2022 is consistent in its format and level of detail as reports completed for other services and disciplines. The light report confirms that all lighting will be designed in accordance with Australian Standards (AS1158) to ensure safe and functional lighting to outdoor areas is provided. The report confirms that all lighting has been designed to ensure it will meet the requirements of the Australian Standard (AS4282) to prevent lighting from spilling into neighbouring properties and this also meets the Council requirements. Sports areas have been relocated and will have reduced impact on surrounds.

All lighting to sports areas have been designed in accordance with the Australian Standards for such facilities (AS2560) and the effects of outdoor light have been minimised in accordance with AS4282 through the use of high-performance LED luminaries.

7.3.14 Privacy

Issue:

- Proposal will impinge upon privacy of 63 Turallo Terrace.

Response:

Fencing between the new high school and existing property at 63 Turallo Terrace will be upgraded to address any concerns related to privacy. The amended design includes replacement of outdoor play space with cricket nets and games courts which will be separated from 63 Turallo Terrace by campus perimeter planting which incorporates a range of small, medium and large plantings, a mix of native feature and canopy trees and retention of trees wherever possible. It is considered the visual privacy of 63 Turallo Terrace will be maintained with the proposed school.

7.3.15 Contamination

Issues:

- Lead contamination has been identified in the railway corridor and poses a safety risk to students. Construction works will mobilise the lead contaminants.
- Location of sampling sites not clearly identified.

Response:

Douglas Partners Pty Ltd (DP) have completed several phases of environmental investigation works for the proposed school site. The most recent is a Detailed Site

Investigation (DSI), titled Detailed Site Investigation (Contamination) New High School in Bungendore' (reference 202107.04.R.002.Rev2, dated 14 July 2022).

As part of the DSI, a total of 52 boreholes were drilled across the proposed site. Soil samples were collected and submitted for a wide range of potential contaminants, including lead. In addition, a copy of the report detailing assessment works of the railway corridor was reviewed. Whilst it is noted that lead contamination of surface soils (soils shallower than 200 mm) is present within the railway corridor, concentrations of lead reduce with distance from the railway corridor.

No concentrations of lead greater than assessment criteria were reported in soil samples collected from the proposed school site. The assessment criteria selected were obtained from National Environmental Protection Council (1999, as amended in 2013) National Environment Protection (Assessment of Site Contamination) Measure, based on a 'residential with garden / accessible soil' land use setting, which is the most conservative assessment criteria and is recommended for use on school sites.

Sampling locations are provided in Drawings 2 and 3 of Douglas Partners Pty Ltd's 'Report on Detailed Site Investigation (Contamination) New High School in Bungendore' (reference 202107.04.R.002.Rev2, dated 14 July 2022) attached to the Amendment Report.

7.3.16 Views

Issues:

- Development will generally impact surrounding views.
- New roundabout will impact views to surrounding heritage items.
- EIS fails to consider views to Gibraltar Hill and views to and from railway station and other heritage sites.

Response:

As noted in the EIS, there are no significant views in the locality. The proposed buildings and associated works (i.e., roundabouts) will have no adverse impact on the significance of surrounding heritage items and will have no adverse impact on the views to/from the railway station and Gibraltar Hill particularly noting the hill is to the east of the railway station and the proposed school is located west of the station.

7.3.17 Overshadowing

Issue:

- Buildings will cause overshadowing of Mick Sherd Oval during winter months.

Response:

The revised Architectural Plans prepared by TKD have included computer generated shadow diagrams. They illustrate that shadowing is limited to very early morning around the winter solstice. The shadows are cast on the very edge of the park, leaving almost all of the runoff area in full sun; the linemarked playing field is not impacted at all. This very minor shadowing quickly moves entirely off the park soon after 9am.

7.3.18 Flooding

Issues:

- McCusker Dr and Tarago Rd are subject to flooding, which will affect access to the school.
- Ag Plot is unsuitable for the intended use due to flooding.

Response:

At the peak of a flood event in Bungendore, McCusker Drive and Tarago Road would not be trafficable. However, even in the worst-case flood (the probable maximum flood, or PMF), site access to emergency services would be available from:

- The police station on the corner of Gibraltar Street and Butmaroo Street,
- Ambulance services are located on King Street,
- The SES unit and Rural Fire Brigade are located in the same building on the corner of Ellendon Street and King Street.

The route from these locations to the site is east on King Street and north on Majara Street and is only affected by H2 flood hazards in the PMF event, which are trafficable by large vehicles. An alternative route can be via Butmaroo Street in a flood event.

Further, the site is outside the PMF extents, and therefore occupants can safely shelter-in-place until flood waters recede. The proposed buildings within the Agricultural Plot are outside the PMF extents and are therefore compatible with local flood risks. The Palerang LEP and DCP do not have any requirements for locating agricultural land outside the flood extents; rather, it is commonly accepted across NSW that agricultural activities are appropriate within the floodplain.

Further to the above, the Flood Assessment prepared by Martens (reference P2008007JR01V02, dated September 2021) notes that:

1. Proposed flood characteristics are largely consistent with existing conditions, and differences due to the proposed development are negligible.
2. The proposed development area of the site is flood free in the 1% AEP flood (with and without climate change) and PMF events.
3. The proposed high school development would have acceptable offsite flood impacts.
4. Flood risks to life on site are low, and both evacuation and shelter-in-place emergency response strategies are available to further mitigate flood risks.
5. All building finished floor levels are above the FPL and PMF levels.
6. Compliance with Council flood planning level are achieved.

Based on the initial report prepared by Martens and the negligible impact of the development on flooding in the locality, the proposed new high school is considered suitable from a flooding perspective.

7.3.19 Social – loss of green space/recreation areas

Issues:

- Loss of portion of park/removal of some of the town's primary green space.
- Inability to use oval on weekdays during school hours.
- Impingement upon popular off-leash park.
- Mick Sherd Oval will be overutilised due to shared use agreement.

Response:

The applicant will continue to seek a joint use arrangement for school use of Mick Sherd Oval during school hours. However, the SIA lodged with the EIS found that while use of Mick Sherd Oval will be restricted during the day, residents will continue to have access to a large area of neighbouring open space. Warren Little Oval and Park is located immediately opposite the oval, within 200m walking distance. It provides approximately 10 ha of public open space including an oval, waterways, picnic areas and grassed spaces. The park therefore provides a large area of open space suitable for a range of structured and unstructured recreation activities. Given the functionality, size and proximity of Warren Little Oval and Park, it is likely that the casual, daytime recreation needs of the community can be accommodated by this space.

As documented in the previous SIA, it is expected that other regular users of Mick Sherd Oval including local sporting teams and students at Bungendore Public School are unlikely to be impacted by this use. Access to the oval will be maintained for school holiday, weekend and after school use, with Bungendore Public School's intermittent use of the oval expected to be maintained under the proposed joint use arrangement. SINSW also consulted with 18 stakeholder groups who use Mick Sherd Oval and made design changes to accommodate their needs, including installing flood lights.

It is noted that pedestrian access through the park between Gibraltar Street and Turallo Terrace will be maintained via the new pedestrian pathway to the west of the Oval.

In relation to the impingement on the off-leash dog park, we note that the Ag Plot will only occupy an area of 4,500m², which will leave an area of 17,600m² remaining for use as an off-leash dog park.

Given the existing overuse of Mick Sherd Oval noted in the Bungendore Structure Plan 2048, the use of the space by the high school has potential to further impact on the quality of the oval. The planned opening of the Bungendore Sports Hub is to be advised by QPRC and is expected alleviate this pressure, with most sporting competitions and training proposed to move to this facility on Malbon Street, approximately 1.1km from the site.

7.3.20 Social – loss of pool and other community facilities

Issues:

- Strong objection to removal of pool. Pool funded by local community.
- Removal of pool detrimental to primary school children who can currently walk there.
- Upheaval for community centre uses.
- Unclear whether all facilities/uses in the existing community centre will be replaced.

Response:

A new pool is planned as part of the Bungendore Sports Hub being developed by QPRC. The new Sport Hub is proposed to have six grass sports fields, six hard courts, floodlights, irrigation, amenities and sporting club facilities, car parking, shared pathways, and an aquatic centre, including an eight-lane outdoor swimming pool, which will be of a significantly higher quality than Bungendore Pool and is expected to provide an improved recreation experience.

The Department of Education will provide funds to support the pool's construction. The amount of funds will be determined by the NSW Valuer General through the Just Terms Compensation Act. The new pool will be located less than 1km from the existing Bungendore Pool.

The QPRC website indicates that the new aquatic centre is expected to be operational by the 2023- 2024 summer season resulting in the Bungendore community being without a public pool for a limited time period.

The community facilities have been removed from the proposal and will be replaced by new facilities to be constructed by QPRC at 19-21 Gibraltar Street. As noted above, the details of the joint use agreement are subject to ongoing discussions between Council and DoE.

7.3.21 Social – way of life

Issues:

- Park and village amenity reduced.
- Sports, ANZAC Day, entertainment and other cultural gatherings will be affected.
- Town centre fabric disrupted and access restricted.

Response:

Bungendore Park is a community asset and will continue to be available for community use.

A proposed joint use arrangement will facilitate continued community use of Mick Sherd Oval outside of school use. There are no changes to Mick Sherd Oval amenities (and the adjoining carpark), tennis club and playground.

The original proposal included a low, top rail style fence around Mick Sherd Oval, with removal timber bollards in front of the War Memorial. The amended proposal has removed the timber bollards and the southern and western boundary fences. This will maintain ease of access to the War Memorial and Mick Sherd Oval for commemorative events. A 'no stopping' zone will also be maintained at the kiss and drop bay which fronts the War Memorial.

Representatives from SINSW met with the Bungendore Country Music Muster in March 2022 to discuss their concerns with the relocation of the rotunda and potential alternatives. SINSW is currently liaising with the Bungendore Country Music Muster and Council to discuss potential relocation options. At the time of this report, discussions were still ongoing to determine a suitable relocation site.

SINSW also met twice in 2022 with representatives of the Bungendore War Memorial Committee, and Anzac Day and Remembrance Day were discussed. It is noted that Council is responsible for most sport, ANZAC Day and cultural gatherings that are held at Bungendore Park, and it is not anticipated that the small area of land proposed to comprise the high school will limit the opportunity for these uses to continue.

7.3.22 Social – other

Issues:

- Sports Hub is unrelated to the project and should not be used for justification of loss of community facilities.
- Inappropriate to locate school adjacent to the town's two pubs.
- Relocation of the Rotunda and Bush Balladeers Place to Frogs Hollow is inappropriate because the area is a floodway and separated from the town, and performances will be disrupted by heavy vehicle traffic.
- General reference to Mick Sherd Oval throughout EIS minimises the broader social significance of Bungendore Park.

Response:

The Sports Hub is not being used as justification for the loss of community facilities and is a separate proposal that has been planned by Council for several years, with the Development Application lodged in mid-2020.

Council's media release of 13 August 2020 notes "The Bungendore community has been heavily reliant on Mick Sherd Oval and in recent years it has become evident that the community has outgrown that space," and "The development of the Sports Hub will provide the growing Bungendore community with a dedicated venue for sports such as soccer, football, rugby union, netball cricket and AFL which will become the premier sporting venue in Bungendore. Future stages of the sports hub will include additional fields, swimming pool and further community assets."

In relation to the location of the school in proximity to the two town pubs, we note that the proposed high school has been co-located with the existing Bungendore Public School, that was established in 1868. We are unaware of any existing conflicts as a result of the location of the Public School, with the proposed high school being located a similar distance to the subject pubs.

The relocation of the Rotunda and Bush Balladeers Place is subject of ongoing discussions with QPRC with the final location to be determined in consultation with QPRC.

Bungendore Park is a community asset and will continue to be available for community use. Bungendore Park has been subdivided and a small portion has been amalgamated with other portions of land to create the site for the new high school.

The proposed joint use arrangement will facilitate continued community use of Mick Sherd Oval outside of school use. There are no changes to Mick Sherd Oval amenities (and the adjoining carpark), tennis club and playground.

7.3.23 Sustainability

Issues:

- Project does not take into account global warming as it assumes heavy car use.
- Passive solar design principles not implemented.
- Bungendore relies on groundwater for potable water. Project fails to consider the sustainability impacts on the groundwater supply.

Response:

The project considers global warming in several ways, including but not limited to:

- Incorporation of climate change mitigation measures such as:
 - Reducing operational GHG emissions (solar PV system, high performance building fabric, efficient all-electric building services etc).
 - Reducing potable water consumption (low-flow fitting & fixtures, rainwater harvesting and reuse, subsoil drip irrigation systems).
 - Reducing embodied GHG emissions (existing Building C is being retained and reused, procurement of responsible timber, reduction in construction and demolition waste).

A site-specific climate change adaptation workshop and management plan has been developed to address climate change adaptation and resilience.

Through successful implementation of the School Transport Plan (STP) (see preliminary STP at Appendix 6a of the EIS) and encouragement of staff, parents and students to use alternative transport modes, there would be less reliance on private car use and in turn would reduce fuel consumption and emissions. The preliminary STP targets mode shares of 25% of students walking, 15% riding and 37% catching the bus. The Transport Assessment Addendum submitted as part of the Amendment Report provides further matters for consideration as part of finalisation of the STP, including, but not limited to:

- Provision of additional dedicated staff bike parking spaces to encourage further mode shift, should demand exceed the initial 76-space provision.
- A detailed analysis of existing public transport provision in the vicinity of the site, and recommendations for any improvements or changes that may be required to effectively service the school catchment, in consideration of the actual residential locations of enrolled students and staff once known;
- An analysis of the number of students within a reasonable walking and cycling distance from the site, in accordance with the residential data, and adjustment of any corresponding mode share targets that may be necessitated by that information.

Passive design principles incorporated into the (old) building design includes:

- Shading devices on major windows (including both horizontal and vertical elements).

- High performance building fabric elements (exceeding Section J1 requirements – refer to JV3 report for details).
- Natural ventilation options in all classrooms (in line with SINSW 'traffic light' system).
- High levels of natural daylight via windows and skylights.

The project has incorporated multiple initiatives to reduce potable water consumption including low-flow fitting and fixtures, rainwater harvesting and reuse, subsoil drip irrigation systems.

7.3.24 Biodiversity

Issue:

- Loss of habitat due to tree removal.

Response:

One of the key objectives of the landscape design was to incorporate as many existing trees as possible within the site into the new school design. Tree retention and removal has been reviewed by an independent arborist. Trees through the site have been graded by the arborist as high, medium and low value for retention. High value trees have been maintained where feasible.

More than 130 additional trees (at 75&25L pot sizes) will be planted across the site as part of the school development. This will increase tree canopy cover in the school site by 50% compared to existing conditions, which will provide for increased habitat and promote biodiversity.

7.3.25 Soil and groundwater

Issue:

- EIS does not address soil runoff from Ag Plot.

Response:

During the construction phase the soil runoff from the Ag Plot will be controlled by the Sediment Control, Erosion Control and Site Stabilisation practices as specified in the Soil & Water Management Plan (SWMP). The conceptual SWMP is detailed on M+G drawings CE-SD-HS -2005 & 2006.

The site is to be fully landscaped with full vegetated cover (refer to landscape drawings attached to the Amendment Report). Once this vegetated cover is established, no significant soil runoff is expected.

A bioretention swale has been provided to the northern end of the Ag Plot to ensure that there are no significant impacts on the environmental values of the receiving waterways. Drainage from the southern part of the Ag Plot will drain to the bioretention swale. Refer to the updated civil plans prepared by M+G, drawing reference BHS - CE - 2034 provided with the Amendment Report.

7.3.26 Waste

Issue:

- Owner of 63 Turallo Terrace takes issue with location of waste enclosure near their property. Concerns relate to health, smell and noise.

Response:

In the revised design, the waste enclosure has been relocated approximately 120 metres away from No 63 Turallo Terrace. Additionally, the waste pad is fully enclosed and contains washdown facilities. Consultation with a representative of the owner of 63 Turallo Terrace (held on 8 June 2022) indicated satisfaction with the relocation of the waste facility.

7.4 Justification and evaluation of project

7.4.1 Need for school

Issue:

- Need for a new high school in Bungendore area is questionable. Preferable to upgrade existing schools.

Response:

A new HS in Bungendore was identified as one of the 40 new and upgraded schools committed to for planning and delivery in 2019-20 by the NSW Government. The 2019 NSW Budget announcement included the investment of \$6.7B over four years to deliver more than 190 new and upgraded schools to support communities throughout the state.

7.4.2 Alternative site

Issue:

- Ashby property on Tarago Road or other greenfield site is more suitable.

Response:

As noted earlier in this report, a 12-month site due diligence process was undertaken, and over 1000 hectares of land was assessed. Each site was assessed based on its suitability to support the needs of the project. This included availability of services such as sewerage, electricity and roads; the accessibility of the site; and environmental constraints such as bushfire, ecological impacts and flooding.

A public expression of interest (EOI) was undertaken, as a site was not initially found that met the needs of the project. Three submissions were received for proposed locations through the EOI process. These were investigated thoroughly and, unfortunately, were also found to be unsuitable for this project.

Following the due diligence process, the Majara/Gibraltar Streets precinct was identified as the most suitable location.

7.4.3 Consistency with legislation

Issues:

- Project inconsistent with Crown Land Management Act 2016 (CLM Act) and Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms Act) in regards to land acquisition.
- Project inconsistent with section 38A and 38B of Roads Act 1993.
- Project inconsistent with EP&A Act object "to promote the orderly and economic use of land".
- Project inconsistent with RE1 zone objectives.
- Project inconsistent with Education SEPP design quality principles.
- Project inconsistent with the principles of ESD in schedule 2 of the Reg.

Response:

CLM Act and Just Terms Act

The acquisition notice effecting the relevant land for the school was published in the NSW Government Gazette on 26 April 2022. The acquisition of the land identified in the gazette was undertaken in accordance with the *Crown Land Management Act 2016* and the *Land Acquisition (Just Terms Compensation) Act 1991* (**Just Terms Act**).

The acquisition of Crown land can be undertaken pursuant to section 29 of the Just Terms Act. The acquisition of the school site through publication of the acquisition notice in the NSW Government Gazette on 26 April 2022, effected the acquisition of:

- 2, 4-6 and 10 Majara Street (being land vested in Council);
- Part of the Majara Street Road Reserve (being land vested in Council); and
- Part of Lot 701 of DP 96240 and part of Lot 701 in DP 1027107 (land vested in the State of New South Wales, with Council being the Crown Land Manager under the *Crown Land Management Act 2016*). This land is referred to below as the **Crown Land**.

According to status searches undertaken by Crown Lands, each parcel of the Crown Land was at the date of acquisition burdened by the following reservations or dedications:

- Lot 701 DP 96240 (the "Ag Plot"):
 - Reservation 94996 for public recreation vide Government Gazette 29 May 1981 Folio 2941
- Lot 701 DP 1027107 (Mick Sherd Oval):
 - Proclamation as a Public Park known as Bungendore Park vide Government Gazette 4 August 1886 Folio 5206.
 - Dedication 1000193 for Park vide Government Gazette 19 September 1884 Folio 6305. The subject parcels boundaries are published vide Government Gazette 3 October 1884 Folio 6631.

In addition, Council was the "crown land manager" of the two parcels of Crown Land. Section 20 of the *Land Acquisition (Just Terms Compensation) Act 1991* provides

- (1) On the date of publication in the Gazette of an acquisition notice, the land described in the notice is, by force of this Act:*
- (a) vested in the authority of the State acquiring the land, and*
 - (b) freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land.*
- (1A) Subsection (1) is subject to any express provision of an Act that authorises the acquisition of land by compulsory process but preserves the operation of any trusts, restrictions, dedications, reservations, declarations, setting apart of or other matters relating to the land concerned.*

The Department of Education is not aware of any express provisions in any Act which would engage section 20(1A) of the Just Terms Act. As such, under section 20 the Crown Land has been acquired "freed and discharged from all...restrictions, dedications, reservations...in connection with the land". The relevant restrictions referred to above are removed.

Further, section 29 of the Just Terms Act relates to the acquisition of crown land. Section 29 provides:

- (1) Land may be compulsorily acquired by an authority of the State under this Act even though it is Crown land.*
- (2) If Crown land is subject to a dedication or reservation that (by virtue of any Act) cannot be removed except by an Act, that land may not be compulsorily acquired. However, this prohibition does not apply if the dedication or reservation is not affected by the compulsory acquisition of the land.*

Section 29(2) prohibits the acquisition of land which is subject to a reservation or dedication which "cannot be removed except by an Act". This does not apply to the reservations burdening the Crown Land. It is noted that section 2.7 of the CLM Act provides:

- (1) The Minister may, by notice published in the Gazette, revoke the dedication (or part of the dedication) of dedicated Crown land.*
- (2) However, a notice revoking a dedication must not be published unless—*

(a) the Minister has caused a proposal to revoke the dedication to be published in the Gazette (the revocation proposal), and

(b) a copy of the revocation proposal is tabled in each House of Parliament within 10 sitting days after its publication, and

(c) notice of a resolution disallowing the revocation proposal is not duly given under subsections (3) and (4) or, if it is, the resolution is not passed or the notice of the resolution is withdrawn or lapses.

(3) Either House of Parliament may pass a resolution disallowing the revocation proposal after the copy of the proposal is tabled in that House.

(4) Notice of a disallowance resolution must be given within 14 sitting days after the revocation proposal is tabled in the House.

However this does not satisfy section 29(2) of the Just Terms Act. It is the case that the Minister must, before revoking a Crown land dedication, cause a copy of the revocation proposal to be tabled in each House of Parliament. But this does not mean that the "dedication or reservation that (by virtue of any Act) cannot be removed except by an Act.

An example of a type of reservation or dedication which cannot be removed except by an Act is contained in section 52 of the *National Parks and Wildlife Act 1974* which provides:

(1) Notwithstanding anything in any Act—

(a) the dedication of lands as, or as part of, a nature reserve shall not be revoked, or

(b) lands within a nature reserve shall not be compulsorily acquired,

except by an Act of Parliament.

Accordingly, the acquisition was undertaken in accordance with section 20 of the Just Terms Act and confirms that the Crown Land has been acquired free of the dedications or reservations which variously affected that land.

Roads Act 1993

Sections 38A and 28B appear in Division 3 of Part 4 of the Roads Act 1993, relating to the "closing of council public roads by councils". The acquisition of a public road by a government agency does not require this process to be adhered to. Section 41 of the Roads Act provides simply "A public road that is compulsorily acquired under this or any other Act or law ceases to be a public road as a consequence of its compulsory acquisition." No further reference to section 38A and 38B are required.

Objects of EP&A Act

The project provides for much-needed education infrastructure in a suitable location. The site was chosen following a thorough review of other appropriate sites. While there have been constraints on the site, they have been resolved through appropriate avenues to ensure that the school can be delivered in the most appropriate location in Bungendore, thereby ensuring the "orderly and economic use of land".

Project inconsistent with RE1 zone objectives.

A detailed discussion on the objectives of the RE1 zone was provided in section 5.9.1 of the EIS. The discussion establishes that the school has been designed to integrate with the existing visual character of Bungendore Park and ensure there is no loss of useable public open space.

The acquisition of part of Bungendore Park for the purpose of the school will not result in any adverse impact from an environmental or social perspective, noting the function of the park will largely remain as public open space with Mick Sherd Oval remaining operational with sufficient land surrounding the oval for spectators and passive recreation.

Project inconsistent with Education SEPP design quality principles.

The Architectural Design Report submitted with the EIS confirms the proposal is consistent with the design quality principles of the Education SEPP. The Education SEPP has been replaced with the Transport and Infrastructure SEPP since lodgement of the SSDA, however the principles remain the same and remain relevant to the proposal, as amended. The proposal as amended remains consistent with the principles of the Transport and Infrastructure SEPP as discussed in the original Architectural Design Report remain relevant and

Project inconsistent with the principles of ESD in schedule 2 of the Reg.

It is unclear which Regulation the concern relates to; however, the proposed new high school has been designed with consideration of Environmentally Sustainable Development (ESD). The Architectural Design Report outlines the ESD principles utilised to provide an environmentally sustainable school. Separately, the Ecologically Sustainable Development Statement (ESDS) prepared by NDY (Appendix 27 of the EIS) confirms the proposal incorporates passive design elements to reduce energy demand, high performance glazing, lighting and air conditioning, consideration of climate change impacts, high indoor air quality, waste minimization and water efficient fixtures and fittings. It is considered the proposal is consistent with the principles of ESD.

7.4.4 Consistency with strategic plans

Issues:

- Project inconsistent with South East and Tablelands Regional Plan 2036, specifically the strategic goal of “healthy and connected communities”.
- Project inconsistent with LSPS, specifically the vision for Bungendore as a “vibrant town with historic village character that attracts visitors and residents alike”.
- Project inconsistent with Bungendore Structure Plan by failing to provide for anticipated population growth.
- Project inconsistent with Better Placed by failing to achieve “better fit – contextual, local and of its place”.
- Project inconsistent with “Draft Greener Places Design Guide”.

Response:

The proposed school is consistent and aligns with the relevant strategic plans and strategies as discussed in the EIS. The strategic documents listed above and discussed in the EIS make note of the anticipated growth in housing and jobs in Bungendore. The proposed new high school is necessary to meet the demands of a growing community. The proposal, as amended, addresses the concerns raised in submissions relating to healthy and connected communities through the provision of an educational facility that has consideration for the heritage significance and rural village character of Bungendore. The proposal has improved its consistency with the strategic plans for the area.

7.5 Issues beyond scope of project

7.5.1 Abbeyfield development

Issue:

- Objection to changes to Abbeyfield project (relocation and delays)

Response:

Discussions with Abbeyfield, QPRC and the Department of Education have been ongoing to relocate the Abbeyfield House development. The Department of Education has been

working with Abbeyfield Aged Care facility to address their concerns and will continue to do so until a site has been confirmed.

7.5.2 Braidwood Central School

Issue:

- Braidwood Central School may suffer due to students leaving the school to attend Bungendore.

Response:

Further planning to inform service needs in the area is currently underway and this will determine the number of students to be accommodated at the new school as well as the other schools within the school community group. However, based on assessment, so far, it is believed the school will accommodate around 450 students. The design for the high school includes core facilities, such as a hall, administration, canteen and library that will be sized to accommodate the forecast student population into the future, up to a forecast 600 students.

7.5.3 Sports hub

Issue:

- The new sports hub is not a suitable replacement for the existing community facilities.

Response:

The new Sports Hub is not a replacement for the existing facilities. The Sports Hub is being constructed by QPRC to provide improved and additional facilities for the residents of Bungendore. The Sports Hub is under construction and will be a centralised location for sporting facilities for members of the community.

7.5.4 Other issues beyond scope of project

Issue:

- No access to primary school from Turallo Creek footbridge from Elmslea.

Response:

The proposed new high school will have no impact on access between the primary school, Turallo Creek and Elmslea. A new footpath is proposed in Bungendore Park providing a connection between Turallo Terrace and Gibraltar Street which is considered suitable for pedestrian access. The footpath on the northern side of Turallo Terrace will extend from the new wombat crossing to Turallo Creek bridge. Vehicular access is maintained via Butmaroo Street.

8 Summary of supporting submissions

Seventy-two (72) submissions (or 23%) were in support of the proposal. The large majority of those who support the proposal reside within Bungendore (90%). These supporting submissions are summarised below:

- Several submissions mentioned that currently recreation areas had little usage during school hours and that shared usage may further enhance and activate the area rather than diminish Mick Sherd Oval and Bungendore Park as a result of greater utilisation. It is noted the joint use agreement for the use of public facilities by the school has not yet been finalised and will be subject to ongoing discussions between Council and the Department of Education.
- Submissions noted the Sports Hub will compensate for the loss of the community swimming pool and sports fields. It is noted the Sports Hub is currently under

construction and will ultimately replace the public facilities being removed as part of the proposed new high school.

- Submissions note the proposal will have limited impact on the traffic, parking and pedestrian network. The submissions state the proposed measures to minimise traffic impact such as the addition of roundabouts at the intersection of Majara and Gibraltar Streets and relocation of bus zones and kiss-and-drop areas are said to be adequate. The submissions also note that sufficient consideration appears to have been given toward pedestrian access during construction, also noting the upgrades to shared pathways are appropriate. Submitters note the proposed changes will make it safer for students attending the existing primary school and preschool.
- Submissions state the significance and value of heritage will not be compromised. In fact, proximity to the War Memorial is said to be an opportunity for students to learn, remember and commemorate on Anzac Day those who served.
- Submissions note there has been adequate consultation and access to information. The Social Impact Assessment provides an accurate representation of impacts to community services and facilities, with impacts to reduce over time once Council permanently rehouses the services and facilities.
- Submissions note the design is said to be compact, practical, and an efficient use of space by utilising outdoor space in the heart of the community. However, several submissions note that the front office of the primary school should remain in the existing space. Student access to the oval during breaks is also mentioned. Provisions for a stage, audio and lighting in the school hall/gymnasium could also be considered.
- The school is said to be an appropriate size, and that a bigger school would detract from the education experience. As the town grows, a second high school could be built closer to the new development areas.

9 Updated mitigation measures

The mitigation measures set out at Section 10 of the EIS generally remain relevant. Minor amendments have been made to the contamination section to address additional information identified through updated consultant reports. An updated consolidated list of mitigation measures is provided below.

Item	Impact Detail	Mitigation Measures
Transport and accessibility	Potential conflict between construction vehicles and other vehicles/pedestrians.	Finalise and implement the construction traffic management plan.
	Surrounding intersections are expected to operate with spare capacity and at an acceptable level of service with the trips generated by the new high school and background traffic growth in 2030.	Implement the School Transport Plan to encourage sustainable transport modes.
Heritage	No adverse impacts on the significance of the site's heritage items or surrounding heritage items have been identified.	Implement unexpected finds protocol.

Item	Impact Detail	Mitigation Measures
	The site has low potential for archaeological artefacts.	
Aboriginal heritage	The site has been identified as having no Aboriginal heritage significance and low potential for archaeological artefacts.	Implement unexpected finds protocol. A heritage induction be provided to demolition and construction workers.
Noise and vibration	Construction noise is expected to exceed the "noise affected" level at nearby residences but not exceed the "highly noise affect level" at any residence.	Implement reasonable/feasible noise management measures during construction. Contractor is to prepare and implement detailed construction noise management plan.
	Noise from outdoor play areas will exceed noise emissions criteria at nearby residential receivers.	No special mitigation measures are considered necessary given the noise is not notably offensive.
	The school's PA system, bell and plant are not expected to exceed the relevant noise criteria.	Select and design bell, PA system and plant to achieve the relevant external noise levels identified in the acoustic report.
Contamination	Based on the results of the investigation, it is considered that the site is suitable, from a contamination perspective, for the proposed development at the site. It is also considered that the fill material is suitable for reuse (from a contamination perspective) at the site .	Implement the general recommendations in the detailed site investigation, including preparation of a HAZMAT survey, preparation of a CEMP, protocols for asbestos discovery, removal and disposal of anthropogenic materials from fill material where practicable during construction phase, and classification of any fill material for off-site disposal.
Bushfire hazard	The site is exposed to low bushfire risk.	No APZ is required. Implement standard mitigation measures identified in bushfire report.
Biodiversity	Minor direct impacts on native vegetation including removal of planted vegetation.	Implement standard mitigation measures as recommended in the BDAR (e.g., delineate site boundaries, minimise areas of disturbance and identify no-go zones around vegetation to be retained).

Item	Impact Detail	Mitigation Measures
	Minor indirect and impacts on biodiversity (e.g., increased dust and noise) due to construction activities.	Implement standard construction management measures as recommended in the BDAR.
Tree protection	Potential construction impacts on trees to be retained.	Implement standard tree protection measures in arborist report for trees to be retained.
Soil and water	Erosion and sediment runoff during construction.	Implement standard measures as set out in the sediment and erosion control plan.
	Potential dust impacts on surrounding properties resulting from construction activities.	Implement standard mitigation measures to be detailed in future CEMP.
Social impacts	Overall neutral impact in short term primarily due to lack of clarity and progress in Council's planning for temporary and permanent replacement facilities (i.e., pool, Council administrative building and community space), with the level of impact largely dependent upon the timeline for replacement of facilities. In the long term, once Council permanently rehouses the services and functions currently provided on site, the proposal will create a positive social impact.	The impact could be managed and significantly mitigated if Council rehouses the services and functions currently provided on the site as soon as possible after their provision on the school site ceases.
	Potential reduced access to Council services.	Council to communicate clear plans to the Bungendore community and Council staff on future plans for Council and community services.

10 Conclusion

This Submissions Report has addressed the submissions received in response to the public exhibition of SSD-14394209.

Pursuant to Clause 37 of the Environmental Planning and Assessment Regulation 2021, the proposal has been refined to address the matters raised and as a result of design development. The amendments have been in accordance with the State Significant

Development Guidelines and are discussed further in the Amendment Report submitted with this Submissions report.

The proposal as refined will result in high-quality development that achieves the original aims of the proposal while resulting in no unacceptable environmental impacts.

Based on the supporting material provided in this Submissions Report in addition to the material provided in the original EIS, DPE has now been provided with sufficient information and documentation to progress the assessment of SSD-14394209. We request that DPE complete the assessment of the application and proceed to determination.

