



Director-Social
and
Infrastructure Assessments, Planning and Assessment

Reference: New High School Bungendore SSD-14394209

The following is my submission against the approval of the above development.

The community of Bungendore wants a high school but it does not want to lose its Bungendore Park. The present proposal for the use of the Park rather than the greenfield site identified by the Department of Education ("DE") and the purchase of which was terminated without public explanation reflects defective administration for political benefit. Contemporary community opposition to Application SSD 1439 4209 must not be characterised as between those for and those against a high school. It must be seen as it is, opposition to the outcomes of actions by the DE and Queanbeyan-Palerang Regional Council ("QPRC") in disregard of statutory requirements for the process and planning principles, to attain other outcomes.

The proposal now to be reviewed for a high school is posited on actions by the QPRC and government of NSW that pursued political and financial benefits at the cost to the Bungendore community and in dereliction of the community's interests and concerns for the retention of Bungendore Park.

Determination of the proposal, limited to the architectural and planning merits, will be a further failure of the objects of NSW planning law and in particular abuse of the State Significant Development process. Any determination so limited will result in a decision susceptible to successful legal challenge and the promoting of further division within the Bungendore community and additional loss of confidence in both local government and higher levels of public administration of NSW.

The selection of the Bungendore Park is the outcome of covert negotiations overlaid with political interference resulting in unnecessary division within the Bungendore community, the loss of a much loved public space granted to the Bungendore community for its pleasure and enjoyment by Crown Grant in 1886 and the dereliction of the village element of the town. Such an outcome in the face of the chosen and available superior alternative location will represent and substantiate mis-use if not abuse of authority by those perpetrating the process.

The public record evidences the following:

As a consequence of the terms of merger of Palerang Council with Queanbeyan Council, the resulting Queanbeyan-Palerang Regional Council is burdened with the continuing operation of the staff and premises in Bungendore and Braidwood of the former council. Consequently any arrangement that would see the end to this situation stands to benefit the QPRC economically.

The record of proceedings of QPRC shows that from the outset Council did not seek to ensure the preservation of Bungendore Park. Rather, Council while endorsing DE decision to provide a high school, resolved to not consult the community and to commission Council officers to negotiate with DE, without any publicly disclosed desired criteria for the best outcome for Council. By such course Council failed at the outset to determine community preferences or to ensure it pursued the interests of the Bungendore community for the well-being of the Park.

That DE was willing to participate in consultation in such circumstances was in clear contravention of the letter and spirit of the Aims of Policy set out in Part 1 of the SPP clause 3 pars. (d). That DE negotiated in the knowledge Council's promoting the use of the Bungendore Park and the Council buildings and its unlawful attempted closure of Majara Street to provide additional land, showed the failure of DE to ensure *bona fides* of the process as required of public administration for the benefit of the community.

Bungendore has developed over the past 20 years, with major housing developments to the North and South of the original town; this has been with total neglect from State planners and Council to require the reservation of space for educational facilities in either locale. Supplementing such failure has been the disinterest or disregard by DE of such need, or to influence such bodies, to ensure the availability of a site, in anticipation of the obvious demographic changes expected. Only when faced with the readily anticipated decision of the ACT Government to cease accommodating students from outside the Territory has the need for a high school been acknowledged with the last-minute action now in train.

What cannot be ignored in considering the roles of DE and QPRC and the inappropriateness of the present site is the respective financial objectives, including DE avoiding the on- market cost of purchasing its selected site and the serendipitous outcomes, including funding, to be enjoyed by QPRC. Notably, the community has not been informed of the extent of the respective financial outcomes.

Fundamental to any assessment of the merits of the proposal is recognition that the Bungendore Park site was not DE's preference, that it was not a candidate for consideration as a site and lacks merits appropriate to satisfying relevant policy and community considerations and is surpassed in all respects by the site preferred by DE and for which it was preparing contractual instruments for its purchase.

The proper assessment of the present proposal against the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, requires due regard to the loss to the community of its sole public space within the original town area. The Policy's Aim of facilitating effective delivery of educational establishments across the State does not imply or allow the utter disregard for the basic processes of attaining maximum community support for a particular proposal by seeking the most overall appropriate site. Nor does it require that the economic benefits aspect of a proposal be given primacy over community concerns and interests.

No part of Bungendore Park nor the existing swimming pool, nor the music centre are surplus government owned land, within clause 3(d) of the Aims of the Policy. Similarly, the Policy does not justify or support the action of Council

in its statutory role of administering the Crown Grant that created Bungendore Park, to dispose of any of the Park. Such action, contrary to the terms of its role as administrator of the Grant, should not have been ignored by DE in proceeding with the site. That Council is not the owner but in a role of guardianship was obvious to DE but ignored.

It is fundamental to the fact that the selection of Bungendore Park was apparently the outcome of inappropriate public administration, such that to create a sufficient parcel of land for the school required the amalgamation of 3 elements – QPRC office parcel, the closure of part of Majara Street and the acquisition of part of Bungendore Park. Such a composition contrasts with the green-field site land selected then abandoned by DE, highlighting the political and financially based forces perceivably in play. It must not be forgotten that such has been the seemingly departure from integrity in the case for using Bungendore Park that when faced with a challenge to its intended road closure, on the basis of the lack of statutory authority in Council under the Roads Act, that the parties moved for its resumption by the State so as to facilitate their objective.

A proper application of the Policies does not see them as a vehicle for cost saving at the expense of community cohesion or loss of amenity. Proper application is to facilitate the effective delivery of educational establishments and as per 3(c) “to improve the quality of infrastructure delivered and to minimise the impacts on surrounding areas”.

Clearly, the BHS proposal fails this aim; why otherwise is the use of Bungendore Park so vigorously opposed by so many of the Bungendore community?

The community is aware that DE pursued a rational and comprehensive *bona fide* process for determining a suitable site and is also aware that DE selected a site and was proceeding to acquire the site and that this process was terminated without stated cause. It remains for the consent authority to be satisfied that DE has demonstrated that its decision and the premises thereof to acquire the QPRC property, close a significant road and agree to acquire part the Crown Land site of Bungendore Park, has not been the outcome of political interference and inappropriate if not improper actions by relevant agents.

The SEPP has little to address these failures. To the extent that it engages, it should be applied by the consent authority.

Any effective evaluation of the high school proposal must recognise the adverse fact that the Crown grant of the land comprising the greater park area, if ceded to DE for the high school it will effectively exclude community use, having regard to the intended use of the Park in school hours and the operation of statutory restrictions on entering school space and the inevitable installation of security fencing.

The review should reject the proposal for not meeting Schedule 4 –design quality principles; particularly Principle 1 since the proposal site cannot meet the requirement for the design to relevantly and substantially respond to the heritage of the Bungendore Park as enshrined in the terms of the Crown Grant. The act of substantially reducing the Park and the imposition of restrictions on the Parks use to supplement the school playing areas abrogates that Principle.

Further, DE vagueness as to the school’s immediate and longer term student and staff population numbers, means Principle 2 and Principle 6 cannot be satisfied. While DE has at one point represented a population of 400 students and 45 staff as the basis of design, its equivocal indication of a possible larger number in the near future, conflicts with Principle 2. Unless there is to be further reduction of Bungendore Park the present site permits no further growth potential for the school structures contrary to the requirement Principle 2 requirement for the design and likewise Principle 6’s requirement that future need be considered.

The overarching tragedy of the present proposal is that had DE acted as it intended and acquired the preferred site, the outcome would have been a school that met each of the design quality principles and would have graced Bungendore.

Bungendore’s present school serves a large rural and rural residential population in addition to the town population with the consequential twice-daily significant vehicular traffic to and from the school and the use of most of the available on- street parking. The displayed high school proposal recognises the likelihood of a significant increase in traffic and demand for parking for students and staff but by reason of its selection of the Bungendore Park site DE

can provide no relevant amount of car parking space beyond minimal staff parking on site. DE has provided no evidence that it intends to provide any bus service for students living beyond reasonable walking or riding distances within Bungendore. Consequently the provision and related costs of parking and traffic management facilities will have to be borne by QPRC initially and for the future and the impact and inconvenience of on- street parking servicing the school will be borne by residents of Turallo Terrace and Butmaroo Street and those journeying through them to the major new housing areas. The proposal fails to provide information that could satisfy the consent authority that the Bungendore Park site can satisfy the requirements of Clauses 57 (3) (b) and (c) of the SSP.

In summary it is my submission that the proposal to use Bungendore Park for this SSD is based on inappropriate administration and does not meet the prevailing statutory requirements and policies and that the proposal should not proceed.

Given the previous availability of an alternative site capable of meeting such requirements, the consent authority should not support the existing proposal.

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