

# Review of social impact issues re. proposed Bungendore High School

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## Abbreviations used in this report

DPE	NSW Department of Planning and Environment
EIS	Environmental Impact Statement, (prepared by mecone)
ESD	Ecologically Sustainable Development
GIPA	Government Information (Public Access) Act
QPRC	Queanbeyan-Palerang Regional Council
SBP	Save Bungendore Park Inc
SIA	Social Impact Assessment, (prepared by Urbis)
SINSW	School Infrastructure NSW (for the Department of Education)

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## Introduction

I have been asked by Save Bungendore Park Inc to provide advice regarding the social impact issues arising from the proposed Bungendore High School.

I am a social planner specialising in social impact assessment and a lecturer in Social Impact Assessment in the Discipline of Geography and Planning, Macquarie School of Social Sciences, Macquarie University. This advice reflects my professional opinion, not the views of the University.

Alison Margaret Ziller PhD

Signed electronically in accordance with section 9(1) of the *Electronic Transactions Act 2000* (NSW)

27 September 2022

## Executive summary

There is general community support for the provision of a new high school at Bungendore. However, the claim that Bungendore Park is the most suitable of available sites for the new school is unsubstantiated. The claimed lack of alternatives should be substantiated in the interests of transparency and reduction of community tensions, and assessed against the likely risk of major adverse social consequences.

The proposal would result in public land being enclosed, effectively and visibly restricting public access to areas previously accessible to all residents.

The proposal represents loss of the town's civic precinct. There is no proposal to replace, relocate or recreate this precinct.

The construction of the high school at this site will mean loss of several community facilities with no credible evidence of their timely or even eventual replacement. This would be a major and highly negative consequence.

Shared use of Mick Sherd Oval is likely to impact the quality of the playing field adversely, create risks for players and result in increased costs for Queanbeyan-Palerang Regional Council.

The enclosed site will lead to a loss of recreational open space which cannot be replaced by use of a nearby flood detention basin (at Warren Little Park and Oval). This loss would also forfeit the social and cultural history of Bungendore Park.

There is an attendant risk that the school will be under pressure to take more students than anticipated resulting, at some stage, in denser built use of the site.

# Report

I have reviewed a number of documents regarding the proposed high school at Bungendore. Except where otherwise stated, the documents relied on in this review are on the Department of Planning and Environment's [DPE] major projects website.

In my opinion, some major considerations are missing from the current documentation of likely social impacts of this project. I set these out in the sections below.

## 1 The choice of site

The EIS prepared by mecone says an assessment of over 1,000 hectares of land as well as a public expression of interest process failed to identify a suitable site for a high school, and

the subject site was identified as the most suitable location for the proposed new high school in Bungendore given its central accessible location and relatively few site constraints.(p 13)

However, the search-for-a-site process is not described and the various constraints are listed in one sentence, which appears three times in the document, for example at p 13:

This included availability of services such as sewage, electricity and roads; environmental constraints such as bushfire, ecological impacts and flooding; and potential community benefits.

The EIS goes on to note various acquisition hurdles are avoided by the choice of a site already in public ownership as Crown Land. However, there is no further explanation for the choice of the proposed site, including in the Submissions Report which states, at p 47, that no alternative sites were found to be suitable.

However, members of Save Bungendore Park firmly believe alternative and better sites exist. They say in submission:

According to the Applicant's own records released pursuant to the Government Information (Public Access) Act (**GI(PA) Act**):

- the Applicant received three responses to the EOI process. Two sites were dismissed for reasons which were flawed, and in March 2020, the Applicant recommended that a site on Tarago Road, at “Ashby Station” be selected. A further five privately owned sites were identified as potentially suitable if the selected site did not proceed;
- a survey of publicly-owned land undertaken at the same time concluded that Bungendore Park (the proposed site) was “not suitable” for various reasons, including “insufficient land area and student safety concerns”;

Possible explanations of the fact that this information is provided in submission but not referred to in the Submissions Report are:

- i The authors of the Submissions Report did not read the submission.
- ii The information provided by the GIPA process is incorrect but the authors preferred not to correct it.
- iii The information provided by the GIPA process is correct but the authors preferred not to address it.

None of these explanations is satisfactory. The unsatisfactory nature of repeatedly asserting that there is no alternative site, or that the chosen site is the best one, matters because the proposed site comes with significant long term social risks and adverse social impacts. These risks, due to loss of significant social infrastructure, are described in the SIA Addendum Report (pp 11 & 15) as ‘major’ and ‘highly negative’ even after implementation of suggested ‘management measures’.

However, the Amendment Report, at p 31, presents the likely social impact of the proposal as ‘overall neutral impact’.

The disparity between the Social Impact Assessment [SIA] expert (Urbis)’s assessment and mecone’s assessment is unexplained. In my opinion, this disparity, absent a substantiated explanation for the choice of site, lacks favourable interpretation.

As it stands, the assertion that the site chosen is the most suitable is unsubstantiated. The claimed lack of alternatives should be substantiated in the interests of transparency and reduction of community tensions and assessed against the risk of ‘major’, ‘highly negative’ social consequences.

## 2 From public to inclosed land

The areas to be excised from Bungendore Park and Bungendore Common are public land, previously owned by Queanbeyan-Palerang Regional Council [QPRC] and the Crown and now acquired by the Minister for Education and Early Learning (EIS p15; Submissions Report p47). The proposed site boundaries are shown in a number of maps for example in the location diagram provided in the Updated Architectural Plan – see the areas within the red boundaries, in the location diagram below. The Updated Architecture Landscape Design Report shows, p34, access to this public land will be lost as the two school precincts (school and agricultural plot) will be bounded by palisade fences.

Palisade fences are standard NSW school boundary markers and at 2.1 or 2.4m are a clear and effective barrier to entry. In NSW, school palisade fences are often accompanied by signs advising that the school is ‘inclosed land’<sup>1</sup> and trespassers will be prosecuted. Thus both the physical and the advisory elements of these fences make it clear that while the land may be in public ownership, there is no right of entry for members of the community.



Source Updated Architectural Plans

<sup>1</sup> Inclosed Lands Protection Act 1901 no 33 (NSW):  
<https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1901-033#statusinformation>

There may be grounds for fencing schools. However, the social impacts of this change in status of public land, both actual and as perceived, have been neither mentioned nor addressed.

Any facilities within the school with potential community use (e.g. the school hall) would be inside palisade fencing. The documents reviewed for this report do not consider the following social impact issues:

- i Construction of a school at Bungendore Park and agricultural plot at Bungendore Common would change the status of these sites from land open to the public to 'inclosed' land.
- ii The school's and plot's palisade fencing would provide a strong visual message that it is off limits to most residents, that is its effect would be to visibly alienate the community from public land.
- iii Special arrangements required for out of school hours access (e.g. for school events) to any school facilities would underscore this.
- iv 'Inclosed' land makes civic uses of the space difficult.

While a public high school is a public use of publicly owned land, enclosure of the land, would effectively and visibly restrict public access to areas previously accessible to all residents.

### 3 The civic precinct

A number of documents note that Bungendore was laid out on a grid plan which provides visual and heritage coherence to the town. The importance of this coherence is referred to more than once. For example, the town is presented as:

- a settlement with a strong grid plan but without a main street or town square (Heritage Statement p16).
- a settlement with a block (the site) dedicated for public buildings (Heritage Statement p15)
- having a cluster of buildings with a public function on the proposed site, namely 'Mick Sherd Oval, Bungendore Pool, Bungendore Community Centre, part of the Turallo Terrace dog off leash area and the Bungendore offices of Queanbeyan-Palerang Regional Council.' (SIA p10)

- having a cluster of buildings close to the proposed site which have a significant place in the town's civic history and provide a civic curtilage to the site. These buildings include: the Police Station and neighbouring Police House, the School of Arts building, the post office, the Anglican church, the train station, an original public school building, the school master's cottage, the station master's cottage, the stone stables, the preschool building and St Joseph's Convent. (Heritage Statement pp 17-20).

The focus on the visual aspects and design alignment of the grid plan and the heritage significance of various buildings seems to have drawn attention away from the fact that this site is, and has been, in public ownership since the early days of settlement. By virtue of being public land with several public facilities on it as well as the town council building, it constitutes the civic centre<sup>2</sup> of the town.

Thus, the proposal is to replace the multiple community facilities on a piece of public land currently functioning as the civic centre of the town with a set of buildings, a high school, with primarily a single use.

This exchange of uses – from multiple to singular - is neither adequately described nor addressed in the documents submitted to DPE. The site is treated as a piece of land not as the site of significant civic infrastructure (which includes the community infrastructure) for the town of Bungendore. No justification is presented for loss of the town's civic precinct. This loss is simply not addressed in the documentation.

#### 4 Loss of multiple community facilities

The original EIS by mecone stated, p17, that the project would proceed on the basis that demolition of the Bungendore Community Centre would take place 'following the construction of the proposed community building'. Similarly the Architect Design Report stated, p2:

The proposed development is to provide facilities which will have a positive contribution to the town and to existing operations within the site's vicinity. These include the provision of new shared accommodation with the adjacent public school; new community facilities [sic] and the opportunity for shared

<sup>2</sup> Civic: 'of or relating to a citizen, a city, citizenship, or community affairs' <https://www.merriam-webster.com/dictionary/civic>

use of high school facilities outside of school hours; a new storage facility for the scout group; and new pedestrian crossings and shared paths.

However, the Amendment Report by mecone says that proposed community buildings will not be included on the site.

The facilities to be lost are: community centre, community library, council service centre, Bungendore Pool, and some direct access routes currently available to Mick Sherd Oval. According to QPRC<sup>3</sup>, the community centre has a variety of rooms, a kitchen, and capacity for up to 60 persons. In 2021/22 it hosted

- A medical equipment service
- 43 sessions of a child health care clinic
- A nurse consultation service
- 64 meetings of groups including the Netball Club, Bridge Club, Quilters group, Girl Guides, Rotary, Dementia Australia, Abbeyfield Bungendore & Wildcare Australia
- 178 Before and After School Care sessions.
- 46 play group sessions.

A community centre is a basic piece of social infrastructure. It provides space for diverse services and programs which reflect local needs and are delivered at the grassroots level. Many of these services or programs are grant funded or offered pro bono, but they require a space in order to operate. While every community needs a meeting space, a rural township undergoing rapid growth particularly needs such a space to facilitate services and programs which meet newcomer needs and assist integration of old and new community groups.

There is no evidence to suggest that Bungendore does not require a community centre. However, the available evidence does suggest that the high school project will deprive Bungendore of a community centre.

Not only is the current building removed from the proposal, there is no evidence of any plan to provide its replacement. SINSW does not intend to make provision for these facilities as part of the project and there is no evidence that QPRC is in a position to do so:

- no site has been nominated,

<sup>3</sup> QPRC website accessed 23 Sept 2022

- the community centre does not appear in QPRC's current list of major works and projects<sup>4</sup>,
- the community centre is not mentioned in the QPRC Community Strategic Plan 2042,
- the community centre is not mentioned in the QPRC Delivery Program 2022-26.
- QPRC does not appear to have a Social Plan, nor a document investigating the social needs of the growing Bungendore community.
- The Submissions Report says, p 68, that 'the Department of Education will provide funds to support the pool's construction'. But this is qualified by the statement that the amount of funding will be determined by the Valuer General (that is, the amount may or may not be sufficient).
- There is no statement in the Submissions Report about funds to pay for the community centre.

In 2019 the Council noted in its Long Term Financial Plan 2020-30 that it is carrying a structural deficit, apparently due to the recent merger, and proposed to address this by deferring renewal expenditure and raising revenue through property sales. However, on 14 September 2022 it reported that its operation deficit has increased.<sup>5</sup>

Urbis notes in its SIA Addendum, dated 5 September 2022:

Council's Operational Plan 2022-23 includes an allocation of \$2 million for the new Bungendore Pool 'pending progression of Bungendore High School proposal' (2022: 4). The Debt Overview at the end of the Operational Plan also indicates that Council expects the total value of the pool project to be \$10 million, \$4 million of which will be funded from loans taken out in 2023-24 (2022: 99). It is unclear where the remaining funding for the delivery of the pool will be sourced from.

QPRC's media release of 13 May 2022 notes that

<sup>4</sup> Viewed 22 September 2022: [https://www.qprc.nsw.gov.au/Major-Works-Projects?dlv\\_OC%20CL%20Public%20Works%20and%20Projects=\(pageindex=3\)](https://www.qprc.nsw.gov.au/Major-Works-Projects?dlv_OC%20CL%20Public%20Works%20and%20Projects=(pageindex=3))

<sup>5</sup> Quarterly Budget Review Statement, 14 September 2022

Council is entitled to be compensated for the loss of the land and buildings acquired by the Department of Education and for costs associated with moving Council activities and services from current locations.<sup>6</sup>

However, this media release gives no indication of the amount of compensation, when it will be delivered, or the priority expenditures to which QPRC will apply the monies received.

Given that a new community centre does not appear as part of any QPRC plan, it would not appear to have high priority and there is therefore a high risk that its construction is deferred, possibly repeatedly, on the basis of cost. This means that the 'major' 'high risk' adverse social consequences identified in the SIA Addendum Report are unlikely to be 'short term' as suggested by that report (pp 11 & 15).

A scenario of repeated deferral is supported by the evidence whereas timely provision of a new community centre is not. In social impact assessment this is called a mitigation which lacks tangibility.<sup>7</sup> It lacks tangibility because the mitigation is proposed by the proponent, in this case SINSW, for delivery by another party. The other party, in this case QPRC, is not the development applicant and thus the mitigation has no more status than a suggestion. It cannot be made a condition of consent for example.

Thus in my opinion, what is proposed is that a new high school be built on a site claimed to be the best available, with the consequent loss to Bungendore township of a community pool, community centre, community health hub, community library and the associated services and programs which use these facilities and support social wellbeing. While a high school is needed, it is only one form of social infrastructure benefitting one social group. Locating the high school on this site carries a high risk of depriving the township as a whole of facilities and a precinct capable of offering services responsive to a wider range of community needs.

I concur with Urbis that the impact of the loss of these facilities would be major and highly negative.

<sup>6</sup> Compulsory acquisition of land in Bungendore for a high school, media release 13 May 2022

<sup>7</sup> Preston B 2019, Decision: Gloucester Resources Ltd v Minister for Planning [2019] NSWLEC 7 para 418

## 5 Risks & costs of shared use of Mick Sherd Oval

There are social impact risks arising from the proposal that the school have sole access to the playing field during school hours. These risks arise from over-use of the field and shared management of the field.

According to the SIA

Given the overuse of Mick Sherd Oval noted in the Structure Plan, 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 in 2022 is expected alleviate this pressure, with most sporting competitions and training proposed to move to this location on Malbon Street, approximately 1.1km from the site. (p24)

School use of an already stressed field will increase the risk of slippery conditions and uneven or degraded surfaces. These conditions will create injury risk for players, whether school students or casual users.<sup>8</sup>

The Amendment Report says that

the joint use arrangement over Mick Sherd Oval has not been finalised and is still being discussed with Council. (p26)

Currently, maintaining the field in a safe-to-play condition is the responsibility of QPRC. As the Council will continue to own the field, it appears it will continue to have ultimate responsibility for the quality of its playing surface. This responsibility will be particularly invoked in the event of a player injury due to the condition of the field. That is, the shared use proposal appears to make the Council responsible for the maintenance of safe playing conditions for a field whose primary use is by the school. The Council would have ultimate responsibility but be constrained in day to day management of the site. This would create insurance costs for the Council and a potential for dispute when the Council wishes to close the field for safety reasons. As the Council is experiencing financial difficulties, it may wish to avoid these additional costs and risks.

<sup>8</sup> <https://australiansportscamps.com.au/blog/sports-field-maintenance/>  
<https://www.ltgsturfone.com/1why-field-maintenance-is-important/>  
<https://footballfacilities.com.au/grass-field-maintenance/>

## 6 Loss of recreational public open space

The previous SIA 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. (SIA Addendum pp7-8)

The principal shortcoming of this idea is the role that the Warren Little Oval and Park plays in floodwater detention. The area floods regularly and during flood events, the Oval and Park act as a detention basin for deep and fast flowing floodwaters, held back from the town by the Turallo Terrace Levee.

The Bungendore Floodplain Risk Management Plan proposed in 2014 that this Levee be upgraded. QPRC reported in 2021<sup>9</sup> that this work remained to be done. The Floodplain Risk Management Plan also proposed

That a specific Flood Policy be developed for the Village of Bungendore to guide development and to assist the determination of development applications. (pS3)

However, currently the QPRC website advises that the management plan requires an update to comply with recently revised national guidelines for flood estimation.<sup>10</sup> A Flood Policy is not listed in response to a search of the site.

Thus Warren Little Oval and Park's role in flood detention makes this area unsuitable as a substitute public open space as suggested by Urbis. For the same reason, a submission to the Department noted

Establishment of an agriculture plot on the Bungendore Common is a very unwise plan. The area floods regularly.

<sup>9</sup> <https://www.qprc.nsw.gov.au/Major-Works-Projects/Bungendore-Floodplain-Risk-Management-Plan-Implementation>

<sup>10</sup> <https://www.qprc.nsw.gov.au/Major-Works-Projects/Review-of-Bungendore-Floodplain-Risk-Management-Study-and-Plan>

Computer-generated images of the proposed Ag plot show stock grazing there. That must never be permitted due to the danger from flooding. Crops grown there would also be in danger. In short, it is not a suitable site and would be dangerous to students, staff and animals.

(Submission by David Watson)

The Urbis solution also suggests that one piece of open space can simply be replaced by another. In addition to the flooding issue, this approach does not give any standing to the current social uses and cultural history of Mike Sherd Oval and Bungendore Pool as explained in the following description:

*The beauty of the park is that it's free open space. It's available for spontaneous exercise and outdoor activities, of many kinds.*

*Rugby League, Rugby Union, Soccer, (and training sessions for all of those), Oz-tag, school sports carnivals, Council's Xmas thing, New Years Day celebrations, Australia Day celebrations.*

*We know that Bungendore families use it for picnics and birthday parties. We take our grandchildren there and they ride their bicycles around the concrete path circuit. Safe fun. They kick the footie on the oval for a bit. Then have a play at the playground. Or on the outdoor gym equipment.*

*Anyone who has kids or grand-kids knows the value of a big area of open space for littlies to hurtle around and exhaust themselves on, when being indoors has caused tempers to fray. Having the pool at the park is a huge bonus, especially in hot dry summers. I often see dads playing footie with their kids on the oval, or flying kites.*

*There is a lot of casual socialising that would be affected by having the oval out of bounds to townspeople...*

*Our townspeople have invested time, energy and affection in our park. As far as I know the only asset provided by council is public toilets and of course the huge eyesore of a carpark. The change rooms, the playground, the tennis courts, the outdoor gyms, the Balladeers Corner, even the pool.....all were instigated by the community. We have had to fight for every improvement to the town.*

*The Community Centre is used a lot for a meeting space for community groups. Abbeyfield has their meetings there. It's been used for yoga, bridge, the old library was there, and we even voted there a few times; ... Bungendore Playgroup meets there. It was a great place for Before and After School Care and school holiday programs. Once again, proximity to the park, pool, playground etc. is very convenient. It means that children can walk from one activity to another. If the high school is built there, that ability to walk from one activity to another will be lost.*

*What the park is now is a Hub for sports, hobbies, entertainment for residents of all ages. It encourages spontaneous and organised interactions between different social and age groups. This Hub has developed organically over the centuries. Back in the early 20th Century the park was a different sort of hub; there was a lot of cricket and tennis, there were regular "sports days". Everyone went to these activities because there wasn't much else to do. Today the park continues to engender social cohesion when it is badly needed due to the extremely rapid growth of the town which has had the effect of shattering connections...*

*Finally: parks all around our country really came into their own during the lockdowns. The resulting new appreciation of public access to green space surely is enough reason to rule out the option of building on our town park, when our town is surrounded by sheep paddocks. (I might be more protective of those paddocks if they weren't so windswept and treeless for the most part.)* Email, 21/9/22 from a member of Save Bungendore Park

In short, Bungendore Park cannot be replaced by a flood detention basin, either in practical terms or having regard to the social and cultural history and uses of Bungendore Park.

## 7 Capacity

The capacity of the high school is described as 450 students {EIS p 17, SIA p 3, Architecture Design Report p2, Department of Education's Updated information sheet). However, Save Bungendore Park Inc. advise that information derived

from a GIPA application indicates that the Department of Education anticipates student numbers will reach 478 in 2026, 511 in 2031 and 566 in 2036. According to SBP, the local Member stated in an interview on the Stephen Cenatiempo Breakfast Show on 2CC on 8 August 2022 that the proposed Bungendore High School would accommodate “more than 700 students” at some stage “later on down the track”. The Amendment Report states (p1) ‘There are no changes to the number of students proposed’.

According to the QPRC Community Profile<sup>11</sup>, 716 persons aged 12-17 (secondary schoolers) were enumerated in the catchment area for the new school in 2021: 370 in Bungendore State Suburb and 346 in Wamboin-Bywong-Sutton. While some students may attend private schools elsewhere, the size of this school catchment population will increase as the town grows.

As the proposed school is still at architectural drawing stage, there is a risk of a design response, post approval, to an anticipation of increased numbers of students. This could include denser built form use of the site, other encroachments on Bungendore Park and/or a third storey to one or more buildings. While none of these are currently proposed the precursors to such responses are already evident, as explained by the local Member, and they should therefore be included in the assessment of social risks. For example, 700 students would require additional classroom accommodation – potentially facilitated by removal of the community building from the proposed design - and substantially increase traffic flows, parking demand and the school’s use of the Oval.

<sup>11</sup> <https://profile.id.com.au/queanbeyan-palerang/service-age-groups?WebID=230>