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Director - Social and Infrastructure Assessments  
Planning and Assessment  
Department of Planning, Housing and Infrastructure  
Locked Bag 5022 Parramatta NSW 2124

Att: Mr Navdeep Singh Shergill - 02 8289 6777

**SSD-14394209 – Original Application & Amendment**  
**New High School in Bungendore - OBJECTION**

This Objection starts with the original SSDA as publicly exhibited in 2021. When lodged with the Dept of Planning (formerly **DPPE**, now **DPHI**) on 9 Sept in that year the Dept of Education (**DoE**) proposal for a new Bungendore High School (**BHS**) was radically different from what I now see on the Planning Portal– not only in spatial aspects, but even moreso in its SOCIAL factors., and thus impact on the whole Bungendore community. We also know more about causes and ramifications. My grounds for Objection in Sept 2024 have multiplied exponentially

Back then, the take-over of certain public spaces, roadway, Common, and demolition of community facilities to provide clear space as the site for the new BHS was justified on the grounds that new, improved facilities would not only be provided, but that these replacements would be WITHIN the school site, and be an integral element within the overall development.

This ‘fair exchange’ is what was more than merely proposed, it was promised. This is what featured so emphatically in the Social Impact Assessment. This is what was exhibited until mid-Oct 2021. And, being the ORIGINAL APPLICATION, this is the legal basis against which the EP&A Act stipulates that any Amendment must be assessed.

The Act makes no provision for time elapsed. Nor does it have any alternative arrangements about re-submission of SSD-14394209 after the Land & Environment Court ruled it lacked statutory consent from the Minister for Crown Land (**CL**), and therefore could not proceed until such requirement was fulfilled. With this ruling, the LEC also effectively negated a prior Amendment of 2022 which purported to eliminate all community requirements and CL areas within the site by the simple expedient of compulsory acquisition.

However, there is now clear evidence in CEO letters, and Ministerial directive, these respectively dated 27 and 29 Aug 2021 and thus weeks prior to 9 Sept. Copies have already been provided to the Planning Ethics committee, and are an integral part of this Objection.

This means that the 2021 lodgement with DPIE was not only invalid in regard to the Crown Land Management Act, it was false and misleading by material omission. Given this,

**I object to the fact that DPHI has even agreed to re-accept, let alone exhibit, an SSDA with such a fraudulent original, let alone this questionable 2024 Amendment.**

In 2023, Planning was a joint defendant in the LEC over the CL consent issue. Planning lost as well as DoE. SSDA-14394209 was “set aside” – this being the wording used by Urbis on p.9 of Appendix 10, in its clumsy Social Impact Assessment. Indeed its comments on the page re the Leeson Review are so wrong as to be laughable - See attached Analysis.

Point to note here is that the whole prior process re this SSDA was set aside. This means the “amendment” of Sept 2022 no longer exists, and thus any deletion of community facilities as proposed in this new 2024 Amendment must be considered **as a new issue in relation to the original SSDA** of Sept 2021. Urbis recognized the situation (p.27) – but failed to see the ramifications.

*While the current proposal excludes elements of the original SSD Application, the intent of the current proposal remains the same as originally assessed (see Section 1), namely to build a new high school for 450 students on the current site.*

As an Amendment to the original application, this SSD-Amend must be assessed as an AMENDMENT., and to the scale of change it proposes relative to status. What we have here is a MULTIPLE of major changes –

- major revision of the proposed site in shape and function
- major deletion in open space provisions, both within the school site and as external access
- major deletion of a whole new Council-controlled “Health Hub” to act as replacement, thus allowing for buildings/services to be demolished, thus enabling that land to become part of the BHS site
- total deletion of the new community facilities as promised - remember that without this, there
- major downgrade in access and the educational functionality of the Ag-Plot
- major interaction/referral (or whatever the legal word is) in regard to externals - non-SSD-14394209 factors such as access to the Ag-Plot; nil buildings or student facilities for the Ag-Plot; nil provision for usable (ie curriculum-feasible) open space for 450 students let alone and expansion to 600
- major uncertainties that arise from the curiously convoluted, conditional “future” non Crown-land arrangements that are advised re the Ag-Plot, not to mention those re HALF the Bungendore Pool
- major fail in Transport projections – developed on URBAN parameters, using URBAN-style public transport – none of which apply to a rural township of 4750 people., and where we now know 60% of current/potential students will be coming from a REGIONAL catchment area.
- major omission in this SSD-Amend continues what was major cause for Objection re SSD-14394209, namely the complete LACK any information re adverse impacts caused by the closure of Majara St. This scenario has never been included in any Report, let alone assessed. Dire traffic impacts were predicted by the 2021 Objectors, myself included. These are now happening in real life. It should also be noted that the closure of Majara St has NEVER been included in any traffic study, or assessment.

major vehicle intensification in Turallo Tce is set to get way worse than anything envisaged in 2021. The Pre-School is approved to double in size. The carpark alongside the Scout Hall; is about to be obliterated to build Abbeyfield – and which in itself will add even more pressure to carparking.

- And, having now realised that closing Majora St has left Primary teachers with NO nearby carpark area, in this SSD-Amend DoE is seeking to squeeze more 90<sup>0</sup> angle spaces along the north side. In the Turallo Tce context, this parking scenario is truly another major change - and cause for Objection.

As the attached “Tipping Point” summary from Holding Redlich indicates – caselaw suggests that when a change (or litany of cumulative changes) becomes major, it requires a NEW DA. Instead, in the new SIA, Urbis seems to believe that so long as this SSD-Amend is still about a High School, then it is effectively the same project. It isn’t. The 2024 plan under assessment is radically altered from that proposed in 2021 – and if there is any attempt to ignore this basic fact, I strenuously object.

To be a valid “amendment”. the overall degree of difference from DA-start to end-result must remain minor. If it’s major change, it needs a major re-think – a new Development Application.

In 2024, the problem is not an external like ‘consent’. The grounds for Objection are embedded in the Application itself – a SSDA based on a convoluted site that had Crown Land complications, and ONLY becomes possible if DoE could take over various land-lots currently occupied by active, much loved community services, with immediate replacements not only promised as such, but these to be an integral part of the school development itself.

That public exhibition of 20 Sept to 18 Oct 2021 was nothing less than **a fraud** on the entire Bungendore community. The so-called ‘Amendment’ of Sept 2022 is irrelevant. None of its details apply, as it was all negated in Jan 2023 when the LEC rejected that determination as invalid.

So, the current Amendment is somehow supposed to be based on what was applied for in 2021, but with so many site-changes, size-changes, space-unknowns, that it’s difficult to know where the original SSDA stands, or how to address the multitude of changes now apparent and needing resolution after three years of DoE dither and delay. I certainly object to the unconscionable complexity of this SSD-Amend scenario, which has nothing to do with Crown Land law..

Three years later, there are now so many problems arising in, and from, SSD 14394209 that if DPHI somehow ignores a clear conflict of EP&A rules (for instance re the recent Declaration of Contamination) and proceeds to a determination in favour of this 2024 current Amendment, then I predict a swift challenge in LEC, with repeat result- Planning to lose again.

Time does not diminish the duplicity of SSD-14394209 on 9 Sept – the bad-faith complicity and collusion is not overcome by this 2024 version. The changes proposed are MAJOR - not only way beyond any acceptable scale as “amendments” of the original SSD-14394209, but so many now in place to prove just how ADVERSE that original proposal was.

For me, this cumulative effect is, in and of itself, yet another reason for major Objection – because while it may be true that an Amendment can correct initial errors and omissions – such changes cannot be so great as to radically alter the original Application – and this exclusion applies for both “amendment creep” and/or “cumulative changes” over time.

To me, it defies logic that Planning has allowed DoE to get away with this swizz. What's on exhibition right now is way worse than 2021 – smaller land site, less access, constrained school facilities etc. Yet we now have far more information re catchment zones and student numbers, plus facts re a doubling of parking problems, traffic conflicts now known to be twice as bad as predicted, and above all, EPA's recent Declaration of Significant Contamination - ie FUNDAMENTAL LOCATION ISSUES re serious lead and asbestos on or adjoining the proposed BHS.

I believe that the tipping point for SSDA-14394209 was reached years ago – first in that Ministerial directive dated 29 Aug, and then in the faux-amendment of 2022. An all-new Application was needed the minute DoE decided to delete those community facilities, and just do a compulsory land-grab. But even after the defeat in Court, DoE decided to continue with the old SSDA.

Why ? Easy answer – because at SINSW they didn't want to risk a new SEARS process, not with so many flaws (and frauds) in the original plan now plain to see. For instance – when the EPA declared the Bungendore Rail Station/corridor as presented a significant contamination area, it excluded the adjoining school land – but the sole reason that makes any sense is political - the site had JUST BEEN APPROVED for development as a new BHS. Maybe they thought it was “too late” or they “didn't want to upset things”.

Note how EPA designated ALL the surrounding area for further detailed investigation. What follow-up might that body have required if they'd known about the farrago of misrepresentation and outright false information lies in the geotechnical reports by Douglas Partners, and now in the new version by Lanterra – s beat-up which doesn't come close to being the independent “Site Auditors Report” that Planning asked for in Jan 2024.

I know DPIE Assessors had grave doubts about the contamination info – I've seen the EIS and its 38 new Attachments – especially Appendix 20-1, 20-2, 20-3 and that final Attachment (letter by Madeline Thomas) asking DoE to provide a professional Site Auditors Report . What Lanterra provides is a poor pretence at faux-impartiality which blindly accepts the 2021 DP data (including for over 60 boreholes which were NEVER drilled) and then declines to take responsibility for its own third-party response.

In short, it totally fails to fulfil the requirements for a “Site Auditors Report” as per request. If DPHI come within a half-nod of giving credence to this sleight of hand, then it really will be a case of “see you in court”. But my fundamental objection here is the clear risk of serious contamination, this based on the in-depth analysis of the above documents, and the indisputable decades of both lead and asbestos usage, not just in the Bungendore Rail corridor, but even moreso in the Station area which immediately adjoins a site proposed for school use.

Lanterra also ignores one point in the 2021 geotechnical Report that I object to in neon-red letters – the SINSW instruction that DP should ignore the Station forecourt because ‘we won't be doing any work there’. Yet this open area is directly alongside the Majara-Malbon corner which has already been fenced off as a MAJOR contamination zone. To me, the lack of further follow through on this is indefensible, and I deeply object. It isn't just an admin discrepancy, it's an egregious failure in professional responsibility to the children of Bungendore – including the primary kids, plus the BHS students in demountables just 10m across the road.

Then there's the problem of ASBESTOS. This dust is an insidious long-term evil, and easily occurs where there's been ongoing use in brake pads in old trains. The danger at Bungendore is only just being realised, and until this is clarified, the community analysis gives yet more reason to object. The EPA will also have even more to examine re the contaminants around BHS.

Horrible as it is, the damage and disease caused by asbestos dust usually takes decades to show. The effects of lead are much faster – even relatively small exposures can start early to affect a child's health and stunt development - as Bungendore has very sharp reason to know from bitter example just 30 kms north – along the same rail line, the same lead wagons – and currently undergoing major remediation.

If lead is a known disaster at Tarago where those open wagons just rolled on through, then the risk of contamination must be so much more critical at Bungendore. This is change-over depot for the mine, where the wagons swapped loads, a clunky start through railway gates, and past the platform, then a sudden stop for steam-engine refill from water tanks with those wagons jolt-stopping behind, ie directly alongside the BHS site, with clumps of ore open to the elements for as long as it takes. Then there's another jolt-start, this time right around a curve over Turallo Creek, all the mercy of load-shift, gravity and the fierce Bungendore winds.

This is not fantasy – as a school-kid in Wagga in the 50's, waiting on my bike while the rail gates are closed, I've seen, and heard, exactly what happens with steam trains as they approach a road crossing, clunking and clanking towards the roadway and then along a railway station. And those trains were for wheat – not newly-mined ore. None of this has been factored into the EIS Response.

## CONCLUSION.

There's another very important reason why I object to this SSDA-Amend – the diesel-powered demountables that now dominate the primary play-space for Years 7/8/9. It's not because they are demountables (deplorable though that surely is right now) but because I know WHY they have to be diesel-powered. It's not good – and it's not going to go away anytime soon.

Yet there's not a word about this major issue in the 76pp Amendment Report pages by Mecone – the section 6.11 on p.64 re “Sustainability” even goes so far as to report --

*“... the proposal has been designed to be Net-Zero Ready, meaning the building is designed to operate fully on fossil fuel-free systems immediately upon occupation and use.”*

The BHS buildings might be all that – but it doesn't mean a thing if the whole electricity grid in that area of Bungendore is over 70yo, and so deficient that in Feb 2023, Essential Energy (the power authority involved) wouldn't let it open for a cohort of just Yrs 7 and 8, ie less than 90 students, without the “short-term” installation of a large diesel generator – and a SINSW update advised that this would be in operation from 7am to 6pm every school day since.

What do I now know ? An exec from the generator company that did the installation told me – and how that power-supply deficiency isn't going to go away anytime soon. It seems that several years ago an old pub in Gibraltar St, the Royal George, was being refurbished, and the use of power tools on that renovation was dangerously disruptive to electricity supply for Bungendore village a few blocks to the south and west.

In fact, if the shops wanted to stay in business, generator back-up was essential until last year, when all-new cabling from that central area to the substation was installed. It took two years to design, plan, engineer and do – and cost about \$1million just for those few streets.

Given his experience re the demountables, that exec was well-aware of the same issues affecting the Majara/Gibraltar area, which is east of that hotel, and even closer to the BHS site. He warned that the ONLY solution would be for complete re-cabling back to the sub-station – which would take at least another two years, and given the further distances (and cost-inflation ) involved would now cost something like \$2 --2.5million..

The “diesel room” currently installed at the temporary BHS and visible from Malbon St is a large structure at least 8m long by about 5m wide. Something at least equivalent would be required to ensure back-up power for the proposed new school – yet , search as I have, cannot find a single space for any such provision. And given how space-constrained this whole site is (especially with the half Swim-Pool corner now “quarantined” for public access) I cannot see a single area where a diesel-power installation would be possible, much less appropriate. And it certainly won’t be happening on the Ag-Plot where there’s space, but NO buildings are proposed.

In short – so far as I can find, this BHS proposal not only totally ignores the facts re obsolescence of the electricity network, but also its own experience with the temporary school. This SSD-Amend shows neither plan, nor place, to provide a safe, consistent power supply for a school with 450 students – much less 600 later.

As a regional total, that 450 cohort is so under-size. It’s even contradicted by the new Transport study, which tallies total intake potential of current Year 6’s in the BHS catchment right now at 362. I understand there are about 120 students already – so even if the new input is just 60%, that’s 340 total, and Yrs 11 and 12 haven’t even started. I’m sure many others will comment on catchment information, school capacity VS under-size site, parking and various details in the current SSD-Amend – I totally agree and support them in this. But let me return to basics.

Today, education operates in a digital era – and a RELIABLE power supply must rank as a key fundamental for students, teachers, and admin – and for Planning when assessing any proposal.

Failure to consider such a core factor as power joins that re lead contamination as yet more reason for Objection to this SSD-Amend. Safety and certainty are essential.

It’s not just the history of the SSDA-14394209 which dooms this Amendment – it’s the history of the site itself – DoE cannot change the years it was a railway offload depot for mine-ore in open wagons behind steam engines. DoE can’t reverse 70 years of old cabling overnight, which means its BHS site remains power deficient for use as a secondary school.

In terms of assessment, this redefines the core problem – this isn’t just the “wrong” site – it’s a location that’s inherently UNFIT FOR PURPOSE – because unless, or until, the power supply issue is resolved a new BHS can only function as it should with the assistance of diesel-powered back-up – and that is not only not-good for kids, but it’s goodbye to any claim re being fossil-free.

To me, this in itself is reason enough to reject this SSD-Amend. It may also be reason-enough for further LEC appeal. Which just means more delay, more time gone.

Instead of this mish-mash attempt to revive the original SSDA, it would have been so much smarter for DoE to start again. Look at the benefits –

- lodge a new proposal (even use existing building plans within the new site)
- avoid all the current issues re traffic, parking, catchment, capacity, contamination etc)
- get total community support (because EVERYONE wants a new BHS, including me)
- achieve a streamlined approval at a new ready-to-build greenfield site (and there are at least two, maybe more still available)
- save so much money – no \$2mill re-cabling for electricity supply, no civic street works for parking, roundabouts, wombat crossings to Ag-Plot, and de-acquisitioning the current site/s back to QPRC and Crown Land would mean DoE gets back the \$10mill already paid.


I realise that Planning can only assess what is provided in the EIS (noting that this also applies for the “to-be-continued:” aspects SINSW have put into this SSD-Amend) re both site and proposal.

But if DoE want the fastest build for a new BHS that works – then you could tell them this plan is so fundamentally flawed by site, by convolutions, by community concerns that have only intensified in the last three years, that they’d be smart to start again.

As said earlier- I have not gone into practical aspects like parking, heritage failures inc arbitrary re-location for Bush Balladeers (this despite total lack of agreement on Frogs Hollow), unforgivable social impacts, the lies and misrepresentations about community consultation, etc, etc, etc. I am well aware of such issues, and am in total support of all community objections.

Enough from me for now – I realise this is a long Objection, but much is new VIP information. I trust you’ll be giving it all the attention it calls for.

Thanks EMMA



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Attachments to assist this Objection:

1. Leeson site-search Process Review Dec2023
2. The Tipping Point- Holding Redlich 2024
3. A.Ziller - Social Impact analysis Sept2022
4. Parsons & Mithieux – for Planning re SIA Nov 2022