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BUNGENDORE  
NSW 2621

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

Dear Sir or Madam

**NEW HIGH SCHOOL IN BUNGENDORE  
APPLICATION NO. SSD-14394209**

I refer to the above amended state-significant development application. I have not, and no associate of mine, has made any political donation to any person in the 2 years preceding this submission.

I object to the proposal for the following reasons and expect the Applicant to respond appropriately to these concerns to ensure that SSDA review process is adequately informed, transparent and equitable.

• **Improper, opaque and flawed decision-making process.**

The decision making process to arrive at the current SSD Application to select Bungendore Park as the only site suitable for the location of the High School, remains flawed, opaque, and appears suspect because of the following concerns:

The Auditor General's recent report states that "*School Infrastructure NSW has been focused on delivering existing projects, election commitments and other government announcements. This has diverted attention from identifying and delivering projects that would have better met present and future student and classroom needs.*"

- The Applicants response to last year's submissions conspicuously avoids addressing the rationale and reasons behind the selection of Bungendore Park as the preferred location for the new Bungendore High School.
- NSW Dept of Education (DofE) seems prepared to stop at nothing, to deliver on its well-publicised acceptance of its responsibility and obligation to deliver a Bungendore High School, by seeking the lowest cost solution to fast-track a flawed planning proposal and to construct the new school on a small building envelope in the heart of our town's heritage precinct, apparently intended specifically to meet short term re-election aspirations
- Notwithstanding the clear recommendations in the Applicants own 2021 SIA and the recent 2022 SIA Addendum to provide clarity, transparency and reasoning for this and related decisions, there has been no rationale, justification or explanation at all. Merely a doublingdown of repeated and untrue statements of extended consultation processes and comprehensive reviews of available land plots, finding Bungendore Park to be the only viable location.
- And the glossy and expensive PR campaign funded by tax payers continues on a weekly basis, with our letter boxes stuffed with expensive colour brochures telling residents how lucky we are to have such a well thought out development opportunity delivered by an expert and considerate NSW Government Dept of Education (DofE).
- And to reiterate the above points and enhance clarity, I have attached a supposedly confidential document produced by the Department of Planning and Environment (DofP) (**Enclosure 1 refers**) under the Government Information (Public Access) Act {GI(PA)} which clearly indicates that another site met all of the DofE's

requirements that are handily stipulated in the same document. The released documents indicate that in June 2020 the State Government was finalising arrangements for a large, master-planned site for the school on Tarago Road, in an area on already identified for future development. The site was supported by both the Department of Planning and the Department of Education. And the same document then goes on to specify that a number of additional sites could also be suitable for consideration if the selected site could not be progressed.

- The documents show that Queanbeyan Palerang Regional Council (QPRC) intervened in the process by proposing sites that 'were not identified during the EOI process'. Within days the Department of Education emailed the Department of Planning stating that the preferred site location was now Bungendore Park and not the site on Tarago Road. No explanation was provided.
- Bungendore residents were deceived and misled by Department of Education staff who stated at their most recent community hub in Bungendore 'that the delivery of the new school is time critical and must be completed in time for enrolments in 2023. The communications officer stated that there is no contingency plan to develop the school on any alternative site should the currently proposed site prove unviable'. It is clear from the documents released by the Department of Planning that this statement was patently untrue and yet the latest response to SSDA submissions makes no reference at all to these fully documented events. And the DoE continues to make untrue and false claims about process integrity and the exercise of comprehensive due diligence in determining the new High School location.
- This information was provided in multiple submissions made to the original SSDA review but had been blatantly ignored by DoE which continues to pedal untruths about the decision-making process. To have one Govt Department repeatedly and openly, ignore and apparently disparage the professional and expert specialist judgement of a sister organisation seems to be beyond the pale. I anticipate the recent NSW Legislative direction under Standing Order 52 will reveal further disclosures that have hitherto been denied.
- The former and current executive branches of Queanbeyan Palerang Regional Council (QPRC) continue to support the DoE's misleading public campaign of disinformation and untruths by refusing to comply with GIPA legislation. In the interests of clarity and transparency, I have included a copy of QPRC's recent response to a Question on Notice (**Enclosure 2 refers**), seeking information as to how many decisions Council has made since 1 January 2021 in relation to formal access applications made under the Government Information (Public Access) Act. The Document reports that six such requests concerning the decision making and apparent deals around the high school site have been made, all refused and then all supported on appeal by the Information and Privacy Commissioner. Of particular concern is the final QPRC comment reproduced in below full, where it is apparently putting its expertise over and above that of the NSW appointee responsible for the function:

*A recommendation from the Information and Privacy Commission to remake a decision does not mean that the [original] decision was not justified. It means that in the Commission's view, different factors should be considered and given different weight when determining the public interest test and Council is asked to reconsider the access application.*

Again I anticipate the recent NSW Legislative direction under Standing Order 52 will cause further disclosures that have hitherto been denied and that such matters, if they do eventuate, will eventually have to be taken into account during consideration of the amended SSDA.

- The Applicant's amended SSDA submission totally ignores concerns raised by residents about the original QPRC executive and the then 2020 Council's decision to go along with DoE's selection of Bungendore Park as the site for the new high school.
- That decision, made in close but secret collaboration with DoE, effectively enabled QPRC executives and the then Council to abrogate its management responsibilities and obligations for the proper management of local roads, Crown land, Common land, public amenities. In the absence of transparency and truth, there continue to be concerns about short term political and financial advantage. This advantage appears to arise from disposing of surplus council land and facilities at rock bottom prices (based on reluctant release of NSW valuations) to cover a looming and continuing annual deficit and contribute to a new \$74m vanity project which is its new

council offices in Queanbeyan. The original SIA and the updated 2022 SIA frequently refer to the negative connotations brought about by public concerns about lack of transparency and opaque decision making and yet DofE consistently refuses to explain. Anything. To anyone.

- The recommendations of the updated 2022 SIA make a large number of recommendations at para 7.1, calling for transparency, consultation and meaningful engagement with the Community. From the foregoing examples, there is absolutely no evidence of good faith at all: quite the opposite, just untruths, deceit and a doubling down of efforts by the DofE and certain QPRC officials to press on with this ill-conceived and flawed plan regardless of the consequences and the permanent negative impact on the Community and its well-being.
- **An Inadequate and poorly considered site and a sub-optimal School that will not meet the needs of existing and future residents of Bungendore as it quadruples in size**

The proposed location of the high school is inappropriate on a number of levels and fiddling around to meet DofP built requirements has caused the school site to shift further onto Bungendore Park proper, reducing open green space still further. The cosmetic changes being made to the built form are just that, cosmetic. And the negative social impact of the project in its present configuration, on the Bungendore Community is already significant and will continue deteriorate further in the medium to longer term:

- NSW State Government standards for new high schools require a minimum of 4 hectares. The Development Application specifies that the Bungendore Park site has a site area of 2.9 hectares. This implies there is simply no scope for expansion when population growth imposes a higher rate of enrolment than 450 students in the high school and a corresponding increase in Primary School numbers on the existing adjacent site. DofE's response to submissions makes no overt mention of an inevitable increase in Primary School numbers and the impact on the local facilities, road systems and traffic congestion. And it makes no mention of mitigation factors other than to assign responsibility and funding to a third party, being QPRC.
- Already the DofE has made noises about enrolment numbers exceeding 450 in the medium term. The Member for Monaro has floated the figure of more than 700 pupils. The DofE trite response to the 4 hectares minimum size indicates this applies to schools of up to two thousand pupils. But the high school's location is heavily dependent on access to the Mick Sherd Oval via shared use arrangements. The Primary school will also be exposed to a significant boost to enrolment as the town quadruples in size. This will necessitate construction of additional classrooms on the Primary school grounds and a consequent increase in use of the Oval, to the detriment of the wider Bungendore society and the wellbeing of existing and future residents.
- **An ill-judged development that threatens to irreversibly destroy the green heart of Bungendore and its heritage**

In *Crown Land 2031* published in May 2021 by NSW Department of Planning, Industry and Environment, stated that:

*'A key priority for our government, particularly for me as the state's first Public Spaces Minister, is to provide better access to quality, green, open public space for people right across NSW. Crown land ..... will play a significant role in achieving that goal'.*

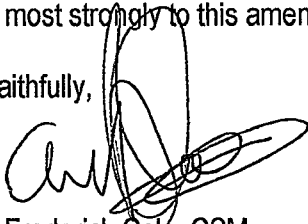
- Bungendore Park is Crown Land and it is the town's only dedicated public recreation space. *Crown Land 2031*, proudly claims its top priority to be to *'Strengthen community connections with Crown land'* this has been roundly ignored by the DofE in its development of a high school plan apparently for the sake of political expediency at state level and financial gain at local level. I say apparently because the DofE's Amended SSDA rides rough shod over another agency's priorities and totally ignores the call for transparency and release of related information over site selection. What has the DofE got to hide?
- Bungendore Park is the town's only green space protected as Crown Land and dedicated for public recreation. The park is fundamental to the town's heritage and its character. The park is a natural draw for large numbers of visitors and tourists who drive through Bungendore on their way to and from the South Coast contributing significantly to local businesses. The loss of the Park and its replacement by prefabricated two story buildings

roundabouts and car and bus parking areas will permanently damage the Township and blight its commercial and Heritage attractions. And yet the importance of these factors are at best only obliquely and inadequately addressed in the original and SIAs and the latest 2022 Addendum.

- Bungendore's significant population growth, projected to quadruple over the short to mid-term, out to 2036 is very likely to require additional building for both the High School and the Primary School over what remains of the green space in Bungendore will further and irrevocably damage the lives and well-being of present and future residents of Bungendore.

I object most strongly to this amended SSDA .

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Clifford Cole', written over a circular stamp or seal.

Clifford Frederick Cole, CSM

Enclosures:

1. Dof P Site Search Summary Report
2. QPRC Questions of Notice 13 Jul 22

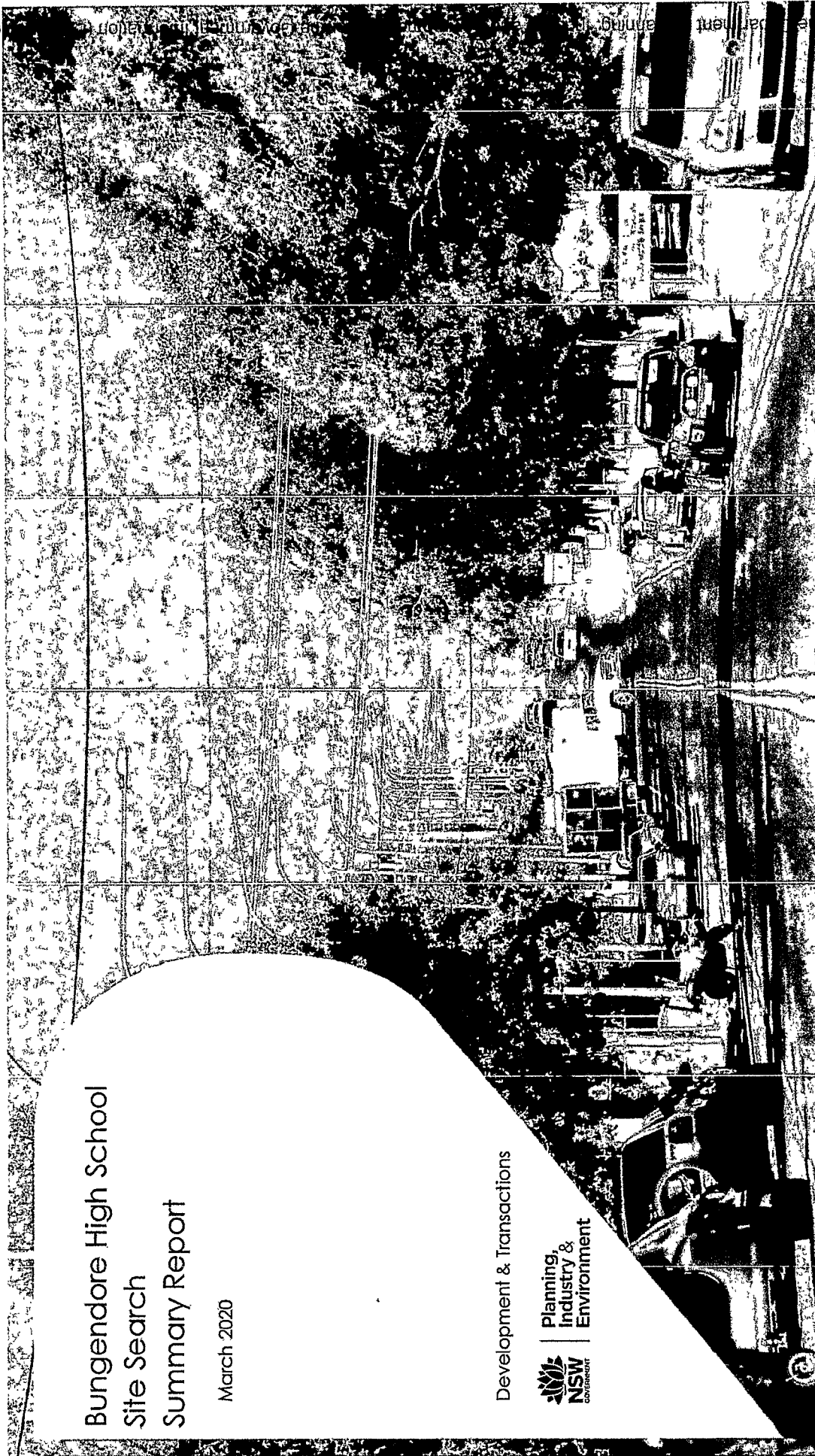
# Bungendore High School Site Search Summary Report

March 2020

Development & Transactions



Planning,  
Industry &  
Environment



## CONFIDENTIAL

# Introduction



In December 2018 the Member for Monaro, Deputy Premier, and Minister for Regional New South Wales, Industry and Trade announced a commitment to deliver a new High School in the regional town of Bungendore by 2023.

Bungendore and its surrounding areas have seen more than a 20 per cent growth in the primary school aged population from 2011-2016. There are almost 1,000 students in the local primary schools in Bungendore, Sutton, Tarago, Captains Flat and Gundaroo who will need to transition into high school within the next few years.

Currently, many of the local school students have to travel long distances to attend high school and these schools and many Canberra schools have become unavailable, as the ACT Government has restricted the Schools that NSW residents can attend.

The new High School in Bungendore will support local students and provision for future population growth in the area.

Development and Transactions, Department of Planning, Industry and Environment (D&T) was appointed by Department of Education (DoE) to assist in finding a suitable site for the new High School.

D&T published an Expression of Interest (EOI) request in November 2019 seeking a suitable site. Three submissions were received and evaluated against a set of criteria. A recommendation has been made to proceed with a site in the northern part of Bungendore.

Development and Transactions can assist DoE to deliver the next Phase of work which includes detailed due diligence and transaction management.

#### Disclaimer:

The purpose of this report is to provide high level "Desktop", due diligence advice and site inspection information to assist Department of Education with making informed decisions about the viability of a site to accommodate a potential High School in Bungendore. This report summarises the Phase 1 and 2 due diligence and evaluation undertaken. The preliminary advice is provided for guidance only. This advice has been prepared without the benefit of additional property due diligence such as full site inspections, legal or planning review, valuations, or contamination risk assessment and specialist consultant reports which are likely to be required should a site be progressed to acquisition management.

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# Site Search

On 29 October 2019, D&T commenced work to identify a suitable site for the new Bungendore High School.

In seeking to satisfy this objective, D&T considered:

- The appropriate site characteristics to build a school
- Proximity of the site to the existing Bungendore Public School
- The proponent being the owner of the site or entitled to become registered proprietor
- The acquisition price.

Department of Education further provided a detailed set of criteria outlined in **Attachment A** to assist in assessing potential High School sites. This criteria was also used as the basis of evaluating EOI submissions.

D&T commenced the site search with a review of the Government Property Register (GPR) and Queanbeyan Palerang Regional Council (QPRC) sites to consider Government owned land options (refer **Attachment B**). There are no suitable Government or QPRC owned sites available.

A further review of private owned land provided five sites that may be suitable for a high school. Further due diligence is recommended on these privately owned sites in the event that the EOI process is unsuccessful.

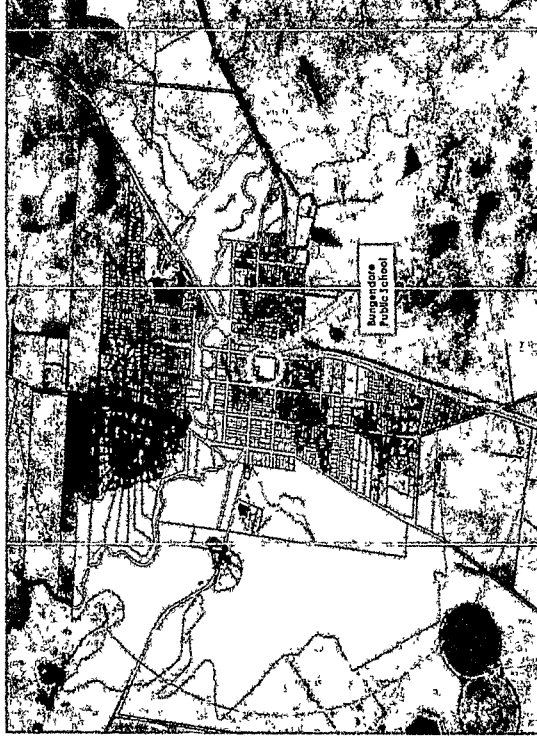


Figure 1 Bungendore High School search area  
\*Queanbeyan Palerang Regional Council 'Flood Planning Zone' is highlighted in blue  
(reference: QPRC's LEP 2014 'Flood Planning Map')

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# Expressions of Interest

In 2019 the Member for Monaro, Deputy Premier, and Minister for Regional New South Wales, Industry and Trade requested an Expressions of Interest (EOI) site search process.

D&T managed the EOI process which commenced on Friday 8 November 2019 and closed at 10:00am on Thursday 12 December 2019.

Three EOI submissions were received and evaluated against a set of criteria. A recommendation has been made to proceed with a site owned by C&T Taubenschlag in the northern part of Bungendore.

The C&T Taubenschlag submission satisfied the site size criteria and was considered to be superior in location and characteristics relative to the other submissions.

The EOI evaluation panel therefore recommended that DoE proceed to the next phase with C&T Taubenschlag.



Figure. 2 Site Location Map of Submissions

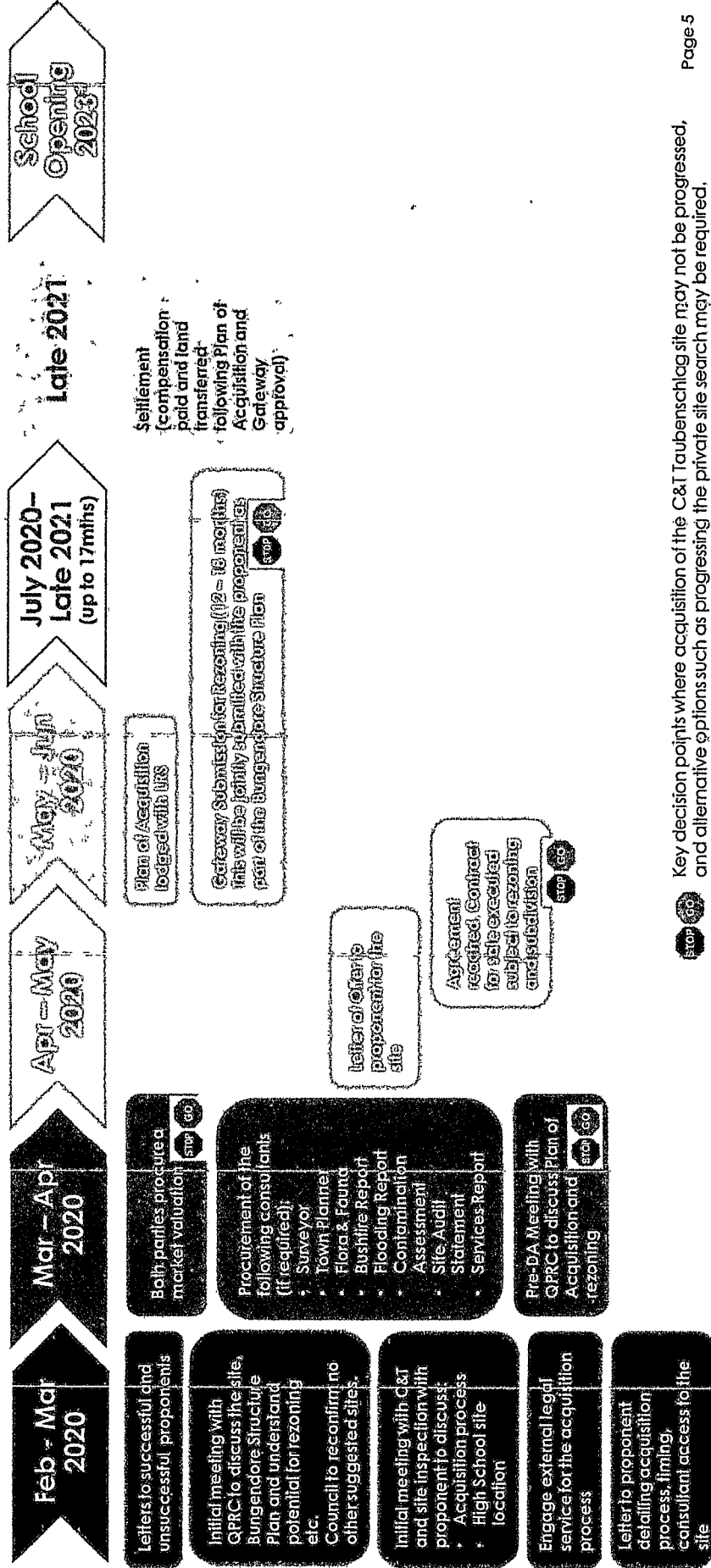


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# Next Steps

The proposed acquisition process for the site owned by C&T Taubenschlag.



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## Attachment A – Department of Education Site Selection Criteria

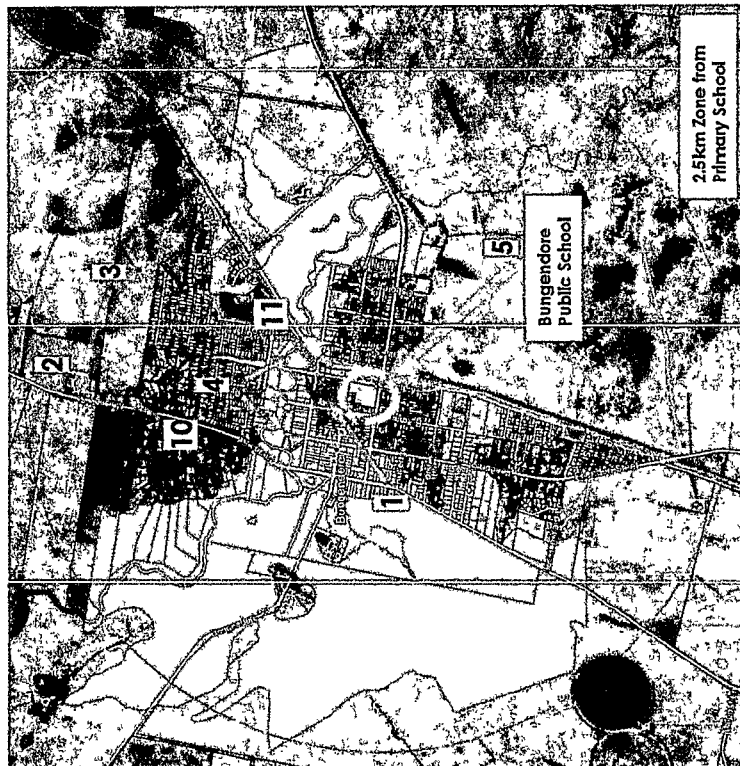


CRITERION	SITE REQUIREMENT	ESSENTIAL OR DESIRABLE
Approximate Area	2ha to 4ha	Essential
Location	Within 2.5 kilometres from the existing Primary School at Bungendore	Essential
Zoning	SP2 or suitable for Education purposes	Desirable
Allotment	Single Allotment	Desirable
Adjoining Land:	<ul style="list-style-type: none"> <li>Must not adjoin any land which is developed or proposed to be developed for a use which is incompatible with a school</li> <li>Adjoins land to be used for open space/recreation</li> </ul>	Essential
Access	<ul style="list-style-type: none"> <li>Must allow for the provision of appropriate access arrangements for a school</li> </ul>	Desirable
Services/Utilities	Fully serviced with water, sewer, power, telecommunications, local traffic infrastructure (e.g. kerb and gutter, footpath, intersections, crossings, pedestrian pathways) and such other utilities and services infrastructure as is necessary for a school	Essential
Shape	Substantially regular shape	Desirable
Gradient	Gradient of the site must be no greater than 1 in 10 being relatively flat and of a consistent topography	Essential
Drainage	Well drained Not located on land that supports: <ul style="list-style-type: none"> <li>Endangered ecological communities</li> <li>Threatened or endangered flora &amp; fauna</li> <li>Sensitive areas (wetlands, bushlands, etc)</li> </ul>	Essential
Flora & Fauna	<ul style="list-style-type: none"> <li>Must be consistent with the requirements of Planning for Bushfire Protection 2006 (or any replacement guidelines)</li> </ul>	Essential
Bushfire	Must be cleared of vegetation	Desirable
Cleared Land	Must have a contiguous area and geotechnical conditions that are suitable for school construction	Essential
Geotechnical	Majority of the site will be located above the 1 in 100 year flood level and have flood free access	Essential
Flooding	Be free of contamination which would make the site unsuitable for use as a school	Essential
Contamination	Site audit statement must be provided confirming that the site is suitable for a school	Essential
Site Audit	Must have at least two road frontages	Essential
Frontage	Avoid sites that are adjacent to high noise or vibration generating development	Essential
Noise & Vibration	Provide European & Aboriginal Heritage reports	Unspecified
European & Aboriginal Heritage	The nominated site free from all restrictions/encumbrances including but not limited to restrictive covenants, mortgages, leases, easements, overhead transmission lines, proximity to above and underground utility services including AS2885	Desirable
Legal Issues		Essential

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**Attachment B – NSW Government & Council Land Search**

SITE NO.	PROPERTY ID (GPR)	LOT AREA (Ha)	AGENCY NAME	LAND USES	COUNCIL'S COMMENTS	D&T COMMENTS
1	23309980	4.945	Primary Industries (Crown Land)	Public Park	Identified in QPRC LEP 2014: contains local heritage item: Soldier's memorial	Not suitable
2	23314953	15.6883	Primary Industries (Crown Land)	Rubbish Dump; Sewage	No comment provided	Not suitable Listed as current rubbish dump/sewerage site, and site lays adjacent waste transfer station.
3	23325228	21.9651	Primary Industries (Crown Land)	Camping ground/livestock	No comment provided	Not suitable Access to site restricted from main road. Site situated adjacent waste transfer station.
4	23339116	5.2941	Primary Industries (Crown Land)	Cultural and Recreational Services	In Council Flood Planning Area	Not suitable
5	23085705	19.4742	Department of Education	Public School	Site already well utilised.	Not suitable
10	3278169	3.829	QUEANBEYAN-PALERANG REGIONAL COUNCIL	TARAIGO RD	Current use as waste transfer station.	Not suitable.
11	4013981	16.947	QUEANBEYAN-PALERANG REGIONAL COUNCIL	MCFADZEN PL	Current use as town water reservoir. Very steep site.	Not suitable



Bungendore Town Map – NSW Government Owned sites shown in red  
 Flood Mapping reference: QPRC's LEP 2014 'Flood Planning Map'



**ATTACHMENT TO MINUTES OF THE PUBLIC FORUM  
HELD ON 13 July 2022**

**'Questions on Notice' from the Public**

Responses to the following 'Questions on Notice' received up to *Wednesday 6 July 2022* were provided and tabled at the meeting.

**Questions submitted by: Save Bungendore Park Inc**

All following responses are provided by the Organisation Capability portfolio of QPRC.

1. **How many decisions has Council made since 1 January 2021 in relation to formal access applications made under the Government Information (Public Access) Act?**
2. **What was the subject matter of these applications?**
3. **In relation to those decisions:**
  - (a) **How many decisions were taken to grant access in full?**
  - (b) **How many decisions were taken to grant access in part?**
  - (c) **How many decisions were taken to refuse access (including finding that information was not held)?**

Responses to Questions 1 to 3 is information publicly available on the QPRC Disclosure Log which is published on Council's website  
[www.qprc.nsw.gov.au/Council/Council-Business/Access-Council-Information#section-6](http://www.qprc.nsw.gov.au/Council/Council-Business/Access-Council-Information#section-6)

**4. In relation to any decision to grant access in part or refuse access:**

- (a) **How many decisions were appealed by the applicant to the Information and Privacy Commissioner or the NCAT?**

Six

- (b) **How many of those appeals resulted in a finding which upheld Council's decision?**

Zero

- (c) **How many of those appeals resulted in a finding that Council's decision was not justified?**

Six

A recommendation from the Information and Privacy Commission to remake a decision does not mean that the decision was not justified. It means that in the Commission's view different factors should be considered and given different weight when determining the public interest test and Council is asked to reconsider the access application.