



Save Bungendore Park

OUR PARK IS NOT FOR SALE

What happens if we close Majara Street?

Citizen Science to the rescue...

Summary

Majara Street handles much of the traffic between Elmslea, Bungendore Public School and the Kings Highway.

The Department of Education (DoE) plans to close the road between Turallo Terrace and Gibraltar Street as part of the planned Bungendore High School.¹ Without this road closure, the school would not be viable at the proposed Bungendore Park site.

Closing the road will divert all traffic currently using this part of the road, past the preschool and onto residential streets.

However, neither the DoE nor the local Council has examined how much traffic actually uses Majara Street or how its closure will affect the preschool and surrounding streets. And they are concealing the studies they have actually done.

So it took a citizen scientist - a member of the community sitting out with a clipboard and pencil, to crunch the numbers and find some answers. What they learned wasn't pretty.

This small section of road currently handles around **140** vehicle movements per hour (which means around **1700** vehicles per day). The planned new school will add over 600 more daily trips to the site (of teachers and students), which means we'll see up to 2,300 extra cars,

trucks and buses being sent past the preschool and through residential streets every day.

Everything we have written in this update is based on the public records from the State Government or Queanbeyan-Palerang Regional Council (QPRC), or from first-hand research carried out by a local scientist. Read on to find out more.

Background

QPRC voted on 28 April 2021 to close Majara Street, ignoring overwhelming community opposition and refusing to consider a proposal to defer the vote until a proper traffic study had been completed.²

Majara Street is a major, non-residential thoroughfare in Bungendore. From the north, it links the Elmslea and North Elmslea residential areas to the Kings Highway, and then to Braidwood, Queanbeyan, Sutton and Canberra. It also provides a busy link road between these residential areas and the commercial precinct and primary school on Gibraltar and Majara Streets.

Majara Street is part of Bungendore's original Georgian grid, laid out by Assistant Surveyor-General James Larmer in 1837. Aside from changes to accommodate the railway line in 1885, the grid has remained unchanged since then and is one of the oldest completely intact

¹ The NSW Department of Education (DoE) euphemistically refers to this closure as a 'diversion' in its "Frequently Asked Questions", published March 2021. It referred to a "diversion of Majara Street (between Turallo Terrace and Gibraltar Street) to the east of the current the council building to accommodate school related traffic". However, in an internal email we have seen dated 4 March 2021, it stressed that "the school access road is not for general usage."

² See the Council Minutes dated 28 April. The contrary motion from Cr Marshall – "that Council defer this item until a full traffic study of the proposed closure of Majara Street is undertaken" – was not passed. We discuss the results QPRC's community consultation process below.

examples of early colonial town planning anywhere in New South Wales.

Closing Majara Street will divert most of the traffic using the road to Bungendore Preschool and Turallo Terrace, and then primarily to Butmaroo and Ellendon Streets, or along to Tarago Rd (to an intersection which the Department of Education's consultant noted offered "limited natural surveillance" – or as we say in normal English – poor visibility).

Further, the proposed school itself will cause hundreds more car trips every day. The latest report prepared for the Department of Education (DoE) estimated **another 613 trips** – in only the 1.5 hours each of the morning and evening peak. The DoE did not even look at what happens during the other 21 hours per day.

Parking

The proposal also involves building a significant amount of 90 degree parking on the north side of Bungendore Park, partly to replace the loss of the recently constructed car park at the Scout Hall (which will now be part of the Abbeyfield aged residential care facility (another high school fiasco). This parking will serve the Preschool, the high school, and other local facilities – with parents reversing in or out, and crossing the road with small children.

A large proportion of those 2,300 extra cars, trucks and buses each day will conflict with parents dropping kids at the preschool.

The first step in assessing the impact of a closure of a public road should be to assess the traffic volumes and patterns on the road they're planning to close.

But even now, the Department of Education and QPRC haven't bothered to do this. And they're shocked we even asked them to.

How did we get to this point?

If you know the long and tortured history of this project already, skip to the end, where we show the results of the study that neither the State Government nor QPRC can be bothered to do.

Someone said to us they supported closing Majara Street, because it was a "speedway". We've never thought this – but so be it. In any event, this speedway will now be diverted past the preschool. Does anyone want a speedway running past a preschool? Does anyone want to be reversing out into a speedway? Does anyone want 2,300 more cars, trucks and buses every single day barrelling past the preschool gate?

Does anyone still believe that this is a good idea?

The traffic saga so far

The initial Bungendore High School plan announced on 13 August 2020 as a "done deal" included not just closing Majara Street, but also a bizarre plan to turn Gibraltar Street in a "shareway", whatever that is.

The Department of Education promised to create a strategy that "will demonstrate" that the "diversion" of Majara Street would create a "plaza".

Leaving aside that the law doesn't permit the Government to pre-empt the outcome of a planning process, we don't even know why this is relevant. They've now dropped the absurd plan to close Gibraltar Street – at least for now (although who knows what the plan will look like next week?).³ But either way, they're still closing Majara Street.

In its initial FAQs dated September 2020,⁴ the DoE claimed that "a transport strategy assessment has been carried out and there are

³ It took shocked community members to point out that the initial plan – which involved putting the primary school library across Gibraltar St from the school and turning the road into a "shareway" (whatever that is), where primary schoolers would compete with cars to get to their library, was an absolutely terrible idea. We were relieved this was dropped.

But the Minister for Education's standard-form letter sent in response to many, many letters explaining what was wrong with the plan – claimed that changing this part of the plan "demonstrated a willingness to consult". Realising that you've just suggested one of the most ridiculous parts of a terrible plan should not be presented as a virtue.

⁴ See <https://www.schoolinfrastructure.nsw.gov.au/projects/n/new-high-school-in-bungendore.html#library-tab>

no adverse impacts on the preschool” from closing Majara Street.

The DoE then doubled down. The Minister for Education writing to the Shadow Minister in December 2020 that:

“traffic studies to identify any impacts that might occur regarding the closure of Majara Street thoroughfare between Turallo Terrace and Gibraltar Street have been undertaken. The traffic studies established that the closure is not anticipated to cause congestion within the Precinct.”

This statement by the Minister for Education was false. It was an outright lie. As was the claim in the September 2020 FAQs when the DoE told the Bungendore community that it had undertaken a study. It stated:

“The transport assessment has found that there will not be any negative impacts to traffic caused by the school being built at this site.”

But they had no idea about the traffic impact! They hadn’t studied it at all.

The Department of Education told us in January 2021, in response to a Freedom of Information request, that:

“there were no records located regarding: assessment of traffic impact on Turallo Terrace and Butmaroo Street of the closure/redirection of Majara Street; measurement of current traffic flows on Majara Street; assessment of traffic diversion following closure of Majara Street; and safety assessment relating to parking, pickup and drop-off on Turallo Terrace. No records regarding these matters exist as yet because they will be assessed at a later stage of the project.”

In fact, only a “Rapid **Transport** Assessment” had been carried out by GHD, a consultant engineer, to assess how students might get to school (bus, car, bike, walking etc). This was dated August 2020. And this study **assumed that Majara Street would remain open**. The DoE hadn’t even decided to close the road when it commissioned this study, even though

it was completed only a few days before the plan was announced on 13 August 2020.

And even then, either the DoE simply didn’t care enough to give its consultants the updated instructions, or it was too lazy to read the report and realise it was wrong.

Way back in February 2021, we asked QPRC:

“Has Council undertaken (or received) any assessment of the impact of the proposed closure of Majara Street on surrounding streets? If so, can this be made public?”

The response was:

“School Infrastructure (SI) completed a Rapid Traffic [sic] Assessment (RTA). This report was made available to Council staff during discussions surrounding the proposal put to Council. The RTA will form part of the State Significant Development Application and Statement of Environmental Effects to be prepared and determined by Government. A more detailed traffic assessment has now been prepared by School Infrastructure and will be made available to councillors prior to considering the proposal to close Majara St.”⁵

Just remember – this is a **transport** study. It’s about how kids get to school. It’s nothing to do with how traffic will flow into and around the school. Did QPRC and the DoE even read these reports? We followed up and were told that a “draft” detailed traffic assessment had been provided to QPRC, but we weren’t allowed to see it.

We know that GHD then prepared the “Queanbeyan [sic] Traffic Assessment – Final Traffic Impact Assessment” dated February 2021. We requested this under Fol, and in theory it was released. But almost all this report has been censored.

So they couldn’t even get the name of the town right! It shows contempt for us that the Department of Education doesn’t even bother to read the expert reports it commissioned. If it did, how did it not even notice that it referred to the wrong town?

⁵ Available in the “Minutes of Public Forum” on the QPRC website.

GHD finally worked out what town it was in when it prepared the *“Bungendore High School – Traffic Impact Assessment”* in April 2021. But again, we weren’t allowed to see it.

The QPRC Process – consultation about closing Majara Street

In early February 2021, QPRC asked for comment on the closure of Majara Street. This was required by law as part of the process under Section 33A of the *Roads Act 1993*.

The feedback was made public and showed that when the Bungendore community was finally asked what it thought of massive disruption in the historic heart of the town, its response was a clear and unambiguous rejection.

160 members of the community made submissions. 88 strongly opposed closing Majara Street, for all sorts of reasons. Many of them took the time to write detailed responses, explaining their concerns.

A few were neutral. And despite a massive lobbying effort, only 68 supported it – the vast majority being one-liners to the effect that any high school was worth it, at any price to the community.

This is the only transparent consultation process undertaken so far in relation to any aspect of the Bungendore High School proposal. And it showed that a significant majority of respondents (and an overwhelming majority of those who submitted detailed responses) opposed closing Majara Street.

Summary Traffic Report – 23 March 2021

The DoE then released a summary of the traffic report, promising that the full report would be released as part of the development application. It is not clear why they continued to conceal the full report at that time.

This summary assessed whether any congestion would arise at peak hour at “six intersections of interest”, being the intersections of Majara, Ellendon and Butmaroo Streets, with Turallo Terrace, Kings Highway and Gibraltar Street.

It was based on measurements taken over a total of three hours (across the morning and evening peaks) on a single day in November

2020. We wonder why it took so long to release this obviously very sensitive data, and why it wasn’t released as part of the community consultation process.

But get this – the traffic study assumed Majara Street would remain open

Laughably, two of the six “intersections of interest” which the DoE studied (Majara St with Turallo Terrace and Gibraltar St) will not even exist after the road closure! Hardly surprising that the report found no congestion at these intersections. They won’t even be there!

We realised in 30 seconds what was wrong with this report.

How did the Department of Education not notice that this report was wrong? As with the “Queanbeyan” traffic report, did it not bother to read it? Did the DoE staff actually look at a map? Or maybe it didn’t understand its own plan? Maybe it just didn’t care? Either way, it shows the Department’s contempt for our town.

Equally bizarrely, the assessment did not measure total traffic volumes or make any assessment of the situation outside very narrow peak hours.

This is the quality of the government decision-making behind this project. It is shockingly bad.

But QPRC has still decided to close Majara Street. What does the law say?

QPRC passed a resolution on 28 April 2021 to approve the closure, having seen a draft traffic study. But even then, it had not seen **any** information which examined the impact of closing Majara Street.

To close a road, Council must satisfy the requirements of s38A of the *Roads Act 1993*. The law says:

- First, it needs to be sure that the road isn’t actually required, now or in the future.
- Second, it needs to be sure that the road doesn’t provide continuity to an existing road network.
- Third, it needs to check that closing it doesn’t cut off access to any piece of land.

We know that the closure is unlawful because it cuts off access to a piece of private land. QPRC

failed to notify the affected landowner, as required by law. The landowner has just realised what is going on and was shocked. They've raised this with Council. There's no way around this problem.

Putting aside the minor matter of our Shire Council breaking the law, Council must still satisfy the other criteria. We asked if it had, but it actually has no idea. The answers are recorded in Council's Minutes, which we've linked to below.⁶

It told us that it had never checked how many cars actually use Majara Street every day. It simply said "traffic modelling and assessment will be undertaken by Schools Infrastructure when the development application for the school is submitted."

It decided that the relevant part of Majara Street didn't provide continuity with an existing road network. That's news to us. Does no one travel between Elmslea and the Kings Highway?

How has it made the decision to close the road, when it so openly tells us that the traffic modelling it would need to make the decision will not be undertaken until well after it has made the decision? It's not good enough (and it doesn't satisfy the legal requirements) to say "well we have no idea, we'll work that out later."

In short - no one has thought about the legal requirements. Multiple claims from QPRC and the DoE have been proven false – or show that they can't be bothered actually understanding the issues

The plan hasn't even got through planning, and yet John Barilaro is promising to take "whatever action I need" to force it through.

But why can't we see the traffic study?

That's a great question. We don't know either.

QPRC said in response to our FOI request that it would breach copyright if it showed us! We're not joking.

So we asked the Department of Education, under the "informal" process set out under NSW's freedom of information law – the

Government Information (Public Access) Act. The Department flat-out refused, saying we had to make a formal request. This took months and cost a fortune.

And we've finally got a result. But get this – almost everything is censored. Apparently it's commercially sensitive.

The Department did release tiny bits of not one, but two traffic reports. The first was the "*Queanbeyan [sic] Traffic Assessment*" from February 2021, described as a final report. This assumed that Majara Street would stay open – even though the road closure was part of the Deputy Premier's very first announcement on 13 August 2020.

The second is dated April 2021 - also a "Final" assessment, but at least now they worked out what town they were in. And someone had finally told them that Majara Street would be closed. But all the conclusions of this report were censored. So we've no idea what it said.

That's right, they've deleted 136 pages and given us barely 20. And what's left is full of redactions. They've even hidden information that's already public or that they've published on their own website.

Apparently disclosing any of these 136 deleted pages would not be in the public interest. The Department claims it is "business information belonging to a third party, GHD." Surely this is information paid for by the Department? And yet, it said disclosing it would reveal GHD's proprietary traffic modelling methods (which use SIDRA, a commercially available software product which anyone can buy). The Department claimed that:

"Competition in this industry is fierce and releasing information that reveals a business's methodology could have a very significant adverse effect on the third parties' future business dealings, as other businesses may use this methodology when competing for business with GHD. It would also place the department in an awkward situation, as companies may shy away from competing in future tender processes, as they fear their business information may be

⁶ The Questions on Notice, together with our observations, are set out here: <https://tinyurl.com/qprctrffic>

released to applicants who apply for such information under the GIPA Act.”

What nonsense.

So it's against the public interest to disclose anything about how traffic modelling is conducted, because it might damage the consultant's commercial interests in the cut-throat world of traffic modelling? Or make other traffic modellers less willing to provide traffic modelling services to the Department of Education, next time it tries to steal a Park and close a road in a country town...?

From what we can see, these two reports confirm what we already know. That is – the State Government has not actually done any proper traffic modelling. Or maybe it has, but we don't know because it's censored.⁷

What is sensitive about a traffic report in a small town? We're working with people who've been at the highest levels of government, in sensitive jobs. They can't understand either.

It doesn't get more laughable than this, does it?

But just wait, it gets worse

We've seen an email dated 4 March from the Department to GHD, specifically instructing it that:

“the traffic report is to be updated ... so that it is suitable for being made publicly available”.

So GHD was told to prepare its report on the assumption it would be public. And to top it all off, the Department of Education stated in its May 2021 Project Update that “the full traffic study will be submitted as part of the SSDA”.⁸

The SSDA (or State-Significant Development Application), including all relevant documentation, must be placed on public exhibition for at least 28 days. So the traffic reports will become public anyway.

Absolutely every aspect of the Department's decision to continue hiding this report is

nonsense. It was commissioned as part of the planning process (with the intention of forming part of the SSDA), which must (by law) become public. GHD was told to prepare it in a form “suitable” for publication.

How can they argue that the Department or GHD consider it to be commercially sensitive and should remain confidential?

Citizen Science to the rescue

In the absence of any publicly available assessment of traffic volumes, Save Bungendore Park did its own traffic assessment. Vehicle movements were recorded for 3.5 hours in the morning and another 3 hours in the afternoon on 24 May 2021.⁹ Vehicle movements were recorded along Majara Street, including:

- the direction (north or south); and
- origin (whether from Turallo Terrace, McCusker Drive, Gibraltar St, Kings Highway).

Over these 6.5 hours, a total of 1479 vehicle movements were recorded, with 918 vehicle movements recorded just on Majara Street, in just a small part of the day.

That's an average of 141 vehicle movements per hour. Over a nominal 12 hour day, that's more than 1690 vehicle movements on Majara Street alone.

That's *extra* vehicle movements pushed onto residential streets, in addition to hundreds of cars already using Turallo Terrace – just based on current numbers. It doesn't include the 613 additional cars, trucks and buses travelling every day if the school is built.

Those 2,300 cars will now be on residential streets and interacting with parents travelling to and from the preschool, the primary school, residents of Abbeyfield and kids walking down Butmaroo Street to the tennis courts or the

⁷ You can see all of these records, along with our comments here: <https://tinyurl.com/trafficbhs>

⁸ Available here: https://www.schoolinfrastructure.nsw.gov.au/content/dam/infrastructure/projects/n/new-high-school-in-bungendore-/may-2021/Bungendore_HS_Project_Update_May_2021.pdf

⁹ This is actually more than double the amount of time GHD spent counting cars at various 6 intersections (including two which will no longer exist) back on a single day in November 2020.

Common. Many of the vehicles diverted down Turallo Terrace will now have to dice with the heavy truck traffic at the blind intersection with Tarago Road.

But neither Council nor the Department of Education had bothered to think about this. In fact the Council ignored these safety issues which were raised in the public submissions on the proposed closure of Majara St. When questioned about these safety issues at the Community information night in Bungendore in May 2021, the QPRC CEO said that the Council had done 'all it was required to do'.

It looks like they didn't bother to ask their consultant, GHD, to count either. After all, they forgot to tell GHD that Majara St would even be closed. To be fair, GHD were probably too busy wandering around Queanbeyan with a map, looking for Majara Street.

We also found that approximately 60% of all vehicle movements on the roads around the northeastern part of Bungendore Park in the 6.5 hours of traffic measurement used Majara Street. So much for it being a non-essential street. And of course, if it gets closed, all this traffic will have to go somewhere else, and if the High School is built, this traffic volume will increase – at least proportionately to the 41% increase in student numbers that event the Department is expecting in the next 15 years.¹⁰

When we went to the Department's information session in May, it wasn't even aware of planned East Bungendore and further north Elmslea developments. So that 41% should be doubled or tripled. And that's before we count non-school traffic coming from Bungendore's general population growth in North Elmslea and further to the north.

This is the information that the QPRC didn't bother to collect, and the Department of Education is trying to keep secret.

Time	Total number of movements	Vehicles using Majara Street	Percent using Majara St
06:00 to 07:00	82	48	58.5
07:00 to 08:00	195	107	54.9
8:00 to 09:00	245	146	59.6
09:00 to 09:30	125	77	61.6
14:30 to 15:30	308	204	66.2
15:30 to 16:30	236	152	64.4
16:30 to 17:30	288	184	63.9

Here's a clincher. The evening peak was only just starting when the survey stopped when it became too dark to continue at 5.30pm. And remember – under Section 33A of the Roads Act 1993, Council is only allowed to close Majara Street if it's not reasonably required as a road for public use (whether for present or future needs).

Does this look like a road no one uses?

Isn't it shocking that it took a member of the community – a citizen scientist – to do the traffic study that the Department of Education refuses to undertake? That QPRC simply doesn't want to know about? And that the Department of Education is going to such lengths to avoid telling us what it knows?

Does anyone still think this is a good idea?

¹⁰ Yes, we tried to confirm, but they're hiding the information. 41% is based on anticipated opening numbers of, and the Department of Education's expected numbers of 566 in 15 years' time. But given the Department was unaware of any development around Bungendore, they are completely clueless.

Contacts

You can reach the Save Bungendore Park Inc by email: bungendoreparkactiongroup@gmail.com, or keep an eye on the various Facebook pages (@savebungendorepark or Keep Bungendore Park in Bungendore Community Hands), or write to us at PO Box 303, Bungendore NSW 2621.

Sarah Mitchell MLC, the Minister for Education and Early Childhood Learning, wouldn't like to lose one of the 13 parks in Gunnedah. Tell her you don't want to lose our Park in Bungendore: Office@mitchell.minister.nsw.gov.au.

You can tell John Barilaro what you think (although he probably won't respond): monaro@parliament.nsw.gov.au

The Department of Education is refusing to face the facts, and will probably respond with the same generic form-letter it has sent to everyone else which refuses to address any specific concerns. But they still need to read their emails. So keep writing to tell them what you think: schoolinfrastructure@det.nsw.edu.au

You can write to Peter Tegert, the General Manager of Queanbeyan-Palerang Regional Council, who is leading this project on behalf of the Council: peter.tegart@qprcl.nsw.gov.au.

And you can write to the Mayor, Tim Overall and our Councillors:

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About Save Bungendore Park Inc

Save Bungendore Park is an apolitical, group of passionate, engaged members of the Bungendore community, supported by hundreds more. We are appalled by the shoddy, slapdash planning which threatens our Park and the heart of our historic town.

You can read our detailed update giving a lot of the background to this poorly planned, poorly executed process here: <http://tinyurl.com/savebungendorepark>

We're passionate about calling the State Government and our local Council to account, and looking beyond the superficial and deceptive marketing campaign we're seeing.

We are incorporated under the Associations Incorporation Act 2009 (NSW). We would love to hear from other members of the community who would like to join the Association and help continue the fight.