

New Bungendore High School

Site Selection Process Review

Prepared by

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1 December 2023

Bungendore High School - Site Selection Process Review

Introduction

The purpose of this report is to provide an independent review of the new Bungendore High School site selection process. It has been commissioned by School Infrastructure NSW.

It has been undertaken prior to granting of planning approval and detailed commencement of construction procurement to review whether appropriate and robust site selection processes were adopted and executed.

Methodology

The review has been undertaken as a desktop exercise examining documents prepared by School Infrastructure and Property NSW, documents submitted under Standing Order 52, correspondence from Queanbeyan Palerang Regional Council (QPRC) and relevant minutes of QPRC meetings. In conducting the review, interviews were held with the Chief Executive of School Infrastructure and the local MP, Mr Steve Whan.

A review commencement briefing was provided by School Infrastructure executives. Carlo Bellinato (Senior Project Director, Infrastructure Delivery) assisted in the sourcing of documents requested and provided additional background information.

The review covers the period from late 2018 when a new high school for Bungendore was announced to August 2020 when the selected site was announced. It has not examined the Final Business Case, subsequent formal site acquisition processes for the selected site or concept plan refinements. Nor has it reviewed any of the processes pertaining to unsolicited proposals made after August 2020.

A schedule of the documentation reviewed is at Attachment A.

Key Findings

1. The site selection process was rigorous and followed established School Infrastructure processes
2. Evaluation criteria based on School Infrastructure's standard criteria were established and applied in a consistent manner across all sites considered including the preliminary search of government sites, the three submissions to the Expression of Interest (EOI) and to subsequently identified alternative potential sites
3. The EOI process appears to have been well managed by Advisory and Transactions, Property and Development NSW (PDNSW) consistent with its normal processes
4. Consideration by School Infrastructure of alternative sites concurrently with the Due Diligence process for the shortlisted EOI site (Tarago Road) was appropriate given the weaknesses and emerging issues with that site

5. Community and key stakeholder engagement could have been managed better, including greater transparency, once discussions commenced with Council on the Majara Gibraltar Sites Precinct (MGSP) investigation and due diligence.
6. The selected site is significantly superior to all the sites evaluated.

These findings are elaborated on below.

Findings 1 and 2: School Infrastructure site selection processes and PDNSW EOI Processes

School Infrastructure has adopted a consistent and repeatable process for school site acquisitions as evidenced by the site selection process for the Murrumbateman Public School which was provided as an example. This process included:

- Engagement of PDNSW as School Infrastructure's property agent.
- An initial search of the Government property register to identify potential government or Council owned sites. This failed to identify any sites that adequately met SI's criterion.
- A subsequent public EOI process managed by PDNSW using its standard EOI framework and approach. This is consistent with other EOI processes I have been involved in across NSW Government.
- School Infrastructure has an established set of essential and desirable criteria to identify and evaluate potential sites for new schools. In the Bungendore case, 22 criteria were identified and applied in the EOI process and against the alternative sites as they emerged. A copy of the criteria used for the Bungendore site selection is provided at Attachment B.

Finding 3: EOI Process Management by PDNSW

A review of the EOI Invitation document and the Evaluation Panel's Recommendation report indicate PDNSW undertook a standard process for the EOI for the Bungendore site. The Murrumbateman documentation referred to above demonstrates consistency of approach. The weightings given to the evaluation criteria were, in my view, appropriate.

The EOI Invitation document was clear that shortlisting was the first phase, and that subsequent phases of due diligence and acquisition would follow for any shortlisted site. Noting the significant volume of material relating to the shortlisting and due diligence process, it might also be useful that future EOI invitations be explicit that PDNSW/School Infrastructure reserve the right to consider alternative sites in parallel with the EOI and Due Diligence processes.

In accordance with the EOI processes, the evaluation of submissions preceded any due diligence or detailed site investigations. This was a sound approach given the cost and time involved in due diligence exercises and the unknown number of sites that might be nominated.

I was not provided with any advice or documentation to review in respect of governance processes although it was noted in correspondence from PDNSW to School Infrastructure that a Project Control Group was intended to be established to oversee the process. (Refer letter of 18th March 2020). Similarly, I was not provided copies of correspondence between PDNSW and the EOI proponents formally advising them of the outcomes. Accordingly, I can make no comment on the execution of those processes.

Finding 4: Concurrent consideration of alternative sites

The EOI evaluation report rated Tarago Road the better site relative to the others but was itself only rated “good” or “adequate” across the non-price scoring indicators. It is noted that “good” is described as *Complies with the specified requirements, some minor issues and weaknesses would be acceptable as offered* and “adequate” is described as *minimally compliant with the specified requirements, some risks and weaknesses possible to correct and make acceptable*. No criteria was rated as *Complies with the specified requirements and has desirable strengths and minimal risks or weaknesses*.

Given the modest rating of the Tarago Road site, the decision by School Infrastructure to concurrently undertake the due diligence process and consider alternative sites that might be more suitable was, in my view, highly appropriate.

This dual approach commenced in March 2020 when the due diligence processes started on Tarago Road and coincided with Council proposing two alternative sites in preference to the Tarago Road site - which its recently adopted Bungendore Structure Plan (February 2020) identified for long term residential use.

The available documentation surrounding the formal finalisation of the Tarago Road due diligence process is limited but is referenced in an undated School Infrastructure Ministerial briefing note (DGS20/1481- noted by the Ministers office on the 26th June 2020) as having been concluded in early June.

There were numerous substantive issues that cumulatively support the conclusion that the site was unsuitable for the new school. These were:

- Flooding – flood mapping in the Bungendore Structure Plan 2048 indicates a substantial portion of the site to be flood prone
- Adjoining land use – the site adjoins the waste transfer facility. This has a 500m buffer zone for odour that would sterilise development on a substantial portion of the site
- Water availability – reliance on adequate groundwater and extra bore holes
- Utilities – the site would need extensive sewer and electrical extension at significant investment
- Access – the site is isolated from existing pedestrian and cycle networks. Up to 800m of new road would be required to be constructed to access the site
- Location – the site is on the northwest fringe of Bungendore and distanced from central Bungendore and the primary school
- Environmental – potential threatened species and potential requirements for Commonwealth approvals

- Zoning and timing – the site requires rezoning to permit education purposes. Uncertainty of statutory planning timeframes

It is unclear what level of involvement PDNSW had in the alternative site analysis processes, but it appears that it was managed by School Infrastructure at arm's length from PDNSW who had recommended (via email of 17 March 2020) that School Infrastructure progress preliminary desktop due diligence on the Council nominated sites.

The ensuing analysis of the alternative sites appears to have been an iterative process between School Infrastructure and Council – revisiting the Mick Sherd Oval, the primary school and ultimately settling upon the MGSP site which incorporates Council owned properties on Majara Street and part of Majara Street itself.

Finding 5: Need for improved community engagement and transparency

There is little documentation available covering the period from mid-March 2020, when there is reference in an email to Council's lack of support for the Tarago Road support and identification of alternate sites, until the announcement of the selected site in August 2020.

The strong community reaction to the announcement and media coverage strongly suggests there had been little or no transparency and engagement with the broader community as due diligence works and discussions/negotiations with Council took place – although it is noted that some consultation had occurred with sporting groups that utilise Sherd Oval. This conclusion is supported by the lack of documentation regarding this period.

Whilst there might have been commercial-in-confidence matters or other sensitivity, these do not necessarily preclude some form of community engagement – by School Infrastructure or Council. Council's in-camera consideration of the matter in July 2020 is also indicative that transparency could have been stronger.

This appears to be the only weakness in School Infrastructure's approach to site selection.

It is recommended that School Infrastructure work with relevant councils in the future to improve community engagement in the site selection process.

Finding 6: Majara and Gibraltar Streets Precinct is a superior location

The MGSP was assessed against the School Infrastructure criterion and proved to meet 14 of the 15 essential criteria and 3 of the 6 desirable criteria. On those metrics alone the MGSP is demonstrably superior to the other sites identified. The criteria that have not been met are agreed to be minor: legal issues, single allotment, regular shape and cleared site.

The School Infrastructure analysis sets out additional and significant advantages of the preferred site including:

- Superior outcomes with co-location of the primary school and high school, fostering K-12 initiatives and sharing of facilities for teaching and learning

- Centrally located with potential for community use of the new hall and other facilities
- Superior connectivity for the student population of Bungendore
- Well suited to serve the current and future residential subdivisions of the Bungendore Structure Plan

Although the focus of this review has been on process, from my review of the documentation and of the potential sites relative to the Bungendore Structure Plan, statutory instruments, physical site constraints and location I concur the MGSP site is, on merit, superior to the other sites considered.

Dianne Leeson
Independent Reviewer

1 December 2023

Appendix A – Principal Documentation Reviewed

Date	Details	Author
October 2019	Queanbeyan-Palerang Regional Council Sports Facilities Strategic Plan	QPRC
November 2019	Expression of Interest advertisement	PDNSW
8 November 2019	Expression of Interest document	PDNSW
7 February 2020	EOI Recommendation Report	PDNSW
February 2020	Bungendore Structure Plan 2048	QPRC
17 February 2020	DGS20/333 advising recommendation of preferred site arising from EOI process	SI
17 March 2020	PDNSW email to SI advising 1) Tarago Road due diligence commenced and 2) Council advice re alternate potential sites	PDNSW
3 April 2020	Email from PDNSW to Tara Taubenschlag – re Council nominated alternative sites	M May PDNSW
April 2020	Constraints Assessment 175 & 217 Tarago Road, Bungendore	ESG (Dept of Planning)
June 2020	Proposed Bungendore High School – Site Consideration: Bungendore School Site Options	DET (SI)
16 June 2020	SI email to PDNSW advising confirmation of preferred school site – Mick Sherd Sports Oval	SI
26 June 2020	Email from DET/SI to DPNSW – re shift in project direction and preferred site	SI
Undated: June 2020 (assumed)	DGS20/1481 Min Briefing Note: SINSW undertaking due diligence on the Oval site (Sherd Oval) and Tab A (masterplanning diagrams)	SI
Undated: assumed late June / early July 2020	DGS20/1631 (signed version) re Bungendore High School – 8 July 2020 Council Meeting	SI
3 July 2020	New High School in Bungendore – Proposal to Queanbeyan-Palerang Regional Council	DET (SI)
July 2020	Towards 2040 Queanbeyan-Palerang Local Strategic Planning Statement	QPRC
July 2020	Murrumbateman Expression of Interest	PDNSW
10 July 2020	QPRC correspondence to C Bellinato (DET/SI)	QPRC
Undated/unsigned: Assumed July 2020	DGS20/2119 – references consultation with local sporting groups/users of Mick Sherd Oval	SI

Media clipping (Riotact): 15 August 2020	References acknowledgement of lack of consultation with broader community	Riotact
26 August 2020	QPRC Ordinary Council Meeting Item 9.1 Bungendore Educational Precinct – Acquisition Proposal	QPRC
2 November 2020	QPRC correspondence to G Waterhouse (DET/SI) – noting outcomes of community consultation and advising Council’s resolution to support the proposal	QPRC
17 November 2020	DGS 20/3052 briefing note on updated proposal to QPRC	

Appendix B – Bungendore High School Site Selection Criteria

Criterion	Site Requirement	Requirement
Approx. Area	2ha to 4ha	Essential
Location	Within 2.5km of the existing primary school	Essential
Adjoining Land	Must not adjoin any land which is developed or proposed to be developed for a use which is incompatible with a school	Essential
Access	Must allow for the provision of appropriate access arrangements for a school	Essential
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 necessary for a school	Essential
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.	Essential
Flora & Fauna	Not located on land that supports endangered ecological communities, threatened or endangered flora & fauna, or sensitive areas (wetland, bushlands etc)	Essential
Bushfire	Must be consistent with the requirements of Planning for Bushfire Protection 2006 (or any replacement guidelines)	Essential
Geotechnical	Must have a contiguous area and geotechnical conditions suitable for school construction	Essential
Flooding	Majority of the site will be located above the 1 in 100 year flood level and have flood free access	Essential
Contamination	Be free of contamination which would make the site unsuitable for use as a school	Essential
Site Audit	Site audit statement must be provided confirming that the site is suitable for a school	Essential
Frontage	Must have at least two road frontages	Essential
Legal Issues	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	Essential
Zoning	SP2 or suitable for Education proposes	Desirable
Allotment	Single Allotment	Desirable
Adjoining Land	Adjoins land to be used for open space / recreation	Desirable
Shape	Substantially regular shape	Desirable
Cleared Land	Must be cleared of vegetation	Desirable
European & Aboriginal Heritage	Provide European & Aboriginal Heritage reports	Desirable
Noise and Vibration	Avoid sites that are adjacent to high noise or vibration generating development	Unspecified