



**MINUTES OF THE PUBLIC FORUM
HELD ON 27 APRIL 2022**

1. Opening

The Public Forum commenced at 5.33pm.

2. Presentations relating to listed Items on the Council Agenda

The following written presentations were received:

	Name	Item no	Item description	For/Against
1	Sue Murray	9.3	Community Strategic Plan	Against

The following presenters were heard:

	Name	Item no	Item description	For/Against
1	John Tuckwell (via Zoom)	9.3	Community Strategic Plan	Against
2	Emma Brooks- Maher	9.1	Development Application - DA.2021.1537 - Subdivision - 47 Torrens Title Residential Lots and 2 Lots for Public Reserves; Creation of a Public Laneway - 10 Elkhorn Road, Tralee	For
		9.3	Community Strategic Plan	For

3. Petitions

There were no petitions submitted.

4. 'Questions on Notice' from the Public

Responses to the following 'Questions on Notice' received up to 20 April 2022 were provided and tabled at the meeting (see attached for responses):

Nos	Received from	In relation to:
1-13	Save Bungendore Park Inc	Bungendore Education Precinct

5. Presentations by Invitation from the CEO

There were no presentations.

6. Closure

As there were no further matters, the Public Forum closed at 5.42pm.



**ATTACHMENT TO MINUTES OF THE PUBLIC FORUM
HELD ON 27 April 2022**

'Questions on Notice' from the Public

Responses to the following 'Questions on Notice' received up to *Wednesday 20 April 2022* were provided and tabled at the meeting.

Questions submitted by: Save Bungendore Park Inc

All following questions are responded to by the Office of the Chief Executive Officer

1. Has Council received any update from the Department of Education in relation to:

a. the proposed opening date of the Bungendore High School; and

Council has not received any further update on the proposed opening date of the school. Please refer to the Department of Education for details.

b. how, in what form and/or on what site this may be achieved?

Council has not received any further update on this matter. Please refer to the Department of Education for details.

If so, can Council please provide the relevant details to the community?

Council has not received any further update on this matter. Please refer to the Department of Education for details.

2. Is Council aware of any material changes proposed to the design for the Bungendore High School compared to the proposal lodged with the development application?

If so, can Council please summarise the relevant details for the community?

Council has not received any further updates on the school designs. Please refer to the Department of Education for details.

3. Is Council aware of any revised proposal from the Department of Education for parking on Turallo Terrace as part of the Bungendore High School proposal? If so, can Council please advise the community:

a. What is proposed?

Council has not received any advice on a revision of the parking. Please refer to the Department of Education for details.

b. How will this be procured?

See (a) above

c. Does Council support such proposal?

See (a) above

4. Mick Sherd Oval is proposed to serve as the school oval for the proposed Bungendore High School. Is Council aware of any proposed compulsory acquisition of Mick Sherd Oval (as opposed to other parts of Bungendore Park) by the Department of Education?

Council is not aware of any proposed acquisition of Mick Sherd Oval.

5. The Minister for Education has stated that “negotiations with the Queanbeyan–Palerang Regional Council are continuing to secure school access to the Mick Sherd Oval.”

a. Is Council in continuing negotiations with the Department of Education to give school access to Mick Sherd Oval for the Bungendore High School?

No further negotiation has occurred regarding access to Mick Sherd Oval by the high school.

b. If so, can Council please advise the status of those negotiations and the nature of the access proposed to be provided?

See (a) above

c. Is Council satisfied that any relevant arrangements will be permitted under the Crown Land Management Act, noting the Supreme Court’s decision in Application of Willoughby City Council (as manager of the Talus Reserve Trust) & anor [2016] NSWSC 1717)?

See (a) above

d. What legal advice has Council received in relation to (c) above?

See (a) above

6. According to the Environmental Impact Statement (EIS) for the proposed Bungendore High School, there will be “two new games courts ... to the north of Mick Sherd Oval to provide additional open play space for students during supervised curriculum activities.” The proposed acquisition notice does not include the site for these facilities which was identified in the EIS.

The Minister for Education has stated that:

“The new outdoor sports courts that are proposed as part of the high school development can be made available for community use outside of school hours.”

Can Council please advise:

a. Is Council aware of how these facilities may be procured?

It is Council’s understanding that these will be provided by the Department of Education.

b. Is Council in negotiations with the Department of Education to deliver those facilities?

There has been no further negotiation regarding these facilities.

c. If so, what is the status of those negotiations? When does Council expect to reach agreement?

See (b) above.

d. If the facilities will be on the remnant of Bungendore Park, is Council satisfied that any relevant arrangements will be permitted under the Crown Land Management Act, noting the Supreme Court's decision in Application of Willoughby City Council (as manager of the Talus Reserve Trust) & anor [2016] NSWSC 1717)?

Any arrangement that Council may make regarding these facilities will be permitted under the Crown Land Management Act.

7. In evidence before Budget Estimates on 3 March 2022, Anthony Manning (CEO of School Infrastructure NSW) stated, in relation to the proposed compulsory acquisition of Council and Crown Land sites around Bungendore in connection with the Bungendore High School that:

“we were having a conversation with the council about the complexity of the land transfer, issues in terms of council administration and the problems around getting it valued. The agreement with council was that as we moved to compulsory acquisition...”

Can Council please advise:

a. What were the issues around complexity of the land transfer?

Questions regarding this statement should be directed to the Minister. Council was happy to proceed with negotiations however the Department of Education decided to compulsorily acquire the land required for the school.

b. What were the issues in terms of council administration?

See (a) above

c. What were the problems around getting it valued?

See (a) above

d. Did Council “agree” to compulsory acquisition? If so:

i. When and why was the Council's “agreement” to such compulsory acquisition expressed?

No agreement is required from Council for compulsory acquisition.

ii. By whom?

See (i) above

iii. In what form of words?

See (i) above.

- iv. **Under what authority? Noting the limitations under s377(1)(h) of the Local Government Act, was any such agreement legal?**

See (i) above.

8. **If the compulsory acquisition of the Palerang Council Building, the Bungendore Community Centre and Bungendore Pool proceed in accordance with the proposed acquisition notices dated 21 December 2021, what arrangements are in place to provide:**

- a. **a public-facing Council office or shopfront in Bungendore, both in the short and the long term?**

Short term – Council office will remain where it is under a lease arrangement with the Department of Education.

Longer term - Council is proposing to build a new facility at 19 Gibraltar Street.

- b. **a replacement community centre, in the short and the long term?**

Short term – Community Centre will remain where it is under a lease arrangement with the Department of Education.

Longer term – A new community centre is proposed as part of the current school design.

- c. **a replacement swimming pool, in the short and the long term?**

Short term – The pool will remain where it is under a lease arrangement with the Department of Education.

Longer term – A new pool is proposed as part of the new Bungendore Sports Hub.

- d. **premises for other Council staff required to be maintained in Bungendore under the terms of the Palerang Council merger, both in the short and the long term?**

All staff required to be located in Bungendore will remain.

9. **Can Council please advise the community on the current status of its compensation claim in respect of the compulsory acquisition of Council land and Majara Street in accordance with the Proposed Acquisition Notice dated 21 December 2021? Can Council provide details of any compensation claim it has made?**

The compensation claim is not yet finalised. No details will be provided at this time.

10. **If the compulsory acquisition of Majara Street between Turallo Terrace and Gibraltar Streets is completed, will this road be immediately closed to through traffic? If not, is Council aware of whether the laws applicable to public roads will continue to govern this road? Is Council aware what arrangements will be made to ensure the safe and orderly use of the road?**

Council has not been provided details on the continued use of Majara Street at this time.

11. **In relation to the proposed compulsory acquisition of part of Bungendore Park and Bungendore Common in accordance with the Proposed Acquisition Notice dated 23 December 2021 (see Agenda Item 10.1 of the 27 January Council meeting):**

- a. **Has Council participated in any negotiations with the Department of Education in relation to compensation payable in respect of these acquisitions?**

As required under the Just Terms Compensation Act, Council has provided the necessary information with respect to this acquisition.

- b. **Can Council advise the community of the current status of those negotiations? When are those negotiations expected to be concluded?**

The compensation claim is not yet finalised. No details will be provided at this time.

- c. **Can Council provide the details of any compensation claim which has been made?**

The compensation claim is not yet finalised. No details will be provided at this time.

- d. **Will any relevant compensation in respect of the acquisition be payable to Council or to NSW Crown Lands?**

The compensation claim is not yet finalised. No details will be provided at this time

12. **The Department of Education stated in its “FAQs” of 18 September 2020 in relation to the Bungendore High School Project that: “The new pool will feature a heated, eight-lane, 25m covered pool.” The Minister for Education advised that “information regarding the proposed new swimming pool was supplied by Queanbeyan-Palerang Council.”**

- a. **Did Council advise the Department of Education that any replacement facility would feature a heated, eight-lane, 25m covered pool?**

Council has provided details to the Department of Education on the replacement pool proposed. These details are yet to be finalised.

- b. **If not, does Council know how the Department may have reached this conclusion?**

See (a) above.

13. **When asked whether this was still the Department’s expectation, the Minister for Education stated “any questions relating to this project should be directed to the Council.”**

Can Council please advise:

- a. **is Council in negotiations with the Department of Education in relation to swimming pool?**

Council has provided details to the Department of Education on the replacement pool proposed. These details are yet to be finalised.

- b. **What is the status of those negotiations?**

See (a) above.

- c. **What are Council’s current plans for a replacement swimming pool in Bungendore if the compulsory acquisition of the existing facility proceeds?**

Council has engaged consultants to develop designs for the new pool. Community consultation to inform the design of the pool took place between 7 December 2021 and 4 February 2022 (see: <https://yourvoice.qprc.nsw.gov.au/new-bungendore-pool>)

d. When does Council expect any replacement facility to open?

Dates have not yet been finalised.

e. How will any replacement pool be funded?

Council will fund the difference between the compensation amount and the cost to build the new, larger pool.