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Department of Planning, Industry and Environment

Submitted online: <https://www.planningportal.nsw.gov.au/design-and-place-sepp>

### **National Trust Submission on Explanation of Intended Effect for a New Design and Place State Environmental Planning Policy**

The National Trust wish to take the opportunity to provide comment on the Explanation of Intended Effect (EIE) for the proposed Design and Place State Environmental Planning Policy (SEPP). We extend our thanks to the Government Architect and their team for attending a recent consultation meeting with National Trust representatives to discuss our questions and concerns. We also acknowledge the extension of time that was granted for community submissions.

The National Trust of Australia (NSW) has a number of significant concerns with the EIE for the proposed SEPP and does not support the proposed SEPP as proposed in the EIE. The Trust indeed wish to see the NSW Government “improving the policies and processes that shape the quality of our built environments” (the stated aim of this SEPP), however the proposed move towards a principle-based approach offers little reassurance that this will be the case. We are concerned that this SEPP has high potential to create additional complexity in the planning system, and will result in loopholes and adverse impacts for the heritage of NSW.

This submission outlines the broad concerns with the serious impact such a policy would have on the protection of the state’s heritage places and character areas.

#### **Concern 1 – Incompatibility of a principles-based SEPP in a statutory planning system**

The impacts of this worrying document are far-reaching and frightening. The SEPP proposes to replace existing established rules, instruments and planning requirements with a series of “mandatory considerations” and “principles.” The principles and considerations will apply to all urban land in NSW and to all scales of development, from precincts to individual buildings.

Whilst it is good to have principles spelt out and clarified (and many such documents outlining heritage principles already exist), they must be enforceable within a transparent approvals system. The EIE’s Executive Summary (p.4) states that *“the Design and Place SEPP will be a principle based SEPP, integrating and aligning good design and place considerations into planning policy.”* Simply dismissing rules and prescriptive controls in order to replace them with “principles” that must be “considered” creates a very concerning framework in which to protect heritage, given that these principles are contained in a legally enforceable environmental planning instrument that can override local planning controls and which operates state-wide.

The potential impact of this is staggering – one in which legally enforceable planning instruments contain only *“principles focused around achieving a desirable outcome ... aimed at moving away from a system governed entirely by prescriptive controls.”* It is hardly surprising that the EIE for the proposed Design and Place SEPP has been widely condemned across the entire spectrum of people and organisations involved with planning in NSW, from environmental and heritage groups through to developers.

There is no doubt that NSW’s current planning system and environment is not currently achieving desirable outcomes for NSW citizens, communities, heritage places or natural environments. After all,



even with prescriptive controls the flood-prone land for the new Parramatta Powerhouse could hardly be called a “resilient” place that has been considered “for the wellbeing of people.” Assuming that a set of principles that aim for desirable (not required) outcomes will somehow ensure new developments respect existing contexts and create good design where mandatory mechanisms and requirements have failed is naïve at best and dangerously negligent at worst.

### **Concern 2 – Sidelineing of heritage considerations within the EIE**

The EIE for the proposed SEPP purports to give effect to the objects in Section 1.3 of the EP&A Act, in particular to “(f) *promote sustainable management of built and cultural heritage (including Aboriginal cultural heritage).*”

If this SEPP is intended to “give effect to” the heritage provisions of the EP&A Act, one would assume that heritage protection would be a key focus of the EIE and that it would contain a robust consideration of desirable heritage outcomes and the mechanisms that could be used to ensure such outcomes. Sadly, the 106 page EIE only mentions the word heritage on nine pages, and promises only that there will be (p.16) “*mandatory considerations for cultural and built heritage and attractive form.*” Presumably, as long as heritage impact is considered, it matters not whether that impact is good or bad.

Worryingly, the EIE indicates the SEPP only applies these mandatory considerations to developments defined as “*Precincts*”, applying no mandatory heritage considerations to development defined as “significant development” or “all other development.”

Presumably, this is because the EIE for the SEPP again naively assumes that local environmental instruments will apply to these types of developments and will mandate protective heritage considerations. In reality, an SEPP can override a local planning instrument and effectively “turn it off” (as well as turning off the NSW Heritage Act) should the Minister decide the development is state significant, leaving heritage places unprotected by the NSW Heritage Act, unprotected by LEP and DCP heritage provisions, and unprotected by this proposed SEPP which fails to adequately consider the protection of the state’s heritage places.

The National Trust have long-campaigned against the ability for State Significant Development (SSD) to effectively remove all heritage protection from a place or site. It continues to be an absurd situation whereby the bigger the proposed impact, the less the heritage protection. The Trust is concerned that the proposed SEPP makes this situation even worse by not applying mandatory heritage considerations to most types of development defined under the EIE and not adequately incorporating heritage into its scope.

### **Concern 3 – Relationship with existing LEPs and DCPs**

Development Control Plans (DCPs) and Local Environment Plans (LEPs) are the backbone of heritage protection in NSW and the local mechanism through which the aims of the *NSW Heritage Act, 1977* are achieved. These are the documents in which local councils have identify and then, (often through long experience) determined how best to protect, our built and cultural heritage. This system may not be perfect, but it does provide a framework in which to operate.

Given that the provisions, zoning rules, compiling and exempt development requirements and heritage provisions contained in these local government area LEPs and DCPs can be overridden by the SEPPs (in order to deliver State significant development or State planning objectives), the proposed Design and Place SEPP has extraordinary reach. Despite these implications, the EIE fails to present a robust mandatory consideration of heritage requirements for its different development types, fails to identify relevant heritage expertise needed in design review panels that will be assessing development applications, and fails to refer to any relevant heritage guidelines so that their processes become a statutory requirement of the SEPP (such as the Government Architect’s office own Design Guide for Heritage, which is not referred to in the EIE).

Despite stating that it will “*have no immediate impact on existing LEPs and DCPs*” across NSW, this SEPP will, within five years, require all of these documents to align with it. Simply dismissing rules and prescriptive controls in order to replace them with “principles” that must be “considered” will create a very concerning framework in which to protect heritage.



#### Issue 4 – Stakeholder Engagement and document complexity

The EIE states its aim is “to make the planning system easier for developers, communities, councils, planners and designers to understand and use – and to create built environments that are healthy, sustainable and prosperous.”

However, the EIE presents a dizzying array of accompanying guidelines and places, and proposed Policy amendment, all of which will need to be assessed and reviewed by stakeholders, including:

- *Draft Connecting with Country (GANSW 2020)*
- *Draft Evaluating Good Design (GANSW 2018)*
- *Draft Government Architect’s Design Excellence Competition Guidelines (GANSW 2018)*
- *Apartment Design Guide (DPE 2015) and proposed revisions.*
- *Guide to Traffic Generating Developments (RTA 2002), to be revised and retitled Guide to Traffic Impact Assessments (TfNSW)*
- *BASIX website and tools (DPIE)*
- *Draft Greener Places Design Guide (GANSW 2020 and DPIE)*
- *Draft NSW Public Spaces Charter (DPIE 2020)*
- *Proposed Design Review Guide (DPIE)*
- *Proposed Urban Design Guide (DPIE)*
- *Proposed Resilience Toolkit*
- *Proposed strategic guide to planning for natural hazards in NSW (DPIE)*

The sheer volume of guidance, in addition to the SEPP itself, will make a short period of exhibition meaningless. To review the following separate documents individually, let alone as part of a new SEPP that applies to all development of all scales on all urban land in NSW, will be impossible for even the best-resourced organisations, let alone individual community members.

#### Summary

Whilst the National Trust of Australia (NSW) commends the EIE’s aim to give cultural and built heritage one of the “*highest priority matters for consideration identified to give effect to the principles*” through the mandatory consideration that “*areas of cultural and built importance are celebrated, conserved and protected, including heritage items or areas at risk,*” the EIE fails to meet these objectives, give adequate weight to heritage or understand the complex planning system heritage operates within.

The National Trust of Australia (NSW) expresses its strong objections to the EIE for the proposed Design and Place SEPP, which we feel will reduce heritage protection in NSW, and recommends that the proposed SEPP be withdrawn.

Yours sincerely,

David Burdon  
Director, Conservation



## Appendix 1: National Trust detailed comments on relevant sections of the SEPP

Executive Summary		
	Executive Summary	<p>The Executive Summary (p.4) states that:</p> <p><i>“the Design and Place SEPP will be a principle based SEPP, integrating and aligning good design and place considerations into planning policy, and giving effect to a number of objects of the Environmental Planning and Assessment Act 1979 including good design and amenity of the built environment, sustainable management of built and cultural heritage, and the proper construction and maintenance of buildings.”</i></p> <p>Heritage protection in NSW is based largely on agreed prescriptive controls, including LEP and DCP rules and guidelines negotiated over a long time for public security/certainty of heritage outcomes, and to which the National Trust Register has essentially formed the basis for the majority of the State’s heritage listings.</p> <p>Heritage is, by its very nature, open to interpretation. Yet the established rules and guidelines have made for a workable system that is equally able to provide a level of certainty, yet also to be open to interpretation and challenge when requested. Established methods for determining LEP requirements for height, solar access, density, etc have proven to be some of the most effective controls for protecting our heritage.</p>

1. Introduction		
1.2.1	Exhibition and engagement	<p>The National Trust of Australia (New South Wales) is the State’s largest community based conservation organisation. The Trust is established and its role defined by the National Trust of Australia (New South Wales) Act 1990. One of our key missions is to advocate for the conservation of built, cultural and natural heritage by engaging with the community and government.</p> <p>Despite the above, during 2020 when the Government Architect NSW claims to have “engaged with peak industry body representatives and focus groups<sup>1</sup>,” the National Trust were not consulted in relation to the EIE for a New Design and Place State Environmental Planning Policy that will apply to all urban land in NSW, including in urban and regional places.</p> <p>SEPP 65 (Design Quality of Residential Apartment Development) will be integrated into the Design and Place SEPP, and we note that not even Meriton Group, Australia’s largest apartment developer, were consulted.<sup>2</sup></p> <p>Given the above, and the initially very short timeframe that was proposed for public submission, the Trust remain skeptical that true stakeholder and community engagement has been, and will be, sought on this very important document.</p>
1.2.2	Development of the new	<p>The EIE document (p.9) states that <i>“the Draft Design and Place SEPP will be exhibited mid to late 2021”</i> and that <i>“drafting and exhibition of the revised ADG</i></p>

<sup>1</sup> Design and Place in NSW: updating our planning system FAQ and Fact Sheet, April 2021

<sup>2</sup> “Contested Space” – Letter from H. Triguboff, printed in *The Australian*, 9 April 2021



	Design and Place SEPP	<p><i>and BASIX, and new UDG (as well as other guidance identified to support the Design and Place SEPP), is also proposed for late 2021.”</i></p> <p>The National Trust are very concerned that timeframes are proposed which see the Public Exhibition Period for the above very substantial suite of documents being compressed into a period between “late to end” 2021 – surely not enough time to draft, review, exhibit, analyse feedback, incorporate revisions, and finalise the Design and Place SEPP, Urban Design Guide, Apartment Design Guide, BASIX and other “additional guidance as required.”</p>
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<b>2. Proposed State Environmental Planning Policy (Design and Place)</b>		
2.1	Structure of the new SEPP	
2.2	Aims of the new SEPP	<p>The SEPP is purported to give effect to the objects in s.1.3 of the EP&amp;A Act, in particular to “(f) promote sustainable management of built and cultural heritage (including Aboriginal cultural heritage).”</p> <p>The National Trust would argue that such protection as is intended by this provision is in many instances sadly lacking, and that the current review of the Heritage Act recently announced by the NSW Government, combined with this proposed SEPP, places heritage protection in NSW in a very volatile position.</p>
2.2.1	Connecting with Country	<p>The Trust commend intentions to (p.13) “create opportunities to integrate Aboriginal perspectives in built environment projects.”</p> <p>Such consideration must be meaningful. The SEPP (p.12) aims to “<i>Start with Country as a foundation for place-based design and planning as set out in the draft Connecting with Country Framework.</i>” This is a noble intention, but how it works in practice is not outlined in the EIE. The Trust would also note the following limitations outlined in p.4 of the Draft Connecting with Country document:</p> <p><i>“Connecting with Country is informed largely by the experiences and knowledges of people who work on, and are from, Countries in and around the Sydney basin. As such, the principles and framework that follow reflect an emphasis on this part of NSW and we acknowledge that further work is required to determine the appropriateness of these principles and framework for the other Countries of NSW.”</i></p> <p>Given that the SEPP is statewide in its application and that the “<i>Connecting with Country Draft Framework is a set of pathways, commitments, and principles for action intended to help form, design, and deliver government infrastructure including building projects such as roads, transport, and major public facilities</i>” it is also unclear how this will apply to the SEPP in any way different to the objects in s.1.3 (f) of the EP&amp;A Act for the bulk of projects affected by this SEPP.</p>
2.3	Principles of the new SEPP	<p>The EIE states (p.14) that there will now be five principles for planning:</p> <p><i>“A principle-based planning system is one that is focused around achieving a desirable outcome through a reasoned and considered approach. It is aimed at moving away from a system governed entirely by prescriptive controls. This allows for, and encourages, innovative and creative approaches to achieve an outcome. It is</i></p>



		<p><i>proposed the principles will be given effect through matters for consideration and application requirements.”</i></p> <p>The planning nirvana which this document is based on in which everyone takes a “reasoned and considered approach” simply does not exist, and makes the whole basis of the proposal flawed. Innovative and create approaches to design can still be achieved despite various controls – this is something which our architects and other design professionals achieve every day, and to which heritage can and should contribute.</p> <p>The EIE states (p.15) that the principles “will be given effect through matters for consideration and application requirements.” It is unclear from the document how this will be achieved. It is also assumed that this would mean that heritage protection will only apply to items listed as such, when it is clear that many items of built and natural heritage that are of undisputed significance are simply not included on heritage lists, leaving them vulnerable.</p>
2.3	Principle 1	<p>The National Trust agree that heritage buildings and places and our natural environment are indeed important contributors to “places with beauty and character that people feel proud to belong to.” We would also agree that attractive environments, that exhibit character, heritage and culture, are “attractors” and powerful tools for economic growth.</p> <p>To assume however that the intended effects requiring good design, responding to context, suited to topography etc, “<i>will be realized through mandatory considerations for cultural and built heritage and attractive form</i>” as outlined in Section 3.1 of the EIE is not supportable. Good designers can produce good designs, however simply assuming that an unskilled designer or reluctant client will suddenly produce a suitable outcome through a “mandatory consideration for attractive form” is clearly unworkable. It is only through adequate, prescriptive controls that heritage can be protected.</p>
2.3	Principle 2	<p>Planning for future growth is important, and public spaces (defined as open spaces, streets, community facilities etc) are vital. Principle 2 (p.17) states that one of its intended effects is to “<i>propose that new dwellings and workplaces are located in close proximity to public space (either existing or newly created) to increase accessibility and create walkable neighborhoods.</i>”</p> <p>Many of our greatest public spaces are of an historic nature, or fronted by historic buildings, and the National Trust are concerned that the above intended effect will have a detrimental effect on these places. Despite the target in the SEPP for the “<i>protection of existing public space assets</i>”, without actual controls this will be impossible to manage.</p>
2.3	Principle 3	<p>The National Trust agree that “appropriate density” is an important consideration, and note that the historic Kings Cross and Potts Point area are themselves historic areas of very high density, whilst other areas of NSW enjoy much lower density.</p> <p>The National Trust commend measures to minimize extensive land use and create walkable cities in principle, but in practice this is currently leading to the development of inappropriately scaled towers in concentrated places of historic value, from Wollongong to Parramatta and Newcastle. The Trust are concerned that the intended effect in the SEPP “<i>to propose baseline residential density targets in urban areas</i>” will place greater pressure on existing town centres,</p>





		<p>particularly those that enjoy rail connections. The ludicrous proposals that were put forward in 2017 for the <i>Sydenham to Bankstown Urban Renewal Corridor Strategy</i> imposed excessive developments impacts on station precincts, many of which included National Trust Urban Conservation Areas with distinct and established local identities, and are a demonstration of how such targets can yield dangerous results to areas with established character.</p>
2.3	Principle 4	<p>The National Trust support the principle of designing sustainable and greener places. Retention of heritage items, and adaptive re-use of buildings, are key ways of reducing carbon emissions. Tree replacement rates must consider the difference between an established tree and a new sapling in terms of environmental benefit.</p>
2.3	Principle 5	<p>The National Trust support the principle of resilient design, and note that our existing historic buildings and places offer an excellent starting point for demonstrating the benefits of adaptation and diversity. This principle needs to demonstrate that resilient design is not only something that can be “built in”, but which already exists.</p>
2.4	Application of the new SEPP	<p>The application of this new SEPP is extraordinary. It will (p.21) apply to “all urban land in NSW, including in urban and regional places, and to planning and development proposals of different scales and typologies where the consent authority is either State or local government.” At this stage it is unclear exactly what “urban land” is defined as, or who will determine the applications.</p> <p>It is certainly unclear how the SEPP will apply to Heritage items. There is a great concern that out-of-date or incomplete heritage lists will be the only means of identifying heritage, leaving many significant, but unlisted, buildings and landscapes unprotected.</p>
2.4.1	Development scales	<p>The Design and Place SEPP will apply to three development scales:</p> <ul style="list-style-type: none"> <li>• precincts</li> <li>• significant development and</li> <li>• all other development</li> </ul> <p>The above implies that this SEPP applies the same five principles to all development in NSW, from a new suburb to a garden shed.</p> <p>The definition of “precinct” (p.22) is very broad and notes that such areas are “often defined by physical characteristics” such as topography, rivers and bushland. Precincts often include heritage items, or are defined as Conservation Areas, with unique features of historic or social significance. The Trust are concerned that the SEPP “<i>proposes to create greater consistency in the planning of precincts including a consistent definition and method for defining a precinct and its boundaries.</i>” Adopting a one-size-fits-all approach to precincts of historic importance risks undermining the very character that these places define themselves by.</p> <p>The National Trust have long-campaigned against the ability for State Significant Development (SSD) to effectively remove all heritage protection from a place or site. It continues to be an absurd situation whereby the bigger the proposed impact, the less the heritage protection. The SEPP could make this situation even worse, as outlined in our letter above, by only requiring good design principles for heritage places to be considered for precinct level proposals.</p>



2.4.2	Development types	Existing Design Excellence clauses are known to exacerbate the impacts of new developments on heritage items through allowing increased height and floor areas. This is an identified issue for individual projects, however the National Trust are concerned that the Design and Place SEPP “proposes to expand the need for design and place quality to a broader range of development typologies, from individual buildings, to public spaces, to whole neighborhoods.”
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3. Key components of the new State Environmental Planning Policy (Design and Place)		
3.1	Design Process	The emphasis on evaluation and review, without mandatory controls, assumes a level of expertise and knowledge. The majority of Local Councils cannot even afford heritage officers, and there is a real concern that heritage will not be appropriately considered in the design process.
3.1.1	Design skills	<p>The application of “qualified” status with regard to heritage has long been an issue in NSW. The National Trust again raised this recently in relation to the 2021 Rapid Assessment Framework promoted by the NSW Government. In that document it was noted <i>“no professional schemes have been identified for inclusion in the EP&amp;A Regulation as yet. Professional schemes will be added to the EP&amp;A Regulation following an administrative accreditation process.”</i></p> <p>The EIE states (p.25) that “the mechanism for other design professionals to be registered and deemed qualified designers will be determined during development of the Design and Place SEPP.” The National Trust has in recent times noticed in particular a proliferation of “heritage consultants” writing heritage reports in fields not related to their skills, qualifications or experience.</p> <p>Recent examples have included people with university qualifications in Chemical Engineering and Archaeology writing heritage impact statements for items of built heritage involving items often of significant architectural merit. Examples such as this (often on government projects) do little to achieve the stated aim to “increase public confidence in the planning system, by improving the quality of the environmental assessment of major projects and supporting informed and appropriate decision-making.” (REAP Exhibition Draft, p.5).</p> <p>The EIE for the SEPP does not even mention heritage as a skill set in relation to a high-quality built environment.</p>
3.1.2	Place-based approach	<p>The EIE notes that the SEPP will use “a place-based design approach (that) considers the environment beyond the immediate site or precinct boundaries to understand the unique qualities of the place including its environmental, social, cultural, and economic attributes.” It is again unfortunate that heritage is not mentioned in this approach.</p> <p>It is unclear how the Design and Place SEPP will actually lead to an improved environment that relates to existing conditions. Instead of the existing prescribed controls for heritage precincts that have ensured new developments consider and appropriately respond to existing conditions, the document indicates (again, in vague terms) that the SEPP will “strengthen the correlation between place and site analysis” by requiring a “clear demonstration” of how information is “synthesised and interpreted” to inform the design – in other words, the focus appears to be on the report that is produced, not the design that eventuates.</p>





3.1.3	Design evaluation and review	<p>Design review is welcome, but it is only as good as those reviewing it. The National Trust would suggest that during the development of the SEPP consideration as to whether the site has an identified or a potential heritage item be included as one of the thresholds for design review.</p> <p>We also question if the Design Review Guide will be presented for review prior to, or concurrent with, the intended exhibition of the SEPP.</p> <p>The National Trust would also seek to know what involvement the NSW Heritage Council will have for review, if the remit for SSD is increased? There is a public perception that items on the State Heritage Register should have protection under the Heritage Act (including assessment by the Heritage Council and/or its Approvals Committee when requested by the Heritage Office) and currently this is not always the case. The Trust notes that the Heritage Council itself of course needs to have heritage expertise in order for it to provide worthwhile advice.</p>
3.2	Design and place considerations	<p>The EIE states that <i>“the proposed Design and Place SEPP will comprise a set of considerations that collectively respond to each of the principles which will be refined during development of the SEPP.”</i></p> <p>The National Trust again reinforce their concern with the move from proscriptive LEP and DCP controls (that over time have been agreed with the public and are assumed by the public to be the rules) to design principles which would have huge uncertainty and seem to rely on design panels with a variety of panelists and a variety of experience. To move from defined rules and controls, to principles and considerations, will lead to a much less defined planning system with higher levels of uncertainty.</p>
3.2.1	Application requirements	<p>The EIE argues (p.27) that <i>“a consistent and regular approach to submissions... will provide greater certainty for applicants and consent authorities.”</i> How this can be the case however when the SEPP only uses “principles and considerations” is unclear.</p> <p>All sites and conditions are different. All planning panels and design review panels are different. All proposals are different. The National Trust do not believe that our heritage will be protected (or good design procured in general) by assuming that a simple one-size-fits-all approach can be applied across every scale of development on every piece of urban land in NSW. This approach, which seeks to integrate a “consistent application” across the entire planning system, will create so many loopholes that there will be endless opportunities for poor quality design outcomes across the entire state. Already, our government bodies are under-funded and under-staffed, particularly where related to heritage. Inevitable legal challenges will create precedents that are by their nature globally applicable. Combined with existing lack of protection, our heritage will be under greater threat than ever.</p>
3.2.2	Mandatory matters for consideration	<p>The EIE states that the SEPP will only require “mandatory” matters to be “considered.” It is not clear what this actually means. Already, our heritage is regularly threatened by inadequate and unqualified heritage advice which often seeks to justify poor heritage outcomes. Such “mandatory consideration” does little to protect our heritage, and the SEPP does not promise to improve upon this situation.</p>



	<p>It is pleasing that <i>Cultural and Built Heritage</i> is one of the “highest priority matters for consideration identified to give effect to the principles” listed in Table 1. This proposed consideration states (p.28) that:</p> <p><i>“Areas of cultural and built importance are celebrated, conserved and protected, including heritage items or areas at risk, and a corresponding strategy has been developed to ensure community use and enjoyment of these.”</i></p> <p>The Trust is concerned that this consideration applies only to precincts, meaning that heritage is not therefore a consideration at all in significant developments (already noted as being an exceptionally broad category) or all other developments. This leaves the bulk of our heritage not celebrated, not conserved, and not protected under this SEPP.</p> <p>The National Trust also request that the “corresponding strategy” which has been developed to ensure community use and enjoyment of our built and cultural heritage which the EIE refers to be placed on public exhibition.</p> <p>There are also concerns with many of the other proposed considerations – for example, it is unclear how ensuring “all housing in urban areas of new precincts” being within 20 minutes walk of local shops will reduce car reliance, when the type of shops is not defined. Is “local living” automatically achieved if there is a computer repair shop and a dentist within 20 minutes walk? Surely, an insistence on the provision of public transport, educational and community facilities will be of greater benefit to creating productive and connected spaces. It is also concerning that all new housing is to be within “five minutes walk of local public open space” – when p.17 of the EIE indicates that the street itself can be considered as such.</p> <p>There are also worrying concerns that (p.30) the SEPP proposes that all “urban capable land” (again, no definition is offered) will have “<i>a minimum density capacity of 15 dwellings per hectare</i>” yet does not see fit to provide minimum areas of open space, or define exactly how much “arable land on the urban fringe” will be required to be maintained.</p> <p>The Trust commend the aim to have “attractive form” and “beautiful places” (consideration no.13) but again question why this is not a consideration at a precinct level. How “beauty” will be defined is quite another issue – after all, Harry Seidler considered Blues Point Towers one of his best designs.</p> <p>The Trust welcome proposed Consideration no.14 that “<i>there is no encroachment on existing public open space, and adverse impacts from adjoining built development, with no net loss of public space.</i>” Overshadowing of existing public space is a huge issue – and controls around this are desperately required. The Western gateway proposals at Central Station will overshadow Railway Square, and the Trust has objected strongly in the past to proposals to overshadow half of Prince Alfred Square in Parramatta at midday.</p> <p>The Trust welcome Consideration no.18 that aims to protect and increase tree canopy, but is concerned that again it does not apply on a precinct-wide basis. The EIE states the SEPP “<i>delivers the minimum number of trees to give effect to the tree canopy target specified by the local council or, if not specified, set out in the Greener Places Design Guide, whichever is higher.</i>” While the Greener Places Design Guide has a target of greater than 40 per cent tree canopy cover in suburban areas, as the below image of the new development of Gregory Hills in Western Sydney shows however, it is all very well having “targets” if they are never enforced. This is of course quite aside from the fact that the poor planning</p>
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		<p>actually leaves no room for any substantial trees to grow in this neighborhood. The National Trust recommend that unless urban tree canopy is considered on a precinct-wide basis, there will be no noticeable improvement in this regard.</p>  <p>Urban tree canopy of zero percent, Gregory Hills subdivision. (Source: Google Maps)</p>
3.3	Guidance	<p>The EIE states that <i>“it is proposed new guidance will be exhibited concurrently with the proposed Design and Place SEPP.”</i></p> <p>The National Trust is concerned that the sheer volume of guidance that needs to be reviewed will make it impossible to comment on the inter-relationships between such documents. It is also unclear if the current “draft” documents will be finalised by the time of exhibition, or if the “proposed” ones will be presented as drafts also.</p>