

12 February 2021

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By email: rapid.assessment@dpie.nsw.gov.au

Re: Rapid Assessment Framework

The National Trust welcome moves by the department to “ensure that State significant projects in NSW are supported by better assessment, better coordination and better engagement.” It is however our concern that moves to “increase the efficiency of major project assessments and speed up assessment timeframes” will not improve assessment quality or engagement standards, particularly for projects that involve a heritage or conservation component.

The Rapid Assessment Framework package consists of a number of packages, including:

- Proposed regulation amendment, and an accompanying Explanation of Intended Effect (EIE) that explains the changes.
- Draft industry-specific Secretary’s Environmental Assessment Requirements (SEARs) for health, warehouse and distribution centres, as well as development in State significant precincts.
- New draft guidelines to assist in improving the quality of environmental assessments and documentation provided to the department:
 - State Significant Development guideline
 - State Significant Infrastructure guideline
 - Engagement guideline
 - Cumulative impact guideline
- A proposed system for recognising certain accredited professional schemes for environmental assessment practitioners, and an associated Registered Environmental Assessment Practitioner guideline

In heritage terms, much of the above is reliant upon up-to-date and constantly maintained heritage listings, by both State and Local Governments, as well as by relevant Government Departments (in the form of a Heritage and Conservation Register - commonly referred to as “Section 170” registers). Under Section 170(5) of the *Heritage Act* a government instrumentality shall review and, if necessary, amend its register not less than once each year, however this is known not to be the case. The majority of such registers are either incomplete, out-of-date, and not all NSW agency section 170 registers are yet available on-line.

In spite of the above, many buildings and places that may be of heritage significance are simply not listed on such registers. (The Art Gallery of NSW is yet to be added to the State Heritage Register.) The National Trust again make the comment that simply because a building or place is not listed on a statutory list does not mean it is not historically important or culturally significant. The reliance on accurate listings to ensure heritage consideration as part of any “rapid assessment” means that unique items may not be properly assessed or considered. Any “streamlining” of the planning process in relation to heritage should be preceded by the provision of accurate, comprehensive register listings and the need to consider and identify possible heritage items.

The National Trust make the following comments:



Low Impact SSDs and Industry Specific Template SEARS

The documentation notes (Policy Paper, p.9) that *“The Department will streamline the way SEARs are prepared for certain types of SSD projects that typically have lower impacts and are consistent with the existing land use planning framework. Examples of these types of projects include hospitals, schools, warehousing and distribution centres and other urban development”*

Using a project type (e.g. hospital) as one of the major screening thresholds for declaring a project ‘low-impact’ is an error of reasoning. Low impact cannot be determined prior to assessments based solely on typology. Some of the most recent examples of projects with major heritage and environmental implications have been precisely for projects such as hospitals, schools and urban development. Many of the Departments responsible for such typologies as suggested also do not have up-to-date Section 170 registers.

The National Trust believe that any threshold should be based firstly on the attributes of the place (land) included in the proposal, and secondly combined with the nature of the proposal.

Ready-made SEARS

New *“ready-made industry-specific SEARs”* that are tailored to each category of development are to apply to proposals that fall within certain low impact industry categories and which are consistent with existing land use planning frameworks.

The National Trust note that the existing land use planning framework for any land in NSW is made up of applicable State Acts, various state, district and local plans and strategies, land use plans/instruments and development controls. Many include environmental and heritage conservation aims and provisions that continue to be valid notwithstanding that their approvals roles do not apply to SSD/SSI.

We would suggest:

- A definition of *“consistent with land use planning frameworks”* for the purposes of declaring a low impact SSD and issuing Template SEARS, should be provided.
- It should clearly state that consistency includes alignment/compliance with the intent, policies, and requirements to conserve environmental heritage in any State, District, or local planning statement, plan or policy that may apply.

Scoping and project-specific SEARs

The Policy Paper (p.10) notes that a *“Scoping Report will include information about the project and its potential environmental impacts to allow the Department to set project-specific SEARs in consultation with public authorities.”* No further agency consultation is required to issue the SEARS.

The Trust note:

- The one size fits all approach for scoping specialist reports, especially heritage reports, does not take into account the historical, environmental, urban form and character differences of places impacted by an SSD.
- The specialist analysis and reporting requirements included in the draft template SEARS are not qualitative, not comprehensively scoped, and only refer to ‘relevant’ guidelines rather than specifically identify them.
- Agency or industry guidelines often don’t exist, are out of date or not relevant for SSD
- Thorough, specific, and appropriate assessment/reporting is needed to avoid assessment inconsistency and poor assessment outcomes.
- DPIE/Agencies need to develop quality based specific assessment and reporting guidelines for low-risk SSD and Template SEARS.
- The guidelines should emphasise mitigating adverse heritage impacts, not just identifying them.

Cumulative Impact Guideline

The Assessing Cumulative Impacts Guide requires SSD/SSI proponents to consider the cumulative impact of projects on the community and environment.



The National Trust are concerned that:

- The guideline is methodological and process based rather than outcomes and quality based.
- Not all projects will be required to undertake cumulative impact assessments – thresholds for requiring them or not during preparation of SEARS are unclear.
- Guide requires high level review only (3.4) and matters to take into account are limited to other large projects/strategies, not local strategies or plans for growth etc.
- A holistic approach to cumulative impacts that considers all levels of impacts over time on a place - major projects and local plans - is essential.

Registered Environmental Assessment Practitioners Scheme and Registered Environmental Assessment Practitioners Guide

It is proposed to *“establish a scheme for registered environmental assessment practitioners to provide environmental assessment quality assurance for major projects.”* As is currently the case, these practitioners are to be recognised specialists in the field of environmental impact assessment who *“are suitably skilled, qualified and experienced professionals and who are able to review and certify key assessment documents.”* REAPs will be specialists accredited under an existing professional body (including specialists in heritage, ecology, planning) and those bodies will be recognised under the REAP Scheme. The Trust note that *“No professional schemes have been identified for inclusion in the EP&A Regulation as yet. Professional schemes will be added to the EP&A Regulation following an administrative accreditation process.”*

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. 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)

Heritage is varied and for many disciplines no existing professional body for accreditation purposes exists (for example, industrial archaeology, or architectural conservation). The National Trust do not understand how such a scheme could work in practice in this regard. Professional accreditation in many circles such as architectural and engineering heritage have been discussed for many years in Australia (such professional recognition is well established in the UK) but with no result, and so the stated 6-12 month timeframe for such accredited professional schemes to be established would not be achievable. Membership of ICOMOS alone is not specific enough in modern heritage practice.

Conclusion

Community participation is vital in the planning process, and this must not in any way be compromised by any rapid assessment framework. Heritage is already adversely affected in many instances through SSD proposals which “turn off” the Heritage Act. A one size fits all approach for scoping specialist reports, especially heritage reports, does not take into account the historical, environmental, urban form and character differences of places impacted by an SSD.

Yours sincerely,

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