

Guilderton Community Association Inc.
c/- Post Office Guilderton W.A. 6041

Professor Peter Newman
Director, Sustainability Policy Unit
Policy Office
Department of the Premier and Cabinet
Email: sustainability@dpc.wa.gov.au

Dear Professor Newman,

Re: Public submission: Focus on the Future: Opportunities for Sustainability in Western Australia

The Guilderton Community Association commends you, your staff and the government for your efforts in preparing a policy for the sustainable future of Western Australia. We are pleased to give general support to your “Focus on the Future” discussion paper, but we believe the document to be weak in its definitions and fails to produce the opportunities for community based organisations to participate in sustainability decisions. We offer the comments contained in our submission as a means to assist in improving the paper and to develop subsequent policy. In summary we believe “Focus on the Future” will be enhanced as a policy if:

1. The definition of sustainability and its principles are described more comprehensively.
2. Land use planning lies at the heart of a sustainable future and should be given more attention in respect to its impact on sustainability. The planning structure in Western Australia needs urgent and comprehensive revision, most importantly by the introduction of third party appeal rights.
3. The concept of sustainability need to be enshrined in decision-making through legislation.

Yours sincerely,

Roger Severn and John Prince
For the Guilderton Community Association
29 April 2002

Guilderton Community Association Inc.
c/- Post Office Guilderton W.A. 6041

Submission to the Sustainability Policy Unit
Department of Premier and Cabinet

<p>Focus on the Future</p> <p>Opportunities for Sustainability in Western Australia</p> <p>April 2000</p>
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SUBMISSION:

The Guilderton Community Association while generally supporting the contents and values of this document wish to make the following general comments.

Definition of sustainability

It is appreciated that many in the general community are not familiar with the concepts of sustainability or ecologically sustainable development as it has been referred to in the past, however, by stripping from the definition of sustainability the very values that it entails in order to simplify the definition opens it to far more misinterpretation, either accidental or mischievous.

Sustainability is the simultaneous achievement of environmental, economic and social goals.

This definition is weak because it fails to convey any hint to what values will guide the setting of environmental, economic or social goals. Nearly all writing on sustainability contains new and varied definitions of sustainability, yet many of the recent attempts to articulate the concept fail to match the earlier and better definitions that incorporated the value statements on which the concept is founded. The original, and once the universally accepted, definition was put forward by *The World Commission on Environment and Development: Commission for the Future*, which reads:

Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs¹.

At least that definition implies limitations and our responsibility to the future.

The Commissioner for Ecologically Sustainable Development' (Department of Natural Resources and Environment, 2000) defines ESD using the approach from the National Strategy for ESD set up under the Hawke government:

"ESD is development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends"²

The above definition incorporates some reference to values when it talks of 'improving the quality of life', when it references both now and the future and when it acknowledges the complexity of the environment by expressing the need to maintain ecological processes. But as you have pointed out in

¹ The Commission for the Future (1990). *Our Common Future: the World Commission on Environment and Development* (Australian Edition). Melbourne, Oxford University Press.

² Department of Natural Resources and Environment (Cited in Newman, P (2001) *Sustainability and Planning: A Whole of Government Approach*)

the past this definition is too broad and needs to be underpinned by a set of principles.

This is the kind of definition that is being used globally as a kind of 'rallying-cry'. It is important to see that such big picture visions are guiding the movement. But it is perhaps not much to go on when it gets down to the details of any policy that will be passed to cabinet. It is a little too broad to be useful. Most policy will be able to fit such a definition. Thus it is necessary to define a set of principles and indicators that can be better at guiding this process³.

With respect your definition suffers the same deficiency and to a greater degree. "Focus on the Future" commits to only four principles of sustainability. It does not fully commit, for example, to the needs and rights of non-human species. By qualify the principle of biological conservation to matters "on which life depends" -here we assume you mean human life- then little protection seems to be forthcoming conserving non-human species just for the sake of their existence. For example, there seems to be nothing in the proposed policy to prevent development like the proposal for Coral Bay on the grounds that whale sharks and dugongs will be adversely affected, since life, human life that is, is not dependent in any way on the existence of whale sharks or dugongs. We recognise that you may consider these comments are taking the intent of the definition too far, but if you are going to base the future on sustainability principles then you must not be selective as to what principles are included; a sustainability policy should entail the broad church of sustainability. The Rio Declaration on the Environment and Development articulates 27 principles for sustainability.

It is not adequate to refer to goals, environmental, economic or social, without establishing a framework that sets the boundaries of those goals. For example, the current economic paradigm is based on consumerism. When consumption is up the economy rocks along, but when it is down the economy takes a nosedive. We are reminded regularly through nightly TV news bulletins about consumer retail spending being up (good) or down (bad) without even recognising that it is the excessive consumption by the rich nations that is having the greatest effect on the global environment such as the greenhouse gases global warming linkage. Over consumption is unsustainable yet the irony of your sustainability definition is that economic goals are not contained within a framework of sustainability except by the selective four principles you choose.

You might argue that sustainability as defined in "Focus on the Future" is implicit of the matters we raise and that economic goals, environmental goal, and social goals means sustainable economic goals, sustainable environmental goals and sustainable social goals respectively, but unless you articulate that in an unambiguous way then the document will be subjected to distorted interpretations by those people who will see benefit in

³ Newman, P. (2000)., Sustainability and Planning: A Whole of Government Approach, Assessed 2001, Web Site www.wistp.murdoch.edu.au

circumventing the good intentions of the document. There is a very recent example of how this can happen. Last week on the ABC's 7:30 Report the developer for the Coral Bay proposal quoted the precautionary principle as an imperative reason why his resort with its excavated marina should be built on a coastal area known for its sheltering of whale sharks and their calves, dugongs and their calves, breeding of manta rays and bottle nosed turtles. The developer managed this mental gymnastics by his proposition that the area was already environmentally damaged and that building a huge resort would prevent further environmental degradation! Therefore, according to the developer, the resort should not be delayed even though there was no scientific certainty that the resort would prevent environmental damage. Such distortions are possible when concepts are not clearly defined or are grounded in principles that are too simplistic or principles which are not clearly articulated or understood.

It would appear that in developing this document the authors have tried to simplify the concept of sustainability so that it is widely understood. However, in doing so, and making the inevitable compromises between simplicity and substance, the definitions have been watered down to be not only unhelpful but are in fact dangerously open to distortion.

Understanding and commitment to sustainability within WA Government Agencies

Though not specifically mentioned in your document we have experienced previously incidents where Government Agencies appear to either misunderstand the concept of sustainability or at least don't appear to embrace the concept. "Focus on the Future" is not the first attempt to introduce ecologically sustainable principles to government decision making. Public agencies have been for some years 'talking the talk' of sustainability but seldom do they 'walk the walk'. For example, the Working Papers presented by the Ministry for Planning to community workshops for the Gingin Coastal Structure Plan concluded:

Sound environmental management is essential at all scales of development, but it must also be recognised that certain scales and certain patterns of development can result in irreversible changes in environmental processes and attributes, and losses in environmental amenity must be compared with direct economic gains.⁴

Development patterns that result in irreversible changes in environmental processes regardless of the economic gains would, we hope, fail to meet your definition for sustainability. Well we hope it would because, although economic goals might be met the irreversible changes in environmental processes would not meet the environmental goals. Our problem is that with the weakness of your definition of sustainability we cannot be certain that this would be the case. We believe that any development that creates irreversible change to environmental processes is not sustainable.

⁴ Ministry for Planning, Gingin Coastal Structural Plan Workshops, Working Paper 6 – Economic Conditions

Another recent example concerns also the Ministry for Planning. The example is hearsay but comes from a reliable source. In a Ministerial Taskforce a community member pointed out that a particular position being taken by the taskforce was inconsistent with recent public statements by the Premier on sustainability, only to be told in words to the effect, “that is his opinion, but it is not our policy.” This attitude highlights the need for the Sustainability Policy Unit to work with agencies to ensure that sustainability becomes a paradigm within the Public Sector.

Sustainability in Land Planning Practices

The Guilderton Community Association when responding to government calls for submissions of policy view each policy in the light and bitterness of the poor planning our community has been subjected to by local and state government agencies. We look at each policy proposal and ask “Would this policy have prevented the appalling planning decisions made in respect to own town?” We are concerned that “Focus on the Future” fails to provide a framework for land use planning and since land is a limited resource and its use affects the whole environment, we cannot see how a policy for sustainability can fail to address the inadequacies of the current planning regime.

The South Guilderton development proposal which eventually received government approval without any formal or transparent environmental impact assessment involves the creation of a new town on the opposite side of the Moore River to the existing town. The new town which is designed to cater for 15,000 residents is unsustainable because there is no economic base to provide employment necessary to support the population, without access across the river the communities of Guilderton are separated from the infrastructure and social amenities on each side of the river and there are genuine concerns that the environmental impacts will be significant. This last point cannot however be established with certainty since no studies have been done to prove the development environmental acceptability.

From our experience at Guilderton we believe that land use planning is at the core of making the future sustainable. Land planning decisions once made appear to be almost impossible to change and each decision does not dissolve with time since sunset conditions are seldom applied. Developers can act on ODP approvals years after they were granted even though environmental, social and economic conditions may have changed considerable during the time lapsed. Social values change over time and past decisions may not withstand contemporary scrutiny. Again the Maud’s Landing case highlights this point. Maud’s Landing we understand was gazetted as a town sight during the nineteenth century and still holds that status today. This nonsense zoning approval should not be allowed to sway current decision makers as community values have changed considerably in the meantime. Land planning decisions should be limited in time so as not to violate one of sustainability’s grounding principles of not compromising the ability of future generations to meet their own needs.

We believe there are serious deficiencies with the planning processes in this state and until these are addressed there cannot be confidence that future

planning decisions will meet sustainability requirements. The Guilderton Community Association has been playing a significant role through the Coastal Planning Coalition (CPC) to address the inadequacies of the planning processes. We have made a contribution, along with other prominent members of the CPC and the Myer Foundation, to fund a review of WA State Planning legislation. Mr Michael Barker QC was commissioned to conduct this review with specific reference to recent planning approvals in Coastal WA. The work was commissioned as the CPC's contribution to the Minister for Planning's Taskforce on the Structure of Arrangements for Coastal Planning and Management

Mr Barker reviewed the planning regime using recent decisions pertaining to the Gnarabup Beach development, the South Guilderton (Moore River) development proposal, the Leighton Marshalling Yards Redevelopment proposal, the development of the Broome Port facility, the Maud's Landing Marina development, the proposed Port Catherine marina development at Coogee Beach, and the Eco Beach Resort tourist development, as case studies. The processes for each case were reviewed and the outcomes evaluated to extract from each case the lessons learnt and what changes to the structural arrangements would overcome the problems encountered in each case. The Barker Report is a truly valuable review of planning processes and contains valuable suggestions of how better, and hence more sustainable planning, decisions could be made in the future. Unfortunately the Minister's Taskforce would not accept this community contribution to coastal planning.

A major theme and recommendation of Barker QC was the transparency of the planning processes and the rights of the community to participate in planning decisions that affect them. To secure this transparency and to ensure adequate community participation he advocated the establishment of third party appeal rights. Third party appeal rights provide the necessary checks and balance to ensure meaningful public participation.

It is this right for communities to participate in decision-making processes in a meaningful way that presents another area of weakness in "Focus on the Future". Your document does not mention the community let alone acknowledge its contribution to sustainability. Again the core problem for "Focus on the Future" is the selectivity of principles. In the internationally accepted principles for sustainability (Rio Declaration) there is constant reference to the rights public participation, for example, Principle 10:

Environmental issues are best handled with the participation of all concerned citizens at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information of hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.⁵

Chapter 28 of Agenda 21 is totally devoted to community involvement in decision making through the establishment of Local Agenda 21 programs with local government.

“Focus on the Future” does commendably seek partnerships for sustainability and acknowledges partnership already established including with some peak community groups. But truly sustainability decisions must include the involvement of community groups and individuals. The existing land use planning regime provides little access for communities to participate. True, there are points at which public participation processes allow for public comment. Through experience we know how superficial these processes are. Public comments on issues where agencies and leading bureaucrats and/or politicians are already committed is a futile exercise. Consultation process must start with the first seed of an idea not as a final “what do you think of this plan?” Without being able to resort to an independent judicial process to resolve land usage disputes the community is left out of the equation for land use planning. The Guilderton Community Association believes that land use planning, including environmental protection mechanisms, lies at the heart of sustainability decision-making.

Implementation

Our final comment is in regard to implementation. Sustainability, or ecologically sustainable development, has been a mantra hummed throughout government for over a decade now but there is little evidence, except in the recent past, that the concept has been embraced by decision-makers or the bureaucracy. While it is appreciated that an implementation strategy grounded in winning the ‘hearts and minds’ of those involved is preferable history tells us that this will not be enough. If the government wishes to maintain long term sustainability decision-making, which extends beyond the life of the government, then a more concrete strategy is required. The desire for a sustainable future needs to be underpinned by legislative requirement. What is required is an overarching Act that defines sustainability and its principles. This Act should bind decision makers into considering sustainability when making decisions and to provide for decisions to be challenged through appeal on the grounds that sustainability principles have been breached. This does not mean that unsustainable decisions would be void as the complexity of government will bring

⁵ United Nations, Rio Declaration on Environment and Development – Principle 10

occasions where compromise between competing areas of public good will dictate making decisions that may breach sustainability guidelines. However, these decisions should be subject to challenge and publicly justified. Provided genuine consideration has been given to sustainability issues and that a greater public good prevails then a decision may in these circumstances be validated.

Support for “Focus on the Future”

Having spent some time criticising some aspects of “Focus on the Future” we feel obliged to conclude by restating the Guilderton Community Association’s support for what the Sustainability Policy Unit and the Department of Premier and Cabinet are trying to achieve. Our comments have been presented as constructive criticism and we are grateful for the opportunity to do so. In summary we believe “Focus on the Future” will be enhanced as a policy if:

4. The definition of sustainability and its principles are described more comprehensively.
5. Land use planning lies at the heart of a sustainable future and should be given more attention in respect to its impact on sustainability. The planning structure in Western Australia needs urgent and comprehensive revision, most importantly by the introduction of third party appeal rights.
6. The concept of sustainability need to be enshrined in decision-making through legislation.