

Enquiries: Brian Curtis  
Our Ref: 051/1/1/33PV2  
Your Ref:

Dr Peter Newman  
Acting Director  
Sustainability Policy Unit  
Department of the Premier and Cabinet  
Governor Stirling Tower  
197 St Georges Terrace  
PERTH WA 6000

Dear Peter

## **DRAFT STATE SUSTAINABILITY STRATEGY**

Please find attached comments on behalf of the Western Australian Planning Commission (WAPC) on the Draft State Sustainability Strategy which it is hoped you will find useful in drawing together the final Strategy over the coming months.

The WAPC strongly supports the government's initiative to prepare a State Sustainability Strategy, and commends the authors for attempting such a challenging task in such a comprehensive way. The WAPC supports the conclusion drawn throughout the Strategy that the statutory planning system offers "...a powerful mechanism to apply the principles of sustainability..(p53)", and wishes to work constructively with the Sustainability Policy Unit to achieve the Strategy objectives.

It has therefore carefully reviewed the document with a view to providing constructive comment that will maximise the prospect of successful and sustainable outcomes through the planning mechanisms under its control, and in concert with other implementation agencies.

There are many ways in which the WAPC have already paved the way towards the achievement of more sustainable development outcomes. The State Planning Strategy provides the current State-wide planning framework based on sustainability principles, and the State Planning Framework (SPP8) outlines the mechanisms in place to guide the planning system. The WAPC nevertheless acknowledges that current planning processes and procedures will need to continue to adapt, and considers the Draft Strategy to provide an excellent basis on which to progress the State Planning Strategy review process that is to commence later this year.

There are a number of ways in which the WAPC considers it can help with this task. Overall it wishes to ensure that the proposals involving implementation through the use of planning mechanisms are robust, and provide for clearly understood and implementable processes and procedures. The WAPC has to have regard to current planning legislation, and will work constructively towards adaptation of this framework to provide more sustainable outcomes. The legalistic basis which underlies our current system places an exacting set of requirements on our decision making that needs to be properly taken into account in the Strategy. The WAPC is very conscious of the need to avoid delays in decision-making, and to provide a planning framework that will facilitate, rather than place further obstacles in the way of, sustainable development.

Further discussion is recommended on how the WAPC's current approach to sustainability, which seeks to balance the integration of economic, social, and environmental factors in each case, may be improved upon to provide more sustainable planning decisions. The applicability of the "simultaneous improvement" principle in the planning system as proposed in the Draft Strategy is seen as desirable, but potential conflicts and trade-offs occur in practice. It can be difficult to achieve consistency when the sustainability improvement can be weighed at different scales (eg local, neighbourhood, city-wide, or regional). Further discussion would be welcomed on how this might be addressed in the future.

The WAPC is disappointed that it has not been invited to take a more active role to date in the preparation of the Strategy which might have led to greater clarity on the role the planning system could make in implementation. It is nevertheless confident that this can be addressed through a more active dialogue with the Sustainability Policy Unit. To this end it would welcome closer ongoing consultation via Departmental Officers, and perhaps further opportunity for discussion with WAPC members, as an adjunct to one of the Commission's monthly formal meetings.

We look forward to hearing of your progress in finalising the document in due course.

Yours sincerely

Terry Martin  
Chairman  
Western Australian Planning Commission

10 March 2003

attach.

## **1. THE DRAFT STATE SUSTAINABILITY STRATEGY**

- 1.1 The following submission is presented to the Sustainability Policy Unit (SPU) of Premier and Cabinet on behalf of the Western Australian Planning Commission (WAPC) on the Draft State Sustainability Strategy (DSSS) released for comment in September 2002. The following comments were considered and agreed at its meeting on 25 February 2003.

## **2. COMMISSION APPROACH TO SUSTAINABILITY**

- 2.1 Before commenting specifically on the proposals in the DSSS it is worth noting the Commission's current approach to sustainability. The move towards more sustainable development outcomes in the planning system is central the work of the Commission. The following are of particular relevance.

### ***State Planning Strategy***

- 2.2 The State Planning Strategy (SPS) provides an overall vision for the State pursuant to Section 18 (1)(b) of the Western Australian Commission Act 1985 (WAPC Act). It sets out the key regional principles relating to the environment, community, infrastructure and regional development to guide planning decisions that achieve sustainable development outcomes. The strategy is intended to be further articulated and applied by policies and plans dealing with particular planning issues or regions of the State. In Part 2 of the SPS the principles, strategies and actions to achieve the declared objectives are set out in a form which is similar to the approach taken in the DSSS. *The SPS was prepared following extensive consultation with the community throughout the State. In many respects the document was ahead of its time in anticipating the growing need for a sustainable strategy for development in Western Australia and currently forms the basis for all planning decisions across the State. In it unclear in the DSSS how far the approach in the SPS has been taken into account in the drafting of the new strategy.*

### ***State Planning Framework (SPP8)***

- 2.3 The Commission endorsed a new framework to guide the preparation and content of Commission policies and plans on 26 November 2002, following consultation with all local governments throughout Western Australia and the Western Australian Local Government Association. The new classification system is based on the sustainability principles set out in the SPS and Statement of Planning Policy (SPP) No. 8 State Planning Framework. The intent has been to overcome difficulties in the complexity of the current policy framework; clarify the relationship of policies to the State Planning Strategy and State Planning Framework; and achieve consistency in the style and content of policies.
- 2.4 The new classification system will consist of the following components: State Planning Strategy; Statement of Planning Policy No. 1 State Planning Framework; Statements of Planning Policy - Sector Policies; Statements of

Planning Policy - Supplementary Policies; Non-statutory Policies; and Operational (DC) Policies. The sector policies will address the key principles for sustainable development relating to environment, community, economy, infrastructure and regional development.

- 2.5 The implementation of the new framework will require variations to current statements of planning policy adopted by the WAPC under s5AA of the Town Planning and Development Act 1928. The proposed variations are currently being prepared in consultation with the Parliamentary Counsel's Office. It is expected that the framework will be in place in April/May 2003. *There is therefore a comprehensive planning framework in place based on sustainability principles for the State. This framework seeks to reflect community views, and those of stakeholders involved in land development consistent with current planning legislation. It is complex and interrelated, and designed to provide the basis for medium to long-term change towards sustainability objectives. There is a strong degree of inertia in such a system that must be recognized when such changes are contemplated such as in the DSSS.*

#### ***Aim of Planning***

- 2.6 It should also be noted that the primary aim of planning, (as set out in SPP8), is “to provide for the fair, orderly, economic and **sustainable** use and development of land”.
- 2.7 Within this framework a critical role of the Commission (WAPC Act) is the “coordination and promotion of urban, rural and regional land use planning and land development in the State”. *This coordination role is achieved both through the composition of its membership, and through the processes it adopts to ensure that planning decisions are taken having regard to the views of whole community. Any proposals involving changes to the current coordination role of the Commission must be very carefully considered to avoid duplication and confusion amongst both key stakeholders and the community.*

### **3. KEY IMPLICATIONS FOR THE COMMISSION**

- 3.1 The Draft Strategy is extensive, running to 234 pages and contains 248 “proposed actions” of which 82 are related to sustainability and settlements. It is not therefore proposed to review the Draft Strategy in detail but to identify and comment on the key implications for the Commission of the proposals. A number of detailed comments have been made to date on the Commission’s behalf. There nevertheless remain matters relating to the conceptual framework that should be taken into account in the final document that should more accurately acknowledge the role of the Commission and the planning system. There is also a lack of clarity demonstrated in some of the specific actions identified in the DSSS with regard to the Commission’s responsibilities and current initiatives that should be addressed.

- 3.2 Those matters affecting the Commission in relation to the conceptual framework and implementation aspects of the DSSS are commented on below. Individual comments have also been prepared on those actions that are considered to involve the Commission in either a lead or key supporting role (Annex 1).

### ***Support***

- 3.3 The initiative to prepare a Sustainability Strategy is innovative and should be strongly supported. It demonstrates a commitment by the government to take the challenge of a sustainable future seriously, and it is proposed to form a central plank of the governance of the State hereafter. The DSSS has the potential to link together the wide and often disparate array of government initiatives, select priorities and achieve more effective and integrated outcomes. It therefore is consistent with other government objectives (such as the creation of the DPI) that aim for more integration, more effective community engagement, and improved coordination for better outcomes. *In this respect it should build on the pioneering work of the Commission to date in the SPS.*
- 3.4 There are many references throughout the DSSS that acknowledge the central role that the planning system will have to play in implementation (eg Action 1.12). It also emphasises the role that local government will be expected to take in the process in partnership with State government agencies. *It nevertheless demonstrates limited understanding of the current roles and responsibilities of the Commission, of the SPS, and of the planning system in general which it acknowledges will be critical if implementation is to be successful.*

### ***Sustainability Principles***

- 3.5 The Draft Strategy describes the evolution of approaches to sustainability and its effect on changing definitions. The DSSS has adopted the following definition of sustainability:

*“..Meeting the needs of current and future generations through simultaneous environmental, social, and economic improvement..”*

- 3.6 The current approach taken in the SPS is rather to seek a “balance”:

*“Planning provides a way to manage the impacts of growth by seeking a **balance** between the individual ingredients of our quality of life - the environment around us, the community we live in and the wealth we enjoy...The achievement of such a **balance** is a sound basis for the State’s sustainable development (p12).”*

*..the Strategy has identified a range of strategies and actions which together fulfil the definition of sustainable development. It is by the achievement of these strategies and actions (identified in Part 2) that*

*the sustainable management of the environment will be achieved..The planning system will be expected to **balance** the competing land use pressures being placed on natural resources (p12).*

- 3.7 The proposed definition in the DSSS implies, for example, that an activity that provides both economic and social gains, but “trades-off” the environment is ultimately not sustainable. *The difficulty in the planning system is that it is often impossible to simultaneously achieve sustainability objectives where these can work against each other. The scale at which the judgement is to be made can also be problematic.* Clearing native bushland to build bigger cities dominated by the car can be regarded as unsustainable. It can lead however, to more compact city form and reduce the overall need to travel. Similarly, the aim for more solar access can involve greater setbacks and open space, which can imply overall lower densities. *The DSSS does not sufficiently acknowledge the lack of consensus on how best to address these issues that are central to the taking of planning decisions.*
- 3.8 The need for community engagement on such matters is accepted and considered essential. The Commission has undertaken detailed public engagement and input into the principles and approach taken in the SPS. It is also constantly made well aware through its processes, that the community can be resistant to strategies that may, for example, support sustainability objectives but at a financial cost to the individual either directly or indirectly. *The response to date of the wider community to the DSSS appears to have been muted, but support for the definition finally adopted will be important in the implementation process.*

### ***Sustainability Framework***

- 3.9 The DSSS proposes a sustainability framework that identifies principles, visions, goals and actions. The State Planning Strategy similarly contains principles, visions, goals and actions on similar matters. These are enshrined in the State Planning Framework to guide all planning decisions.
- 3.10 *There is little or no recognition in the DSSS given to the SPS, or to the role that this currently plays as a statement of the government’s intent with regard to achieving sustainable development outcomes. It is also not clear how far the proposed approach seeks to build on the existing SPS, or if the needs of the planning system have been taken into account when preparing the alternative approach. The process involved in amending the SPS, and then the consequent changes required to planning instruments is cumbersome and time consuming, requiring community input. This places a significant financial and administrative burden on the Commission and should not be embarked upon lightly. There has been no active dialogue entered into with the Commission to date on how best to manage such change.*

### ***Implementation and the Statutory Planning System***

- 3.11 In the section specifically on the role of planning (Planning for Sustainability p55) it is acknowledged that:

*“..Sustainability presents a new emphasis in traditional planning practice. The statutory planning tools to prepare, implement and review policies and plans offer a powerful mechanism to apply the principles of sustainability..(p53)”*

- 3.12 The SPS already contains an emphasis on sustainability. The planning process of preparing town planning schemes and local planning strategies in particular, is an effective means of integrating future development, considering community views, regional and state issues and arriving at a balanced outcome. *It is questionable that the introduction of an additional layer of bureaucracy above this to specifically achieve sustainability will automatically lead to better outcomes without very careful consideration of the implications. Such an approach could be costly, and may be no more acceptable to the community who must be supportive if it is to succeed in its objectives.*
- 3.13 Box 44 on page 212 sets out the existing and proposed strategies and actions many of which involve the Commission. *In terms of land use and development it would be unfortunate if a separate administrative structure were to be established without regard for that which already exists without good cause. More attention should be paid to how best to utilise and build on the current planning mechanisms before committing to a new, and parallel system.*

### ***State-Local Government Roundtable***

- 3.14 The DSSS emphasises the importance of the state and local government acting in unison on sustainability which is supported. A partnership approach is proposed between state and local government through the creation of a State-Local Government Roundtable to develop a Partnership Agreement. Figure 2 on page 53 sets out a proposed process to further develop the framework and achieve implementation through the Roundtable process. The State-Local Roundtable is currently progressing under the direction of the SPU and WALGA on behalf of local government, with the intention for this to be completed in time for finalisation of the DSSS.
- 3.15 It is proposed that:

*“..The state local government roundtable will identify opportunities through planning processes and procedures to implement the State Sustainability Strategy..(p55)”*

- 3.16 It will also examine in more detail the proposals for Regional Councils of local government to be formed (on a model based on the existing Eastern Metropolitan Region of Councils and the North East Wheatbelt Regional Council, p52). It is further proposed that these Regional Councils of local government are involved in developing Regional Sustainability Strategies, and in producing SPP's.
- 3.17 *Whilst the identification of a process to be put in place to examine in more detail the key components of the framework, and implementation roles and processes is welcomed, the lack of reference to the role of the Commission is of great concern. Although the document throughout places great emphasis on the anticipated role of local government in the implementation process, it fails to acknowledge the key responsibilities of the Commission for implementing sustainability objectives based on the SPS using the State Planning Framework mechanisms. To date the Commission has not been asked to become involved in the Roundtable process. It is considered essential, given the declared importance of planning instruments, that the Commission is closely involved in discussions on how best to effect changes that can lead to more sustainable outcomes.*

#### ***Use of Statements of Planning Policy***

- 3.18 Responsibility for the preparation of SPP's lies with the Commission under Section 5AA(1) of the Town Planning and Development Act. The DSSS states that the:
- "...use of statements of planning policy (and other statutory mechanisms) for resource management, settlements, community and business issues will be central to the implementation of the State Sustainability Strategy. Statements of planning policy can be developed with Regional Councils and then be given legal effect through adoption by the WAPC and State government. Once adopted statements of planning policy will guide the actions of local government and State government agencies..(p )"*
- 3.19 The DSSS goes on to state that the:
- "..Statement of Planning Policy, has great potential to be used more widely to promote sustainability. In particular it has the potential to be used as a whole-of-government document, developed in accordance with sustainability principles, to integrate land use and management requirements for specified areas of the State..(p55)"*
- 3.20 The Commission already has a proposed framework (see Section 2 above) of SPP's based on the SPS that is still evolving. If consideration is to be given to additional SPP's they must relate to this framework, and be within the scope of matters addressed by the planning legislation. *Clarification is required on the proposed relationship between the Roundtable, Regional Councils and the*



*Commission on the proposed use of SPP's.* Local government is already represented on the Commission and its regional committees, and is closely involved in the process of preparing SPP's. *The proposals fail to acknowledge how the proposals complement and improve upon the existing process of liaison with local government on the preparation of SPP's.*

- 3.21 The DSSS refers to the use of SPPs for policies dealing with issues such as connected country, sustainable rangeland management, integrated land use planning and transport, sustainable building and construction, and public housing, community housing and affordable private housing (see Box 43 p211).
- 3.22 In August 2002 a paper was provided to the SPU by the Department's Policy and Legislation Branch in response to these proposals identifying the legislative basis for SPP's, the role of the Commission, and the potential and shortcomings for the purposes indicated in the DSSS (Annex 2). *This reiterated that responsibility for the preparation of SPP's lies with the Commission. It proposed that careful consideration needed to be given to suggestions for additional SPP's, and to the appropriateness of SPP's as a tool for implementing the wide range of matters referred to in the DSSS.*

### ***Sustainability Assessment of Plans, Policies and Proposals***

- 3.23 A core element of the draft *Strategy* is that Sustainability Assessments are to be applied to projects, plans and policies in order to establish a win-win-win outcome in social, economic and environmental terms:

*"..Sustainability assessment is emerging as a way to improve decision-making on complex projects, plans, policies and programmes with opportunities for public engagement. It not only offers the potential to resolve apparently deep conflicts and minimise potential harmful impacts, it has the potential to provide clear, positive benefits. It is a new paradigm in assessment and therefore requires a new framework to be developed for guiding decision making..(p36)"*

- 3.24 The DSSS states that "every Department needs to develop its own expertise and capacity to handle sustainability assessment of day-to-day projects" and that agencies will need to develop their own checklist of and techniques for this purpose. A Sustainability Code of Practice is to be produced to outline how agencies can use various tools for incorporating sustainability into decision-making (p39). *The Commission is very familiar with the range of techniques referred to and recognises the need to ensure their use is fitted to the purpose and context of the task.*
- 3.25 The section on Sustainability Assessment proposes that three Sustainability Assessment Units are established, (with Social Assessment within the Department for Planning and Infrastructure), to allow assessment of state

significant projects. These proposals link into the Final Report of the Review of the Project Development Approvals System (Keating Review) which highlights the need for a coherent sustainability assessment framework. At present the Commission has responsibility to assess proposals under the provisions of the existing statutory planning system. *Consideration is being given on emerging plans (eg Greater Perth), policies and programmes as to how triple bottom line factors can be more clearly used in assessing the planning merits of proposals. The use of a “sustainability scorecard” is also being given consideration. It is important, however, that such techniques are practical, and workable in the context of anticipated resources, and within the scope of planning control.*

### ***Regional Sustainability Strategies***

- 3.26 Regional Sustainability Strategies are proposed in the DSSS (pp 58-60) to provide a broad framework for achieving sustainable outcomes in the regions. They are seen to build on natural resource management plans, and in addition contain “sense of place stories” and future aspirations from the aboriginal and other local community’s perspective. Regional Development Commissions are expected to contribute to the process together with Regional Councils using SPP’s and other statutory mechanisms for implementation.

*“..As part of the State-Local Partnership Agreement the government will provide encouragement and support for the establishment of Regional Councils of local government particularly for sustainability issues including natural resource management, water supply and drainage, waste management, transport planning, economic and social planning..(p59)”*

- 3.27 *As in the examples above, the proposed establishment of an additional layer of planning does not adequately acknowledge the existing roles and responsibilities of agencies like the Commission. Regional Strategies and Plans have been prepared for the State consistent with the SPS. Whilst they are necessarily broad in nature, they seek to provide a strategic context for infrastructure provision, settlement planning, and subsequent consideration of local plans and development proposals. They therefore play an important role in the planning hierarchy. The current proposals in the DSSS (Actions 1.16 and 1.17) should take into account the present role of the Commission in regional planning matters, and provide clarity on the anticipated roles and responsibilities of key stakeholders in the planning process.*

### ***Sustainability and Settlements***

- 3.28 Section 6 of the DSSS deals specifically with sustainability and settlement planning. The emphasis in the vision is to strive for more efficient use of resources and management of wastes whilst simultaneously being more liveable and equitable. The subsequent goal is to:

*“..Plan and provide settlements that reduce the ecological footprint and enhance quality of life at the same time..(p130)”*

- 3.29 Whilst reducing resource consumption and our “ecological footprint” is recognised to be an important sustainability issue the key challenge is to coordinate the government’s initiatives and projects across the issues referred to which include: water supply, waste, planning, freight and electricity (p132). *The Commission currently undertakes this coordinating role, with advice from the Department for Planning and Infrastructure, and input from key stakeholder agencies. In doing so it is guided by principles in the SPS. As in the examples above no reference is made to this role which is seen to be one for local government only:*

*“..The Implementation Model suggests that regional councils be the main driver to ensure that general strategies are given a regional perspective in different regions and rural areas through detailed planning. This could then be reflected in statutory Statements of Planning Policy and local town planning schemes where appropriate..(p132)”*

- 3.30 The priority areas for action largely reflect a submission made by the Department in June 2002 that identified the main streams of work undertaken concerning sustainability. There are a number of individual comments that are proposed on the remainder of Section 6 that respond to the specific actions identified in the DSSS (Annex 1).