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What makes a green public sphere?: a case study of the Illawarra Escarpment

Helen Irene Wilson
University of Wollongong

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What makes a green public sphere?
a case study of the Illawarra Escarpment

Helen Irene Wilson

This thesis is presented as part of the requirements for the
award of the Degree of Master of Science
of the University of Wollongong

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Candidate’s statement

I, Helen Irene Wilson, declare that this thesis, submitted in fulfilment of the requirements for the award of Master of Science, in the School of Earth and Environmental Sciences, University of Wollongong, is wholly my own work unless otherwise referenced or acknowledged. The document has not been submitted for qualifications at any other academic institution.

Helen Wilson

21 March 2012
Abstract
Debating the limits of cities in geographically challenging environments is characteristic of modern western environmental politics. This thesis investigates a particular case study in the Illawarra region of Australia, where the city of Wollongong’s ‘green backdrop’, the Illawarra Escarpment, was the subject of intense debate in the 1990s and beyond, here termed ‘escarpment politics’. I invoke the concept of the green public sphere as a forum for the formation of public opinion on the basis of a range of citizen input about environmental matters requiring action by the state. However the existing literature treats this as primarily a normative concept, leading to the research question of how to give it an empirical dimension.

The thesis outlines two related historical narratives, the planning of urban development in New South Wales and particularly the expansion of Wollongong to West Dapto in the south, and the work of an urban environmental movement trying to ‘save’ the Illawarra Escarpment, either by bringing more of it into public ownership or at least zoning the lands for environmental protection. Both histories involved displacing and disempowering existing landowners, many of who were descendants of former dairy farmers of a rich agricultural region, but also had a history of campaigning against degradation of their own area through coal mining and waste dumping. The landowners argued that they were being unfairly expected to bear the costs of helping to provide a general amenity. The range of citizens’ concerns and perspectives characterised the wider public sphere of escarpment politics and led to unresolved conflicts. My focus however is on the Illawarra Escarpment Community Reference Group, which I am treating as a potential public sphere although it was initiated and managed by state bodies.

I investigate the basis of some of the common and conflicting environmental values that emerged, including the forms in which they were debated. These were characterised by antagonism and acrimony, particularly in the Community Reference Group. The thesis concludes by speculating about factors that might have enabled dialogue to have been more productively conducted, suggesting some essential practical requirements of a green public sphere. The concept of the green public sphere is finally assessed in terms of its limitation to speech when the action required is the responsibility of government bodies. Much of the citizen dissatisfaction in this case is attributable to the actions of government bodies in an unstable and possibly dysfunctional larger political context. This particular public sphere forum, even if it was conducted in an exemplary manner, could not have affected the larger context and thus we have to question the capacity of such groups to influence environmental planning and management by the state. In contrast, the most successful examples of solving comparable problems is offered by international accounts of the communal management of common pool resources.
Acknowledgements

This has been a very rewarding project and I have many people to thank. Pat Macquarie, fellow escarpment scholar, got me going, introduced me to the human geographers at UOW and offered friendship and materials. Nick Gill took me on as supervisor. Though I had started out wanting only to document the work of the Illawarra Escarpment Coalition, his proposition that the farmers had got a very raw deal out of the Coalition’s achievements shocked me into a gradual journey towards a more critical perspective on environmental politics. My movement towards such an ‘enlarged way of thinking’ has been in large part due to Nick. I thank him for the many conversations, suggestions for reading, opening doors to other sources of help and the sometimes punctilious process of commenting on drafts.

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1 Introduction

Why can’t we build beautiful cities, engage fully in public space, live healthy lives, make creative cultures, and sign a peace pact with nature?

Publisher’s blurb for Elizabeth Farrelly, Blubberland, the Dangers of Happiness, UNSW Press 2007

These questions are inescapable but imponderable in our individualistic and consumerist culture. Despite the publisher’s promise however, architect and cultural critic Elizabeth Farrelly does not answer them in her denunciation of multiple aspects of contemporary culture. In fact she despairs that ‘we’ in general cannot achieve these highly desirable aims. She does not acknowledge that they are in fact contested, that political action around them happens and can have effects, though accommodation and compromise may be called for and they are all subject to judgment. A beautiful city for example may be as much to do with its natural environment or its cultural life as the quality of its buildings. Citizens make efforts to contribute to their visions of such ends, and many are active in negotiating over the future shape of particular places.

1.1 The study

In this thesis I look at one such case, in Wollongong, a medium sized city in the Illawarra region of New South Wales (NSW) coast confronting many challenges to growth, with its steep escarpment backdrop and its coastline to the east. For many years some of its citizens took part in public life in defence of their vision of Wollongong as a beautiful and healthy city designed in harmony with its dramatic and dynamic green environment. The focus of their actions and the public processes they engendered was to protect the Illawarra Escarpment, but I interpret their work as also debating the question of city limits. There were different points of view on this, however, ranging from the peculiar values many modern urban dwellers place on preserving natural areas, ecosystems and rural landscapes, to values arising from more traditional agricultural land uses. They engaged in various processes concerned with expanding the city, particularly up the slopes of the escarpment, arguing for the protection and enhancement of its varied vegetation, wildlife and waterways. Some wanted to revitalise a declining dairy industry. They were to different degrees influenced by the larger environment movement’s valuing of natural landscapes and native life forms.

The story of attempts to limit the growth of cities is repeated in many variations around the world, where different land users and conservationists confront planning regimes informed by different visions and of varying degrees of flexibility. There are increasing pressures on the outer areas of cities, often formerly agricultural land but also including environmentally valuable land. This may be on account of rare flora and fauna, the existence of green corridors to protect wildlife, or other ecosystem services such as maintaining the stability of slopes and the quality of urban air and water. There may be, as here, a counter-pressure from farmers wanting to preserve their use of the land and their way of life, or from the rising concerns about food security and the drive to ‘grow local’. There is also pressure from inexorable population growth and other demographic changes causing demand for new land to be released for the creation of new suburbs. There are newer pressures from ‘tree changers’, urban residents with an impetus to escape the unhealthy constrictions of city
life and so move outside the city, but not so far that they cannot access it. This group may identify with more established farmers but equally with environmentalists, typically from the city, concerned with the effects of past clearing and grazing and advocating more protection and restoration of natural areas. Thus various ideas of nature play a major role in the political context created by such a confluence of interest groups: old and new rural landowners, environmentalists, developers with their blueprints for creating suburban precincts, planners and civic leaders with a vision of urban development and growth. In the Illawarra miners continue to be major players, with the legacy of past coal mining along the length of the escarpment and recent controversies over its renewal and expansion. The politics of such situations has been described as ‘volatile’ (Walker and Hurley 2011 p202).

In this thesis I explore an Australian case of such volatile environmental and land use politics. Although the study area of Wollongong has a particular physical geography and an industrial history not commonly associated with campaigns for environmental preservation, the general dilemmas of urban expansion in a physically challenging setting are characteristic of many other places. My concerns are to do with why these processes are so volatile and how they could be conducted in a more productive manner, with a transparent way of acknowledging the legitimacy of many of the conflicting positions held. In studying what I am calling escarpment politics over a twenty year period, I have been struck by how much time and energy have been expended, but how unsatisfactory the results have been to most participants.

The planning regimes that usually have carriage of such processes are subject to criticism from many quarters and may not have the necessary power to override other pressures. They may not explicitly acknowledge that their role is to manage growth. They may encourage public participation which turns out to be tokenistic and frustrating. Environmental aims may have a largely rhetorical role. Environmental issues should sometimes more properly be treated as planning issues. Such shortcomings were abundantly clear in my study, yet even in this imperfect political context one forum emerged that promised to be conducted in a fair and well resourced way to contribute to a generally acceptable plan for managing the escarpment, the Illawarra Escarpment Community Reference Group. However despite the resources devoted and the hopes of its participants, this group also failed to resolve its disagreements, letting down most of those concerned.

Why did this happen and how could it have been prevented? These are the questions I address. I appeal to the idea of the green public sphere discussed by many theorists of environmental politics such as Robyn Eckersley, Val Plumwood and Douglas Torgerson. The concept is derived from the work of Jurgen Habermas in analysing how public opinion is formed in liberal societies on issues requiring action by the state. It assumes both common ground and disagreements that need to be resolved and espouses the virtues of rationality and civility in the conduct of its participants. Yet it is used primarily as a theoretical and normative concept rather than an empirical one. Theorists do not explore the relationship of public sphere forums to the state bodies they address, nor provide pragmatic guidance on establishing, running and participating in such groups. Thus my research question: what makes a green public sphere? What are its range of discourses and what are the areas of contestation? How can the green public sphere deal with any ‘hot button’ issues that provoke passionate disagreement and incomprehension?
Aside from the discursive space of the public sphere, there is another sense of public space that is germane to this study, and that is publicly owned land as opposed to private property over which owners have considerable freedom. Such public lands, whether national parks managed in NSW by the National Parks and Wildlife Service, or parks and sportsgrounds maintained by local councils, are normally some authority’s responsibility, for which we pay taxes. This does not encourage citizenly responsibility for such lands but rather a sense of entitlement to the servicing of them. We are not used to thinking of public land as a community asset and responsibility, a common, which is a category we have lost. We are however becoming more attuned to seeing vulnerable water systems like Australia’s Murray Darling Basin in this light. There are also now programs for volunteer involvement in such common projects, from Landcare for farmers working together to Bushcare, restoring native vegetation in urban bushland. There is increasing awareness of the need to manage rural lands in an integrated way across tenures to address cross-boundary issues such as wildlife connectivity and weed management. In theory at least there is the potential to create a greater degree of community ownership of land that it values and thus create a new kind of public space for the exercise of citizenship. I invoke the concept of the commons for its potential to help overcome some entrenched divisions over ideas of property that have been insurmountable in this case study of the green public sphere.

In this thesis I am exploring the context and work of a group of Illawarra residents who dedicated significant effort to participating in escarpment politics in most cases over a long period. I examine both the public processes they participated in, and their reflections on the events some years later. The forums and other processes succeeded in the main only in confirming their differences and did not solve the issues of land use planning and management which they were ostensibly designed to do, despite having many positive characteristics. This causes me to ask why this was so and how the processes could have been set up and run differently, so as to recognise and build on commonalities rather than continually restate differences. I treat my case study as diagnostic only, and do not aspire to provide anything like a recipe for successful community consultation.

The recognition of different discourses at play is a crucial step in unpacking any dispute, and so I address this at a preliminary stage here. I am calling the participants I have interviewed citizens of the escarpment, for I wish to emphasise commonalities between them in their attachment to the escarpment as a particular place in need of proper management, and their willingness to take various forms of action including participating in the public sphere. A further commonality is their implicit acceptance that there needs to be a new model for managing the escarpment that will cross the various land tenures, which are not likely to change dramatically in the foreseeable future. I thus set myself to discover and tell the story of Wollongong’s ‘battle for the escarpment’, a key set of deliberations over defining and defending the limits to the city. In doing so I aim to pay tribute to the dedication and persistence of the citizens involved, as well as other government players, to diagnose some shortcomings of the processes which left them largely feeling defeated and dismayed, and to imagine another framing of the task and how to address it.
1.2 Aims
There are two fundamental aims:

1. provide a conceptual framework to support the central project of giving the green public sphere an empirical dimension
2. explore how dialogue in such a sphere can be most productively conducted.

Further to these are the following objectives:

a. locate the study by describing relevant features of the Illawarra.
b. outline the planning of urban development in NSW and particularly of the expansion of Wollongong to West Dapto in the south
c. narrate the related history of the work of an urban environmental movement trying to protect the Illawarra Escarpment
d. discover what common and conflicting values are held by citizens participating in the actual or potential green public spheres arising from these processes.

1.3 Structure
Chapter 2 Key concepts has a literature review function, introducing the main concepts used and documenting significant sources. These include ideas gestured to here: the green public sphere, environmental discourses and environmental citizenship. In addition I find the commons to be a valuable concept addressing a form of public life and its conduct which holds little sway in our dominant practices of environmental politics. It is a familiar idea but not used in Australia to refer to the active stewardship of a place by a community, as I advocate here.

Chapter 3 Locating the study describes features of the Illawarra region and its dominating escarpment. It also introduces the state and local government planning system and the established forms of environmental politics. I draw on Walker and Hurley’s study of planning in Oregon as an exemplary comparison, particularly their attention to the implications of planned urban boundaries.

The application of the NSW planning framework to the area is introduced in Chapter 4 ‘A most difficult land release’: planning West Dapto and the escarpment. The particular challenges in expanding Wollongong southwards included how to plan an urban area on a flood plain, protect the waterways and forest remnants, prevent development from intruding up escarpment slopes and redress past effects of industrial dumping and pollution.

The lengthy Chapter 5 For an escarpment common recounts the ‘battle for the escarpment’. This begins with the initial establishment in 1990 of the Illawarra Escarpment Coalition of residents and local political figures to try to establish a ‘no go line’ above which development would not be permitted. It then proceeds through the various local council and state government processes following on from this. There was continuing discontent with council approvals, leading to a Commission of Inquiry in 1999 which produced a widely respected report and shifted emphasis from the instability and ecological sensitivity of the higher levels of the escarpment to its integral role from an overall catchment and ecosystem perspective, incorporating the foothills and the coastal plain. The final stage of these events was initiated by the Illawarra Escarpment Community Reference Group, which met in 2002-3, and the Illawarra Escarpment Strategic Management Plan it
was designed to feed into. I explore the idea of an escarpment common as an alternative to the ‘policy panacea’ of state ownership as a national park.

The next two chapters change in emphasis from outlining the general political events to the reflections of a number of key citizens involved in them, particularly in the Community Reference Group. In Chapter 6 *What unites escarpment citizens* I introduce the citizens and their particular escarpment patches and identify some common values among them: their affinity with the particular place of the Illawarra Escarpment, their discontent with current governance and their willingness to take political action. In the following chapter, Chapter 7 *Handling the differences*, I turn to differences and disagreements over questions of property and development rights.

Despite these differences I maintain that with appropriate leadership and resources there should have been enough common ground between the participants to have moved towards some sort of community management solution. I outline the missing features, which included ensuring active listening as well as speaking, and empathy for the situation of others, in Chapter 8 *Conclusion*, which then attempts to answer the main question posed, namely what makes a green public sphere? On the basis of this case study I posit some characteristics of such a forum, which would engage citizens of an environment fully communally with their environmental complex that also functions as the limits of a city and that I argue should be treated as a common pool resource.
2 Conceptualising the green public sphere

Environmental politics is a relatively new aspect of political theory which is nevertheless fruitful and broad in scope, encompassing critique of entrenched western liberal traditions of thought about human-nature relations as well as speculating about new models of debating and contesting this. In this chapter I aim to navigate towards some instructive themes in the field for my purpose of determining what makes for a good forum for making environmental decisions. The key concepts for my purposes are environmental discourses, citizenship and the environment, the green public sphere and the commons, each of which is covered in the following sections. While the first three are typically addressed in contemporary analyses of environmental politics in western liberal contexts, the commons is more typically used in a non-western context, but I argue that it is a potentially useful concept from the point of view of incorporating different land uses and values.

2.1 Environmental discourses

I begin by locating my concerns in the ‘creative cacophony of environmentalism’ identified by Manuel Castells as an antidote to the new experiences of space and time in the ‘information age’ explored in his eponymous three volume opus.

Thus, the science of life versus life under science; local control over places versus an uncontrollable space of flows; realization of glacial time versus annihilation of time, and continued slavery to clock time; green culture versus real virtuality. These are the fundamental challenges of the environmental movement to dominant structures of the network society (Castells 1997 p127-8).

David Harvey similarly comments that the discursive complexity of environmentalism is for most of us an ‘internalised heterogeneity, the play of difference’ (Harvey 1996 p172). Other human geographers have questioned received assumptions about nature and human/nature relations, thus rendering them problematic (for example Castree 2005; Head and Muir 2007). John Dryzek addresses the confusion and systematically outlines nine different environmental discourses which he sees as sometimes competing and sometimes complementing each other in the ‘politics of the earth’ (Dryzek 2005). For each he examines their assumptions about basic entities, natural relationships, agents and rhetorical devices. The discourses (or perhaps ideologies) range from the ecological modernisation of attempts by powerful interests to modernise capitalism in light of ecological concerns to the various forms of green radicalism challenging our accepted and entrenched liberal capitalist democracy based on individual rights. Two of his discourses are particularly useful in tackling the particular cacophony this thesis addresses, administrative rationalism and democratic pragmatism.

Administrative rationalism assumes the importance of managers and experts in a controlling administrative state where nature is subordinate to what Douglas Torgerson calls the ‘administrative mind’.

Here the traditional managerial concept of visible authority, of hierarchical command and obedience, tends to combine with notions of technocratic management, in which the
rationality of an authority figure is displaced by a more anonymous systems rationality (Torgerson 1999 p135).

It applies here to the ways in which the field of planning is controlled by technocratic experts holding themselves at a distance from actual and potential land users. The newer, and in this case, closely entangled field of environmental management is arguably less associated with the administrative mind because of its origins in and associations with other green discourses.

Some of the processes in both planning and environmental management allow for the second of Dryzek’s discourses that I am adopting, democratic pragmatism, which he uses to cover the variety of contexts in which citizens participate in decision making in some way, and can include ‘...committee meetings, legislative debate, hearings, public addresses, legal disputes, rule-making, project development, media investigations, and policy implementation and enforcement’ (Dryzek 2005 p108). This foregrounds citizens, conceived as equal and capable of both competition and co-operation, where various forms of self-interest and conceptions of a public interest are in play (p116). In The Politics of the Earth Dryzek does not address the question of how such democratic forums for citizen exchange are actually managed. They may not succeed in fully engaging with citizens’ concerns if not conducted with due care, or even in good faith, so that all input contributes as much as possible to the solution of problems. Elsewhere however he explores such detailed aspects of democratic processes which he calls variously discursive democracy and deliberative democracy (Dryzek 1990; Dryzek 2000).

In this study citizens are central and have different relations with the representatives of the state who instigated, managed and acted on the processes the citizens engaged in. What was at stake was planning the limits of a city adjacent to a significant landscape feature for which many people were arguing the need for greater protection. Dryzek identifies the weakness of the model of democratic pragmatism as the effacing of power relations in the assumption of equality between citizens. Here he means to draw attention to the power of corporate and government players and the danger of private interests representing themselves as public interests. Indeed there are clear power imbalances in the typical case where citizens challenge major developers and industrial projects on environmental grounds. However some scholarly work points out that power is not so automatically in the hands of such interests, and environmentalists need to recognise the relatively privileged position that gives them access to expressive power, i.e. their social class.

Influenced by British Marxist studies of the 1970s and 80s of work and working class culture, Ian Watson wrote a class analysis of timber workers and conservationists in Northern NSW 1960-8, looking at the early conflicts between middle class conservationists and working class timber communities (Watson 1986). This was the context for the Terania Creek protest of 1979, Australia’s first forest action in defence of a remnant of the region’s ‘Big Scrub’ rainforest. Rather than celebrating this as an early conservation achievement, Watson aims to give the timber workers a voice, playing up their knowledge of the bush and sense of what constitutes sustainable logging. He evinces sympathy for their defence of a relatively small scale industry under threat as timber towns decline and coastal developments proceed. Watson notes the rival forms of knowledge in the two groups:
The practical knowledge of nature based on actually living and working in the bush was contrasted with that knowledge of nature based on watching the media, reading books or listening to hearsay. Repeatedly I heard accounts of the ignorance of conservationists and tourists with conservation sympathies (p165).

He describes the conservationists as relatively educated, articulate, with the ability to research and present arguments in media-friendly ways, as this was the forum in which the campaign was largely conducted, even to the extent of dishonestly but effectively using images of clear-felling. They emphasised intellectual and spiritual over materialistic or utilitarian values and were antagonistic to class analysis, not recognising the enormous economic costs to the region of the timber worker retrenchments and subsequent disinvestment. Environmental politics can thus involve many interests and dimensions of power, with potentially significant economic and social effects.

Questions of appropriate land tenure and the associated legal framework of rights and responsibilities arise constantly in this study. Such contestation is characteristic of liberal regimes, which have difficulty in establishing obligations to contribute to the establishment and maintenance of communally valued lands and landscapes. We need to look to a less familiar political context here, and Dryzek does so in his chapter on sustainable development, where he acknowledges that this category is more germane to situations of underdevelopment than to the west (Dryzek 2005). In this connection he refers to some work on managing the commons or common pool resources which is more characteristic of the non-western world, where private property, that most hallowed of western institutions, does not always have the same status. In beginning to think about how to downplay the traditional concept, with its raft of legal entitlements, in favour of the value of the land in question to its extended community of users and beneficiaries, I argue that the commons is a very apt concept for ecologically aware and public spirited citizens to be campaigning for in relation to land which is seen in some way as belonging to a whole community and in which people have different interests.

However it is difficult for most westerners to let go of the concept of private property, as environmental philosopher Val Plumwood advocates. She asks ‘how can respecting nature be compatible with owning it?’

Individual consciousnesses may change, but the problem lies in the institution of private property which entitles the owners to do anything they like to the piece of nature they own, just as the ‘kind’ Jeffersonian slavemaster was entitled to do what he liked to the slave he owned. Doesn’t respect and consideration for nature require a different conception of property? Doesn’t it require an institutional framework not based on coverture, that recognises and represents all the ‘non-owner’ interests involved in property – including those of nature itself, as the invisible (or rather, conceptually disappeared) collaborator, and those of the denied social others who have contributed to it both directly and indirectly? (Plumwood 2002 p214).

Property is indeed from an environmental perspective the most problematic concept in liberalism with, in the Australian case, its associated rights to apply to clear, modify, subdivide and most commonly to build structures. It has also been at the basis of many colonial misunderstandings and misappropriations, and some anthropologists have compared Aboriginal and settler relations to the
same land and the ethical dilemmas this presents (Strang 1997; Rose 2004). Contrasting the Aboriginal meanings in details of the land, Strang sees the pastoralists’ imposition of a foreign culture.

Cattle station culture interacts more with a social and emotional landscape than the land itself; attachment is less to a particular place than to a social position, a way of life and a place in history.... The socio-spatial order of the cattle station is laid over the land, but does not come from it except in responding to basic practicalities such as the need for water sources. Picked up and put down elsewhere, it would work just as effectively (166).

While other accounts of pastoralists’ relationship with their land are possible, Strang’s account can be seen as part of a wider phenomenon of mobility, transience and abstraction.

White Australians, whose attachment to any place is tenuous, are forced to take into account a much wider ‘lifeworld’. If attention has to be spread thinly over larger geographic areas, more and more complex information, constant change and a vast array of material culture, how can it be concentrated on a particular landscape? (p232)

The first factor she lists that will ‘encourage or discourage affective environmental values and their location in the land’ is alienable versus inalienable land ownership (p287).

Anthropologist Deborah Bird Rose has studied a NSW south coast landscape of striking similarity to my case study. Mt Dromedary is a majestic landform of great significance to the local Yuin people, whose reverence for it has influenced white farmers and conservationists. It has had a similar history to the escarpment, of mining, logging and clearing for farming, as well as the regeneration and resilience that Rose sees as indicative of her preferred conceptualisation of nature as a process rather than a thing. But in this area Aboriginal people have had a much higher profile in resisting damaging uses than in the case of the escarpment, and their knowledge has more authority among other groups. She quotes such a farmer’s attitude to his property and property in general where it has rising monetary value due to being in a desirable location.

I don’t own it at all. In no time at all somebody else will be scratching their head and worrying about how to hang on to it. So I don’t own it, I’m just the galoot who’s trying to hold it together. If you think of it that way – that you do own the land – you start thinking of monetary values and it really becomes upsetting in the end. I try to disregard it because you do realise that it is worth a heap of money. And you just love it so much you don’t want to sell any of it, so what’s the point of it being worth a heap of money? It only makes it harder to hang on to it (Rose 2004 p209).

Thus different senses of property are possible among settlers. This farmer’s views are echoed in my study by those of West Dapto farmer Evan Perkins, who objects to the many barriers for him to keep making a living by farming his land.

Another account of a colonial legacy in a neighbouring area is Heather Goodall and Alison Cadzow’s account of the continued Aboriginal occupation of sections of the Georges River in southern Sydney (Goodall and Cadzow 2009). Many of the people they mention have also figured in land politics in the Illawarra, illustrating Aboriginal stewardship over wide areas and the role of mobility in enacting
Such relations to land and resulting knowledge systems have been disrupted by the colonial imposition of western law, including the category of freehold private property.

There is some minor influence of another of Dryzek’s categories, green radicalism, in the discourses pertinent to this study, although not particularly in the voices of the participants, who were more inclined to be democratic pragmatists with faith in scientific and administrative rationalism. But it is in the associated theoretical tradition that I take inspiration for two further key concepts, both extensions of ideas either central to post Enlightenment political thought or to the analysis of it, namely citizenship and the public sphere. The term I adopt, citizen of an environment, is a further extension of the many varieties of green citizenship posited from the direction of environmental politics to the project of incorporating further political actors and rights in opposition to the classical conception of the citizen as a man of property. The green public sphere is a variant on the Habermasian public sphere, a discursive space for the formation of public opinion about environmental matters. As with much green theory, there may only be partial demonstration of these ideas in observable phenomena, but nevertheless they present rich suggestions for analysing it and imagining more successful forms of democratic deliberation.

2.2 Citizens and the environment

There has been a recent turn to citizenship studies in contemporary politics and specifically for my concerns, in environmental politics, with frequent invocations of the green citizen, the environmental citizen or the ecological citizen. The scope of such terms and what if any differences there are between them are debated in the literature as scholars track the traditions of western citizenship, particularly how the concept is framed in the still dominant political discourse of liberalism (Dobson 2003; Dobson and Saiz 2005). The classical liberal citizen for example might be a male landowner asserting his rights against interests he considers illegitimate such as poaching or undue taxation. The West Dapto Rural Ratepayers Association, one of the groups prominent in escarpment politics because they represented landowners on the southern foothills, could be considered a citizen organisation in this mould. Against this model some writers have explored different notions of citizenship on the basis of alternative conceptions of the environment and property, harking back to an earlier civic republican model, with references to the Athenian agora (or marketplace), and invoking duties and virtues as well as the rights which characterise the liberal model.

Citizenship features in the work of a number of theorists of environmental politics who call for rethinking our political framework in the direction of ecological democracy (Kemmis 1990; Torgerson 1999; Dryzek, Downes et al. 2003; Eckersley 2004). The relationship between citizens and property is a key component in this project, for property ownership was once necessary for citizens and it remains a typical basis for citizens’ rights in liberal democracies. Derek Bell explores the extent to which environmental politics can be incorporated into liberalism, citing T.H. Marshall’s three phases of citizenship. Property remains an unquestioned constant in all three: civil, political and social citizenship, and even in recent accounts people are assumed to ‘remain locationless (but embodied) individuals living in a world made of property’ (Bell 2005 p26-7). He argues that liberals must abandon their conception of the environment as property and become ‘citizens of an environment’.

This phrase is particularly apt to how the citizens I interviewed see themselves, and I return to it in Section 7.3. However Bell uses the term environment to mean ‘provider of our basic needs’ including
those of future generations. This is a much more restricted sense than other writers, as well as the citizens I interview, who all conceptualise the natural world as having other values, in terms for example of ecosystems, biodiversity, resources, aesthetics and belonging.

On the other hand various political theorists have argued that there cannot be an effective green form of liberalism because of the continuing cultural importance of land as property (Eckersley 1996; Plumwood 2002; Eckersley 2004). Robyn Eckersley argues that ecological considerations seriously undermine liberalism’s basic assumptions of the primacy of individual self-interest (Eckersley 2004 p101). Despite the increasing requirements for environmental impact statements and the like which orient property owners away from a conception of ownership as complete freedom to use or abuse their land, she says that ‘we have yet to see any wide-ranging ecological reconstruction of property rights at the level of principle’ (p101). Eckersley claims that such a reconstruction would involve a shift from liberal notions of private property which ‘effectively converts property holders into ecological trustees with obligations to both present and future generations’ (Eckersley 2004 p104).

Andrew Dobson distinguishes environmental from ecological citizenship. According to him environmental citizenship is not very different from the liberal version, but there is a wider array of people and entities (like future generations and even other species) to consider. It

...is a citizenship that deals in the currency of environmental rights, that is conducted exclusively in the public sphere, whose principal virtues are the liberal ones of reasonableness and a procedural legitimacy, and whose remit is bounded by political configurations modelled on the nation-state (p89).

Much of this literature is directed at the level of the nation state, with revealing comparisons to be made depending on relations between state structures and civil society (Dryzek, Downes et al. 2003). The actions of citizens are not however limited by any connection they may have to the nation state, but are carried out at scales of meaning to them, as citizens simultaneously of for example a state, a region, and a local area. The Illawarra Escarpment Coalition fits this description at the level of the local government area, arguing for the rights of Wollongong residents to environmentally sensitive planning. The extension of rights envisaged by theorists of environmental citizenship may be to victims of environmental injustice, to future generations and even to other species.

Trachtenberg sees green citizenship as being a more open category and emphasises the role of judgement in light of individual circumstances (following Aristotle’s concept of phronesis or practical judgement) (Trachtenberg 2010). The citizens I will introduce in Chapter 6 have made judgements and acted in light of their circumstances, but did not always acknowledge this, leading to various accusations of self-interest and hypocrisy between conservationists and landowners. I follow Trachtenberg in adopting a wide definition of green citizen, for I am including people with significantly different positions on questions of property and development. Trachtenberg cites one tradition of green citizenship as a ‘communitarian project of sustaining relationships among a particular group of people and between them and the place they inhabit’ (p342). This is exactly what escarpment politics was all about, although it failed to achieve such a goal.
Raising an issue of perpetual tension in the environment movement and returning to the question of power raised in the previous section, Latta takes issue with Dobson’s emphasis on rights and obligations rather than foregrounding the potential for ecological citizenship to advance the cause of democracy, specifically by incorporating environmental justice concerns (Latta 2007). He agrees with Torgerson’s claim that the green movement is too concerned about ends rather than means and this leads to ‘an overwhelming emphasis on normative and instrumental appropriations of citizenship’ (p378). He is concerned that the views of Dryzek, and others who advocate a deliberative and inclusive model, do not address existing inequalities, so that effective citizens tend to be individuals who are already (relatively) powerful. Ways must be found to empower and include other voices.

Although I adopt Bell’s term ‘citizen of an environment’ in Chapter 7, the way I use it is closer to the definition of ecological citizen cited by Dryzek.

... in which individuals learn to become respectful citizens of an ecological place, rather than transforming the place to suit themselves. Such citizenship involves awareness of how the ecosystem supports life, and of life’s vulnerabilities. It involves meeting one’s material as well as spiritual needs from the resources available locally (Dryzek 2005 p189).

I argue that all the citizens interviewed for this project are ecological citizens in this sense, and furthermore are respectful citizens of the ecological place of the Illawarra Escarpment. Hence I call them citizens of the escarpment. As well as their individual identity as citizens however, I must also address the particular form of place-based political engagement they were practising. There are some suggestive observations pertaining to this coming from the western states of the USA such as those of Daniel Kemmis.

Kemmis’ brief book Community and the Politics of Place draws on his experience in public life in Montana, where he has been exposed to many examples of unproductive disputes over land and natural resources. He claims that ‘our way of being public is a deepening failure’ (Kemmis 1990 p41) and traces the problem to the overtaking of Jeffersonian republicanism with the federalists’ ‘procedural republic’. Thus public hearings become exercises in uninhibited speaking but not listening nor working out solutions, and individuals do not have responsibility for ‘willing the social good’ (p54). Kemmis calls for a taking of such responsibility, which is how he conceptualises the development of citizenship. In contrast to the established role of laws and procedures of state and nation, he turns to the smaller scale of the polis of cities and their rural surroundings. He advocates politics as ‘the set of practices which enables a common inhabiting of a common place’ (p122), calling for mutual understanding and accommodation between city and country people. Idealistic and nostalgic as it may sound, his program resonates for me as a better way to deliberate towards a shared vision than the rationalist and pragmatic methods employed in Wollongong’s escarpment politics.

Jake Greear examines a number of theorists of human-nature relations with a view to exposing how abstract and specialised knowledge systems have contributed to a detachment from and often purely visual appreciation of immediate environments (Greear 2005 ). He contrasts this with a version of politics inspired by Kemmis among others.
If landscapes were to become inhabited biotic communities, lived-in places, objects of participatory political action, and agents in localized circuits of production and consumption, rather than simply visual tableaux or pieces of ‘The Environment’, they might function as the antidote to the abstract mode of apprehension that tends to stop short of latent social connections between people and their surroundings. Places can in this way become the milieux of common work, the objects of shared commitment, theatres of a political agency common to all citizen/inhabitants, and the progenitors of common values (p72-3).

Kenneth Olwig explores in greater depth the history of the idea of landscapes as visual spectacles and traces a movement from landscape as human habitat and domain to an aesthetic dimension where landscape is primarily a viewing experience of scenery from a vantage point. This he attributes to the rise of theatrical conventions of the creation of illusory indoor scenery, thus displaying social and political values (Olwig 2002). Such writers sound a warning about confusing the cultural role of landscapes seen as ‘natural’ but primarily of aesthetic value with environments as human habitat. This distinction arises in the views of some escarpment citizens and serves as a warning that arguments for environmental preservation may be primarily based on visual and aesthetic apprehensions of landscape.

Combinations of particular values and fundamental beliefs thus underlie discourses used by groups and communities, creating the experience of like-mindedness. Within the broad environment movement there are many distinct and overlapping discourses, and the contestation of different discourses largely characterises public life. I take the perspective that environmental discourses were among a number of discourses in play in escarpment politics that needed to be recognised and mediated. Understanding some discursive differences is a productive approach to environmental disputes, and it is revealing to study the wider discursive and political field, looking for common ground as well as the sources of conflict.

2.3 The green public sphere
The citizens I interviewed all agreed on the need to value and protect the escarpment and were prepared to take political action in pursuit of this. However as I show in Chapter 7 they also disagreed on certain issues, particularly to do with their property rights. Such divisions between environmentalists and property rights advocates are not surprising and in fact are typical of environmental politics. They feature strongly for example in the work of Walker and Hurley about land use issues in western US states (Walker and Hurley 2004; Walker and Hurley 2011). I take the question of how better to understand and resolve these differences as my fundamental research question and invoke the term ‘green public sphere’ as the key concept. This term is used by writers who adopt the term in some version of its Habermasian sense of a space for rational discourse, usually in the context of a general analysis of how environmental politics needs to be reconstructed (Torgerson 1999; Plumwood 2002; Eckersley 2004).

Plumwood (2002) calls for a new ecological rationality in her analysis of post Enlightenment thinking with its destructive illusion of the ‘remoteness’ of human subjects from their environmental embeddedness. While the legacy of the enlightenment approach to mastering and ordering the natural world is unquestionably destructive and unsustainable, there are many dangers in abandoning trust in the role of humans as land carers and managers, capable of working with
natural processes. A related danger is falling into the tragedy trap, of giving up on human intelligence and good will, and a moralism that creates antagonisms.

Plumwood advocates Dryzek’s model of discursive democracy (Dryzek 1990) with the familiar qualification from environmental justice.

To guarantee genuine equality of speech, discursive democracy has to attend to the conditions of social and cultural equality which will make equal participation in the public sphere more than a formal possibility. A discursive form of democracy which permits the silencing of those groups most likely to bear ecological harms and continues to select privileged groups as major participants in the same way as liberal forms will have no obviously better claim to reduce remoteness or to be ecologically rational (Plumwood 2002 p94).

Despite her far-reaching critique, Plumwood accepts the typical case of privileged groups being those who cause ecological harm. She does not consider the possibility of privilege being attained through knowledge and communicative power. In my case study however those who felt disadvantaged (though they were not silenced or excluded) were property owners who perceived environmentalists, supported by conservation-oriented science, to have too much influence. This again underlines the contingent nature of power, and the potential for knowledge of whatever form to have a recursive effect on the phenomena being investigated. Science can for example have different political roles, and here, as in the case of Watson’s timber workers, we find it contested by the farmers speaking from direct experience, though their discourse may be imbued with liberal conceptions of ownership and property rights.

Dryzek analyses forms of democracy, advocating a focus on discourses, which are not however taken to be ‘the prime causal factor in human affairs’. People can become aware of the ways discourses shape their own thinking as well as that of others, and can make conscious efforts to change. The public sphere is characterised by ‘discursive designs’ including openness to participation by any communicatively competent citizen, the absence of hierarchy and coercion and an orientation towards consensus (Dryzek 1990 p43). The balance of discourses can thus be democratically controlled. He claims that ‘the contestation of discourses in the public sphere is the most defensible way to think about discursive democracy on a society-wide basis’ (Dryzek 2000 p79). He is concerned to maintain the critical edge of his earlier concept of discursive democracy, which he came to see as later incorporated into the wider concept of deliberative democracy sometimes focussed on institutions of the liberal state (p175).

The green public sphere is one of many reworkings of the idea of the public sphere developed by German critical theorist Jurgen Habermas to describe the forum and process by which public opinion is formed and the state influenced (Habermas 1991). He theorised the bourgeois public sphere which formed in the new urban spaces of Europe in the late 18th century as a discursively defined space for rational speech and deliberation. The public sphere operates as a channel between civil society and the state and assumes certain norms of behaviour and discourse: rationality, civility and open-mindedness in a context of unconstrained communication and egalitarianism. However the conditions that allowed its formation were temporary and Habermas argued that the public sphere has since declined due to the power of corporate and government capacity to engineer public
opinion (Poole 1989). More recently other theorists, while acknowledging with Bruce Robbins ‘the phantom public sphere’ (Robbins 1993), have continued to see value in the concept as an ideal for democratic politics.

These scholars have questioned Habermas’ earlier assumptions about the public sphere to re-invent the concept for a more complex world in which not just sober bourgeois men participate in the formation of public opinion, but also other citizens of different cultures and values. There is debate about whether one public sphere is any longer relevant, or whether we now have multiple public spheres for multiple publics or counterpublics if they have an oppositional character. The development of multiple public spheres can show the distinction between private and public to be variable and contingent. Nancy Fraser for example uses the history of recent feminism to show how questions formerly relegated to the private domain such as domestic violence become public through the formation of a feminist public sphere and the dispersal of its ideas to a wider public (Fraser 1993). The green public sphere is a parallel construct for the environment movement, questioning received values with regard to human/nature relations and normalised distinctions between public and private in the case of property.

Robyn Eckersley in The Green State identifies the role of the green public sphere as ‘facilitating this broad cultural shift toward an ecological sensibility, in the same way that the bourgeois public sphere facilitated the shift toward the widespread diffusion of liberal market values’ (p245). For her the green public sphere has a strong educational component in the formation of green citizens as well as being a space for understanding and managing difference. Although dealing with a potentially pragmatic concept, the literature on the green public sphere tends to be theoretical rather than empirical, so effective examples must be imagined. Dryzek, Downes et al however usefully take up the concept as empirical (varied, specific and time-bound) rather than purely normative, using it to describe differences between for example Britain and Germany in the liveliness and health of environmental democracy inside and outside the state (Dryzek, Downes et al. 2003).

In the events and forums of escarpment politics it is difficult to pin down anything like an escarpment public sphere where discourses are respectfully and productively contested. This is despite many public meetings and voluminous documentation. The early vision for the Illawarra Escarpment Coalition was appropriately inclusive and open, but its focus on establishing a ‘no go line’ to stop development on the escarpment led it to put predominantly oppositional positions usually on environmental grounds. With the exception of the Commission of Inquiry described in Chapter 5, the crucial qualities of listening to opposing views and working with them to create workable solutions were generally scarce. Citizens put more effort into stopping development, often close to their backyards, than to developing ways to manage the escarpment that addressed all interest groups.

The candidate for a green public sphere to which I give most attention is the Illawarra Escarpment Community Reference Group, which had this role. This forum potentially had a public sphere role but, as I will show, there was insufficient attention to recognising other points of view as legitimate and accommodating them. Rather there was a tendency among environmentalists and bureaucrats to dismiss ‘peripheral’ issues such as the financial impact on farmers of rezoning their land. The
administrative rationality behind such processes was satisfied with the received framework of simply letting people have their say, whereas this may in fact demonstrate a lacuna in democratic politics, which focuses on rights to speak rather than obligations to listen (Dreher 2010). Where does the responsibility lie to meet the challenge to create a ‘we with all our differences’, along the lines argued by Iris Young (Young 2002) and endorsed by Dryzek, Downes et al (2003)? This may involve such factors as the brief given to such a forum, how it is facilitated, or how it collectively conducts itself. I return to this question in the Conclusion.

Torgerson advocates a less discursively constrained space that allows opportunities for Hannah Arendt’s idea of politics as public happiness. In contrast to a green movement, he prefers the metaphor of a network in discursive space which ‘draws attention to a partially existing we, capable of shared meaning, that needs disagreement as well as agreement to nurture its discourse’ (p49). He gives the example of debates over environmental justice, where a networked range of groups and concerns have challenged middle class conservation values and methods by drawing attention to issues of social injustice, particularly where it threatens the functioning of indigenous communities. Examples include the displacement of African populations in the interests of establishing wildlife reserves for tourist consumption (Peluso 2004) and native American communities resisting a ‘predatory economic system’ (Schlosberg and Carruthers 2010 p29). Torgerson notes that the provocation of environmental justice has enriched the green movement, making it more diverse, with ‘enhanced potential for meaningful disagreement’ (p150) and hence closer to a green public sphere. Harvey acknowledges the challenges in creating dialogue between different social groups, and sees this as illustrating his fundamental point that all environmental arguments are arguments about society (Harvey 1996 p366ff).

The public sphere has been the subject of a rich tradition in media studies analysing the rationale and performance of media systems particularly in complex situations of cultural diversity and political volatility. Couldry and Dreher for example examine some Sydney case studies of community media variously distanced from or in dialogue with the ‘mainstream public sphere’. They cite Arendt’s call for an ‘enlarged way of thinking’ in cases where for example an Islamic group seeks to influence dominant media discourses (Couldry and Dreher 2007). Arguably such an ‘enlarged way of thinking’ is what active citizens, or at least their leaders and spokespeople, require to engage effectively in the public sphere. Unfortunately environmentalists, always eager to influence governments, are more likely to narrow their thinking, arguing hard for environmental outcomes in situations which may create human losers.

Usually the green public sphere is understood as a counter public sphere where green views are developed to put to wider forums. It is defined by its openness and commitment to debate informed by an ecological ethos, and according to Torgerson should be capable not just of the tragedy already referred to, but also of the humour, self-parody and the carnivalesque which is also characteristic of green politics. The resulting ‘we for public discourse’ takes its identity partly through the shared pleasures of such political involvement. In concluding his book Torgerson defends the concept of the green public sphere as a way to change a debilitating tendency towards ‘tragic seriousness’ in green politics.
... an uncompromising green politics intent on ecological resistance threatens to succumb to a kind of resentment that, in the end, could undermine not only the intrinsic value of political action but anything further one might hope to gain from politics. A resilient green politics, though it offers neither a grand scheme nor much in the way of tragic heroism, is nonetheless consistent with the character of a green public sphere (p168).

In the case of the Illawarra Escarpment Torgerson and Young’s ideas would lead to a formulation along the lines of ‘we escarpment citizens with all our differences...’, but no such outcome was envisaged in the events I describe. In contrast, I find elements of an unproductive and corrosive antagonistic politics, leaving the participants feeling exhausted and betrayed. For many years in most cases they demonstrated persistence, determination and passion, but my interviews do not highlight resilience, in the sense of a capacity to recover readily from adversity. Rather the citizens are inclined to relive their resentments in telling stories that caused them disappointment and anger. I find Torgerson’s call for resilience appealing though he gives limited suggestion for how such a politics might be achieved. I speculate on how such a ‘we with all our differences’ might have been achieved, thus averting the missed opportunities in escarpment politics and in many other environmental ‘battles’ played out in our flawed legal and administrative system.

It remains an open question how public sphere outcomes are best achieved. The lack of detailed studies of specific public spheres leaves scope for speculating about aspects such as their discursive design, how this is codified, and the obligations of participants and particularly facilitators. The facilitator of the Illawarra Escarpment Community Reference Group took it as her role to ensure that everyone had a chance to speak, and was concerned that some people were inclined to talk too much. She did not take it as part of her job to probe their motivations and passions, and indeed the stress on communicative rationality in the Habermasian model would exclude such interventions or the emotional work of establishing empathy. Yet this is exactly what is called for by Walker and Hurley, in regard to a similar situation in their major study of planning in Oregon. For example they give a word of advice to officials inclined to dismiss landowners’ grievance at the loss of an expected entitlement to subdivide.

... in our observation the very dismissiveness among some planning advocates of the perhaps flawed but very human anger at being denied an opportunity for personal financial gain inflames the state’s already volatile land use politics. More empathy on all sides could go a long way (Walker and Hurley 2011 p125).

The telling comment that ‘More empathy on all sides could go a long way’ is insightful, for empathy was clearly called for at a number of points in escarpment politics, yet was discouraged or overridden by the prevailing discursive and institutional arrangements. Landowners support the general conservationist cause but constantly felt forced to defend threats involved to their livelihood and autonomy. Environmentalists express empathy for farmers whose land is degraded or devalued but did not or could not act on this in a political way. Planners are not encouraged by their administrative rationalist discourse to show empathy to anyone. Instigators and facilitators of the Community Reference Group were satisfied when participants had their say, which Council officers dealt with as they saw fit in drawing up the Illawarra Escarpment Management Plan. Though the
various officials may privately acknowledge empathy in particular cases, it is not part of their professional or practical ideology.

But Walker and Hurley do not go further, to explore what needed to change to foreground empathy as part of discursive democracy. Calling for empathy is perhaps akin to Dreher’s previously cited call for greater attention to listening. Addressing issues of media ethics, she argues for the right of culturally different subjects to be understood and hence the obligation to ‘actively seek to comprehend the Other’. Hence ‘a refusal to listen might be seen as a manifestation of privilege and power’ (Dreher 2010 p100). In contrast, Walker and Hurley’s emphasis on empathy is framed as less of a cognitive imperative and may rather be invoking a therapeutic interpersonal framework of reassurance. Here condescension can take over, and the situation can both mask and enhance large and enduring structures of power and inequality (Lloyd 2009). Perhaps a code of conduct or safe meeting procedure would help, though it is expecting a lot of participants to follow elaborate democratic procedures as practised for example by the Australian Greens. Carson suggests that facilitators need to be mentally astute on many levels:

A skilled facilitator is also able to draw out the values and worldviews that should be aired for the issue to be resolved, to probe underlying assumptions and motivations, to expose tradeoffs and people’s willingness to recognise costs and benefits (Carson 2004 p4).

But this does not ensure empathy for there are ways of doing this that would rather involve negative judgement of others. How to create a productive ethos of empathy remains a conundrum. Facilitators of participatory forums may need to be as aware of this as an aim and be as attuned to participants’ listening ability as of their speaking time. They may also need to be able to interpret lapses in terms of a wider social framework, which in turn is fed into the assessment of group processes.

2.4 The commons

In reflecting on the impasses and frustrations experienced by the participants in the events described here, it is helpful to imagine ideas from other times and places, particularly the idea of the commons, as a potentially better way to think about managing land which is valued by a community in many different ways but cannot be treated as a whole under the existing land tenure legal and administrative framework, not to mention the wider individualistic, property-owning culture.

The concept of the commons is not normally used in western practices of environmental politics but rather has a nostalgic flavour arising from the case of the use of designated parts of the English countryside by small communities for agriculture and to gather basic necessities before such areas were enclosed in private ownership. This characterisation may be historically loose, and I am more concerned to capture the contemporary use of the term in a larger context. Here it potentially fulfils the need for a way to avoid the volatility of debating land use in terms of the most appropriate form of property, either private property for production or conservation land managed or regulated by the state, a distinction being increasingly questioned (Berkes 2007; Eastburn 2010). The commons transcends forms of tenure and focuses on the social value of the land in question. In recent work in natural resource management the commons is used in this sense, particularly in the study of common-pool resources (CPR) such as forests, waterways and fisheries throughout the world (Ostrom 1990; Ostrom, Burger et al. 1999). Eastburn uses the term in relation to water systems in
inland Australia, but I use it to refer to refer to land valued by a community that identifies with it in some way.

The term has also been used by Berkes in relation to biodiversity which he regards as a commons at global, regional and local levels, thus illustrating that a commons can be complex and multilayered, requiring equivalent complexity in its management, based on social networks and linkages between users and organisations (Berkes 2007). He notes that conservation scientists have paid little attention to commons research, preferring to pursue the method of state managed ‘people-free’ areas. The commons is clearly not a precise concept but I wish to raise the question of its applicability to landscapes with varied uses and value such as the Illawarra Escarpment, at least to question the usefulness of the overworked distinction between private and public land, and to conceptualise the escarpment as a bundle of resources.

The most famous use of the concept of the commons in recent times has been Garrett Hardin’s essay ‘The Tragedy of the Commons’, first published in 1968 (Hardin 2009) in the context of debates around posited limits to growth and a projected population explosion. The phrase ‘tragedy of the commons’ continues to resonate because of the tragic thrust of environmental discourses about destruction and loss. However Hardin’s concern is more limited, basically about how to control global population growth so that natural resources are not depleted. He explains that the commons worked for small populations but once there are a larger number of users, beyond the land’s carrying capacity, each one will act from self-interest to try to get a greater return from the commons, for example by grazing an additional animal, so that the commons remorselessly becomes depleted. The cases cited tend to be where the commons follows a tradition of shared use rather than where a common is created out of privately owned holdings. He mentions some modern examples, indicating that he acknowledges that new commons can be deliberately created, including national parks. However in this case his concern is that they are too open, so that increasing visitor numbers mean that ‘the values that visitors see in the parks are steadily eroded’ (p247). He says we must find a way to restrict access or acquiesce in their destruction.

This draconian analysis accepts human greed as a basic motive. It has met many objections and continues to be debated, for example in a series of brief articles accompanying the republication of the essay in the Journal of Natural Resources Policy in 2009. Peter Walker argues here that Hardin’s main legacy is the extraordinary fruitfulness of the subsequent field of commons studies (Walker 2009). Elinor Ostrom co-authored one of these pieces (Basurto and Ostrom 2009), and has long argued on the basis of empirical work in many countries that, although there are situations where Hardin’s analysis applies, there are many where it does not, especially if there is communication and trust between the land users. Furthermore there are no standardised solutions, and ‘institutional diversity may be as important as biological diversity for our long term survival’ (Ostrom, Burger et al. 1999 p278). She and Xavier Basurto argue that there are no policy blueprints or ‘panaceas’ such as government regulations or privatizing ownership that fit all cases and there are no simple answers to solve complex problems in social-ecological systems, such as overharvesting fish stocks. Ostrom also calls for wide ranging research to bridge relevant aspects of the biophysical and social sciences, with particular attention to the unintended effects of measures taken (Ostrom 2007).
Elsewhere Ostrom uses many case studies to analyse what influences the success of CPR management (Ostrom 1990). Her book Governing the Commons covers a wide variety of case studies from Spain, Japan, the Philippines, Turkey and, in line with the general theme of water systems and fisheries, a history of attempts to improve water management in southern California. Some communities and their resource use have been stable for long periods, while others have been subject to various kinds of social and institutional change. She judges some cases to be successful and others not, and looks for characteristics that accompany success. The successful cases tend to involve stable populations in complex and uncertain environments which are managed with clear boundaries and provision for collective choice, monitoring and conflict resolution (p88ff). Most of the cases affect relatively small populations and the CPR is a singular essential resource such as water. As well as resources, the commons can also include common problems such as weeds and feral animals that are mobile and call for collective action across different forms of land ownership, thus complicating the status of private property, particularly in difficult economic conditions (Fiege 2005).

Ostrom’s analysis may appear schematic and oversimplified when we are looking at larger, more complex and dynamic situations such as the Illawarra Escarpment, which can be seen as a bundle of resources, recreational, aesthetic, environmental, agricultural, mineral and real estate. Nevertheless her points are salutary, pointing to the disproportionate reliance we now tend to make on government solutions. Our property regime promotes some of the characteristics she associates with unsuccessful cases where individuals act independently and without thinking about long term effects, there is little communication or trust and any change in the overall arrangements is too difficult (Ostrom 1990 p183). Nevertheless CPR methods are not uncommon even in western cultures, and Ostrom cites the way professional groups like law firms operate by pooling resources and establishing financial and governance mechanisms (p25). Another example is the case of New Zealand fisheries management, which in 1990 instituted a system of working with licensed fishers to assign each a proportion of the total allowable catch rather than an absolute amount, which has evolved into a ‘co-management’ system between the authorities and the fishers (Ostrom 2008 p14).

I argue in Chapter 5 that the frequent call from environmentalists for the Illawarra Escarpment to become a national park or the like was a policy panacea of the type Ostrom and Basurto refer to. The term panacea is used by the southern landowners to make exactly the same point (West Dapto Rural Ratepayers Association 2003 p24ff). Those making the call did not recognise the implications of such an outcome when the NSW reserve system was expanding rapidly, stretching the NPWS’ capacity, and were unduly optimistic in maintaining that more lobbying would result in strengthening that body’s resources. Furthermore the call did not accept what has since become more recognised in Australia, that ‘biodiversity conservation requires at least landscape scale management to ensure connectivity between different ecosystems and the protection of communities’ (Eastburn 2010 p175). Landscape scale management requires co-operation between land managers across large tracts of land to protect ecosystems. Although not a realistic rationale for extending national parks, it does support planning and managing areas like the Illawarra Escarpment not in isolation but in conjunction with its foothills and coastal plains.

Ostrom also presents findings that compare government owned and protected forests with other forest lands in twelve countries and finds no statistical difference in the resulting vegetation density
(Ostrom 2008 p15). On the other hand monitoring and enforcement of use of the forest by officials and users is a more significant factor in encouraging users to accept the legitimacy of rules and in protecting the forests. She also sounds an apt warning to those environmentalists exhibiting undue confidence about solutions, which may be perceived as arrogance.

We are fallible humans studying fallible human behaviour within institutional structures constructed by other fallible humans. We should not act as if we know for certain how to achieve sustainable development (p19).

The escarpment could not of course be formally converted into a commons in the present legal system, for we do not have a category of common property except perhaps for the case of water systems such as Eastburn studies for the Murrumbidgee River (Eastburn 2010). But arguably some alternative to the call for turning it into a national park must be found, and that part which is managed by the National Parks and Wildlife Service cannot be managed in isolation from the adjacent private lands, as proposed even in its latest Draft Plan of Management (NSW National Parks and Wildlife Service 2011). Interested parties including the NPWS, Wollongong Council and other government bodies could initiate and support efforts to address the many common issues that apply across the different forms of landholding. This would accord with Ostrom et al’s observations of how government bodies can help rather than hinder communal management of CPRs (Ostrom, Burger et al. 1999).

However Olwig sounds a familiar warning about simply declaring a place common ground.

A village green, commons or park is not simply a space shared in harmony; it is a contested place where differences must be worked out in the common interest. Communality, however, cannot be taken as a given. Those who are left out of a community, be they slaves or Native Americans, require the protection of more transcendent ideas of law and justice (Olwig 2002 p224-5).

There is a parallel between the ideal of the public sphere and its inclusive discursive processes and the ideal of a commons, where such social divisions are addressed. Husain criticises the popular assumption that communities are always unified and points out that there may not only be tragedies of the commons, but also ‘tragedies of the commoners’ due to inequity and loss for example (Husain 2009 p144). The author illustrates this with a case study of a West Bengal village where the benefits of a common pool waterway are unevenly distributed along caste lines and calls for more attention to questions of ethics and justice in the study of CPR. Husain also makes the important point for my study that common pool resources need to be distinguished from associated property regimes, with the waterway in question in fact being owned by a clan although over generations it has evolved into a community managed system.

There is a possible parallel in the case of the escarpment holdings of mining companies, much of which are unused by the company and not maintained. Recreational users ignore the No trespassing signs, using fire trails and other access ways, or creating their own informal routes. Guidebooks may support this in the case for example of one guide to the Brokers Nose/Corrimal walk (Souter and Souter 2010). Should such access become more widely legitimised and a community mechanism be found to manage it and link routes to the NPWS managed State Conservation Area sections of the
escarpment, it is not hard to imagine areas of the escarpment effectively becoming commons. People would only be excluded from such areas by for example being unauthorised users, hunters or trail bike riders perhaps. A fully communal management system might specify and monitor areas for such users.

A suggestive case study is that of the Kristianstad wetlands in southern Sweden, as described by Olsson et al (Olsson, Folke et al. 2004). They describe a process that took place over fifteen years where a degraded but complex and potentially ecologically important landscape was brought under the stewardship of a coalition of interests under the leadership of a particular individual they call SEM, which resulted in a new management body, the EKV (Ecomuseum Kristianstads Vattenrike) as part of the municipal government. This facilitates local co-ordination processes rather than having any authority to make or enforce rules. ‘Farmers, bird-watchers, historians, naturalists, commercial and recreational fishers, hunters, cultural heritage groups, and tour operators’ have been persuaded to co-operate (Eastburn 2010 p110). Where in previous contexts there may have been conflict between various of these stakeholders, Olsson et al comment that care was taken to establish a framework where input from all was sought and conflict could be avoided. It was apparent for example that the decline in grazing of the characteristic flooded meadows of the region made them less suitable as habitat for some bird species, so there were environmental as well as economic reasons for increasing the practice.

The resulting ‘adaptive co-management’ structure was based on a diffusion of knowledge and expertise which the authors term ‘social-ecological’ because it relies as much on the work of social cohesion (the existence of social networks, leadership and trust) as on ecological insight and vision. It also involves the creation of social resilience so that the loss of for example key individuals’ input can be compensated for and the system overall can adapt to change. Though Olsson et al (2004) do not use the term commons, their analysis is very much in keeping with the framework of Ostrom and her colleagues. Questions of land ownership are not prominent in their account, and the successful features of the arrangement are typical of accounts of managing the commons: communal responsibility, government as facilitator rather than decision-maker, shared knowledge and appropriate and varied uses of the land.

Eastburn takes up the Kristianstad model in his study of the shortcomings in the administrative rationality of managing water use in the Murray Darling Basin of inland Australia, a CPR system where excessive allocations for intensive agriculture, lack of governance mechanisms to restrict clearing on private land and prolonged drought have caused ecological disaster lower in the basin (Eastburn 2010). He is most concerned about the degradation of various wetlands and observes that while some ecosystems such as river red gums are now extensively protected, at least formally, the lack of provision of appropriate flow regimes threatens their survival. He attributes this to outdated mechanistic thinking (p221). While he demonstrates a successful case of CPR management by local water users, this is at the mercy of Australian technocratic organisations, often at larger scales such as state or federal government agencies, which he says will actively or passively obstruct such an approach as that of the Kristianstad enterprise (p107). Work on the commons and common pool resources is thus able to point to successful community-run solutions to potentially divisive environmental management challenges, as well as possible barriers to the instigation of such measures.
2.5 Summary

I am drawing on the ideas outlined above in order to understand a situation where apparently appropriate processes of community engagement with adequate resources, including the deployment of scientific and planning expertise, failed to satisfy the participants or the wider community. On the contrary, the key forum I focus on, the Illawarra Escarpment Community Reference Group, rather increased antagonisms and further fuelled the ‘region’s great divide’, as the press termed it, between environmentalists and landowners. It is necessary at the outset to be aware of the possible range of discourses at work in such political forums, for participants are often unaware of underlying assumptions in themselves and others which stifle debate or make it unproductive. Recognising such discursive differences is an essential first step in analysing many conflicts.

Typically environmental disputes are described in terms of environmentalists or activists opposing powerful business interests. Rather than relying on such terms and their associated assumptions, I refer to the participants whose accounts I draw on as citizens. Negotiating some of the scholarship on environmental citizenship in this chapter, I arrive at the term escarpment citizen to describe those participants whose views I am analysing in order to highlight their common desire to see the particular environment of the Illawarra Escarpment well cared for. Citizens participate in public life including speaking (and listening) in the public spheres of different political fields. The green public sphere is the form posited for environmental issues, where different or partially different environmental discourses are in play. However theorists are not inclined to explore the workings of any specific green public sphere, and discuss it only in general and abstract form. Yet here we have a case of what should have been a successful green public sphere but the main reaction I find is disappointment. This in turn leads to my major research question: what makes a green public sphere? Is it to do with how it is established, who participates, time and resources, facilitator’s skills, participants’ expectations, capacity to listen, discursive design, or something else?

The commons is the final key concept for this study, providing a potentially different discourse in which it might have been possible to arrive at a greater level of common ground. It breaks the deadlock between the typical opposing discourses of environmental protection and property rights and enables an alternative perspective from those which the dominant western environmental discourses allow. Seeing land as a common stresses its value(s) to its community of users and how it is best managed on a commonly agreed basis. A commons model emerges from my investigations as a desirable way forward for managing the Illawarra Escarpment, but nothing like it came from the lengthy processes of citizen involvement in debates about limiting the city of Wollongong and preserving its ecologically valued ‘green wall’. Thus I hope to contribute to the literature on environmental politics, particularly by harnessing the concepts of the green public sphere and the commons. I argue that they call for refinement based on conceptual clarification and empirical testing.
3 Locating the study

In this chapter I describe the Illawarra region and its dominating escarpment. I then extend the location exercise by introducing the state and local government planning system and the established forms of environmental politics.

Figure 1 Locations: Escarpment area overlaps with West Dapto Release area (HLA-Envirosiences 2007; Wollongong City Council 2009b)
3.1 The escarpment and the region

The Illawarra Escarpment is a defining forested edge of a plateau that dips to the west. It rises 300 to 700 metres and forms the western boundary of the Illawarra district in New South Wales, Australia. It is geologically unstable and prone to ‘slope failure’ (Young 1979). Wollongong is the major city in the Illawarra, located 80 kilometres south of Sydney in a narrow belt between the coast and the escarpment. The study area for this thesis includes the section of the escarpment within the Wollongong Local Government Area and the West Dapto plain to the south of the city. The major sites I refer to are shown in Figure 1, as well as the areas that came to be designated in planning documents as Escarpment and the West Dapto Urban Release. To the north are a series of former mining villages now forming a coastal suburban strip contrasting sharply with the dramatic ‘green backdrop’. To the south the escarpment is less distinct, for both the coastal plain and the foothills are much wider and support a variety of land uses (Figures 2-3).

![Figure 2 On the escarpment, from north (photo: Paul Hellier)](image)

Although it varies visually and is harder to demarcate in the south, the escarpment is a single land form (Young 1979). The area is a biodiversity ‘hot-spot’ (NSW National Parks and Wildlife Service 2011), with different forms of sandstone forming the high escarpment cliffs and varied soils supporting different vegetation communities below, from rainforest in the sheltered areas to various eucalypt forests on the more exposed ridges and slopes, to remnants of grassy woodland on the extensively settled lower foothills and coastal plain, a forest type more stereotypically Australian (Figures 4-5).
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The National Parks and Wildlife Service (NPWS) provides the following description:

The escarpment consists of layers of different rocks including sandstones, claystones, shales and coal seams. These erode when exposed to air and water and provide a variety of loose
and often nutrient rich soils that gather on the slopes and benches. The variety of soils is significant because it contributes, along with climate, to the high biodiversity.

The steep slopes, high rainfall and loose soils also create an environment that is prone to landslip, rock falls and landslides...The associated climatic and geological conditions support many vegetation communities that are only found in the Illawarra, and the Illawarra Escarpment is recognized as the most extensive area of rainforest in the Sydney Basin Bioregion and the southernmost of only six major locations of rainforest in NSW (NSW National Parks and Wildlife Service 2003a p6).

Figure 5  Illawarra lowland grassy woodland, West Dapto

Wollongong is close enough to Sydney to be classed as part of the evolving Sydney Mega-Metro region, an example of the most significant contemporary settlement trend, where new development agglomerates around coastal cities, according to Peter Newton (Newton 2008 p188-9). Like other similarly placed coastal regions, Wollongong is constantly growing but in a very limited and environmentally restricted space, one of the most constrained urban areas in the country. The only way for the city to grow is to the south, the West Dapto plain, an area of traditional dairy farming and potentially suitable for other food crops, but long ‘sterilised’ by an expectation of urban development extending west from the Labor heartland town of Dapto. West Dapto in turn is between the escarpment and the large coastal lagoon, Lake Illawarra, itself a challenge for environmental management. It is a trap for the many sediments which have flowed from mining, industrial and agricultural activities that have characterised the area since white settlement, as well as domestic effluents from the many suburbs surrounding the lake (Figure 6).

The Illawarra Escarpment is a section of the Great Escarpment, running from south of Cairns to the Victorian border. It is one of the two Great Eastern Ranges, the other being the Great Divide further
inland (Mackey, Watson et al. 2010). The Illawarra section is the only part of the NSW Great Escarpment which rises so close to the coast, with no coastal plain at all in the city’s northern suburbs and further north through the Royal National Park to Port Hacking south of Sydney (Figure 7).

Young traces the Illawarra Escarpment as a 120 kilometre extension of different rock layers, including coal, topped with cliffs of Hawkesbury sandstone, from the Royal National Park to the Shoalhaven River (Young 1979), but I am concerned with the northern half, the area closest to Wollongong of forested slopes and cliffs. The landscape is typical of the Sydney sandstone basin, forming an important green corridor between the Royal and Morton National Parks. The dramatic and majestic ‘green backdrop’ is used in countless images of Wollongong and the Illawarra to
establish its place identity. The Illawarra Greens for example have a panoramic banner of a photograph taken from the Bulli Lookout, a viewpoint available to travellers from Sydney before they descend the steep pass into Wollongong’s northern suburbs. The viewer looks towards the city of Wollongong in the background and escarpment vegetation is foregrounded, particularly the sculptural Gymea lilies (*Doryanthes excelsa*) with their disproportionate flowerheads (Figure 8).
Wollongong has an industrial heritage, although the future is now uncertain for firms such as the steelmaking company Bluescope Steel, part of the lineage of a major player in the city’s heavy industry. This has evolved from Australian Iron and Steel (AIS) to Broken Hill Proprietary Ltd (BHP), which is now the energy company BHP Billiton. Like the dairy industry, such heavy industry has been in steady decline since the 1980s, and is being replaced by health, education and other services as the main employers. The area has an underdeveloped tourism potential, and its varied physical features make ecotourism a feasible goal. It is one of the few areas in NSW to achieve relatively high Green votes in state and federal elections, and in the council elections of 2011 two Greens councillors were elected for the first time following the revision of the ward system by the newly elected state government. Wollongong has extensive networks of environmentalists, naturalists and outdoor enthusiasts who appreciate the coastal and escarpment landscapes and are active in their restoration and defence when they perceive threats such as neglect, natural disasters, inappropriate development, coal mining and more recently coal seam gas exploration.

Because of its dense vegetation and steep cliffs, much of the escarpment is effectively inaccessible and ‘wild’. It is thus reminiscent of the wilderness areas characteristic of classic environmental myths, but the escarpment is many other things as well. In a salient corrective to dominant white perceptions of Australian natural landscapes, Bill Gammage presents extensive evidence from early European settler accounts that the characteristic mosaic pattern of closed and open forest and clearings is a result of Aboriginal land management, largely by the skilled use of fire in order to make useful plants and animals ‘abundant, convenient and predictable’. He cites accounts of such a pattern on the Illawarra coast, while even the escarpment contained clearings in 1847, probably for food vines and to attract wallabies.

... a little patch of grassy forest would assert a place for itself on the shoulder of a hill, and partly down the side; but generally the entire surface of this mountain, for many miles up and down the coast every way, was clothed with this thick brush (Gammage 2011 p207).

Gammage also offers an explanation of why local botanist Kevin Mills was puzzled about the lack of correspondence between soil and vegetation types in the area (p330). Although few white Wollongong residents would be aware of this Aboriginal history, many are aware from their own memories and the circulation of historical images that the escarpment’s now thick forest cover was once much thinner due to white settler clearing, mining and farming. Figure 9 from 1925 shows the transport of logs to the colliery on Mt Keira, which is clearly visible amidst the clearing in the middle of the image. For contrast, Figure 10 shows a comparable scene today, taken from the University of Wollongong grounds, a site on the right midground of Figure 9. Mt Keira is now more thickly forested and the mine site cannot be distinguished among the regrowth. The mine buildings no longer exist.

The escarpment is the site of extensive past and present coal mining, and though old mine portals and other workings are now largely unmarked and overgrown, the clearing, disturbance and dumping of waste has caused degradation and instability in some areas, so as to make them a liability for any owner (Figures 11-12).

Some high areas constitute an Illawarra Escarpment State Conservation Area managed by a state body, the National Parks and Wildlife Service (NPWS). Most of the escarpment however is privately
Figure 9  Mount Keira 1925 (collections of the Wollongong City Library and the Illawarra Historical Society)

Figure 10  Mt Keira 2011, from University of Wollongong
owned, particularly by coal and other industrial companies, yet it is regarded by Wollongong residents as *theirs*, a legitimate site for recreational pursuits such as walking, adventure cycling and hunting feral animals. Some such pursuits are more legal than others (Figures 13-14).

This thesis is about what I am calling escarpment politics, a set of events played out since 1990 between citizens and planning authorities in relation to this distinctive land form of the Illawarra Escarpment. I ask why these events, while important in the history of local green politics, did not result in outcomes that satisfied most of the participants. The escarpment has aroused the
imagination, passions, political skills and professional expertise of many players, some of which I attempt to document. These varied from the major lobby group, the Illawarra Escarpment Coalition (IEC), who first argued against risky and ad hoc decisions by Wollongong City Council for housing on escarpment slopes, to the farmers and landowners from the declining dairying area to the south of the city which extended into the escarpment, whose lands had been reserved for future use, restricting their ability to make a living from them. The escarpment politics I describe were focussed
on establishing the limits of the city, particularly how high up the slopes houses could be built in light of their instability and the destruction of vegetation involved, and how best to manage the escarpment, given its private ownership and many other challenges. Issues also arose from the past uses of the southern, more gradual, escarpment slopes for dairy farming, with some acrimonious disputes between landowners and environmentalists as the latter sought to have authorities override farmers’ property rights and control farming practices.

I cover various processes to rezone more escarpment land for environmental protection and a parallel but strictly planning process with some overlapping territory, the West Dapto Urban Release, an ambitious plan to replace much of the former dairy lands with housing development to enable an increase in the population of Wollongong by 50,000 from approximately 190,000 in 2006 (Wollongong City Council 2007a). This project was first mooted in the 1970s but was repeatedly stalled due to economic and environmental problems. Where new housing needs to be depends on demand, as well as projections for growth, which in turn follows from economic factors such as housing cost and the location of jobs and facilities. The equation has always been difficult for Wollongong as jobs growth is slow and the region has particularly high youth unemployment. Population growth has also been slower than for Sydney.

There is particular population pressure on the coastal areas and hence many planning and management issues. I am not dealing with specific coastal issues although the area I am concerned with is near the coast and there are ecosystems to consider in the form of water flows from the escarpment to the sea, causing periodic flooding, and the interruption to east-west green corridors by urban development. Young and Johnson posed an early warning about Wollongong’s environmental vulnerabilities.

The decisions of hundreds of householders, of real estate developers, of industrialists and of public officers display a frightening ignorance of environmental hazards, and in some instances reveal outright stupidity and dishonesty (Young and Johnson 1977 p49).

This appeared in a collection of essays on what was then an industrial city, whose other contributors failed to demonstrate any awareness of the emerging significance of the authors’ challenge (Robinson 1977). Young and Johnson examine three processes in particular which they say illustrate this ignorance: coastal erosion, flooding and creek bank erosion and slope instability on the escarpment, which they say have become increasingly serious due to bad planning. They call for more physical geography studies, a revision of relevant legislation and ‘an increasing emphasis in urban planning on environmental factors’ (Young and Johnson 1977 p55).

The escarpment takes different physical and cultural forms in relation to the urban areas of Wollongong. From the central city to the north it forms the celebrated ‘green backdrop’ and series of vantage points, with a relatively clear distinction between the forested escarpment and the suburbs of the city (Figure 15). However to the south its extensive foothills and coastal plain are extensively cleared, constituting farmland, designated new suburbs and ‘lifestyle blocks’, a case of the mixed peri-urban zone. There is no such clear line between land forms and uses (Figure 16). The planning history of both the escarpment and West Dapto reflects this lack of clarity about where the escarpment begins in the area.
Wollongong and West Dapto have all the problems Hugo identifies as characteristic of growth areas near the coast.

Coastal environments are often ecologically fragile – they contain much of the nation’s scarce quality agricultural land, they often have limited water resources, they are vulnerable to pollution and people living in these areas are often heavy users of fossil fuels (Hugo 2008 p168).

Figure 15  Woonona, a northern suburb

Figure 16  Mixed land use on the West Dapto plain
West Dapto can be seen presently as a peri-urban area in the sense of being on the fringe of the city of Wollongong and consisting of larger landholdings than in urban areas. It was not however, over the period of this study characterised by the degree of dynamism associated with such areas elsewhere (Bunker and Houston 2003; Buxton, Tieman et al. 2006) because it has long been quarantined for future urban growth. It does not have the visual iconic status of northern parts of the escarpment, and has never aroused the same passions or been given the same resources for community input. However in a challenge to environmentalist arguments based on scientific vegetation categories, it arguably has comparable environmental values, including the existing of some remnants of a rare grassy woodland. Such woodland however lacks the luxuriance of rainforest visually harnessed in a tradition of conservation photography, and represents a more familiar and ‘ordinary’ version of the Australian landscape, an open forest dominated by spaced eucalypts, as shown by Figure 5.

Although the urban environmentalists I interviewed for this thesis were concerned about the escarpment in the entire Wollongong Local Government Area, more of their attention went to preserving the escarpment in its more dramatic forms to the north of the city. Their networks did not extend to the southern landowners in the West Dapto Rural Ratepayers Association, who took an opposing position on many issues. This group did however have a history of engaging in less popular environmental causes, what Christoff refers to as the ‘brown’ issues of defending the environmental values of land subject to human impacts (Christoff 1999). As well as pollution from past and present industrial activities in the region (Figure 17), the major environmental problem in transforming West Dapto into an urban area is that it is a flood plain which is regularly inundated. Managing this is ambitious and prohibitively expensive, and has continued to frustrate urban expansion in the area.
3.2 Environmental politics

Environmental issues are becoming more and more central to the political climate of western democracies and, in Australia, to the fate of politicians and political parties. This influence extends from the recent force of the global issues relating to climate change on national governments to the more ongoing, localised and mundane aspect of environmental politics played out in relation to state planning regimes. In Australia for example government land use planning decisions are regularly challenged on environmental grounds with accepted avenues for citizen input and debate, and such is my focus in the present case study. It is a long way from the early myths and heroes of Australian environmentalism such as the blue collar Builders Labourers Federation’s unlikely stand in support of middle class residents’ opposition to a developer’s plans to destroy Kelly’s Bush in Sydney in 1971 (Burgmann and Burgmann 1998), or the daring campaign against damming the Franklin River in Tasmania in 1983 which launched the career of Greens leader Bob Brown.

While perhaps drawing inspiration from such examples, and gathering support through rallies and public debate, participants in local planning issues are also likely to find themselves caught in bureaucratic processes, repeatedly having to state their positions in different written and face to face contexts. The experience may be tedious, bewildering, frustrating and sometimes surprising. Such citizen action does not feature strongly in accounts of environmental politics in Australia, which tend to focus on protest actions and organisations (Doyle 2000). Physical protest actions are now supplemented and often replaced by more frequent and numerically stronger online campaigns as it has become more common for environmental causes to be led by professional organisations with legal, media and scientific expertise.

In NSW the peak organisation Nature Conservation Council is the hub of a network of environmental advocacy. It has over a hundred member groups, from local groups of volunteers to large non-profit NGOs such as the Total Environment Centre and the Colong Foundation for Wilderness. This structure has led to a large contingent of ‘non-active environmentalists’ who are financial or political supporters of campaigns and may be members of organisations such as the national Wilderness Society or state organisations such as the National Parks Association, with their networks of branches (Tranter 2010). In NSW as in other states there is a community legal centre specialising in public interest environmental law, the Environmental Defenders Office. In the case of the escarpment however there was little presence of larger scale environmental organisations, with committed local citizens mainly carrying the case on a voluntary basis.

The dominant forms of environmental politics in western countries have their critics. In his caricature analysis of types of people attracted to environmental causes, Peter Hay decries what he sees as an anti-intellectual tendency.

... the de-emphasis upon a context of ideas is pronounced. And the stress upon action is given great impetus by the pervading sense of impending doom; the threatening cloud beneath which environmental activism takes place. The underlay of incipient panic, the feeling, often articulated, that ‘there’s so little time’, renders contemplation and theory-building an unaffordable luxury (Hay 1992 p225).

This echoes a major theme of Douglas Torgerson, who as we saw in the last chapter is concerned about the tone of ‘tragic seriousness’ that pervades the green movement and especially its popular
literature (Torgerson 1999). Similarly Harvey criticises the predominance of ‘catastrophe narratives’ (Harvey 2000 p213ff) and the moral authority environmentalists often draw from pessimistic prognoses. Torgerson also takes issue with the conception of a green *movement* as instrumentalist, with its implications of a (frequently frustrated) journey to a destination, leading to resentment at unmet goals rather than the resilience he calls for.

> It is a long and serious journey, clearly suggesting the grand narrative of a tragically heroic quest. Green theory and practice often implicitly invoke a tragic narrative, taking on an air of desperation because there is no one to assume the hero’s role and because the quest is, in any case, too uncertain (p49).

These tendencies can lead to demands and outcomes that are ill-considered from the point of view of wider political values, as Lyn Carson points out.

> The environmental movement leads the way in so many areas but languishes in others. It is in danger of replicating the problems it wishes to tackle: for example by lobbying for centralised decision making by an elite committee of experts and demanding its seat at the table without reference to the wider constituency (Carson 2004 p7).

Such criticisms are salutary, and I certainly find a strong current of pessimism and defeat, as well as calls for control by environmentalist or scientifically accredited elites, in my study. Recognising aspects of the discursive variety of environmental politics is fundamental, I argue, to conducting dialogue in the spirit of the public sphere.

There is for example considerable critique of the concept of wilderness, which features uncritically in many environmental campaigns, that argues that this impetus denies the role of humans as part of landscapes and constructs a mythical Eden (Cronon 1996). This in turn promotes the banishment of humans from nature, when in many cases it can be shown that their intervention provides an essential component of ecosystem stability, as in the case of the wetlands of Denmark’s Jutland (Olwig 1984). Banishing humans can cause understandable resentment by traditional users, as in the high country cultural landscape of Tasmania’s World Heritage Area, whereas it can be argued that it is in the interests of the park to involve them as custodians (Russell and Jambrecina 2002).

Such ideas of wilderness did have an influence on the events I describe, and implied that environmentally valuable areas should be preserved by being placed under conservation management, preferably by being publicly owned and managed as a national park or reserve. Given the increasing responsibilities and decreasing resources of the National Parks and Wildlife Service, I argue that this was impractical and misguided. Active management and stewardship of land is the issue, rather than ownership, and I contend that the focus on bringing escarpment lands into public ownership functioned as a ‘policy panacea’ (Basurto and Ostrom 2009). The predominance of the calls for public ownership of environmentally valuable land characterises escarpment politics, as well as wider campaigns aimed at increasing the number and size of national parks. It suggests that there may be a pervasive conceptualisation of private property as a problem in itself which obscures other understandings and approaches.
3.3 The state and local planning context

Governance of the varied and challenging terrain shading from steep thickly forested slopes to the alluvial flood plain of West Dapto falls to the profession of planning. Australia’s planning system derives largely from that of Britain, but it is practised here in the peculiar context of federation. In Australia planning is a function of state governments, with relatively little governance at the federal level (Thompson and Maginn 2012). The states all have planning departments which form state policy, create blueprints and oversee the work of local councils in developing local plans and making land use and development decisions. Planning is relatively new as a separate government function, arising from a drive to sanitise cities by separating work and residential areas by establishing zonings for specific purposes. Arguably its greater purpose now is to make environmental decisions, to separate areas that can be built on or otherwise used from those which cannot, and to restrict the use of lands deemed environmentally valuable. Huxley maintains that the zoning framework is rarely questioned, rendering it unproblematic and thus more effective as a form of centralised knowledge and social control (Huxley 1994). She focuses on social justice in the planning of city precincts, but from an environmental perspective planning frameworks are increasingly called into question as planning decisions are increasingly the target of environmental action. The NSW planning legislation is tellingly called the *Environmental Planning and Assessment Act*. It requires potential developers to submit stringent environmental assessments including reference to threatened species or endangered vegetation communities.

Environmental campaigns to stop or curtail developments thus often rely on establishing the existence of such species or communities. However there is no necessary correlation between what is ecologically valuable in this sense and what is desirable as a human experience. The valuing of different landscapes is inescapably cultural and does not arise from objective science or planning regimes. People value many places they see as embodying nature: wild rivers and forests, aesthetic settings for cities, rural landscapes and urban gardens. While planning as we know it addresses the dangers of nature in the design of cities, like floods, fire and land slips, there is no reason why it could not expand in scope to encompass some of these positive values as well. Rather than so often feeling compelled to object to development proposals on legal grounds, citizens might then feel invited to make more rewarding planning contributions. The outer areas of cities are clearly valued for aesthetic, environmental and recreational reasons, as well as containing natural resources such as agricultural land and coal seams. There are unclear boundaries between cities and such peri-urban zones, which are presently under pressure from many directions and are difficult to plan. What is valued is often at the landscape level, beyond property boundaries.

Although planning encompasses broad social, economic and environmental issues, its most familiar manifestation is in the zoning categories assigned to land specifying possible uses. The high level strategic planners deployed by state and local governments particularly have the power to determine guidelines for the zoning plans implemented by local councils. Such Local Environmental Plans (LEPs) set the amount and location of high, medium and low density housing and many other land uses as well as agricultural, residential, ‘tree changer’ and environmental protection zones. Planning issues pertaining directly to the escarpment include how much of the foothills should be built on and how to protect rare and ecologically valuable vegetation and waterways. Other issues related more to the coastal plain include how to create suburban areas in what is basically a
floodplain, how to create flood-free access, how to limit pollution going into Lake Illawarra and how much if any agricultural land should be maintained. Incorporating this wide planning focus enables my study to be placed in the context of more universal peri-urban planning issues.

The most extensive study of such issues under a particular planning system is *Planning Paradise* by Walker and Hurley, their investigation of the recent history of planning in Oregon (Walker and Hurley 2011). They deal with many conflicts similar to those I find in Wollongong, although they stress Oregon’s exceptionalism in the US context for its visionary planning system supported by environmentalists. They document conflict between such urban conservationists and ‘planning proponents’ and farmers forced to carry an unfair share of the costs of saving natural areas. Their diagnosis of the shortcomings of an inflexible system unable to cope with changing demographics, economics and environmental values echoes my own findings.

NSW has only had a planning department, variously named, from 1980, following the introduction of the visionary *Environmental Planning and Assessment Act* (the EPA Act) by the Wran government in 1979. This has remained the state’s fundamental planning legislation, though it has been subject to many political disputes and has been amended a number of times. The original Act allowed considerable scope for public participation, thus addressing the problem Sandercock identified of the inequity between citizens’ moral rights versus the legal rights of developers and government bodies (Sandercock 1975 p228). However developers have objected to this and other aspects and the state government has at times responded favourably to their calls for ‘streamlining’ development applications. The role of planning bodies has mainly focused on the management of suburban growth (McLoughlin 1986).

As we shall see in this case study, the relationship between the state planning department (variously termed Department of Planning, Department of Planning and Infrastructure and PlanningNSW over the life of the present study) and local councils may be fraught. Increasingly the state government has moved towards assuming greater powers over planning at local levels, formerly the responsibility of local councils. It has formulated strategic directions and templates for local planning and has designated categories of development such as ‘major projects’ to be centrally determined. When the state government makes a decision at odds with that of the local council this may leave the council and local residents feeling powerless and resentful. The routine business of dealing with small scale applications remains the business of local councils but they are increasingly constrained. Planning still does not have a secure place in the hierarchy of state government functions, and is often perceived as subject to the political priorities of the government of the day. Neutze lamented in 1986.

> Many worthwhile plans gather dust while decisions about urban development are made in response to current economic and political pressures, with only a cursory bow towards avoiding the worst excesses that can result from unbridled greed (Neutze 1986 p88).

There are many studies of the shortcomings of the public participation aspects of the NSW planning system (Munro-Clark 1992), most of which conclude that it is unsatisfactory, involving ‘participation without redistribution of power’ (p129) leading to loss of faith, aggravated conflict and unproductive outcomes. Munro-Clark alludes to the paradoxical situation of citizens often needing to contest inequitable and opaque processes:
...the disregard of questions of legitimacy, social equity, or environmental responsibility which provoke a demand for citizen participation in the first place may also provide the climate in which it is least likely to be efficacious (p203).

NSW planning decisions can be appealed in the Land and Environment Court, but this is risky and expensive, and such decisions can be ‘capricious’ (Kelly and Smith 2008). Following early criticism from the property industry, the EPA Act has been progressively modified to reduce the role of independent study, consultation and community input into decisions. This happened for example in 2005 when the NSW government introduced the contentious Part 3A provisions that removed councils’ powers over ‘major projects’, restricting possibilities for public comment and raising suspicions of the influence of political donations.

Urban planning has thus become a highly politicised portfolio in Australian state governments, with decisions obviously driven by external pressures. In this study are manifestations of the weaknesses of such a regime in the form of an unpopular council and a ruthless state government willing to override it. Some of the elected councillors and senior management of Wollongong City Council (WCC) were at times suspected of corrupt dealings with landowners, allowing development applications to be approved without adequate environmental scrutiny. On the other hand if councils were seen to pay undue attention to environmental lobbyists, thus preventing or stalling projects deemed necessary, the state government could step in and take over. Councils are then in a precarious position and understandably unwilling to risk bold decisions.

There has been an entrenched problem of development corruption in some NSW councils (Ryan 2004). When such cases are exposed the state government can dismiss councillors and install administrators, as it did to Wollongong Council in 2008 following the spectacular exposure of graft by the Independent Commission Against Corruption (ICAC). The malaise leading up to this investigation had been present much earlier and is clear in the perspectives of the citizens I will introduce in Chapter 6. These varied from the discontent of the southern landowners who experienced their farm lands being destroyed or rendered worthless, but received no understanding of their situation or satisfactory vision for their area from their local or state governments. The conservationists committed to saving the escarpment similarly felt that they were dealing with a culture of cronyism and secrecy that was environmentally corrosive. They were however, unlike the farmers, to appeal successfully to the state government for measures towards environmental protection.

With the provisions for public participation in the EPA Act, councils may become a battleground between citizen groups and development interests and this may result in increased division rather than coherence (Buxton, Tieman et al. 2006 p222). The weakness and instability of local councils in such a context and the tendency for state governments to override them creates an unsatisfactory context for environmental politics, where citizens can have no faith in the endurance of their governing bodies or their capacity to make judgements on the basis of long term environmentally sound vision. On the contrary the realpolitik of powerful companies’ ability to lobby successfully is unacknowledged in the design of the political system, and the resources required to contest them through the courts are rarely available.
Assessing the power and justice dimensions of such cases outside the formal structures requires a particular analytic perspective, hinted at in the vernacular term ‘clout’ (Flyvbjerg 2002). Although the Illawarra Escarpment Coalition achieved certain successes and was perceived by other citizens to have undue clout, we shall see that a climate of powerlessness, despair and cynicism finally overcame even such active citizens, supporting Torgerson’s characterisation of environmental campaigns as tragic narratives. This tragic perspective may only develop cumulatively as people engage in the sometimes slow and tedious process of environmental politics, working in a planning system that ostensibly addresses their concerns but more often is seen to serve more powerful interests. However planning is not simply subject to the influence of powerful players in industry and real estate, for its guiding principles and public discourse are couched in environmental and communal values to which citizens can appeal in the interests of the credibility of the decision makers. Planners cannot always ignore well presented arguments, and sometimes practical wisdom dictates that they act on them.

They may be located in shifting formations of power and governed by imperfect laws, but planners are also driven by economic, demographic and cultural values over which they have no control, especially in relation to growth: industries grow and restructure; populations grow and change in composition. The Illawarra Regional Strategy document of 2006 for example planned for ‘a population increase of 47,600 over the next 25 years’ (NSW Department of Planning 2006 p3). The vision such documents put forward is of inexorable growth driven by population increase. Newton notes that Australia has a high rate of population growth by OECD standards, half of which is through immigration (Newton 2008 p175). Government bodies’ estimate of the future population of West Dapto decreased over time, and the Illawarra Escarpment Coalition had earlier had trouble seeing the need for the level of growth advocated in the 1990s.

There is a need to protect land and develop some areas. However how much development do we need? If Wollongong grows by 1000 people per year, as it has done for the last 20 years, why does Council need more and more land to develop? 66,000 planned for West Dapto alone over the next 20 years. This appears to be more than enough to supply the expected needs of the community (Illawarra Escarpment Coalition 1999b).

The relationship between population numbers and urban expansion is occasionally rendered problematic, usually in the inflammatory context of immigration policy. Fincher points to the contrast between the role of fear in popular population growth discourses in Australia and the ‘sheer reasonableness’ of academic accounts, which point to a policy of moderation in immigration intake (Fincher 2011 p344). The main problem in her view is the lack of capacity to manage either very high or very low growth. Labour market needs have to be balanced against the chronic failures of different levels of government to deal with key infrastructure and resource issues (McGuirk and Argent 2011).

McManus tackles the issue in his comprehensive study of how to make Australian cities sustainable, which involves the need to ‘reduce consumption of non-renewable resources, reduce waste outputs, protect the most valuable ecosystems on which life depends, and do so without exporting unsustainable practices to other locations or to future generations’ (McManus 2005 p87). He emphasises that aside from total population numbers, attention needs to be paid to other factors.
such as rising affluence and changes in household formation, which may have a greater ecological impact. Households are declining in size while houses are getting bigger and lots are getting smaller, and McManus posits that ‘it is very likely that the majority of the dwellings that will accommodate even the high population scenario... have already been built or will be built in the next few years’ (p101). He says there needs to be a national population policy which pays particular attention to managing its spatial distribution, for example attracting people to inland towns.

The Illawarra Regional Strategy is an example of another recent trend towards regional as well as local planning to address more general issues and the chronic lack of integration with other government functions, such as road and water planning, as well as the many issues associated with natural resource management.

Problems with population growth, infrastructure, pollution and congestion coupled with the need to protect agricultural land, water catchments and environmental assets, called for policies with increased integration between land use and transport planning, and improved linkages between urban and non-urban areas within and outside a metropolitan administrative region (Buxton, Tieman et al. 2006 p220).

Planning is a discourse largely couched in terms of permissions on the basis of projected growth: certain types of activity and construction are allowed in different land zonings. The nature of zonings and decisions to rezone lands may be intensely contested under the present NSW regime, with the most publicised forms involving large and often speculative property investment which open political actors to charges of undue influence. Perceived abuse of the planning system by the Australian Labor Party (ALP) government, particularly in contentious approvals granted under Part 3A of the EPA Act, were a key aspect of the Liberals’ successful election campaign in March 2011. The Greens parliamentarians had also contributed by leading a concerted campaign to expose the influence of political donations on such decisions, Democracy for Sale.

Experienced planner David Broyd wrote a paper during the lead up to this election in which he called the entire planning framework in NSW to account (Broyd 2011). He saw the system as excessively legalistic and politicised, engendering community disenchantment and in need of a major overhaul. The legislation was out of date and had become very complex. Much other legislation had been passed, particularly relating to environmental matters, which was not satisfactorily co-ordinated. He called for a greater role for the federal government to take leadership of large issues such as population and settlement strategy and create a co-ordinated response to the many pressing environmental issues, particularly those flowing from climate change.

The increasing influence on Australian planners of an opposing discourse of valuing and preserving the natural environment is often radically at odds with the discourse of growth, though it may be uneasily accommodated in the same document. Consider the aims and objectives of the Wollongong Local Environment Plan 1990, one of the key planning instruments for escarpment politics. The aims of the LEP were ‘to provide a framework for land use management in the city of Wollongong to achieve the following objectives:

a. To encourage the proper management, development and conservation of natural and man-made resources (including agricultural land, natural areas, forests, minerals, water and the
built environment) for the purpose of promoting the social and economic welfare of the community and a better environment;
b. To protect the environment from degradation and despoliation by protecting environmentally sensitive areas from development and minimising adverse impacts of urban development on both the built and natural environment;
c. To protect and improve the quality of life and the social well-being and amenity of local residents;
d. To encourage economic diversification and growth of the business and industrial base to increase employment;
e. To conserve the environmental heritage of the land to which this plan applies;
f. To enable the classification and reclassification of land, owned or controlled by the Council, under the Local Government Act 1993 (Wollongong City Council 2008 p5-6).

It is only clause d that recognises industrial growth as an imperative, while population growth is not referred to. Although the LEP’s basic real function is to establish a framework for growth and change by establishing zonings for particular purposes, all the other objectives emphasise conservation, environmental protection and quality of life. Commenting on the shortcomings of the NSW planning regime in 1999, former judge of the NSW Land and Environment Court Paul Stein noted that

Principles of ecological sustainability, which rate highly in political rhetoric, are seldom applied in practice. No guidance is provided by legislation as to the part that ESD principles are to play in decision-making... (Stein 1999 p146).

3.4 Limiting the city

The planning framework provides only limited principles for guiding a city’s growth when its physical geography is challenging. Approvals for housing on escarpment slopes provided the initial impetus for escarpment politics, both extending existing suburbs and creating rural retreats in bushland (Figure 18).

Figure 18  Suburbs climb escarpment slopes – Corrimal
Wollongong’s peri-urban area or fringe includes difficult terrain, both in the escarpment and the West Dapto plain, the sites of the planning and environmental issues this thesis is about. As Young and Johnson (1977) pointed out, there have been many environmental challenges in planning the growth of Wollongong. Slopes are unstable, the area is flood prone, creeks erode and Lake Illawarra is a trap for pollutants. Development often involves destroying forest which may have biodiversity value and ecosystem function. The growth of new suburbs in West Dapto has long been stalled, whereas the area exhibits another familiar pattern, the recent disproportionate growth of larger lifestyle blocks that have come to characterise peri-urban areas, allowing settlers to take advantage of a rural or bushland setting to avoid problems of urban congestion. Such areas in West Dapto attract relatively affluent settlers and may extend to gated communities to allay residents’ security concerns (Figures 19-21). Many such tree changers are drawn to live a healthier life in contact with nature, and are attracted to the agricultural hinterlands of cities, although they may be unprepared for the challenges of land management (Gill, Klepeis et al. 2010).

The demand for suitable land in blocks usually of several acres presents a problem for planners in trying to manage the city/country interface. Peri-urban areas are a dynamic new form of land use which is not easily accommodated by received frameworks of planning, which in New South Wales

![Figure 19 ‘A tranquil and private estate’ for sale high in escarpment forest](image)
are more easily able to cope with the production of new suburbs. This is a new phenomenon with a distinctive demographic and economic structure, creating problems in providing roads and other services. It has also given rise to a new field of study in human geography: peri-urban studies and amenity migration, which investigates what is now a global phenomenon with potentially severe environmental implications (Abrams, Gosnell et al. 2011). As elsewhere, declining farmlands to the south of Wollongong are being subdivided in various ways to create vastly higher land values, thus changing the economics of the area by attracting relatively affluent new settlers with a variety of hopes and aspirations for their land. Because of its proximity to Wollongong and the attractive rural
landscapes, West Dapto experienced a high level of demand for this type of land use, in contrast to the difficulties and delays with the denser planned suburbs, despite the challenges for both planning and environmental management, for some of the peri-urban zone is on escarpment foothills and thus was also subject to escarpment planning processes.

The expansion of Sydney to the west since World War Two is a precursor to planning Wollongong’s peri-urban zone, as well as being a salutary case of the pitfalls of planning for growth when preserving natural areas is planned. The visionary Cumberland Plan was released in 1948 including a green belt circling the area and connecting the national parks to the north and south of the city. Sandercock notes that it was a mistake to earmark such large tracts of land for open space without a plan for bringing the land into public ownership (Sandercock 1975 p181). Diane Powell reports that this aspect of the plan caused the most objections from landowners standing to lose value in their land and bodies charged with supplying as much housing as possible, so that by 1960 only about a third of the green belt area remained (Powell 1993 p54). This unfortunate outcome contributes to the divisions within Sydney, where coastal residents live in closer proximity to national parks as well as beaches and are better served by transport infrastructure than the greater population centre of Western Sydney.

In a more thorough study than in any Australian case, Walker and Hurley provide an insightful history of recent planning in Oregon, a state of mountains, forest and farmlands with a growing population predominantly in and around the city of Portland (Walker and Hurley 2011). Preserving the natural environmental values while allowing for growth has been a strong motivation for several decades behind what the authors consider to be an enlightened planning policy. The book’s focus is on the overall planning regime, its origins and its lack of capacity to adapt to recent economic and political changes. The planning system is specifically oriented to separating urban from rural areas with its strong urban growth boundaries (UGB), thus preventing uncontrolled urban and peri-urban sprawl and allowing security for farmers to make capital investments. Planning Paradise surveys events around the state, pointing to the planning problems posed by the attractiveness of Oregon’s natural landscapes to new settlers. There are many striking parallels to my study, for example the unsuccessful attempt by ‘planning advocates’ to establish a new urban centre in Damascus on the outskirts of Portland is very similar to the fate of the West Dapto Urban Release.

The book’s overall analysis emphasises the often unexamined ways in which the costs of planning decisions are distributed, which manifests itself in the contestation between some urban perspectives and rural residents. ‘Some people’s seemingly benign romantic visions of the countryside are other people’s real or perceived political oppression,’ they observe (p16). Oregon’s planning system, like that of NSW, comes up against the same problems of lack of funding for infrastructure and lack of capacity to create jobs, which can stymie new urban growth. In the case of Damascus, these failures in fact encouraged specialty farming catering to new demands for fresh local produce inside the UGB, thus undermining the foundational belief that urban and rural land had to be kept separate. The authors relate the same call that we find in West Dapto from an active ‘property rights community’ for compensation for having their land rezoned for environmental protection rather than future urban development, and there is the same sense that the urban expansion is being planned in a framework of administrative rationalism rather than following any popular vision or need. On many levels such projects are doomed to fail.
Walker and Hurley provide a graphic illustration of the equity and justice issues that arise from the divide between landowners inside and outside the critical UGB zoning boundary determining land uses and values.

If farmer Smith and farmer Jones happen to live across the road from each other on opposite sides of the UGB, the differential in opportunities and burdens associated with the UGB have grown proportionally with the dramatic increases in land values since the 1970s. If farmer Smith lived inside the UGB and became wealthy selling land for development, but farmer Jones can only sell at farm value prices and gets the burden of increased traffic and conflicts with new residents on the other side of the UGB, Jones might understandably feel the system is unfair. Moreover, if an urban dweller enjoys nearby rural landscapes (e.g. farmer Jones’s land) but does not bear any cost of land use regulations to preserve this landscape, then questions of equity inevitably arise (p243).

Following Raymond Williams’s analysis of 18th century England in *The Country and the City*, Walker and Hurley argue that ‘rural places become, to an extent, “parks” for urban people. In a sense, the country is the city, its vision, its values, its ideals’ (p251). To rezone or otherwise revalue rural land in the interests of urban people, either for urban growth or to preserve ecosystems and landscapes, is to confirm this analysis. This is exactly the situation we find in the southern part of the escarpment bordering the rural lands of West Dapto.

Planning the limits of a city is thus a fraught exercise and one that cannot be reduced to inflexible administrative rationality, but has to be responsive to the changing needs and desires of all citizens as well as larger economic factors. While a more environmentally responsible planning framework is constantly called for from environmental groups and Greens politicians in NSW, questions of the fair distribution of the costs of achieving this are much less likely to be raised. To address such issues would require a different political context at many levels, including discursive space for all escarpment citizens to establish their unity and negotiate their differences.

### 3.5 Methods

The thesis applies the ideas surveyed in the previous chapter to the empirical situation sketched here. It covers events in environmental politics and planning in the Illawarra over a twenty year period. I draw on a variety of planning documents and have accessed minutes and other documents of various bodies, most notably the full formal minutes of the Illawarra Escarpment Community Reference Group and the less formal and incomplete archives of the Illawarra Escarpment Coalition. Press coverage was often included in such archives, and I have also searched the Wollongong Public Library’s Local Studies Collection for further examples. Particularly in the early stages of the research I spoke with various individuals who had been involved in local or state government about their professional role and knowledge. Where I draw on these encounters I attribute them to personal communication.

I also recorded and transcribed eleven interviews with citizen participants, particularly those who had been members of the Community Reference Group. There were problems in tracking some people down and others were unwilling or unable to be interviewed due to ill health or continuing upset over the course of events. Since my primary focus is on citizenship and environmental planning, I concentrated on approaching members who belonged to the groups as community,
landholder or environmental group representatives. I interviewed the facilitator of the CRG and did include a former WCC planner, David Winterbottom, who at the time represented a developers’ organisation. Participants signed a consent form giving them the opportunity to request that any information they provided be confidential. None did so, nor did they request anonymity. Since most were to some degree public figures through these disputes, I have used their real names. Most also agreed to be photographed in association with this project. Information provided to interviewees, interview questions and consent form are at Appendices D and E.

In citing interview content I have shortened what were often long responses and have indicated ellipses by … . I have taken care not to change the thrust or tone of their discourse, but to delete only extraneous or repetitive material. The citizens’ views are quoted throughout, but feature most prominently in Chapters 6 and 7, where I analyse what values and practices they have in common, leading me to characterise them as citizens of the escarpment. By the same token I also examine where they differ and the consequences of these differences, leading to the reflections on better democratic practice. Although the interviews were planned with a set of open-ended questions, they all took their own directions, in some cases tending to become conversations as I shared with them my developing ideas. Some spoke in a way very congruent with their written output and were not inclined to consider other ideas or perspectives. Others were hazy about events that had since been superseded for them. Some were in a passing state of mind that would very likely have been different on another day. Despite all these variations and contingencies, there were common themes that it was my purpose to address. Wherever a quotation is not acknowledged it is from one of these interviews, conducted between July and December 2010.

One interviewee requested to see the thesis before it was submitted, so I decided to give this opportunity to all those whose accounts I have extensively used, and distributed copies of a draft of most of the thesis to those I was able to reach. It was an opportunity to have mistakes and misinterpretations corrected, but also to share my general perspective with those to whom the issues dealt with arguably meant the most. At this time the issues remained unresolved and some people’s passions still ran high, so the last thing I wanted was to have my work repudiated by any of the participants due to any mistake or misjudgement I could have prevented, thus feeding the unproductive politics I was analysing. For those whose professional lives involved writing and assessing documents this was not problematic, and led to further checking, corrections and rephrasings. They could all have added further stories and elaboration. This phase was particularly intense in relation to West Dapto farmer Evan Perkins, with many phone calls, further documentation, a return visit to his property with others from the university, and meeting other escarpment citizens. They challenged some of my language and provided extra explanation and documentation. The issues examined in this thesis are far from settled for Evan and reading my account seemed to fuel his indignation. It was particularly important to understand Evan’s perspective as he was the only one of my interviewees who was descended from a farming family who continued to identify himself as a farmer.

I am not sure how plausible some interviewees found my overall analysis, for these encounters over the draft focused on questions of accuracy and fairness. The more general issues of the nature and role of the green public sphere hardly mattered to these citizens, although there was some expression of puzzlement and misgiving. These mainly came from environmentalists disturbed that
some of the academic theorists I cite were dismissive of such efforts as theirs. While for me the biggest challenge in this project was initially to learn to see an environmental issue from the point of view of those whom environmentalists have regarded as the problem (ie in this case the farmers), the challenge has now become how to continue to be an environmentalist with ‘an enlarged way of thinking’.

3.6 A further personal note

Some of the interviewees already knew me from involvement in various environmental organisations. In fact the original idea for the thesis came from a discussion with members of the IEC in which it was suggested that they were coming up to twenty years old and someone should write a history of what they had done. I mentally took this on, for I had come to realise that the group’s work constituted a back story to other environmental causes in the Illawarra with which I had become more familiar after moving to the area in 2003. However in interviewing the landowners who constituted the other side of the ‘great divide’ I was moved to understand the injustice of the situation from their point of view, for to them the environmentalists had illegitimately claimed power for themselves without considering the effects of their vision of zoning the escarpment for environmental protection on the landowners’ personal and financial relationship with their land.

I also came to appreciate how inadequate the outcome of the cumulative processes was in the form of the Escarpment Management Plan. Considerable resources and procedures dedicated to scientific studies and gathering community input to this had been expended, and the citizens had given many hours of their time to a plan which they then saw compromised and largely abandoned. While some of this work was evident in the new LEPs for Wollongong and West Dapto, such a compromised and indirect outcome was not what they wanted, leading to cynicism about a political system that can treat its citizens in such bad faith. Hence my focus changed from celebrating the work of the IEC to asking why their work hadn’t led to a more productive outcome, why their differences with other players couldn’t be resolved, and what this meant about participating in environmental politics.

The project has helped me address an unease with environmental politics in NSW, where the opportunities for public input invite citizens to take a position on an issue, often in campaigns led by organisations large and small. Typically this is done with appropriate righteousness and passion, in a relatively narrow way of thinking, and in opposition to a proposed development. Typically also it will not have the desired effect but will contribute to participants’ view of the issue as a battle between good and bad outcomes fought within a framework of shifting notions of administrative rationality. Now I see it as imperative to reject this battle mentality as debilitating, leading as it does to likely defeats. Instead I see a preferable alternative in accepting the calls made by various of the writers I draw on for communal responsibility for common pool resources, due attention to the question of how the costs of environmental decisions are to be distributed, civility, rationality and active listening in the public sphere and empathy in all social-ecological forums. Such ideas might contribute to Torgerson’s vision of a resilient green politics, and equally to a more flexible and resilient planning system as called for by Walker and Hurley.
4 ‘A most difficult land release’: planning West Dapto and the Escarpment

The legal and institutional basis for the present case study is unclear, shifting and not well equipped to deal with the issues covered in this thesis. In this chapter and the next I look at how Wollongong Council pursued its planning responsibilities, initially under the 1990 LEP, with subsequent state government interventions, with respect to two key related issues: the plans to create a major urban area in West Dapto and the calls for better management of the escarpment with a view to resuming private land to become a regional park. I concentrate on the planning framework and West Dapto here, while escarpment politics will be the focus of the next chapter. Some landowners own land affected by both processes and have been active citizens on different fronts. Both areas share a history of dairy farming and coal mining, and the West Dapto descendants of dairy farmers have a history of opposing what they see as threatening mining processes. Because of their clear self-interest as landowners however, their environmental awareness and activism were not fully recognised by the later escarpment activists, and the two groups came to be in dispute on key issues. Both areas, as we shall see, have been recognised for their biodiversity value, though this had more symbolic power in the case of the visually dominant escarpment than it did in West Dapto, according with McManus’ observation that there is ‘a significant gap between scientific and popular perceptions of biodiversity’ which he makes in reference to urban biodiversity (McManus 2005).

4.1 Agriculture and industry in West Dapto

West Dapto includes both coastal plain and extensive escarpment foothills. The general area has been subject to severe human impacts especially from industry since white settlement, many of which are documented by Arthur Cousins (Cousins 1994). Historian Joseph Davis, one of the escarpment citizens introduced in Chapter 6, is the author of a history of Lake Illawarra in which he covers the many attempts by early white settlers to make a living from the land around the lake including the dairy farmers of West Dapto and Albion Park (Davis 2005). In our interview he emphasises the quality of the local dairying history, echoing the account given by Cousins.

Joe: We tried wheat here, we tried all sorts of crops, we had sheep here, but they found that this was perfect dairying country... from Jamberoo up to West Dapto... The dairy co-op movement started here. That is the finest example of agrarian socialism in Australia. It started here in Illawarra... There’s a real dairying tradition in Illawarra and some of it’s world class. Like we invented the Australian Illawarra Shorthorn cattle which is the finest breed ever produced in the world. It produced more milk than any other cow, and such high quality... They were so wealthy, some of those cow cockies, all their kids went to Kings school [an elite Sydney school]. You didn’t get educated at Dapto primary, you went to Kings. They had money. They could sell one of their bulls, their stud bulls, you could buy 18 houses for the money you’d get for one sale of a bull. They were rich, rich men. But they got it through hard graft, seven days a week, intensive breeding...

The decline of dairying came about as the industry was subjected to pressure due to restructuring, with the number of dairy farms in NSW decreasing from 7735 in 1971 to 2220 in 1990 and increasing production per cow. The gradual loss of state subsidies from the 1980s led to full deregulation in
2000 following complex negotiations between various levels of government (Edwards 2003). Large companies took over local distribution and processing systems. There are currently only a handful of working dairy farms, all in the southern part of West Dapto and Calderwood, which straddles the boundary of Wollongong and Shellharbour local government areas. This accords with broader patterns in Australia and comparable countries of little full time primary production in peri-urban areas, though there may be intense production in specialised or ‘shed-based’ agricultural enterprises (Buxton, Tieman et al. 2006 p201). Such areas are changing fast and are characterised by mixed uses and values. Though it is attractive to new urban-based settlers to ‘retain some semblance of the original landscape and agricultural land uses’, this is more on the basis of visual consumption rather than production (p207). Buxton et al note that the need to preserve and manage some agricultural land in the process of urban growth has been more recognised in rhetoric than in planning (p230) and is ‘a difficult message to convey to the wider community and to policy makers’ (p217).

Besides dairying the other significant historical legacy is that of coal mining on the escarpment, with mining companies acquiring tracts of escarpment land where the mine heads were, and flood plain land for access, waste treatment and for potential processing and manufacturing works. The role of the coal companies is very significant as landowners and employers, but also for the damage their industry did to land stability and pollution, a legacy which the escarpment citizens were all too familiar with. There were also industrial ventures, such as the Dapto Smelting Works, that operated around the turn of the century, which though short lived may have had a lasting environmental impact, with the land and the lake floor remaining highly toxic even 80 years after the project had failed (Mitchell 1997 p146). There was also the large steelworks and associated industries at Port Kembla emitting ‘plumes of progress’ (Mitchell 1997 p150) and a power station at Tallawarra in East Dapto. Various forms of opposition to the pollution caused by these industrial ventures occurred as environmental consciousness became widespread in the 1960s, followed by legislation aimed at ensuring clean air and water. As well as the creation of an artificial harbour at Port Kembla, Davis also documents the massive amount of sandmining that reshaped the coast, destroying the dune systems and affecting water movements at the lake’s entrance.

Figure 22  Wongawilli mine
As we see in the next chapter, old and new coal companies continue to own a large part of the escarpment although there is sometimes a complicated relationship between ownership and management responsibilities. Mines are very visible (Figures 22-3) and coal trucks continue to be a dominant presence on the roads. Historically powerful companies now have to balance the opportunities for further exploration and mining with more modern and invasive technologies against the conservation pressures to rehabilitate any damage. In the late 1950s then steel producer AIS, subsidiary of BHP, secretly bought 2000 acres in Kembla Grange, in the north of West Dapto, through an agent without publicly clarifying the purpose. The local citizen group West Dapto Rural Ratepayers Association (WDRRA) accused the then state government of complicity in such land acquisitions by industrial companies, arguing in this case that the land would be better used for housing for Port Kembla workers (West Dapto Rural Ratepayers Association 2003 p14-15). The land was rezoned for heavy industrial development in 1967 ‘at the company’s request’ (Wollongong City Council 1987 p9). A similar controversy involved land south of Wongawilli, Jersey Farm, ‘the heart of the dairy industry in West Dapto’, which was to become the site of the contentious Wongawilli Emplacement, a site for waste from the Wongawilli coal mine, in the 1980s (p17).

The strategic planning of development for West Dapto along with the area’s sense of community and sustainability as a rural district was hijacked 45 years ago by a company that was given unparalleled privileges and allowances for its changing corporate fortunes without the commercial pressure of industrial land rates (West Dapto Rural Ratepayers Association 2003 p19).

BHP’s 1930s plant was continuing to discharge cyanide, oil and grease, zinc, phenols, ammonia and chromium into Allens Creek, virtually destroying plants and marine life and much of the Port Kembla
inner harbour, but following protests including direct action by Greenpeace in the late 1980s, a new
treatment plant was installed to bring the waste quality in line with legal limits (Smith 1990 p161-2).

Some of the West Dapto citizens interviewed for this project, including Evan Perkins, one of the
authors of the WDRRA report, were involved in this and later disputes over the use of agricultural
land for coal dumps likely to leach chemicals into the surrounding land and waterways. The WDRRA
note somewhat bitterly that the newly active northern environmentalists in the early 1990s gave
them no support, but ‘these agents of change were busy working with the same planners via the
Illawarra Escarpment Working Party to “save the Escarpment”’ (p21). It is not clear however
whether they actually asked for such support.

The Kembla Grange site was to become an industrial precinct. It would require major filling of flood-
prone land, and coal wash was often used for such purposes, as in the case of another new
residential development to the east.

   In 2003 a new suburb, built almost entirely on compacted coal wash – a material which may
have the potential to have an impact on the Lake’s ecology – is currently in the process of
being erected on the western shore of the Lake... The name of the new suburb... is none
other than ‘Hayward’s Bay’. It is to be hoped that its environmental legacy is less damaging
than that of the smelting company whose secretary has been officially immortalised... (Davis
2005 p72).

The agricultural history of West Dapto and the frequent incursions into it from mining and industrial
interests have occasioned protests from citizens, particularly rural landowners, who have regularly
been victims, though residents surrounding Lake Illawarra have also been subject to water pollution
from the same sources as well as from agriculture and domestic chemicals. As suburbs grew around
the lake without adequate sewerage or buffer zones, the sources of pollution entering the lake were
manifold and led to frequent algae outbreaks. Davis quotes a report that by 1974 ‘30 tons of
fertiliser from pastures used for dairying were running into Lake Illawarra each year. Household
detergents were estimated to account for another 20 tons of phosphate on the Lake bed’ (Davis
2005 p123). The rise of the modern form of environmental consciousness led to some campaigns to
rectify such damage and the lake is now in the hands of a state government body, the Lake Illawarra
Authority.

Mullet Creek is a major waterway that meanders across the West Dapto plain, rising on the
escarpment near Huntley and reaching Lake Illawarra north of Kanahooka and flooding in heavy rain.
It was the subject of resident concern and council action in the 1990s, including the formation of the
Mullet Creek Floodplain Management Committee, of which Russell Hayes was a member. Its
catchment includes many sources of pollution, 25 of which were identified by participants in a
seminar called by the Environmental Protection Agency and Wollongong Council on a pilot
stormwater management system on the creek in June 1996. These sources illustrate the variety of
land uses in West Dapto at the time and the citizens’ level of awareness of their dangers. They were:
Huntley colliery, Avon colliery, Wongawilli Emplacement, Eloura Stockpile, fill on the Macedonian
Sports Ground, Whytes Gully waste depot, use of slag by Sydney Water Works, slag emplacements
and stockpiles, excessively steep escarpment access tracks, farm dams, unauthorised filling activities,
earthworks on new subdivisions, industrial facilities, equestrian facilities, market gardens, cattle
crossing creeks, existing urban areas, eroding creek banks, garages and depots, transformers, sewer overflows, gun clubs, golf courses and truck movements (Wollongong City Council 1996). Clearly the range of allowable activities on the plain was having uncontrollable effects on the waterways and the lake.

In the past agriculture has not been successfully planned in Australia, with agricultural land in proximity to cities generally seen as land banks for future growth (Buxton, Tieman et al. 2006 p202-3). There is now a long history of lack of planning for West Dapto as an agricultural area, with the West Dapto Strategic Plan 1987 for example explicitly excluding agricultural production as a planning consideration, despite acknowledging that at least part of the plain is suitable for this (Wollongong City Council 1987 p36). This is now out of the question despite more recent concerns about food security, attempts to minimise ‘food miles’ and anxiety about the loss of food producing land around major cities such as Sydney to the new planned ‘growth centres’. Walker and Hurley argue that the traditional urban/rural distinction needs to be rethought to take account of such concerns and associated urban and peri-urban agricultural enterprises (Walker and Hurley 2011 p178). Although alluded to by landowners, this issue was not evident in the discourse of the escarpment-focused environmentalists, who in fact had little to say about West Dapto. But from the point of view of the landowners the escarpment campaign was only one of many pressures their land had been subject to, so understanding their position involves some appreciation of these other forces. The WDDRA spoke for a group that evidently lacked clout when they complained about being bypassed in the process.

A simplistic picture of West Dapto arose with three dominating planning sectors, these being industrial, urban and Escarpment park, all neatly complementary and balanced, but feeding on a rural resource (West Dapto Rural Ratepayers Association 2003 p23).

Industrial companies continue to be owners of very large tracts of land on both the escarpment and the West Dapto plain, with renewed mining activities in some areas and a long term plan to convert an area in the north of the plain to employment lands to be used by job-creating enterprises. However much of this land is surplus to foreseeable requirements, making BHP in particular a reluctant player in issues of urban planning, conservation and land stewardship. Apart from the now active mines, such companies have left little immediately visible impact, with much of the land now extensively overgrown and regenerated.

4.2 Debating urban growth

In West Dapto the escarpment shades into a rural area which is planned to become part of the city of Wollongong. Although this thesis is primarily about planning processes as they affected the natural areas of the escarpment, the wider issue is about planning the limits of cities, and this affects both the escarpment and West Dapto, including a large area of overlap. Hence I turn here to the academic field of urban studies, which has had moments of authority in Australia, beginning perhaps with Leonie Sandercock’s comprehensive Cities for Sale in 1975. She surveys the history of planning of the major cities, analysing the impact of the dominance of market forces and ‘the national hobby of land speculation’, creating a ‘property-owning electorate’ (Sandercock 1975 p188-9) and land prices that are prohibitive to governments and a large proportion of the population. She notes that governments’ lack of control over land means that planners are in effect subservient to private
developers’ wishes. In contrast, the local collection of essays produced from the Geography Department at the University of Wollongong shortly after Sandercock’s book does not employ her critical framework or acknowledge such political forces, although it provides valuable empirical data on Wollongong up to the 1970s (Robinson 1977). The emphasis is on the role of heavy industry and the Port Kembla steelworks in particular in determining the rapid growth of the economy and urban shape of Wollongong after World War Two. At this time the ‘rural service centre’ of Dapto was the extreme south western edge of the city.

Environmentalists may participate in debates about urban growth with a discourse of what one might call planning scepticism, which does not share an acceptance of the necessity of growth. However this is problematic, for, as well as immigration, much housing growth is now due to longer life expectancy and lower occupancy rates (McGuirk and Argent 2011). Although most would find it difficult to argue against the need to plan for more housing of some sort, environmental groups typically feel a duty to scrutinise and often oppose major development proposals on the basis of the destruction of environmental assets. This ‘defensive localism’ can also involve anxieties about the pressure on existing services and infrastructure and the loss of urban character (p327). There is also a well-established conundrum of suburban loathing characteristic of the frequent media commentary about the nature of our cities and now focussing on how to make them more liveable and sustainable. This often derides the sprawling suburb as a ‘great Australian ugliness’ in the term Robin Boyd’s term first coined in 1960 (Boyd 2010).

The continuing conundrum was stated by Hugh Stretton in 1970: ‘... why do so many Australians choose to live in a way so unfashionable with intellectual urbanists...?’ seeing the answer mainly in the suburban house and garden’s relative affordability, flexibility and suitability for child rearing and family life (Stretton 1989 pp13-17). Lesley Head and Pat Muir also take a sympathetic approach to this dominant Australian urban form by focussing on the manifold variations in the human engagements with nature practised in suburban backyards (Head and Muir 2007). They see appreciating the significance of these spaces in their participants’ everyday lives and sense of self as essential in thinking about sustainable futures. In a market dominated housing sector however, what gets built is what people like and can afford.

The continuation of the success of the suburban ideal depends on suitable land being available at an affordable price, but this is one of the issues that have dogged West Dapto and urban planning generally, as land parcels are traded on the capitalist market. There are particular Australian tendencies that have led to developers having disproportionate power and high land costs (Burke 1999 p114). In addition there are competing uses for the limited land available: employment lands, agriculture, conservation. Although planners are now likely to acknowledge that high and medium density housing should increase, the market apparently does not always follow this precept. Despite the apparent rationality of planning documents which focus on higher density developments around transport hubs, this meets stubborn resistance from residents wanting to keep the low density character of their areas, and from buyers who continue to prefer freestanding houses in more outlying areas even without developed facilities or proximity to jobs (McGuirk and Argent 2011). Mullins argued in 1995 that the role of the ideology of consumerism was under-recognised in urban research as a driver of such choices, saying
... a disproportionate number of Australian metropolitan households have moved to the metropolitan fringe because it offers them, relative to their social circumstances and to the opportunities available to them if they lived in inner and middle suburbs, greater consumption opportunities for satisfying both wants/desires and needs (Mullins 1995 p88).

His implication is that wants and desires are not recognised enough by planners. The prevalence of consumerism and the possibilities for cultural expression and taste cultures that it engenders create great potential for unfair judgement of others. A crucial question is whether considerations of sustainability and environmental planning are subject to the same criticism, for they may have the perceived or actual effect of dismissing or limiting people’s pleasures. ‘Greenies’ are often derided for their taste in parks and gardens for example, which in Australia is likely to depart from the cultural norm of the well tended English garden. Harvey argues that despite its middle class provenance, the environment movement has shaped wider political agendas to the extent that it cannot be seen as ‘a mere adjunct of bourgeois fashion’ (Harvey 1996 p380). Nevertheless we must be alert to values and forms of expression mainly attributable to social class. Robin Boyd arguably took such a position in earlier objecting to the practice of mass clearing of native vegetation for housing developments, railing against the ‘arboraphobia’ and the ‘annihilatory urge’ characteristic of new developments (Boyd 2010 p106). His objection was more likely to have been on aesthetic rather than environmental grounds, for he disliked the resulting ‘clipped artificiality’ (p97). For some, ‘greenies’ also may represent just another taste culture, and this may at times be justified. But usually such choices are made on the basis of some degree of principled conviction, perhaps even going as far as environmental theorists such as Plumwood to believe that the entire western rationalist tradition of thinking about human/nature relations is at fault. Between such extremes lie the complexities of different ideas of nature circulating in the discourses contesting land use decisions.

Although as we have seen environmental considerations may feature prominently in planning documents, the record of observance in actual decisions does not accord with this. McManus analyses the way Australia’s ‘vortex cities’ suck resources from the surrounding countryside and export waste back to it (McManus 2005). Newton notes that Australia’s urban development is among the most unsustainable in the world according to indicators of per capita water use, energy use, waste generation, car mobility, carbon dioxide generation and floor area of new dwellings (Newton 2008 p181-2). Environmental values in themselves have no market value, although when conceptualised as ‘ecosystem services’ or prestige real estate monetary values can be posited. The kind of new developments envisaged are criticised by environmentalists disputing the need for housing to require such a large carbon footprint due to the size of houses and the energy required to heat and cool them as well as the lack of tree cover and soft surfaces, limited often to small patches of lawn. Paul Robbins in the US context argues persuasively that ‘lawn people’ are a dominant suburban type bred from the interaction of chemicals and norms of garden design based on exotic grass species and excessive water use (Robbins 2007). ‘Lawn dissidents’ are indeed rare in the dominant style of housing estates recently built in the Illawarra, as elsewhere.

Activists criticise local ‘overdevelopment’ in projects such as Edgewood in Woonona and Sandon Point in Bulli not only for their inappropriate location on sensitive sites but for their size, unnecessarily high carbon footprint, lack of sympathy to the landscape as well as the scale of
environmental destruction required to build them. There is also often a lack of green space, community facilities or town centre, so that the developments depend on existing infrastructure and facilities. An exception to many of these characteristics is local developer Neville Fredericks’ Tullimbar project being built to the south of West Dapto, cited by Farrelly with approval as a vision of ‘a country village that works’ (Farrelly 2007 p186-7). Fredericks was later to become a player in the development of West Dapto with his plan for a similar project on a more environmentally challenging site.

4.3 Plans delayed
The plans for West Dapto formulated in the 1980s emphasised affordable housing, with larger, more upmarket lots on the fringes, as former WCC planner David Winterbottom explains.

David: Basically our concern at that stage was that West Dapto would be like East Dapto, low cost, pretty ordinary kind of housing. One of the things that we promoted was that up at the edge of the escarpment we would release rural residential or not quite... but anyway large lots to act as a buffer between normal residential and the escarpment, but more importantly to set the real estate market, to say we’re going to have some richer people in here, we’re not going to have a total south Wollongong’s always poor and north Wollongong’s always rich. It was a much bigger social program so to speak...

The West Dapto Draft Strategic Plan 1987 stated that construction would start in 1992 and would begin in the north, working systematically southwards. But for many years the state planning authorities were less than enthusiastic about developing West Dapto, concerned about the flood risk, the high transport and other infrastructure costs, the environmental costs of managing sediment going into Lake Illawarra and the need to provide employment lands. The plans have also been frustrated by economic trends and issues such as how much responsibility governments and developers have to provide infrastructure, with the disputed Section 94A mechanism of the planning legislation, the Environmental Planning and Assessment Act, requiring developers to pay a levy for such purposes. West Dapto was always going to be challenging because of its flood-prone nature and the need to build elaborate transport links to cross the railway line from the main highway. Added to these intractable problems, environmental arguments which could have been mobilised to influence the extent and design of development on the West Dapto plain were spatially restricted to the escarpment and in particular the question of development on escarpment foothills, despite the very influential Commission of Inquiry’s ground-breaking emphasis on the implications of escarpment management for the city of Wollongong generally and the coastal plain. The escarpment planning process (though not particularly the activists) did however pose challenges for the planning of West Dapto by pointing to the area’s environmental values, the forested foothills and remnants of the Endangered Ecological Community Illawarra Lowland Grassly Woodland on the coastal plain (NSW National Parks and Wildlife Service 2003b).

Winterbottom describes how the then Water Board took unilateral action about key infrastructure leading to greater expansion further south in Shellharbour.

David: Well of course that plan got deferred and deferred. The fundamental reason behind that was that the Water Board went and serviced huge areas of Shellharbour and didn’t want to service huge areas of West Dapto because that meant that development would be
split and they wouldn’t get their money back quite so quickly. It was basically the Water Board driving the order of development.

Regional Director in the Department of Planning Brett Whitworth says because of this disruption as well as the earlier recognised problems, it was not until the mid 1990s with the change to a Labor government that the state government accepted the plan in order to bring Wollongong’s proportion of housing increase through new release (as opposed to ‘infill’ or increasing housing density) into line with other areas (personal communication 27/10/09). WCC began distributing Planning for West Dapto newsletters from 1994, set up a community liaison group (of which citizen Russell Hayes was a member) and planned Community Planning Workshops. Even then the *Illawarra Mercury* reported on government inaction.

The West Dapto expansion plan, which proposes the creation of five urban villages – identified as Horsley, Osborne, Avondale, Marshall Mount and Wongawilli – has been on the NSW Government’s urban development program for the past 12 years. Planning officers say their efforts to get the project moving are being hampered continually because of a ‘culture of inactivity’ permeating various government departments (Turk 1996).

What resulted from this situation was the Horsley compromise, an area of more limited development close to the existing Dapto town centre, with a Development Control Plan in 1991. Winterbottom explains why this course was taken, since beginning from the north was problematic.

David: Because the land was all owned by BHP for a future steel works, all that land round Kembla Grange from the little industrial estate right through. It was all owned by BHP, zoned Industry and reserved. And one wanted to support the Dapto centre. There aren’t really any other district scale services available. If you wanted to have a library and a decent supermarket and a major club and so on that you’ve got in the Dapto centre. You’ve got Bong Bong Rd which isn’t very satisfactory but if you’d had Fowlers Rd which was expected to go through 20, 25 years ago, they would’ve had direct access to all those facilities, whereas if you’d started further up at Kemblawarra or down at Yallah there wasn’t anything, you’d have had to start from scratch....

The development of Horsley is to many people an illustration of the future of West Dapto and does not inspire confidence in conservationists aware of what is being lost to build these suburbs of questionable sustainability. It consists of relatively large houses on smallish blocks, typical of the housing which has recently been established over a wide area in the Shellharbour area to the south of Wollongong as well as in countless other contemporary suburban landscapes. In addition the WDRRA laments the ill considered loss of a rare forest remnant on the outskirts of Horsley. The group claims this was Coastal Grassy Red Gum Forest. If so, this is a component of the Illawarra Lowlands Grassy Woodland Endangered Ecological Community which is now almost entirely cleared (*NSW National Parks and Wildlife Service 2002a* p125). ... the site has the appearance of blanket suburbia, a scene that could be anywhere in NSW... This shows how economic rationalism has decimated a region’s ecology and identity. A rare and regenerating forest has been replaced with congested urban sprawl in extremely narrow and claustrophobic streetscapes where all that can be seen are two car garages and walls of either houses or high palings which (sic) despite the sales pitch, no Escarpment in view(*West Dapto Rural Ratepayers Association 2003* p38). Dapto public
school was moved to the area but there is little otherwise in terms of community facilities, and the access from Bong Bong Rd is notoriously problematic. Behind Horsley is Purrungully Park, a valuable woodland remnant, which was bought by council and preserved (Illawarra Mercury 1998). However much vegetation was lost in the process of building Horsley, and it galled the farmers to see council ride roughshod over the wishes of one landowner in order to clear land to create part of the prototype subdivision. Evan Perkins tells the story of how the rare vegetation community was logged, against the wishes of the owner, who had no desire to see subdivision on such a scale, but was forced to sell his holdings to an urban developer. This happened after the COI’s report had been released, with its recommendation that the escarpment could not be planned without consideration of the foothills and the coastal plain. I rely on Evan’s account of these events with the proviso that the intent he ascribes to the council may be his own interpretation. Confirming the sequence of events and how the owner was forced to sell his land is beyond the scope of this thesis.

Evan: Now in the book we showed photographs of an area with a tree called *bosistoana*, a eucalypt, the bushmen called it bastard box, a cross between *teriticornis* and *quadrangulata*. The botanists call it bosistoana. Down at Dapto, Shone Ave, there was a group of those trees growing as a species and the birds fly... where my farm is you’d be here and then you’ve got flat ground right up to there that we farm and we’re away up on top looking down on everything. And you see all the birds fly out of the escarpment of a morning early and you can see where they go. Five hundred magpies might go down to that forest over there, something else goes over there, and they do it as a pattern all round the year. Now what we saw was that if you want to protect the escarpment you’ve got to protect where those birds go, so the chappie that had this ten acres was also interested in the environment and he needed to retire and he needed to get some return on his land. So he went to Council and said I want to sell that as two five acre blocks and leave the forest. Council said No way. We want to subdivide 15 houses a hectare so they said you cannot sell it [in 5 acre blocks]...

So they came in with bulldozers and stuff and they just wiped that all out. He had the buyers, he was willing to sacrifice money and he said two houses there, leave it all there, that’s all part of it, and we keep it. Council wouldn’t have a bar of it because to do with their infrastructure and all the things they were putting in, they wanted to make more money.

Though local citizens observed and photographed the destruction and have since documented the process (West Dapto Rural Ratepayers Association 2003), they had not organised protesting crowds when the bulldozers arrived.

4.4 Wollongong LEP 1990: Non Urban and environmental zoning

Local Environment Plans (LEPs) are the main planning document for local government areas in NSW, designating land use and development zoning for all areas of a local government area. Zones include designations such as low, medium and high residential, primary production, light industrial, and environmental conservation. Each zone has objectives, such as encouragement of primary production and mininisation of land holding fragmentation for the primary production zone, and list allowed and prohibited uses such as housing, recreational facilities, or farm buildings. Under the EPA Act LEPs are drafted by councils, made available for public comment, and sent to the Minister for Planning for final determination.
The year 1990 saw the adoption of a Local Environmental Plan (LEP) by Wollongong Council which remained the planning template for the city for twenty years and was thus the framework within which the disputes summarized here arose. This included the contentious zonings into which the escarpment was divided in the life of this Plan, which continued to be modified until the state government initiated a wide ranging planning process in the interests of coherence and consistency. By the 2008 version of the Plan there were 25 distinct zone categories within 9 basic zones.

1. Non Urban
2. Residential
3. Business
4. Industrial
5. Special Uses
6. Recreation/Tourism
7. Environmental Protection
8. National Parks
9. Reservation

Many of these have subcategories, thus creating the 25 overall zonings. Some were introduced as special categories during the life of this plan. The contentious zonings for the purposes of this study were 1 and 7. WCC had future urban development in mind when zoning almost all of West Dapto, right to the southern LGA boundary as Non Urban. The unclear and conflicting aims of this zoning were:

a. To provide a rural atmosphere on the outskirts of the City of Wollongong and to act as a reservoir from which land suitable for:
   i. urban development to cater for planned natural urban growth, or
   ii. environmental protection,

   can be drawn, and

b. To allow agricultural and peri-urban pursuits which are not likely to:
   i. inhibit or prejudice the present environmental quality or future development potential of the land, or
   ii. lead to a demand for further public services or render them more difficult or expensive to provide once urban development takes place

The classification of a large tract of West Dapto as 1 Non Urban from the beginning of this LEP as a holding category was to be taken as a move in bad faith by landowners and to continue to be a cause of dissatisfaction throughout the disputes. Winterbottom explains that this was done to try to preserve viable tracts of land for urban development and defends this on the planner’s grounds that ‘it is the community at large which creates land values not the individuals who happen to own land in the path of urban development’ (personal communication 13/12/11). Furthermore this was necessary in the face of ongoing fragmentation by dairy farmers selling blocks of land, a normal peri-urban process. He compares this move by Wollongong Council with what he sees as mistakes in Western Sydney.
David: Sydney’s much much worse because about 30 years ago they allowed vast swathes of west Sydney to be subdivided into farmlets and all of those are now worth millions each, so there’s no way that any developer can buy one and resubdivide cause the land cost is so high that what you’re putting on it can’t return. So they have a desperate problem there…

This ambiguous wording was a cause of continuing frustration despite the wide range of developments allowable subject to development consent. The zoning was in place for much longer than envisaged (in fact until the new partial West Dapto LEP in 2010) as urban development for West Dapto was planned but continually stalled. Landowners were discouraged by the effects of the zoning, which in some cases, was grounds for preventing farmers getting development approval for improvements to their farms. In the climate of uncertainty many of the next generation of farmers left the land, discouraged from an agricultural future either in dairying or diversifying into other crops. Wollongong Council itself began buying tracts of land for town centres, giving it a vested interest in future planning.

When the movement to save the escarpment began in the early 1990s Council also had to look at ways to preserve that landscape which, unlike lowland West Dapto, had never been earmarked for major development except for mining. However many rural properties in West Dapto extended high into the foothills. The most powerful escarpment landowner was BHP, which had already shown willingness to ‘gift’ unwanted lands to public bodies. It thus seemed relatively straightforward for Council to take on the project proposed by the Illawarra Escarpment Coalition of bringing as much escarpment land as possible into public ownership. The processes of rezoning land and attempting to acquire it for a future park, as well as the resulting distress of some landowners are documented in the next chapter. The various zonings instituted for these reasons proved contentious both for planning West Dapto and for the later escarpment planning as attempts were made to rezone land to ensure higher levels of protection, but without compensation. Some landowners took this to be effectively taking an asset from them since high conservation zoning virtually precludes economic activity. One zoning, now E2 Environmental Conservation, formerly 7(a), calls for environmental protection, which does not normally grant landowners permission to construct anything, but on the other hand imposes sometimes unclear obligations which may provoke resistance and challenge.

In the 1990 LEP there were several Environmental Protection zonings, the most significant for our purposes being 7(a) Special Environmental Protection and 7(b) Environmental Conservation. The aims of 7(a) were:

a. to protect environmentally important land having special aesthetic, ecological or conservational value, and
b. to identify and protect the foreshore environment that enhances the visual amenity and possesses ecological or conservational value, and
c. to identify and protect land forming part of the catchment areas for water supply, and
d. to allow some diversity of activities on degraded land that will not prejudice achievement of the objectives referred to in paragraphs (a), (b), and (c) or significantly detract from the environmental or visual quality or character of the locality or the amenity or operation of any existing or proposed development in the locality.
The only allowable developments on 7(a) land (with consent) are to do with infrastructure or primary industry: ‘advertisements; leisure areas; mines; utility installations...agriculture, buildings used in conjunction with agriculture; forestry’. Housing is expressly prohibited. Hence the crucial distinction with the more common 7(b), whose objectives were:

a. to identify, protect and enhance areas that have special conservational, aesthetic or scenic qualities that enhance the environment, and
b. to identify and protect escarpment areas that enhance the visual amenity and possess special aesthetic or conservational value, and
c. to allow some diversity of activities on degraded land that will not prejudice achievement of the objectives referred to in paragraphs (a), and (b) or significantly detract from the environmental or visual quality or character of the locality or the amenity or operation of any existing or proposed development in the locality.

In addition to what is permissible in 7(a), 7(b) also permits, with consent, ‘...dwelling-houses, ecotourism facilities; granny flats; home employment;...child care centres; educational establishments...recreation areas; restaurants’ (p44). The 7(b) zone was in turn for the purposes of escarpment planning subdivided into 7(b)i, which had the potential of being restored to 7(a) and 7(b)ii, which did not. Council’s Illawarra Escarpment Working Party was the first serious effort to involve the various stakeholders in escarpment planning, and will be discussed in the next chapter.

As it went about its work of identifying suitable land both for inclusion in a possible regional park and for some form of development, members found that the borderline between escarpment and to-be-urban coastal plain in West Dapto was not clear, as David Winterbottom explains.

David: The one area that got completely confused was West Dapto. It was vague. The 7(b)ii zone was more extensive there than elsewhere and the reason for that was that it’s a very very complex topography there and you really needed more time and effort and science than we had resources available to examine it all in enough detail to be quite sure. And so there was perhaps more land than ought to have been as faintly possibly that you could develop, simply because we didn’t want to exclude land too early, then it would be left to the detailed studies that had to be done before you could lodge an application to rezone. So West Dapto’s always been very difficult and problematical from that perspective.

Figure 24 is a map produced for the Illawarra Escarpment Working Party showing its division of the southern escarpment into ‘core’ escarpment, zoned 7(a), and the division of 7(b) ‘fringe’ land into 7(b)(i) and 7(b)(ii), which are termed ‘higher conservation value’ and ‘lower conservation value’ respectively.

Although in the ensuing debates there was widespread opposition to further development on escarpment slopes, historian Joe Davis is a rare voice in expressing the view that suburban development should not even be being considered in West Dapto because there are more important uses for the land, including maintaining an east-west natural area corridor.

Joe: And the disaster will be that all that residential development, West Dapto, Lake Illawarra’s dead... all of the runoff from that will flow straight into Lake Illawarra. And so
you’ll have a dead lake. It’s just a nightmare. That West Dapto should be just preserved for food production, that’s all it should be for. It should never ever be developed.

Chairman of the Lake Illawarra Authority Doug Prosser was also reported as voicing concerns about the threat to the lake, whose water quality has recently improved, from development at West Dapto and regions to the south (Paver 2011). Winterbottom claims however that current requirements for flood mitigation and nutrient removal make the quality of water downstream from new urban development ‘better than that from nutrient laden cow paddocks and infinitely better than that from vineyards and other croplands with pesticides added as well’ (personal communication 13/12/11). Thus he reverses common assumptions about the environmental benevolence of agricultural as opposed to urban land.

West Dapto has never become an environmental cause in the way the escarpment was to become, but I am arguing that this was an unfortunate consequence of the way the escarpment was understood by those campaigning for its protection. It is hard to disagree with the southern landowners’ claim that the activists had a ‘northern’ perspective, where the escarpment is a ubiquitous wild area directly adjacent to the city rather than a zone of human habitation and use, variously connected to the coastal plain.

There is an inconsistency between the general acceptance that the expansion of Wollongong into West Dapto was inevitable and the assertion that bad planning on the escarpment was creating dangers for areas below. Landowners had raised many issues about the connections between the different zones, how West Dapto was to be planned with respect to their land, their rights and the general environment, but these were not advocated by any wider environment movement. There has been a history of discontent among Dapto residents about the plans to extend their suburb and the uncertainty of the process, although not particularly about the nature of the built environment and the principles on which it is designed. There was much less coverage of such aspects of West Dapto in the Illawarra Mercury than of particular aspects such as traffic access and developer payments.

4.5 The new planning framework
Planning for the new Wollongong LEP had begun in 2005 and flowed from a wider state planning process led by the Sydney Metropolitan Strategy, first gazetted in 2005 and reviewed in 2010 (NSW Department of Planning 2010). This outlined the projections of relative growth in various areas in and around Sydney, tying the areas of densest projected growth to public transport hubs. Further to this the state government introduced greater co-ordination and streamlining in planning, including a uniform template LEP, beginning in 2008, which standardised the zonings across the geographic variations in the state (NSW Department of Planning 2007 p27). Previously the many council areas covered by the Strategy had different zoning categories allowing for different densities, thus making it very difficult to plan an overall growth strategy.

The resulting standard template is being slowly adopted as councils renew their LEPs, so its success is yet to be evaluated. Locally or regionally distinctive features such as the Illawarra Escarpment can no longer perhaps be adequately codified, but on the other hand the practices of different councils can be more easily compared. Kelly and Smith criticise it as ‘an almost perfect example of the
triumph of state bureaucratic politics over community input. Well-designed zoning objective clauses based on local knowledge and thoughtful drafting will suffer’ (Kelly and Smith 2008 p97).

The Illawarra Regional Strategy was one of a series of related documents setting out a 25 year vision for various parts of the state and was intended to be the overall guiding document for the region (NSW Department of Planning 2006). It proposed that 38,000 new dwellings would be required ‘to cater for growth and declining occupancy rates’, with over 19,000 of these being in West Dapto, although not all in 25 years. Of the new dwellings, half would be detached housing and the other half would be medium to high density housing, particularly around major centres. West Dapto was to include at least 25 per cent medium density (p22). If the growth rate is higher than this, the Strategy suggests that Calderwood, in the far south of the Wollongong LGA but mostly the adjoining Shellharbour, could be considered as another release area (p4). It also recognises the region’s challenges: the lack of employment growth, infrastructure issues, housing stress, the need to protect agricultural land and the environmental values of the escarpment, the coast, Lake Illawarra and the need to maintain green corridors. The Strategy also says that Wollongong Council will incorporate the planning controls recommended in the Escarpment Management Plan document into its Local Environment Plan (p29).

There is some uncertainty that growth will meet the projected levels. Dapto is identified as an emerging regional centre, along with the already established centres of Warrawong and Shellharbour. West Dapto will be planned in five stages and ‘will be based on “Neighbourhood Planning Principles” to ensure that dwellings are located close to transport opportunities and commercial centres’ (p21). It is cautious about zoning areas rural residential or large lot residential. ‘Unless strategically located, rural residential development is undesirable because it creates land use conflict with agricultural users, land speculation, social isolation and is inefficient and environmentally unsustainable’ (p36). In general the Strategy sets out sound principles but at such a level of generality as to give no guidance on resolving the inevitable conflicts between them.

Council was still considering West Dapto matters while the Wollongong LEP was being finalised, so that though West Dapto should have been included in the Wollongong LEP, the area was excised when the Wollongong plan was tabled in 2009 (Wollongong City Council 2009b). A partial LEP for West Dapto was gazetted in 2010 (Wollongong City Council 2010). The new LEPs were to become the crucial planning framework but there were problems of co-ordination and continuity. The staging of the West Dapto release was reflected in the partial plan approved rather than the plan providing an overall framework. The Wollongong LEP 2009 thus included what the council regarded as the escarpment but excluded the West Dapto area, including some escarpment foothills, which constituted a Deferred Matter in the middle of the Wollongong LGA map. This created some
Figure 24 Illawarra Escarpment Working Party's West Dapto escarpment zonings (Wollongong City Council 2011b)
confusion for the planning of both West Dapto and the escarpment and continued to divert attention from the connections between the West Dapto plain and the escarpment foothills that the landowners had argued vociferously for during the escarpment consultation processes, as we shall see in the next chapter. These plans introduced a lot of new zonings in line with the wider state processes.

The old troublesome 1 Non Urban zone was abandoned in the new plans, to be replaced by new categories including limited use of RU2 Rural Landscape and RU4 Rural Small Holdings for primary industry and a new specific zone for waterways. For the purposes of this study, the important zones are the environmental ones,

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living

E1 covers land managed by the NPWS, though it may be owned by companies who retain mining rights. E2 and E3 both include the aim ‘to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values’ but some development is allowed in zones E3 and E4, whereas E2 excludes virtually all construction, for what is permitted includes only ‘environmental facilities, environment protection works, extensive agriculture and recreation areas (p29). Former Wollongong Council head of the Environment division Lisa Miller was pleased at the amount of land now zoned E2, although she acknowledges that there were compromises in West Dapto, where Council and the state government wanted as much land as possible available for the Urban Release (personal communication 30/9/09). As mentioned in Section 3.3 different knowledges are brought to bear in the zoning decisions Councils make in creating their Local Environment Plans. In the process of drafting an LEP, diverse sections of a council including environmental staff, social planners, economic development staff, and planners themselves will contribute and weigh up various considerations. This process may, as here, involve conflicting input in s from different sections of the organization. The degree of public participation and media exposure may also influence council decisions.

In contrast in the E3 zone the range of permitted developments include dwelling houses, bed and breakfast accommodation and community facilities, but prohibited are ‘Industries, multi dwelling housing, residential flat buildings, retail premises, seniors housing, service stations, warehouse or distribution centres and any other development not specified in item 2 or 3’ (p30). This represents the crucial distinction from the point of view of the economic interests of landowners wanting to subdivide, similar to the old 7(a) and 7(b) which featured crucially in escarpment planning. It is supplemented by a new category, E4 Environmental Living with the aim ‘to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values’ and a more restricted list of permissible development than E3. E4 was hard to interpret, for areas so zoned were largely already built on the escarpment, though it has the potential for ‘eco-village’ development and is used for a small area in the West Dapto LEP. The LEP demarcated a 10,000ha escarpment zone and included a specific clause covering it.

7.8 Illawarra Escarpment area conservation
...(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

a. will be located so as to minimise any adverse impact on the natural features and environment of the Illawarra Escarpment, and
b. will incorporate on the land, conservation and rehabilitation measures to enhance the Illawarra Escarpment

However the words ‘adverse’ and ‘enhance’ were unsatisfactory to environmentalists, being a matter of judgement and providing nothing enforceable.

Figure 25 needs to be compared to Figure 24, for it shows the equivalent contemporary zonings for a more restricted area. It has been compiled from the current LEP maps for Wollongong and West Dapto, for the data is not available in a more general format. Though there is a lot of complexity in the many zoning categories used, the crucial point for our purposes is the amount of environmental zoning, shown in various shades of orange. In contrast the proposed residential areas, shown in pink, are very restricted compared to earlier visions. The purple industrial areas to the north remain. It is clear that physical constraints such as riparian zones and the nature of the landscape have been more accurately represented in the recent plans, as well as its advanced presentation.

4.6 West Dapto visions and vexations

A housing study commissioned by Wollongong Council in 2005 concluded that West Dapto would need to be developed to satisfy medium term demand for housing, though it noted that the amount of medium density would need to be increased to over 8000 dwellings (SGS Economics and Planning 2005). WCC produced a suite of publications as a draft plan for the West Dapto Urban Release Area in 2007 including a draft LEP. They envisaged 19,000 dwellings over a 40 year period, with two new town centres, one on Darkes Rd in the north and one on Bong Bong Rd in the centre and a lower density ‘country-style village’ in Marshall Mount in the south of the area, where the remnant vegetation of the Yallah-Calderwood corridor called for special attention (Wollongong City Council 2007a p15). Sustainability was to be a guiding principle, with watercourses and bushland preserved. ‘Rather than a “blanket of suburbia”, the intention was to create a series of communities set within a landscape with clear edges and denser centres’ (p14). There will be ‘a range of housing types’ with rural residential lots as a buffer to the escarpment (p15).

Two thirds of the total West Dapto release area will not be developed, due to it being below the 1 in 1200 flood interval. That guarantees large tracts of open space within the development area, and a range of mitigation measures – such as the creation of detention basins and wetlands – will ensure any development does not increase the risk of flood further downstream (p17).

The draft plan included a staged rollout of five distinct areas, starting from the north where the employment lands at Kembla Grange could be developed. However the 2010 LEP presents a much reduced vision, covering only the first two stages, from Kembla Grange to the lands west of Horsley, following a report commissioned by Council but not widely debated. The Wollongong Council administrators commissioned the Growth Centres Commission to review the West Dapto Release Area planning and received their report in November 2008 (Growth Centres Commission 2008). It
was a combination of caution, in recommending less development, and pragmatism, in that it accepted that the Calderwood proposal by the development consortium Delfin Lend Lease would go ahead. This proposal is inconsistent with the Illawarra Regional Strategy. The consortium had released this proposal for a major development further south, beyond the West Dapto release area, after acquiring options for purchase from dispersed landowners in the Calderwood Valley, including some very high grade agricultural land (Delfin Lend Lease 2009).

The Growth Centres Commission report on ‘a most difficult land release’ (p21) posited that development could occur from the south as well as the north, by combining Stage 5 of the West Dapto release with the Calderwood proposal. This was evidently at the developers’ behest, for it would result in ‘a higher overall dwelling production rate supported by higher profile developers delivering a mix of affordable products’. On the cautious side, the report recommended that the total number of dwellings aimed at be reduced from 19,000 to 16,000, the release be planned in stages and the planned town centres be reduced. It also reassessed the economics of the long planned transport infrastructure, most notably discarding the West Dapto Transport Link at Fowlers Rd, saying it would not be needed in Stage 1 and provoking angry comment in the media. The opening of the possibility of developing from the south permitted Tullimbar developer Neville Fredericks to propose an eco-village plan for this site, and Council began considering the area in April 2011, in yet another deviation from the planned orderly north-south rollout.

The extent to which the LEP gazetted in 2010 will be adhered to is in any case dubious as there are cases being considered that undermine the overall vision for West Dapto, such as a proposal to redevelop the former Huntley colliery, an environmentally valuable site subject to earlier contestation. Before the LEP was gazetted the owners, HHT Huntley Heritage, proposed a development surrounding a golf course on degraded former coal processing land at the base of the foothills in what was to be Stage 4 of the West Dapto Release. The proposal went on public exhibition in June 2010 and made clear that the envisaged upmarket housing was to be differentiated from the more downmarket nature of the general housing stock expected in West Dapto. It also included an elaborate resort to be built from the old Huntley mine buildings 1.7 kilometres away, very high on the escarpment in the middle of a large, complex forest area zoned E2. This particularly contentious aspect was removed from a reduced proposal approved by Council in December 2011 in the absence of an updated LEP.

The favourable treatment given to the Delfin Lend Lease proposal for a 4800 lot subdivision at Calderwood also tested the authority of designated planning authorities for it was contrary to the sequencing of land releases indicated in the Illawarra Regional Strategy and was opposed by Wollongong and Shellharbour councils on several grounds. Illustrating the effective powerlessness of planning processes, Minister Tony Kelly nevertheless approved it shortly before the Labor government spectacularly lost office in March 2011. Shellharbour Council unsuccessfully appealed against the decision, later joined by Wollongong Council, on the basis of flood risk, environmental aspects and the fact that it would be yet another intervention to undermine the West Dapto plan in competing for infrastructure (Latifi 2011).
Figure 25  Compilation zoning map for north and west of Dapto (Wollongong City Council 2009b; Wollongong City Council 2010).
The severe flooding of 21 March 2011, just before the state election, again demonstrated the need for flood free access to the area and raised citizen ire. Dapto Neighbourhood Forum Convenor Romeo Cecchele circulated an email in which he vented long held frustrations about the delays in implementing the necessary infrastructure for the area.

... In West Dapto the population which currently stands at 8500 has been promised by every Lord Mayor, Ward 5 Councillors and every state member of parliament that the people will have flood free and straight line access to Dapto from January, 1981!... What a long list of negligence and incompetence by our WCC Administrators and David Farmer along with our state members of parliament whom (sic) have allowed WCC to underfund Dapto CBD and West Dapto to the tune of 850 million dollars by their own engineer’s admissions. This is now after 30 years of continued neglect become such a large ticket item of infrastructure that only state and federal government money can save Dapto and West Dapto from flooding in the future...

Citizens apparently had no faith in the future of their area under its current governance, which was unable to ensure that planning templates were followed or that long promised infrastructure was delivered. By the time the West Dapto plan began to receive state government approval, there was a further barrier to the implementation of any new housing development, for housing costs in most Australian cities had created a politically sensitive ‘housing affordability crisis’ which was excluding increasing numbers of young people from the housing market, and making the delivery of infrastructure very difficult. Governments presently contribute little infrastructure to such projects, which largely depend on a levy allowed by Section 94 of the EPA Act. Winterbottom sums up the problem of financing the expensive infrastructure when the state government is trying to reduce extra costs to home buyers.

David: The major problem for West Dapto is financing it. With the land fragmentation a lot of infrastructure like roads and retention basins and so forth have got to come into the Section 94, the public realm, which means that you have to pay much more on your house to get that into the public realm, whereas if you’ve got large parcels the developer picks up all that as part of his developer costs and it’s not really so overt. Then you don’t get a bloody dam fool government saying Well you can’t charge more than $20,000 a lot [for so-called Section 94 contributions to infrastructure]. Totally arbitrary.

The proportion of the Australian population owning property has remained around the same since the 1970s at about 75 per cent, but most of these dwellings are now inhabited by one or two people (Allon 2008 p141). In this context Fiona Allon mounts a sustained case that the current obsessions with home and property are irrational. Her emphasis is on the financial aspects rather than the design or environmental arguments of other critics. She points to the proportion of national wealth in private housing rather than public projects and the debt burden involved for householders preoccupied with pursuing their individual home projects. She sees an end to the great Australian dream as the next generation is
excluded and calls for a rethinking of the meaning of home in terms of ‘security and belonging’ rather than real estate. Many of us live in houses that are not only too big but also cost too much. However owning property remains a deep seated imperative for many though the debt involved is now likely to incur insecurity and anxiety rather than the desired security and shelter. While her cultural analysis of the contradictions of this ingrained form of consumerism is provocative and insightful, Allon makes no suggestion for how people might be relieved of this burden or persuaded to make more rational housing choices. Yet she is right that the economics of home ownership no longer add up, and in the case of West Dapto this presents perhaps the final obstacle to creating urban areas on land long designated for the purpose.

The uncontrolled property market has thus added to the other factors described in this chapter to frustrate the project of developing West Dapto: a relatively powerless planning regime and a difficult environment with a long history of industrial degradation of the land and waterways. Despite our ‘property owning democracy’, citizens’ rights are limited as there are many flaws in the political system of land management. The relevant legislation is fragmented and ad hoc, Councils have limited powers which can be removed or overridden by the state government, politicians at all levels are susceptible to undue influence from powerful players in the property industry and planning is subservient to other government priorities. In his call for a comprehensive overhaul of the NSW planning system, Broyd argues that the legislation needs to be overhauled, institutional frameworks need to be reformed and community trust needs to be rebuilt (Broyd 2011).

Citizens’ rights to a healthy environment can only be ensured by governments making responsible decisions based on researching the physical setting, consulting with those who know it, and minimising risk for all parties. As Young and Johnson predicted, ‘the danger from hazards will increase, for urban growth intensifies the natural processes that cause damage’ (Young and Johnson 1977 p49). Urban environmental politics can be about pointing out these dangers or those which result from human intervention such as mining and industry. It can also be about positively valuing ‘places worth keeping’ in Tim Bonyhady’s phrase, like the Illawarra Escarpment (Bonyhady 1993). In an urban or peri-urban environment like Wollongong one would expect such places to serve as areas of recreation and accessible contrast to the city. However the escarpment is more complex than this, in its ruggedness and inaccessibility more closely resembling ‘wilderness’ areas like the Blue Mountains than an urban park. Although its lower slopes are part of the West Dapto Release Area, this was quite difficult for conservationists to accept, for an undifferentiated vision of the escarpment has served quite a different role to Dapto in the Wollongong imaginary. The next chapter will document the environmental campaign to ‘save’ it.
5 For an escarpment common

The law goes hard on man or woman
Who steals the goose from off the common
But lets the greater felon loose
Who steals the common from the goose.
Old proverb

5.1 Forms of land tenure

The Illawarra Escarpment is the most prominent physical feature in Wollongong, a dramatic green ‘backdrop’ which looks like a forest park, but it is not what it seems. A quarter of the 10,530 hectares now designated ‘Illawarra Escarpment’ in Wollongong Council’s Local Environmental Plan is owned by various government bodies, and two thirds of the rest is owned by companies with large holdings including mining companies (Wollongong City Council 2011b). This includes most of the State Conservation Area managed by the NSW National Parks and Wildlife Service, for its original coal company owners have not relinquished the right to mine. The ownership structure is opaque to the general public, and together with the application of environmental protection zonings, creates a confusing picture of who is responsible for managing the many difficult challenges the escarpment presents: its physical form defines the city but its unstable forested slopes also pose threats from fire and flood. Though its bushland is biologically diverse, its mining heritage makes owning escarpment land a risky investment. This is true for the NPWS, who some Wollongong residents have argued for many years, should be given responsibility for a publicly owned escarpment park. This, I argue, is a case of Ostrom’s ‘policy panaceas’.

As we saw in the previous chapter, the escarpment constitutes a major constraint on the city’s planning and growth, although this was being tested by increasing developments on its slopes through the 1970s and 80s. Contesting these led to the creation of the Illawarra Escarpment Coalition in 1990, the most important conservation group for this study. This group continued to have an influence for the next twenty years, challenging urban planning authorities to prioritise environmental and amenity over property values. An early document by the Illawarra Escarpment Coalition surveys the momentum which was building.

For over twenty years, residents in the Illawarra have recognized the need to protect the escarpment from the impact of urban and other development. A document on this subject prepared by the Illawarra Environment Centre in 1985 cites seven separate studies carried out between 1971 and 1983, all of which conclude that the protection and preservation of the Illawarra escarpment is a necessity.

In recent years, the pressure for development of environmentally sensitive areas has increased. Increasing land values, the recognition of the tourist potential of the
escarpment and the shortage of residential land in the Wollongong Local Government Area are all factors contributing to this pressure (Illawarra Escarpment Coalition 1990).

The major company operating in the area, Australian Iron and Steel (AIS), later part of BHP Billiton, had in 1980 ‘given’ 1503 hectares of discontinuous land to form the Illawarra Escarpment State Recreation Area (NSW National Parks and Wildlife Service 2011 p1). This was to form the core of an envisaged escarpment park, but the exact nature of this gift was to prove contentious. AIS’ donation received general political approval, although the farmers point out that ‘in reality AIS/BHP was gladly surrendering an economic liability by virtually “loaning” an ecological asset which they no longer had to manage and pay for until they so chose...’ (West Dapto Rural Ratepayers Association 2003 p46). NPWS explain that ‘the terms of the donation restricted the depth of the reserve to approximately 15 metres below the land surface and permitted the donor to retain certain access and mining activity rights (NSW National Parks and Wildlife Service 2003a p2). Mining is in fact allowed on SCAs but not National Parks, and the rights of coal companies who have ‘donated’ land to NPWS is not well understood. In fact 8.3% of the escarpment is outright owned and controlled by NPWS and could therefore become a National Park, but 26.9% is zoned E1 and is managed by NPWS, though their rights and obligations only cover the land surface (Wollongong City Council 2011b). The Bulli Pass Scenic Reserve and land above Stanwell Park and around Helensburgh were later added, and under Wollongong Council policies described below some other parcels of land were also added to what is now known as the Illawarra Escarpment State Conservation Area, which remains discontinuous and unevenly managed.

In this chapter I highlight some key issues and planning processes, mainly initiated by the IEC, which addressed the growing momentum to stop the city from growing up the escarpment foothills. This movement asserted that the escarpment needed to be recognized as a public asset, part of the enduring place identity of Wollongong. I posit the idea of the Illawarra Escarpment as a commons, or more correctly perhaps a common, for the vision held by those arguing for its ‘protection and preservation’ has been that this should take the form of a single tract of land appropriately designated and managed as a park, accessible to all but with strict policing as to what activities and uses are allowed. Not a planning concept, ‘the commons’ is used in the study of ‘common-pool resources’ such as forests, waterways and fisheries throughout the world, and is particularly associated with the work of Elinor Ostrom and her colleagues.

The value of the concept for me is that it emphasizes a particular social characteristic (that the use and care of the land are common rights and responsibilities) rather than any particular form of tenure or use. An escarpment common would need to be created and maintained through social arrangements and deployment of resources. The most commonly advocated form was as a regional park, a little used category in NSW which acknowledged the ownership problems, the fact that the land was too disturbed by mining and clearing to qualify as a national park and that it would primarily be so designated for purposes of ‘public recreation and enjoyment’ rather than conservation (NSW Government 1974 Section 30H). The escarpment did fit with the NPWS priority of preserving ‘critical
landscape corridors’, but it could be argued that such a corridor already existed and was reasonably secure due to the steep topography. However escarpment citizens, those active in the planning processes, were not primarily concerned with the form of the common and were aware that there would be problems in it meeting the criteria for various forms as well as resource problems in managing it. What was of concern was to ‘protect and preserve’ it, which implies an ethic of care and conservation, with particular focus on the cumulative effect of the many individual decisions being made to allow further subdivision and development. However in the view of other people, particularly escarpment landowners, this protection and preservation also turned out to involve intrusion and prohibition by the conservation agenda of the activists and subsequently by Council. This was to be the kernel of the escarpment politics which this chapter addresses.

Elsewhere Ostrom and others note that there is a positive role for governments, who can ‘facilitate the assembly of users of a CPR in organizational meetings, provide information that helps identify the problem and possible solutions, and legitimize and help enforce agreements reached by local users’ (Ostrom, Burger et al. 1999 p278). I will show how Wollongong Council and the NSW government did offer such services, in trying to work out a solution for managing the escarpment, but the process was flawed and incomplete. I will pursue the crucial notion of policy panaceas in relation to the escarpment, particularly the persistent calls for bringing land into public ownership, preferably by NPWS, and zoning land to control development.

The Illawarra Escarpment Coalition (IEC) was the major environmentalist body with a brief to protect and preserve the escarpment. It achieved recognition for many of its concerns but there were arguably also problems in the framing of issues and its reliance on panaceas. The processes I examine were (a) the Illawarra Escarpment Working Party, a committee of Wollongong Council set up in 1990 to investigate lands which could become part of a regional park, (b) the Commission of Inquiry (COI) into the long term planning and management of the escarpment, which reported in 1999 following renewed agitation on the part of the IEC on Council’s perceived failures to implement the spirit of the Working Party’s brief and other issues, and (c) the Illawarra Escarpment Community Reference Group (CRG). The CRG was established by the state’s planning department and Wollongong Council to ‘keep continuity’ with the citizens active in the previous processes while the COI’s recommendations were being implemented and work proceeded towards a management plan for the escarpment. The Community Reference Group met throughout 2002and 2003 and became a site of particular contestation between conservationist and landowner citizens. The experience of some of them is the subject of Chapters 6 and 7, where I pursue their common and opposing values. I claim that these areas of commonality and difference were not adequately recognized in the operations of the CRG, leading to an unsatisfactory outcome in the view of the participants, though not in the view of the officials who managed the group. Differences between the citizens and interest groups based on their relationship to the land always existed but became increasingly antagonistic and unmanageable.
5.2 Forming the coalition

David Martin was a long time Wollongong Councillor for the independent Active Community Team, and in this capacity supported many residents’ grievances about planning and environmental issues. He wanted to support the various local struggles against inappropriate development on escarpment foothills throughout the Wollongong area, for example in Bulli, Woonona and Mt Kembla. Most recently in 1990 a group had emerged fighting BHP’s plans to develop on steep unstable land on Mt Keira. He wrote an article for a union paper about the task ahead, alluding to possible issues of Council propriety.

The ‘green wall’ that sits silently and stoically in the background of daily life in the Illawarra is the subject of continuing attempts to ‘pick off’ prime development sites.

BHP and other coal companies are coming under increasing economic pressure to liquidate their escarpment holdings. An Illawarra politician with close and strong links to the State Government heads up a development company that is seeking to push residential development further up the scarp...

Residents are continually fighting skirmishes in relation to specific development proposals... The need for a rational enforceable plan which sets the limits to escarpment develop and develops a plan of management which brings back into public ownership as much of the Illawarra Escarpment as possible is now imperative....

The task... will be a long and difficult one and will probably take decades to achieve... (Martin 1990).

In conjunction with the resident groups he formed a plan to bring the groups together into a coalition with other concerned organizations in order to give the topic greater organizational strength and visibility (personal communication 4/10/09). He suggested a ‘no-go line to protect the Illawarra Escarpment from encroaching development’ (Stevenson 1990), and initiated a meeting at Byarong Park on Mt Keira on 22 July 1990 and at this the IEC was formed with himself as president. It was to include ‘residents, members of Wollongong and Shellharbour Councils, local Members of Parliament, council planning officers, members of conservation societies and South Coast Labour Council representatives’ to ‘provide a united front to approach local and state government about protecting marginal escarpment areas (Clegg 1990). This was to include a push for funds to be raised to bring land into public ownership.

June Pronk was a member of the group resisting BHP’s Mt Keira plans. Steep and slip prone land below the former Kemira colliery on Gipps Rd and Gooyong St Mt Keira had caused an ongoing dispute with residents and the formation of the Friends of Keira group. This land was to be a continuing focus for the IEC, being the home battleground for June and the site of various actions she describes in Chapter 6. She became IEC secretary from 1997 and was its most enduring and dedicated spokesperson. She says the IEC’s charter
...asked WCC to prepare a comprehensive report which detailed all existing information available about the Escarpment. If there were gaps then further information would be sought. It sought to extend the Illawarra Escarpment Park from Royal National Park in the north to Morton National Park in the south, to have WCC and State government establish a fund, and to seek financial contributions for the purchase of escarpment land to be added to the SRA [State Recreation Area, later called State Conservation Area], to enlist the broad community concerned about protection of the escarpment, to maintain a watching brief on development proposals which are inconsistent with protection and enhancement of the natural environment of the escarpment (Illawarra Escarpment Coalition 2009).

The Coalition worked with many residents groups and government bodies, particularly Wollongong Council. Their representatives played a lobbying role in various forums which developed strategies for bringing escarpment lands into public ownership. I prefer to think of this aspiration in terms of creating an escarpment common, to draw attention to the envisaged uses rather than the legalities of land tenure. They lobbied politicians in local and state government and some of their members stood as candidates in local government elections. The IEC served to coordinate the activities of the various residential groups, sharing resources including information not in the public domain, such as the actual extent of BHP holdings and in general the ownership of escarpment lands. Subsequently it established working relationships with key people in Council and followed the cases such as Development Applications (DAs) in their purview as they went through council processes.

The group regularly invited speakers from other conservation groups and government bodies and came to take on a wide mantle of concerns, from bush regeneration and tree preservation to Aboriginal history, planning law and water catchments, demonstrating their appreciation of varied aspects of the stewardship of such a common. Key members became expert on the range of relevant issues and wrote letters to the newspaper. There was an alliance with the South Coast Trades and Labour Council, resulting in bans for a period on escarpment development such as the old South Corrimal mine site in Tarrawanna (Illawarra Mercury 1991). An unsuccessful submission was made in 1995 to the Australian Heritage Commission for inclusion of the escarpment in the National Estate, which involved research in many fields. Although this activity was resulting in a large degree of consensus across the networks contacted, this did not extend to the farmers and other landowners of West Dapto, with whom there would have been disagreement as well as substantial common ground. I explore the basic conflicting values in Chapter 7.

Looking back over nearly twenty years of work June says

For many years the IEC has provided a place where residents and new groups could come and get support for issues ranging from clearing to rezoning, from flooding to threatened bushland. We promoted Illawarra Escarpment conservation and opposed inappropriate development of natural areas, including remnant bushland, green corridors and buffer zones to creeks and the urban fringe. Mining impacts including emplacements, subsidence, lack of rehabilitation and slip together with
the sale of old mine sites have been prominent in our issues (Illawarra Escarpment Coalition 2009).

5.3 Escarpment Working Party 1990-7

David Martin’s involvement with Council was instrumental in the formation of a Wollongong City Council (WCC) Escarpment Working Party, a task force that the IEC had asked for as a broadly based group of people – council officers, aldermen, representatives of government departments, landholders, residents and community groups with the following objectives

1. To oversee and co-ordinate research (on a wide range of matters)
2. To ensure this is carried out with community consultation
3. To recommend which areas are to be included in the Illawarra Escarpment State Recreation Area
4. To examine options through which public ownership can be achieved
5. To recommend guidelines for a trust fund to purchase escarpment land
6. To participate in the development of a management plan for an expanded Illawarra Escarpment Park (Illawarra Escarpment Coalition 1990).

Council adopted its proposed objectives for such a group in October 1990. The Escarpment Working Party, which consisted of 21 members with wide representation, was to assess the land zoned 7(b) Environmental Protection, which still allowed some development, and to recommend part of it as an escarpment ‘core’, zoned 7(a) Special Environmental Protection, on which virtually no development would be allowed as it was ultimately to become the escarpment park. The Working Party walked the escarpment, assessed the ownership situation and debated the environmental qualities of different sites. Wollongong Council planner David Winterbottom led the process in the early stages.

David: And what we did there was we got together the green groups which eventually merged into the Escarpment Coalition but at that stage were much more diverse than that. We got together the landowners, ... and Council. And we walked the entire escarpment from Helensburgh down to Dapto looking at every single piece of land. And we then took the escarpment zone which had to be divided into two... The real top quality stuff which was rainforest and you couldn’t touch it with a bargepole, and the stuff which was mainly on visual ground because it was high up the escarpment or whatever, and that further down was the (b) zone. In fact the principle behind those two zones is still with the latest plan which council’s just passed, but it was initiated much earlier on.

The Working Party appears to have genuinely worked in bringing together different interest groups to investigate all relevant properties on the escarpment and make recommendations about dividing the area, initially recommending the profile of a ‘core’ and later dealing with the ‘fringe area’, land zoned 7(b). Existing entitlements were a constraint as they could not be removed without compensation, though could be negotiated or traded. On 7(b) land they recommended that land owners would be able to
negotiate additional development entitlements in exchange for gifting land with higher conservation value to Council in the first instance, and ideally to be later transferred to the NPWS to be added to the SRA. In January 1992 the council advertised a proposal to rezone the park lands 7(a) as shown in Figure 26.

This process was called Fair Trading, and Council formulated a Fair Trading Policy (FTP), also called the Fair Trading Scheme, a framework that Winterbottom says was effectively invented by the Working Party, borrowing from similar programs in the Adelaide Hills (personal communication 15/12/11). This was to become contentious because of a lack of consistency and a general tendency over time to grant more concessions to landowners in relation to the amount and quality of the land traded. As mentioned in the previous chapter, Section 4.4, when the Working Party came to deal with the fringe area they recommended dividing the 7(b) land into two categories, 7(b)i and 7(b)ii, depending on their development potential. The former was judged to have the potential of being restored to 7(a) while the latter did not, being more disturbed and intensively used.

![Figure 26 Core escarpment area identified by Working Party (Illawarra Escarpment Working Party 1991)](image)

The Working Party’s deliberations were watched closely by interested parties, who made submissions when proposals were exhibited. Some requested membership, including the National Trust, the Aboriginal community and various residents groups. Not all landowners
were happy with its recommendations. The West Dapto Rural Ratepayers Association claimed that landowners were insufficiently represented on the Working Party compared to conservation groups, requested rates relief for owners of land now zoned 7(a), and questioned some of their decisions and the unclear boundary of its jurisdiction in the West Dapto area (Illawarra Escarpment Working Party 1992).

Citizens assumed that when agreements were made about rezoning lands or granting extra entitlements that this would happen, and were increasingly frustrated when it did not. In fact many of the lands rezoned 7(a) under the Fair Trading Policy did not get transferred to NPWS. The process was drawn out and NPWS was free to refuse to accept land parcels, which they tended to do when they did not neighbour an existing part of the SRA or when excessive repair and maintenance was required. Even in 2011 a council report showed that only 17 of 41 proposals were completed, the latest in 2000 (Wollongong City Council 2011b). Nothing like the continuous park in Figure 26 yet exists, for what is now the State Conservation Area remains discontinuous and there are many anomalous situations where Wollongong Council continues to own some tracts of land.

In retrospect it was perhaps a mistake to believe that to create an escarpment common was just a matter of changing zoning, which Council could do, and ownership, over which it had limited powers. The Working Party did not pursue any other possibility, like putting more effort into negotiating with land owners along the lines of conservation agreements or encouraging other forms of support for conservation efforts. There also needed to be negotiation over public access, in particular encouraging landowners to co-operate in the enabling and construction of the north-south escarpment track which had been planned by the group of councils affected but not implemented (Illawarra Region of Councils 1996).

For a period the IEC was happy with the Fair Trading Policy as it looked to be a way of getting good escarpment land protected. A WCC planner told an IEC meeting in December 1996 that 950 hectares was under negotiation, while 270 ha out of the anticipated 2000 had already been transferred to NPWS. The IEC were told it was too expensive for the people of Wollongong to buy the remaining 1000 ha which needed to be placed in public ownership. However a lot of development was also happening, particularly in the foothills of West Dapto, with no clear rules as to how much subdivision was allowed under the loose Fair Trading arrangements. Slowly the IEC came to realize that the FTP was not working in the interests of conservation and changed to a critical stance towards the vagueness of the policy. Later head of the Environment and Health section of Wollongong Council, Lisa Miller, says that in effect high conservation value land was being exchanged for other high conservation value land (personal communication 30/9/09).

Opinion among conservationists was also firming that the high escarpment could not be seen and managed as separate and different from the foothills that buffered it and the waterways that flowed from it, which were the areas most under threat from development (Simpson 1999 p39). Aside from the trading issues, there were also problems in that Wollongong Council did not always follow the Working Party or their own staff recommendations, including approving a 10 lot subdivision at Marshall Mount when its
planning staff and the Working Party had recommended six lots (Mitchell 1996). There was also another controversial policy which set maximum lot sizes in what was seen as a buffer zone between the escarpment core and agricultural and future urban lands, the Rural Residential Policy, which allowed smaller lots on the largely cleared foothills behind West Dapto. Similarly to the Fair Trading Policy, the Rural Residential Policy seemed to be inconsistently administered and was having an unforeseen cumulative impact on the landscape.

The issue of how land is zoned can be subject to intense pressure. There were 142 private properties in the 7(a) zone and 399 in the 7(b) zone in 1998 (Simpson 1999 p56). The difference between 7(a) and 7(b) was that 7(a) was seen as high conservation value and virtually ruled out any development whereas some development was allowed on 7(b) land. For conservation purposes 7(a) zoning was necessary to meet pressing needs, but from the point of view of landowners 7(b) gave much greater flexibility and scope to realize the value of their assets financially, for having land zoned 7(a) virtually prohibited any productive use. Any rezoning inevitably affected property values, and there is a history of landowner discontent at decisions which were seen to affect their future security, particularly their ability to subdivide. The effects on property values in the context of the decline in the dairy industry and imminent urban development below robbed many landowners of an ‘exit strategy’ in the terms of their proponent Graeme Jackson.

The IEC questioned whether the Working Party’s brief had been fully achieved and noted that Fair Trading, along with the Rural Residential Policy, had been moving in an unsatisfactory direction, for ‘at the end of its life the Working Party appears to have had an imbalance towards landowners and developers’ (Illawarra Escarpment Coalition 1997a), and was putting less and less land into public ownership compared to the amount of development allowed and there were not sufficient controls on land zoned 7(a). The process was also not raising enough money to acquire the lands necessary and the IEC argued without success that a rates levy of $20 per year should be considered (Illawarra Escarpment Coalition 1998a). From this point when June Pronk became secretary the IEC launched a determined effort to push for better escarpment planning with a focus on the foothills.

5.4 Towards an inquiry

By November 1997 the IEC calculated that there were 31 major developments happening along the escarpment requiring environmentally informed planning (Illawarra Escarpment Coalition 1997b). On November 22 300 people attended a rally in Crown St, Wollongong’s main street, addressed by former Builders Labourer leader turned Sydney politician, Jack Mundey. Those present resolved to ask WCC for a major review or Commission of Inquiry into escarpment planning. In December in an open letter to councillors and other interested parties June said

...With each year there has been an increase in the number of developments and rezoning proposals put to Council. Sensitive foothills land has been developed and rezoned so that houses creep higher and higher.
Fair trading has not worked and has actually increased the rate of residential development on the foothills. In other words, Fair Trading has been destroying what it was meant to save. The buffer zone between Core Park and urban areas is decreasing. The green backdrop to Wollongong is being destroyed.

The letter pointed to risks from land instability and bush fire as well as the visual impact, especially of ridge top developments such as in Mt Keira and Thirroul. It called for a review of the Development Control Plan under which the thirty odd proposals recently passed or being considered should be assessed, and in particular called on council to

1. Place a moratorium on all rezoning on the Illawarra Escarpment foothills
2. Call for a review of its Fair Trading Policy, Rural Residential Policy and all other policies relating to the Illawarra Escarpment and its foothills
3. Have the ‘review’ signed off by National Parks and Wildlife and the Department of Urban Affairs and Planning

If WCC doesn’t take these steps, we would ask the State Government to call a Commission of Inquiry into the Illawarra Escarpment Foothills rezoning and future management (Illawarra Escarpment Coalition 1997b).

It took until 2 March 1998 for Mayor David Campbell to recommend that the State government hold a Commission of Inquiry (COI). However the terms of reference recommended were disappointingly narrow, including only lands zoned 7(a) and 7(b), not contemplating a moratorium on development approvals, and not paying enough attention to the foothills (Illawarra Escarpment Coalition 1998a). The IEC continued to lobby Council and State Planning Minister Andrew Refshauge for broader terms of reference to cover the contested sites and all areas above existing habitation. The IEC’s suggested terms of reference covered two pages and included ‘to review all undeveloped land between existing residential development in the WCC LGA [Local Government Area] and land zoned 7(a), 7(b), 2(a), 2(a1), Rural Residential and Non Urban land.’ In correspondence with the Lord Mayor David Campbell, the IEC found him to be condescending, saying ‘I’m afraid we have cold, hard evidence in the sites along the Escarpment and foothills that have been abused by developers and left unprotected by inadequate action by politicians and planners’ (Illawarra Escarpment Coalition 1998a).

The Coalition continued its questioning of Council decisions and raised its public profile as the Council and State elections of 1998 provided occasions for debate and lobbying. June Pronk and Irene Tognetti stood for the Active Community Team at the Council elections and June came about 150 votes short of being elected in Ward 2. There was an issue about finding out what developments were being considered and approved, with the IEC having to rely on its on ground intelligence, eg of a West Dapto development.

We stumbled on this development while appraising the rural residential areas of West Dapto and Wongawilli. We noted unusual road and bridge construction, extensive clearing of trees and disturbance of creek vegetation in a high, sensitive area at the end of Sheaffes Rd. After questioning the Planning Department we
learnt of a development, already passed by Council, rezoning from 7(b) to 7(c)i...
(Illawarra Escarpment Coalition 1998c).

Not only were questionable developments happening without their knowledge, but the IEC realized with alarm that public ownership was indeed a panacea in the case of the former Huntley Colliery, a rainforest site very high on the escarpment, operated by Powercoal, a state government body. They were horrified to receive notification from the Minister for Energy Bob Debus that over 400 hectares of land was being sold, for the Coalition had assumed that since this was already government owned land, it only had to be transferred to NPWS. However the minister’s letter stated that this state instrumentality was operating as a corporation rather than a guardian of the commons.

The Treasurer has confirmed that Powercoal, as a subsidiary of Pacific Power, is required to operate on a sound commercial basis and should therefore dispose of its surplus assets at full commercial value. If NPWS wished to obtain the land, it would be required to purchase it from Powercoal at a commercial price (Illawarra Escarpment Coalition 1998b).

The IEC noted that while it ‘works to have private land and particularly decommissioned mine sites included in the SRA, the state government does the reverse and sells off a huge tract of land to a private company... an Illawarra-based consortium’ reportedly for use as a tip (Illawarra Escarpment Coalition 1998c). There was a more general issue of the fate of such mine sites, for selling them could involve separate negotiations over the surface land and mining rights. Several mine sites had recently been sold or put up for sale, various of BHP’s as well as the Excelsior site in Thirroul (reportedly for $455,000 for 35 ha, indicating that ‘non urban land is not expensive’ (Illawarra Escarpment Coalition 1998b). However Huntley was unusual in being run by a state owned company as well as its conservation significance. The IEC had support from Labor state MP Colin Markham on this as in their general efforts. The West Dapto Rural Ratepayers agreed that the state government was being duplicitous in not finding the money to transfer this ‘jewel in the ecological crown’ to public ownership, noting its ‘range of vegetation ecotones and intact forest... world class views, a fascinating geology, and a bitumen road network...  ‘ making it eminently suitable for ecotourism, a generally agreed aim (West Dapto Rural Ratepayers Association 2003 p37).

The Coalition’s cause received an unexpected and ironic boost from the severe storms and floods of August 1998 when 900mm fell within 48 hours, causing $100 million worth of damage in the Illawarra. David Martin’s home was threatened and his family evacuated ‘when it was feared a slipping cliffside would crash into the sea at Scarborough last night’ (Davis 1998). The NPWS reported that ‘there were around 150 slope failures on the escarpment following the August 1998 rainfall event’ (NSW National Parks and Wildlife Service 2003a p5). The subsequent disputes about insurance liability underlined Council’s vulnerability. The IEC described some of the damage.

The volume and velocity of water from cleared land, coupled with silt and debris and coal wash from unrehabilitated mine sites, diverted creeks, filled water courses...
and flood plains. Houses too close to creek lines and blocked, piped creeks made this disaster much worse than it need have been. Let’s hope that everyone learns from this experience...

Typical of the problem areas is Mt Keira. There is a large slip above Kemira mine site in the SRA, thousands of tons of unstable coal wash at the pit top directly below and all this adjacent to the creek, where thousands of tons came down into Keiraville. This is adjacent to the newly begun Gipps Rd Gooyong St development on Mt Keira (Illawarra Escarpment Coalition 1998d).

The development alluded to here was the site of an IEC/South Coast Labour Council picket protesting residential development on the site.

5.5 Commission of Inquiry 1999

To the IEC’s great pleasure Minister for Urban Affairs and Planning Craig Knowles announced on 20 October that the terms of reference for the Commission of Inquiry would include the escarpment foothills, riparian zones and flood plains. This was a major change in the ground rules for the issues, for the subject of investigation and contestation was no longer the city’s backdrop, but its very geographical characteristics. The IEC set about organizing the most comprehensive submissions possible to the COI, harnessing available knowledge and pointing to areas where further study was needed and consultants needed to be engaged. There was also a petition, and Greens Senator Bob Brown visited in November and addressed a meeting in Thirroul a week before the COI hearings. He was reported as describing the escarpment as ‘an asset no other Australian city has got and which any European city would give its eye teeth to have’ and saying that Wollongong Council should have been fighting ‘long and hard’ for such an asset. At the same rally Councillor Dave Martin called on the inquiry commissioner to declare the entire Illawarra Escarpment a national park.

The escarpment is probably the most important feature which defines for all of us the place in which we live. I’m damned if I’m going to stand by and watch it being carved up little by little by coal mining companies and greedy developers (Dennis 1998).

The COI’s terms of reference were to identify land to form the ‘core escarpment lands’ and recommend ways to manage and protect it. The assumption was that the existing State Recreation Area was too small and land currently in private ownership needed to be added. This was uncontroversial, but the difficult issues for the commissioner involved ‘non core escarpment lands’, where he was asked to recommend changes which:

- Will contribute to the protection of the core escarpment lands, ...with particular emphasis on the interface areas;

- Will protect any identified environmental values of those lands; and

- Would minimize the impact of existing and any future development of the lands downstream.
This emphasis on the connectedness of the escarpment and ‘interface areas’ meant that the COI was encouraged to look into the issues raised by the IEC and the West Dapto Rural Ratepayers Association (WDRRA), from very different perspectives, and recommend ways of addressing the divergences. The Commission was not asked to take into account any economic or social factors so the exercise was clearly oriented to working out how best to conserve the escarpment. Council’s expansionary visions for the city of Wollongong and the material interests of its fringe dwellers were unspoken constraints that the Commission was not required to address, though they were the heart of the disputes that had led to the COI and were to return constantly through the various ensuing processes including the 2009 LEP, to the exasperation of all parties. West Dapto landowners had in June 1998 persuaded Wollongong Council to ‘conduct an internal inquiry into the planning issues that were having a detrimental effect on the rural community’s viability’. The group remained bitter that this study was never done and was overtaken by the COI.

The northern lobbyist push for an escarpment COI dominated proceedings and it is telling that the terms of reference neglected to consider the rural crisis in West Dapto. A full understanding of this crisis must be a crucial component in any future escarpment/foothills management. It is a problem reaching across many zoning categories with far broader ramifications for the southern escarpment than the localized zoning conflict of the Mt Keira development where urban development and zoning intrudes into escarpment forest (West Dapto Rural Ratepayers Association 2003 p30).

There is a parallel in the case of Oregon’s attempts to establish a statewide regime of urban growth boundaries. Walker and Hurley agree that containing sprawl is laudable as a planning policy, but they also point out that ‘too often it is utterly forgotten that containing sprawl has costs, and that these costs are not borne equally between city and country’ (Walker and Hurley 2011 p251). If such landowners conceive themselves as providing a service to the urban population by providing accessible rural and natural landscapes, it is not unreasonable to infer that they should get some form of return, just as they would for agricultural commodities and tourism services, particularly if this provision is preventing them from getting other forms of return, such as through subdivision. This is exactly the situation of the West Dapto landowners, and they make exactly the same demand, though they never had their voice fully recognised in Wollongong Council and could not persuade enough other active citizens to agitate for their cause.

The IEC had by now become aware of the farmers’ arguments and their history of environmental activism. Members were sympathetic to many of their viewpoints, including the need to protect vegetation on the West Dapto plain, but thought there were economic possibilities they had not considered such as fish farming and farm forestry. They made efforts to talk to the farmers, for example by inviting some of them to hear about such a project. Evan bemoans June’s letters to the press to this effect, saying that ‘these schemes were uncosted and impractical, but allowed Council to hide behind bogus solutions and not address the urgency of the problem’ (personal communication 26-2-12). On his point that the IEC had not considered the financial position of farmers who supported conservation
and did not want to sell their land but needed to make an income, the IEC claimed that it supported distributing their costs throughout the community.

This is where the farmers and IEC beg to differ. We see conservation agreements, rates rebates for conservation and tree planting, environmental levies on the community and tourism industry as a way for everyone to pay for the maintenance and protection of the Illawarra Escarpment. If it belongs to us all we must all pay, not just a small section of the community. The IEC and David Martin have made these suggestions for years. WCC has continually scoffed at these ideas indicating Wollongong residents would not be willing to pay for protection of one of their greatest natural assets (Illawarra Escarpment Coalition 1999b).

The landowners appreciated the IEC’s support for a levy but dismissed the suggested $20 per household per year as seriously inadequate. Evan says it ‘on present values it would take 400 years to purchase the escarpment’ though he thinks that rate could at least buy the Huntley colliery, a contentious site recognized by all as having significant environmental values (personal communication 26-2-12).

The COI report states that ‘The Commission interprets its Terms of Reference as requiring it to examine and report on land use planning (including zoning), environmental management, conservation and fair trading on the Illawarra Escarpment at a policy and principle level …’ (Simpson 1999 p5). Commissioner William Simpson conducted the COI, hearing 120 presentations between November 1998 and January 1999, including many from IEC members. It spent two and a half days in site inspections. Historian Joe Davis, one of this study’s citizen participants, recalls positive previous encounters with Commissioner Simpson.

Joe: I knew Commissioner Simpson from decades before when the D.H. Lawrence inquiry was on in 1988 and I’d been before him in two different COIs, and I liked him, I thought he was bright, and I thought he might listen. I took a chance, but the thing I didn’t know was it was his very last COI, so I think he could afford to be as radical as he liked because he had no allegiances to anyone. That’s why it’s such a brilliant report because it was his swan song. And even though he had massive problems with perambulating all over the escarpment because he had arthritis all over him and he couldn’t get down to the really good sites, it was really interesting…. I knew there was a chance with him, but if it had’ve been another commissioner I would’ve said forget it.

In 1997 the IEC had become aware that BHP was selling its land at Sandon Point and had plans to also develop its old Bulli mine site, which together formed a green corridor from the escarpment to the coast. The IEC rejected the idea which came to seem characteristic of developers, that subdivision would in fact rehabilitate disturbed land, and noted ‘BHP is developing Sandon Point so why can’t they give this section back to the people?’ (Illawarra Escarpment Coalition 1997). Joe picked up the theme in his submission to the COI.
Joe: I wanted to point out that the escarpment has an east-west dimension as well as a north-south dimension, and I thought that would cause great problems in their definition of coverage of the thing. Now it was outside of their terms of reference so I knew that I had Buckleys chance but I thought that by saying it had an east-west dimension I’d be able to quite logically argue that there must be at least one place in the whole Illawarra where you can have an entire plant succession from the foreshore right away to the highest precipice. The reason I said that was because the only place that was possible was at the bottom of Bulli Pass, going to Sandon Point. So my argument was that the escarpment extended to the foothills and then it extended on the ridges right to the headlands, and I said an escarpment’s meaningless if you’re just going to preserve this tiny bit of forest at the top. You’ve got to actually at least somewhere preserve an entire plant succession.

The commissioner impressed others with his open-mindedness and willingness to learn, including extensive field trips in sometimes difficult conditions. June tells of walking with him over the very steep Excelsior mine site behind Thirroul.

June: The developer just could not understand why people would oppose development on this site that had every conceivable environmental obstacle in its way to be developed. We had climbed down that piece of land that he bought for about $350,000 I think after it had been rejected for any development. David Winterbottom had rejected it at least once or twice from any development. With the COI we walked down that land which was precipitous in pouring rain with Commissioner Simpson. It was a perfect day to go down. There were leeches, there was runoff of water everywhere we walked. It was steep, there was coal seam everywhere and debris thrown out from the mine. Against the watercourse there was a three metre bank gouging through with erosion from the creek and that erosion was completely of fill. It was the most incredible sight you could ever see and we thought Simpson after this... He had white sandshoes on and he was immaculate at the start, he was covered in leeches at the end and he was soaking wet, as we all were. We couldn’t believe it. And at the end of that who could possibly accept development on that site?

As well as specific submissions from members the IEC also made a 35 minute video presentation showing dramatic news footage of storm damage and abundant visual evidence of the developments under way or planned in unsuitable places (Illawarra Escarpment Coalition 1999a). It included testimony from an array of experts: Joe Davis’ commentary on some of his historical postcards of escarpment landscapes showing past uses including widespread clearing, art historian Diana Wood Conroy explaining the psychological and creative effect the escarpment forests have on Illawarra artists, native forestry expert Richard Scarborough arguing for the development of local timber plantations as a suitable re-use of disused dairy lands, Denise McConnochie demonstrating bush regeneration on former BHP land at the base of Mt Keira which the company had wanted to subdivide for housing but when this was refused gave the land to WCC, and
Steve Dillon, TAFE lecturer in Conservation Land Management, arguing that the foothills are an ‘environmental service provider’ serving as the foundations for the higher cliffs and protecting the coastal plain.

June recalls the input of

June: … government agencies which questioned the way in which the Illawarra Escarpment was being overdeveloped. The ad hoc decisions made by WCC planners were brought into question by speaker after speaker. The devastating impacts of continuing and past mining practices became all too apparent. Particularly the sale and development of old mine sites as a form of rehabilitation was exposed for all to see (Illawarra Escarpment Coalition 2009).

Commissioner Simpson’s report was released in May 1999 and was a clear and rational account of the issues at stake and the positions put to him by all parties. He took on board the issues arising over development flowing from the current zonings and policies, particularly the arbitrary (in practice) division between 7(a) and 7(b) land. While concerned about the damage caused by past coal mining, he did not see agricultural use as a significant threat to the escarpment and noted that both would be likely to continue under ‘existing use rights’ even if they were to be banned (p55/6). Despite the myriad of owners and forms of tenure he saw the long term future for the escarpment being as a publicly owned regional park. He recommended that development density should decrease with proximity to core escarpment lands, which would probably be enlarged following the studies he recommended, and would be development-free. He also strongly emphasized the connections between the various land forms, the high escarpment, foothills, riparian zones and coastal plain, and stated, in the report’s most-quoted passage,

...the Escarpment and its foothills must be planned, conserved, protected and managed as a single entity. It must be considered on a catchment management basis having regard to its riparian land role and as an important factor associated with downstream drainage and flooding on the coastal plain. Similar planning principles apply to its visual, ecological and heritage significance (p139).

The IEC were extremely happy with the report and set to pushing for its implementation, including lobbying Minister for Planning Andrew Refshauge. They noted with pleasure admonitions to Council from state government bodies such as the Department of Land and Water Conservation’s advice that ‘Council needs to be mindful of a broader natural resource responsibility it now shares in light of the COI into the Illawarra Escarpment and Foothills’ (Illawarra Escarpment Coalition 1999b). His recommendations were better than the IEC could have hoped, says June. They covered the entire Wollongong area, stated that ‘the present approach to environmental planning and management of the escarpment is inadequate and unsatisfactory’ and recommended a moratorium on development on all land zoned 7b (Environmental Protection), until the contentious Fair Trading and Rural Residential policies had been overhauled. This did not please the farmers, though they had taken heart at the commissioner’s acceptance of the legitimacy of agriculture on the foothills.
The COI noted that there was no adequate baseline data on which to make planning decisions and therefore recommended a raft of studies be done to inform a thorough Escarpment Management Plan. These were to include a land use constraints study, catchment management plans, a bio-regional study of flora and fauna as recommended by NPWS, a native vegetation management plan, a plan identifying riparian and desirable green corridors, a review of Council’s land stability maps, identification and mapping of past and present mining areas, waste dump areas and associated drainage systems, monitoring of water quality in the upper catchment of Lake Illawarra, and a bush fire hazard management strategy (Simpson 1999 p140/1).

The ‘battle’ profile of the issue continued to be high, as shown in Figure 27. The Illawarra Mercury ran a cover story on the ‘deeply divisive and emotional issue of development versus conservation’ in its Weekender magazine on 15 January 2000 (Kuhn 2000). The headline ‘The battle for the escarpment. We put you in the picture’ was illustrated with a 1892 painting by A.H. Fullwood showing the view from the northern escarpment towards Wollongong. At this time the escarpment was much more thinly forested in a predominantly agricultural landscape, with ringbarked trees visible. The Mercury evidently
chose the image for its iconic standing in the Wollongong Art Gallery’s collection rather than as a representation of the current land use issues.

It was not until December 2000 that the NSW government announced its ‘broad endorsement’ of the COI recommendations. Minister for Urban Affairs and Planning Andrew Refshauge wrote to WCC GM Rod Oxley that he endorsed the concept of a regional park, with details to await the land use constraint studies. He accepted that there should be no new development in the northern suburbs on land not zoned residential, that the moratorium on development approvals be supported in all but two cases, and that he supported the land use constraints studies. These studies were to ‘focus on the southern part of the escarpment as a priority, but will also cover the northern part...’ Refshauge’s letter also pointed to the administrative arrangements for proceeding. The recommended studies were after some delays conducted by the various agencies and initially presented to the Community Reference Group in 2002-3.

The COI report was a landmark in escarpment planning with its generally accepted analysis and broad range of recommendations. The follow up studies generated a minor explosion of knowledge about the escarpment land, water and life forms, which looked to be providing a scientific basis for environmentally informed planning. The IEC greeted the reports with satisfaction, imagining that the endorsement of science would make an uncontestable case for enlarging the protected area of the escarpment. There was to be an Illawarra Escarpment Management Plan (EMP) and in the meantime a state government-led management committee would plan and review any work by government agencies on public escarpment land (Simpson 1999 p142). Such a committee was never established, indicating the complex politics within and between state bodies that was to shape escarpment politics from this point in ways that often puzzled and dismayed citizens.

Instead Wollongong Council environmental officers argued that community consultation should continue towards the production of the EMP. However this was not to take quite the form the IEC had become so optimistic about following the COI, as the next section will document.

5.6 Community Reference Group 2002-3
The next major exercise in community deliberation over escarpment planning was the Illawarra Escarpment Community Reference Group (CRG). At the time a relatively new concept in planning circles, a community reference group is a way of keeping a consistent communication channel with citizens open before or during major planning exercises. The aim for the Illawarra Escarpment Community Reference Group was, from the perspective of the newly appointed head of the Environment and Health division of WCC, Lisa Miller, to ‘keep continuity’ with the people who had participated in earlier escarpment forums towards the production of the Escarpment Management Plan (personal communication 30/9/09). It was formally established however by the NSW planning department (then called PlanningNSW) with a contracted facilitator, id Planning from Sydney. Groups and organizations were invited to send representatives and newspaper advertisements invited individuals to apply in geographic and other categories. The CRG was set up in October 2002, originally expected to finish its business by the end of that year, but the deadline was
gradually extended until November 2003, much longer than originally envisaged, so it became a major commitment for those who stayed with it. It was thus unusually large and well resourced for such a group and met for a longer time, with much documentation provided to the participants, including full minutes. Most of the citizens whose views I deal with in Chapters 6 and 7 were members of the CRG, and in the process many of those views became more passionately held, even entrenched.

The first meeting was attended by 20 people, representatives of PlanningNSW, councillors and Council officers, two residents of the northern, central and southern areas and representatives of the community and landowner organisations Stanwell Tops Residents Awareness Association, West Dapto Rural Ratepayers Association, Farmborough Heights Strategic Planning Group, Northern Illawarra Residents Action Group, Illawarra Escarpment Coalition and the Southern Escarpment Environmental Protection Association. Because of the amount of interest extra people had been invited such as the NSW peak environmental group, the Nature Conservation Council. The group dynamics presented a challenge to the facilitator Denise Wilson.

Denise: ... my recall ... was the brief was for something like 6-8 meetings once a month to discuss these particular issues with a conclusion of forming views on a plan at the end. But things became very different, largely because of the large number of people that the department decided to accept on the group. ...I think these sorts of groups usually sign up about 12-15 people. I think at one stage we wound up with 30 once you started counting the departmental reps, which makes for a very different dynamic. And at one stage I’m pretty sure we were meeting once a fortnight. So it wasn’t the brief I signed on to in terms of some of the logistics, but the brief I signed on to was about a fair and equitable process where people felt their views could be heard and that they could comment on the technical information, which was quite unusual at that time. And I think that happened...

Brett Whitworth from PlanningNSW was involved in the CRG and chaired the panel that got the studies recommended by the COI done. He sees the CRG as being a ‘model consultation process’, crediting Denise for this (personal communication 27/10/09). He thinks the expectation that the process would result in consensus was overambitious, but the achievements were substantial nonetheless, helping WCC to understand the diverse positions and proponents to understand each other. The studies meant that all involved had the opportunity to understand the complexity of many of the issues facing the planners, such as the problems in creating the long hoped-for regional park, the difficulties in getting past mine damage rehabilitated, and how to plan for growth when environmental barriers were increasingly being recognised, such as the biodiversity values, flooding and fire risks and the functioning of riparian areas.

There were also problems in managing expectations for the Escarpment Management Plan, for the IEC and other environmentalists had been given a boost by the COI report and had reason to expect that the plan would be primarily about environmental protection. There
developed however a divide in the group which I explore in Chapter 7, between environmentalists mainly from urban areas of Wollongong and the northern suburbs, and the landowners from the south, who saw themselves as environmentalists and had a history of such action, but who also had an overriding concern about the fate of their properties and a fear that they would never be able to realize the economic values which they had seen ‘zoned away’ by the earlier Working Party. Commissioner Simpson had been sympathetic to their plight and though he recommended a moratorium on the application of the Fair Trading and Rural Residential Policies, he envisaged that they would be revised and reintroduced, so that properties could be subdivided under a new regime.

A large part of Council’s responsibility in implementing the COI report fell to Lisa Miller. The challenge was daunting as the tasks were complex and the process had highlighted antagonisms. Although universally unhappy with the outcome, members of the CRG respect it as a consultative and educational experience, with good facilitation and administrative support. There were however some differences of opinion and perspective on its value, and some thought it a ‘talkfest’, unnecessarily prolonged and repetitive. Members called for wider community representation, including Aboriginal heritage issues, and cultural heritage issues more widely. There was some concern that its charter was vague, leading to different interpretations of the group’s role. June Pronk and Maurie Dawson from Stanwell Tops represented the IEC and Jill Merrin represented the NSW Nature Conservation Council. Evan Perkins, Iain Whittaker and Roland Foster represented southern landowners.

However the lack of strategic planner representatives from Council and PlanningNSW meant that the group did not have the clout it should perhaps have had, as it was seen to be driven by the environment rather than the planning section of WCC, to which Graeme Jackson objected.

Graeme: Now I want to know why [Wollongong Council General Manager] Rod Oxley didn’t appoint to the Community Reference Group a strategic planner from Council. I want to know why two people from the environmental department who had no concept of what I was talking about when I went in to talk about how you can’t deal with the landowners on these terms... And we wrote to Rod Oxley complaining about the process. I just think he was happy to say well I’ll have my multi story buildings in Wollongong and I’ll give the greenies the quid pro quo, the escarpment. But he had no right to give it away in the terms he did.

David Winterbottom has the same concern, expressed more moderately.

David: It was dumped cold by... the Planning department in the sense that they didn’t send their strategic planners who’d have control over what was going to happen... I think it indicated that the Council officers saw it as an environmental issue, not as a planning issue...

Denise Wilson however sees this in terms of sectional interests as well as the particular circumstances at Wollongong Council. She also hints at internecine conflict between
government bodies, an aspect of these events that I do not examine, perhaps unfortunately.

Denise: They did raise that. Interestingly enough I think what they meant by strategic planner was a person that would implement a rezoning of the escarpment... And I’m not sure if this is quite correlated with what you’re asking Helen but there wasn’t a good synergy between Council... and the department... I’m sure that’s very historical too.

The CRG met with many people, including those conducting the studies recommended by the COI. The then Department of Land and Water Conservation did a riparian study, mapping and assessing all waterways arising on the escarpment and categorizing each as category 1, 2 or 3 depending on their conservation values. June claims this was a groundbreaking study since adopted by other councils. All of this research was meant to inform Council’s policy for planning and managing the escarpment. The NPWS says that the studies done following the COI constituted ‘possibly the most comprehensive study that has been undertaken for any area of NSW’ (NSW National Parks and Wildlife Service 2003a p16). This comprehensive bioregional assessment is the most important legacy of the COI, according to Lisa Miller, resulting in three volumes, on flora, fauna and biodiversity assessment respectively (personal communication 30/9/09).

The first and second volumes of the NPWS studies recommended by the COI, *Native Vegetation of the Illawarra Escarpment and Coastal Plain* (NSW National Parks and Wildlife Service 2002a), and *Fauna of the Illawarra Escarpment, Coastal Plain and Plateau* (NSW National Parks and Wildlife Service 2002b) were published in 2002 and ‘established the rich diversity of the area’ (NSW National Parks and Wildlife Service 2003b p53). The third volume, *Conservation Assessment identifying areas of National, State and bioregional significance for biodiversity within Wollongong LGA* stressed the importance of two major wildlife corridors:

The Yallah-Calderwood Fauna Linkage provides the only set of closely spaced remnants linking the escarpment to the vegetation on the shores of Lake Illawarra. The Moist Forest Fauna Linkage contains one of the largest areas of rainforest in the Sydney Basin and runs in a narrow but largely unbroken band along the escarpment (NSW National Parks and Wildlife Service 2003b p53).

In an unexpected turn, the Conservation Assessment focused on West Dapto rather than the escarpment per se. Of the ‘845 hectares of vegetation remnants currently listed as Endangered Ecological Communities [EECs]... the majority are located in the foothills behind the growing suburbs of southern Wollongong’ (p53). The report saw the rare patches of vegetation on the coastal plain had the highest conservation values exposed to the highest risks. ‘They are generally EECs in moderate condition on private land with land use zoning that permit development that can potentially degrade or destroy those remnants’ (p54). There was also a native vegetation management plan prepared by a different government body, the Department of Land and Water Conservation.
David Winterbottom voices some skepticism about the studies.

David: And so they had a huge amount of work done by NPWS... It struck me as very much a desktop exercise. They didn’t go and look. And you can’t do that sort of planning without looking.... They put down for example the whole of the Mt Kembla village as being prime rainforest. From there on I didn’t take too much notice of what they said.

Although not a member of the CRG, Graeme Jackson was coming to be a dominant voice in articulating the interests of the West Dapto farmers who felt increasingly despairing about the lack of recognition of their situation. He objected to the way the studies were released.

Graeme: Part 1 and 2 were distributed in the CRG and in one paper somewhere there was a reference to Part 3 and we tracked it down. The NPWS office in Wollongong refused to give me a copy of it and I had a consultant go to Sydney and get copies and we reproduced them on that CD.

Despite the fact that Part 3, released a year after Parts 1 and 2, emphasises the conservation values of West Dapto lands more than the actual escarpment, it is odd that the West Dapto representatives had not been able to persuade the IEC or the CRG to take on board the significance of the recent clearing of lowland grassy woodland for the expansion of the new suburb of Horsley. Graeme takes this as evidence of pre-judgment of the outcome of the CRG and mentions the instance already cited of destruction of this endangered ecological community. He assumes the IEC had not supported as it was not on the escarpment.

Graeme: Iain Whittaker... took those photos with his wife standing behind the huge piles of trees that were bulldozed. They bulldozed masses of this lowland grassy woodland. I don’t know the terms so well. I’m the legal end of town. They were horrified. The landowners felt this lack acutely.

June says that the IEC did not know about this case and would have supported it if they did (personal communication 29/1/12).

Many divisive issues were discussed, such as the value of lantana, which environmentalists were arguing could function as a nursery plant. There was fierce disagreement over its fire properties and how it should be treated. The landowners take lantana to be a particularly serious problem preventing regeneration and constituting a fire hazard, whereas the IEC and others saw it as conducive to plant succession as well as constituting fauna habitat, and advocated ‘benign neglect’. This was a term that Commissioner Simpson said had been advocated by ‘various parties’ wanting grazing and other existing agricultural uses prohibited on the escarpment and foothills. He rejected this provocative suggestion, saying that the cleared areas contribute to the escarpment’s scenic amenity and such regenerating areas would be likely to be weed infested and constitute a fire hazard (Simpson 1999 p55). June explains that the term ‘benign neglect’ emerged at the COI and since then has been advocated by the IEC in the belief that it is better to let the land go to weeds than to allow
development which will cause cumulative impacts and loss over time (personal communication 10/2/11). However the term came to be used contemptuously by the landowners as an indication of the impracticality and even hypocrisy of some environmentalists.

Bushfire management was also an issue on which the group were briefed and which divided them, with landowner Evan Perkins expressing concern that there could be a repeat of the damage caused by the 1968 fires, the worst in recent history, around Farmborough Heights. This view implied that areas of the escarpment (including lower areas) should be cleared with possibly a higher housing density allowed than at the time, to prevent fire coming over, whereas the IEC and others maintained that the problem was allowing development at high levels which then required clearing. June Pronk is quoted as pointing out ‘concerns about development up to the foothills and inappropriate clearing for bushfire management which affect other issues like habitat and stability, as well as old mine sites and coal waste dumps which can ignite the coal’ (Illawarra Escarpment Community Reference Group 2002b). She cites a case of the old Excelsior site spontaneously combusting.

Defining the escarpment itself had always been contentious due to the variations in its form and use. During the CRG deliberations the 50m contour came to have a prominent role in discussions, being first suggested by the IEC and adopted by PlanningNSW representatives as a simple indicator. However it turned out to work satisfactorily in the northern areas but not at all in the south, where it caused a lot of grief due to the gentler slopes and extensive farmlands. Graeme Jackson’s objections were becoming increasingly vociferous as he pointed out that the line went through over 40 farms and the Calderwood golf course. In addition the recommendations of the Riparian Corridor Management Study categorized all creeks according to their ecological characteristics, with Category 1 creeks having the greatest value as wildlife corridors (NSW Department of Sustainable Natural Resources 2003). The proposal for a 50m riparian corridor either side of all Category 1 creeks would virtually eliminate Graeme’s grazing land.

Not all of the CRG’s remit was achieved, however, including a social study commissioned from CSIRO, which might have addressed some of the landowners’ grievances. As they worked towards an Escarpment Management Plan, officials in the CRG evidently became impatient with the WDRRA agenda of financial security for farmers, when their understanding of their brief was environmental conservation. In response to a reiterated complaint from Evan Perkins on the dire economic effects of previous WCC decisions on farmers, Planning representative Neil McGaffin replied that ‘it is possibly unrealistic to expect the Escarpment Management Plan to make farms viable’ (Illawarra Escarpment Community Reference Group 2003c). Members claimed however to be sympathetic to the financial deprivations of the farmers and supported having the issue pursued separately from the EMP process.

Evan and another southern member from a landowning family, Iain Whittaker, co-authored a report, already extensively cited here, on the history of the planning of West Dapto, intended as a companion volume to the Escarpment Management Plan (West Dapto Rural...
This takes WCC to task for a history of mismanagement and bad planning in the region dating back to deals over industrial takeovers of land in the 1950s. It also points to a lack of parallel between the policies of mining companies in ‘donating’ unwanted land to form the SRA and what was now being expected of farmers, namely that they would similarly donate land to the park. They felt that this expectation tarred them with the same brush as miners whose environmental destruction needed to be atoned for (p24). They ruefully conclude that

Government prematurely planned rural industries out of existence, leaving the rural community without a sufficient resource base to maintain viable farming. This scenario could be translated into a new nowhere zoning – 3(c): Can’t farm, Can’t develop, Can’t pay rates (p85).

This report was a significant strategic action by the southern landowners which unfortunately did not receive the attention it deserved. It will be further discussed in the next chapter.

The rehabilitation of mine sites was repeatedly raised and deferred. WCC sought information and Jim Armstrong of BHP Billiton is quoted as saying that the Department of Mineral Resources had identified 33 mines to WCC (Illawarra Escarpment Community Reference Group 2003a). The group were taken on a bus tour of sensitive sites including Huntley colliery and members were struck by its ecotourism potential (Illawarra Escarpment Community Reference Group 2003b). The West Dapto report reprises criticism of the coal industry’s past practices of modifying watercourses and allowing chemicals to leach into them. The authors see particular injustice in BHP’s lack of accountability for past damage, saying of its existing Eloura mine:

Evidence of Eloura draining surface and underground water from surrounding escarpment areas and creek systems into its works was most evident during the recent drought in 2002. Two hundred thousand litres per hour was witnessed running down Smiths Creek, fed by mine pumps, while nearby usually perennial creeks were bone dry. This diversion is the result of major interference in natural water flows and has not been officially recognised’ (West Dapto Rural Ratepayers Association 2003 p46).

There was more common ground in the campaigns of the IEC and the WDRRA in relation to this mine, for the IEC was supporting residents of the Wongawilli village on mining and heritage issues. The IEC would also have endorsed the WDRRA’s attack on the state government for their double standards in the approval of the Dendrobrium Coal Project which ‘unlike any other new initiative or DA [Development Application] proposed for the escarpment and its foothills it was given political approval for assessment during the current moratorium’ (p46).

However in the latter stages of the CRG’s life the different positions put by environmentalists and landowners were represented by the Illawarra Mercury as the region’s ‘great divide’(Figure 28), with for example a symmetrical layout of photos of June
Pronk and Graeme Jackson visually laying claim to the escarpment behind them (Verity 2003). The paper continued to play a role in highlighting division, publishing passionate letters from all sides.

The facilitator of the CRG regrets the way the process came to a sudden end, with the participants not having a chance to see how she distilled their views. She asked all members to submit comments on the draft EMP presented to them in July 2003 and from this she compiled a response presenting the diversity of views. Responsibility reverted to the Council Environment Officers Lisa Miller and Andrew De Montemas who had drafted the plan. The IEC found them productive colleagues and were happy with the draft, particularly the way its recommendations flowed from the COI and subsequent studies. The only issue June saw as not addressed was the need to include more core land in the SCA, but recognized that this was probably due to lack of funds.

Jill Merrin took a stronger position and emphasized this lack.

NSW NPWS are the appropriate managers for the core escarpment and park section of the escarpment, as recommended by the COI. They should play this role due to their peak expertise in management of natural areas for conservation purposes, and their existing infrastructure and capabilities. Examples of alternative models, such as the Lake Illawarra Authority and the previous Bulli Pass State Reserve group, demonstrate extremely poor environmental outcomes compared to those achieved by NPWS (Merrin 2003).

The WDRRA representatives however pointed to the state of disrepair of a property at Clover Hill on the Macquarie Pass as a counterexample. They rejected the plan outright, saying that ‘if the escarpment including the foothills and lower slopes of Mt Kembla are to be regarded as a “collective asset”... then the public should start collecting’, disputing the claim that Wollongong ratepayers would be willing to fund significant acquisition. They also claimed that the EMP’s writers had selectively followed COI recommendations and pointed to recommendation 13 as an important gap, which called for a Land Use Constraint Study for the area south of Mt Ousley Rd in order to review the Fair Trading and Rural Residential policies. They pointed out that the commissioner had rejected the 50m contour as a notional escarpment boundary and objected to its purpose in the EMP ‘to control development potential on open grasslands in the south’. They also noted that no attempt had been made to address matters raised in their report on West Dapto (Whittaker and Perkins 2003). They did receive some support from northern representative Richard Major who generally supported the plan but rejected further land acquisition as a priority.

My preference for allocation of any forthcoming funding is for it to be used to support current landholders’ attempts to manage the land in a way that is sympathetic to nature conservation and to provide them with subsidies to maintain their livelihoods (Major 2003).

Also angry was fellow landowner Roland Foster, saying that the plan was a ‘private land acquisition plan’ rather than an escarpment management plan, for it implicitly
Figure 28   Graeme and June across the Illawarra Mercury’s ‘divide’ (Verity 2003)
... removes the potential for adding value to rural land which has always been the hope, expectation and life plans of many rural landowners. In the Draft EMP there is no compensation that accompanies the removal of this potential. There is nothing to compensate the loss of reasonable expectations, the plans built on these expectations and the financial resources invested in them (Foster 2003).

5.7 Illawarra Escarpment Strategic Management Plan 2003-6
When the draft EMP went on public exhibition the landowners were not happy. Two hundred landowners attended a Council meeting to discuss the draft in May 2004. The Illawarra Mercury reported that it was ‘standing room only’ as various landowners spoke of the potential financial impact on them, with one calling for ‘a landowners impact statement’ (Figure 29). In response Lisa Miller is reported as saying that 65% of the 200 submissions received supported the plan and the landowners’ response was due to misinformation and fearmongering (Field 2004). David Winterbottom sympathized with the landowners, writing a Community Forum column in the newspaper saying that the draft plan

would produce uncertainty and hardship and was unfair to farmers. Furthermore the escarpment would not be protected without a costing of implementation options and a clear funding commitment (Winterbottom 2004).

Figure 29 Landowners attend WCC meeting (Field 2004)
After several drafts and much consultation, the Escarpment Management Plan was adopted by WCC in early 2006 (Wollongong City Council 2006). It mapped the land into four ‘attribute’ categories (Core, Biophysical support, Landscape Support and Escarpment Interface) and showed how they were not compatible with the zonings in the 1990 LEP. This opened the way for a major revision in the next LEP to incorporate better environmental data to inform acceptable uses of the land and where development was to be allowed. Indeed the 2009 LEP (Figure 25) shows the influence of the EMP’s attribute mappings. The Land Use Planning section is written from a conservationist perspective, with a stress on threatening processes, mainly associated with human activity. The plan did have an important role in the planning process for West Dapto detailed in the previous chapter. Though it has been difficult to delineate the escarpment in this area, Brett Whitworth maintains that the escarpment studies, far from being wasted, have constituted ‘fundamental building blocks’ for the entire exercise (personal communication 27/10/09).

However the final form is much reduced from the drafts shown to the CRG, leading the IEC to claim that it had been ‘watered down’, for the entire Implementation Strategy section had been removed, there was no clear plan to establish a national or regional park and no plan for how such funding might be raised. The escarpment was to be managed by a Council committee rather than the preferred management authority. But Lisa Miller is satisfied that most of what she fought for is included, that the studies done following the COI gave solid evidence for zoning decisions and that the new NSW standard environmental protection zoning E2 now applies to a lot more land than the old 7(a) did (personal communication 30/9/09). The land constraints had been comprehensively mapped and provided a rational basis for zoning and allowable developments on the lands previously subject to the perceived inconsistencies of the rural residential and fair trading policies. However she notes that because of the land required for the West Dapto Release there were some sacrifices in that area.

The EMP foresaw much further work, such as a ‘primary production sustainability plan’ (p48), a ‘weed management framework across all tenures’ (p38) and a ‘land use review strategy/master plan exercise’. The EMP also outlined many desirable conservation principles for managing the natural areas which would require responsibility across many agencies and landowners, not to mention resources, so the plan has the status of a blueprint only. Fourteen different agencies are listed under ‘proposed action and responsibility’, along with private landowners (p48/9). The moratorium would be lifted once the new LEP was approved (p31).

One disappointment for the IEC and other members of the CRG was the failure to establish a statutory body to manage the escarpment as a whole, an Escarpment Management Authority, on the model of the Lake Illawarra Authority, thus addressing the issues of fragmentation in planning to date. Graeme Jackson was firmly opposed to such a body that could ‘tell me what to plant’. He wrote to Minister Sartor who he claims agreed with him. The Northern Leader reported that following discussion with Sartor Council reversed its previous resolution to ‘pursue the establishment of a state government authority to implement the IESMP and manage related programs’. There was instead to be an
Escarpmont Committee of Council, to which Lord Mayor Alex Darling gave a positive spin: ‘This is a great affirmation for the organization and places the opportunity to protect and preserve our magnificent natural icon back in the hands of the people who most interact with it – the residents of Wollongong’ (Northern Leader 2006). The EMP promised a plan for the committee’s composition and work would be presented to Council by November 2006 (p49). This did not happen until initiated by the new council in 2012.

Such developments again illustrate the gulf between community consultation processes and the imperatives driving higher levels of government. There are also persistent and widely recognised problems with political priorities, whereby critics claim that politicians are notoriously short-term oriented, beholden to large corporate donors, and a minister’s whim may cause a change of direction in a complex planning process. There was also in the background to the events described here a rising level of discontent with possible corruption in Wollongong Council as several councillors, its General Manager and various other officials became subject to rumour and condemnation as their actions, including approving some of the developments that spurred the environmentalists to call for a COI, ultimately leading to an Independent Commission Against Corruption (ICAC) investigation and the sacking of the council in 2008.

June evinces dismay at the way she saw the plan’s fate, as provisions for resources to be allocated to specific measures for escarpment protection were removed.

But then it was watered down and watered down because landowners, developers, business people pressured different people, either Council or the state government, so every time it was reviewed and updated and went to another department it was watered down. That’s how I see it, to the extent that when the Strategic Management Plan came out it was a lot less strong in its recommendation and its management than it had previously been.

There is a common sense of disappointment at this outcome, which ironically unites those who had differences in the CRG. We have here a situation where the officials who set up and managed a consultation process thought it was successful but those who participated are by and large discontent. Diagnoses of the shortcomings vary from particular personal failings to a bad systematic judgment that the issue was environmental planning rather than planning per se, environmental, land use, economic and cultural. Despite the many areas of agreement that the escarpment needed to be preserved and managed, the areas of disagreement over the rights of existing landowners are stronger in people’s memories rather than any sense of achievement of common understandings and plans. I return to these issues in Chapter 8 with suggestions about how more attention needed to be paid to the conduct of the contestation of discourses in the public sphere, rather than the seemingly democratic but ultimately unproductive principle of simply letting people have their say.
5.8 Later developments

June maintained that the IEC’s work would not be finished until it saw the inclusion of measures recommended by Commissioner Simpson in Wollongong’s next LEP (Wollongong City Council 2009b). Although she had maintained a consistent voice writing submissions and letters to the paper and public speaking in the years when the EMP was being developed and later, the IEC had wound down considerably as the final form of the EMP was being debated. June regrets that once the battle for Sandon Point, the coastal site between Bulli and Thirroul, heated up from about 2000 this had absorbed the energy of the northern Illawarra environmentalists and depleted the ranks of the IEC, so that it gradually changed from being a coalition of different groups to providing a focused environmentalist voice, with the burden increasingly falling on June. Others claim the IEC’s work was effectively done by then.

June wrote a lengthy submission for the IEC on the LEP, criticizing its many points of detail that did not follow the COI recommendations (Pronk 2009). She was particularly critical of the lack of attention to riparian corridors. The COI had recommended a general 40m setback from all creeks, and the Riparian Management Study had provided the basis for distinguishing the environmental condition of different creeks (NSW Department of Sustainable Natural Resources 2003). These recommendations were in contrast to the much smaller setbacks currently being allowed which had resulted in spectacular storm damage on some creeks in August 1998. She claimed there were many instances of inappropriate zoning, often in cases with a history of contention such as the rezoning of Bulli Brickworks site as R3 medium density, and retrospectively approving the ‘Vellar mansions’ built by local developer without approval on 7(a) land in Corrimal. However a proposal to rezone the Excelsior mine site in Thirroul as residential was removed following community outrage.

After the LEP was exhibited but before it was submitted to the state government in 2009 WCC made a controversial change, rezoning E2 (Environmental Protection) land around Helensburgh in the Hacking catchment bordering the Royal National Park to E3, allowing further uses. Development on these lands had long been contested by the owners and local environmentalists concerned to protect the headwaters of the major waterway flowing through the national park, to the extent of involving litigation. Following this change a major campaign against it ensued, particularly after the Otford Protection Society became convinced that the reason for the rezoning was a submission from the Department of Primary Industries – Minerals requesting the rezoning ‘to facilitate coal seam gas exploration and its associated infrastructure’. Apex Energy had been given approval for test bores in the area (Otford Protection Society 2010). There followed media coverage and a concerted campaign against this, particularly because of the area’s importance for the Sydney water catchment, in concert with actions against coal seam gas mining in other affected areas. The Helensburgh lands continued to be contested by residents when Wollongong’s new council proposed a new plan in 2011.

The sale of old mines and renewal of mining activity brought in some new players, most notably the Indian company Gujarat NRE who applied for large extensions to their activities
and mine entirely for export to India. The company has however made efforts to court
favour with Wollongong residents through sponsorship of sport and other community
activities. Gujarat NRE owns the old South Bulli mine at Russell Vale, the Wongawilli and
Avondale mines and owns the coal lease for Huntley, while the surface continued to be the
subject of contentious development applications.

With the release of the new LEP the Escarpment Management Plan was doomed to take a
low profile. Damian Gibbins, Environmental Strategy Officer in Wollongong Council, was
charged with monitoring the first phase of implementing the EMP. The committee was
never set up he says due to a lack of interest from other agencies, although a proposal was
written in February 2008, so the escarpment has become the responsibility of the
Environment section of Council and many of the recommended initiatives have become
absorbed into routine processes. The writers of the EMP had asked for $3 million for
implementation of the plan but this was not forthcoming, after a plan for an environmental
levy was rejected. Only the pest animal area, specifically deer, constituted a new initiative
for Council together with landowners and other agencies.

The EMP did contribute to the planning of West Dapto. Land designated as escarpment
literally overlaps with the land identified for the West Dapto Release, with about a third of
the WDLR area affected, as shown for example in Figure 30, a map in the WCC Illawarra
Escarpment Land Use Review Strategy (HLA-Envirosciences 2007). Much of this was to be
tree changer lots forming a transition from dense suburban development to the
escarpment. As we have seen in the previous chapter this form of land use is sought after
but planning it is difficult.

Whitworth has sympathy with the landowners affected by the long and halting planning
processes as well as the policy of the banks in encouraging speculative land buying rather
than agricultural investment. In the absence of government funds to buy high conservation
value land outright, he sees the only answer as some form of biobanking, involving
transferable development rights in the manner of the Fair Trading policy. Though
attempted elsewhere in NSW, such a scheme has not yet been re-introduced in
Wollongong. Conservationists argue against such an approach on the grounds that it cedes
too much control to developers. Winterbottom thinks biobanking in NSW is ‘a recipe for
rape if not corruption’ but still believes that a more limited Fair Trading scheme is the most
practical framework. He acknowledges however that it is difficult to develop guidelines that
ensure consistency and fairness, and is exasperated at the slow pace with which
Wollongong Council has proceeded on this matter (personal communication 13/12/11).

The southern part of West Dapto, identified by NPWS as the valuable Yallah Calderwood
corridor, and the agriculturally rich Calderwood Valley to the south, mostly out of the
Wollongong LGA, were sites of later contestation. The corridor contained a series of
vegetation communities from a relatively large area of escarpment forest from Macquarie
Pass National Park to the north across largely cleared farmland with scattered patches of
various types of the Ecologically Endangered Community Illawarra Lowland Grassy
Woodland, an EEC poorly represented in the conservation reserve system to date, to Lake
Illawarra. The area includes Marshall Mount, one of the proposed centres in the West Dapto proposal (Stage 5), whose residents became anxious when Wollongong Council (in conjunction with the Department of Environment and Climate Change, Department of Planning and the Southern Catchment Authority) issued a ‘Yallah Marshall Mount Precinct Native Vegetation Strategy’ in September 2007 (Wollongong City Council 2007). Citing the Native Vegetation Act and the Threatened Species Conservation Act as well as the NPWS escarpment studies and other local planning measures such as the inclusion of Clause 46 Development of environmental corridor provision in the Draft West Dapto LEP, this proposed ‘the enhancement of approximately 250 ha of forest, grassy woodland and riparian vegetation and the revegetation of approximately 750 ha of cleared land in order to improve the condition and viability of significant remnant vegetation and increase connectivity across the border’ (p2). The ambitious plan involved stringent obligations on landholders to agree to a Property Vegetation Plan to revegetate their land in exchange for some subdivision rights, creating another instance of landowners feeling inadequately recompensed for supplying an environmental asset.
Some of these landowners approached Neville Fredericks, known for his efforts to create sustainable developments in greenfields sites, most notably Tullimbar, west of Albion Park, still in very early stages. Their calculations showed that, far from providing any return on their assets or an exit strategy, the proposal would be at net cost to them. Fredericks says the DECC and other officers that spoke at a community meeting ‘got cooked’ by the residents and consequently Council quashed the plan (personal communication 3/3/10). Fredericks was then engaged by some of the landowners as a consultant to come up with a more realistic plan, i.e., for a larger village with a less ambitious revegetation program. His ideas include an innovative five acre ‘custodian lot’ belt around the periphery of the town where each lot consists partly of existing or revegetated forest. The idea resonates with David Winterbottom’s observation that active stewardship, rather than merely public ownership, of areas bordering the escarpment bushland is necessary to manage weeds and other risks.

David: It was always my view that you should have quite large lots, maybe even five hectare lots at the edge because that’s the only way that you could be sure that the fire protection in particular, and weeds, could be properly handled. If you give over that land to National Parks or Council it’s just lantana. The amount of lantana in the escarpment is absolutely scandalous as you probably know. We’ve only got to have three hot summers and it will just go, the whole bloody escarpment. The lantana will die and the other vegetation isn’t thick enough to contain it. And that’s still the situation as far as I know.

Some aspects of Fredericks’ proposal were accepted by Council as it began the process of planning Stage 5 in April 2011 (Wollongong City Council 2011a). Land Use Planning Manager David Green says that in Council’s discussions with NPWS that organization was taking a much reduced view of the ecological importance of the Yallah Calderwood Corridor. He thought it might be due to more on-ground studies than what had gone into the 2003 biodiversity report, for the forest remnants are very scattered around the agricultural land. The three major patches of Illawarra Lowland Grassland Woodland in West Dapto would however be zoned E2 in the West Dapto LEP. In the absence of direct evidence of NPWS’ position, I interpret Green’s account as again showing the way NPWS operates as a panacea, making bold claims in its commissioned studies, but not being required to document any change of position. This left the likelihood that people commenting on the Stage 5 LEP when it was exhibited would direct any objections to the apparent backdown in environmental protection to the planners in Council or the state government when in fact the NPWS and other agencies had already agreed to the plan.

Although the ‘battle for the escarpment’ went on for many years and involved many participants, the momentum that built, particularly over the COI recommendations, was later to subside, with no ongoing public process and no dedicated management authority. This left all the citizens I interviewed puzzled and dismayed. A great deal of knowledge had been amassed but there was as much disagreement as agreement about the value of it between people with different legal, economic and cultural conceptions of their relationship to this particular land area. No one had demonstrated the leadership required
to pick up the blueprint offered by Commissioner Simpson and negotiate an acceptable and just solution. Nor was there any progress on the establishment of an escarpment park, although there were extensions to the walking tracks in the northern section of the State Conservation Area (SCA). The vision of an escarpment common had been undermined by restricted ideas of what such a common should be and a defensive reaction to this by those who felt victimized.

5.9  Rethinking the common

Many issues arose and were debated in the course of the processes described above: where the escarpment boundary should be, its conservation significance, the legacy of damage from past mining, how to manage the risks of flood, landslips, fire, weeds and feral animals and what should be done for the farmers seeking an exit strategy from their rezoned properties. The Working Party, Commission of Inquiry and Community Reference Group all served as meeting places for citizens and government bodies, contributing to greater awareness and public knowledge about the issues involved in escarpment planning. Over time however the different positions from which environmentalists and landowners spoke hardened into what the media termed ‘the region’s great divide’ which remained unreconciled. I return to this topic later, but finish this account of the environmental planning processes by revisiting the theme of the escarpment as a common, which I take to be an underlying and shared aim of all the escarpment citizens, on both sides of the divide, whose views have for the most part already been quoted, but who I introduce formally in the next chapter.

All three processes gave (perhaps decreasing) prominence to the idea of bringing core escarpment land into public ownership to create a regional park, probably to be managed by NPWS. The Working Party explicitly identified the lands and initiated the process of Council trading them for development entitlements and passing them on to NPWS. The COI report recommended

... an Illawarra Escarpment Regional Park be established pursuant to Section 470 of the NP&W Act 1974 as a long term goal. The responsibility for establishing such a park shall rest with the State government and Wollongong City Council.

... a board of management (be) established for the care, control and management of the park

The State government should accept a share of the financial responsibility for acquisition and maintenance of the recommended regional park (Simpson 1999 p143-4).

Some members of the CRG wanted to advance these recommendations but most accepted the problems with NPWS acquisition.

...unfortunately some land that could be reserved is degraded and may need extensive work to resolve issues related to geotechnical instability, unrehabilitated
mine sites, coal waste emplacements, land instability and risks to public safety (NSW National Parks and Wildlife Service 2003a p12).

In addition, the NPWS pointed out, besides the ‘numerous roads and utility easements’ there are also many ‘alien uses’ such as ‘collieries, power lines, sewerage infrastructure, water pipelines and telecommunications towers’, and ‘pollution from abandoned facilities may still pose risks to the environment... (p10).

The Illawarra Escarpment Strategic Management Plan, the formal title of the plan to which the Community Reference Group was contributing, notes that it is unrealistic to expect that all of the high conservation value land will be included in a public reserve, and suggests an alternative plan which might have benefitted discussion by the CRG.

A broader concept of ‘park’ is considered, where private land remains as freehold but is encouraged to be managed consistent with principles of public land management... This may be achieved through the adoption of voluntary conservation agreements or with assistance through a range of financial/non-financial incentives (Wollongong City Council 2006 p8).

However, this appears to be a relic from the Implementation Strategy section deleted from earlier drafts of the EMP, which affirmed that the creation of an escarpment park had become a medium term objective, but set out a program towards it, noting that the term ‘park’ had many meanings. The draft advocated for further expansion of the SCA, for which a tradable development rights scheme allowing high conservation value land on the escarpment to be traded for land outside the escarpment, would need to be established to replace the discontinued Fair Trading Policy. It also recommended the establishment of a mixed tenure Illawarra Escarpment Protection Region or Community Park, although this is only explained in legalistic terms. The draft listed possible overall management options, with its preferred option being an Illawarra Escarpment Authority with a mixed funding base. The EMP at this stage was embracing the recognition of an escarpment common with its layered concept of a park (Wollongong City Council 2004 Section 5).

Although the CRG accepted the constraints on NPWS acquisitions, this broader concept was not a consensus, and nor was the proposal for a management authority, to which the landowners objected. Southern resident Tom Wardhaugh advocated a regional park managed by WCC to be financed by a levy, but Jill Merrin disagreed, saying that the NPWS was the only body with the expertise, and this was a key recommendation of the COI. Her belief was that greater public support would result in more resources for NPWS and said the National Parks Association, of which she was Illawarra president at the time, exists to support such parks, and the local branch would be a good way for the community to have input (Illawarra Escarpment Community Reference Group 2002c). Maurie Dowson could not see that the expense in acquiring lands for a NPWS-managed park was great compared to the money being wasted by the increasingly discredited state government, and puts it down to the lack of political will.
At the end of the process then there was no clear way forward on establishing the common, for what was proposed in the final EMP was schematic at best. However, despite the attention that the production of the EMP had drawn to the issues of public ownership, a situation of public misperception of the escarpment as a common persisted. Damian Gibbins for example says that people generally do not appreciate that the escarpment is mainly privately owned and not an amenity that Council can maintain for their benefit. On the contrary it is a ‘wild frontier’ of private land not effectively secured, used by feral people as well as animals: trespassers in the form of walkers, various kinds of bikers and illegal hunters (personal communication 3/11/09). All of these do varying amounts of damage creating informal routes. Owners of disused mines are for the most part absent, taking no responsibility for rehabilitating past damage or preventing injury to present users. Some landowners use private security guards but, like a frontier, there is no regulating state presence. The confusion about the status of the escarpment and people’s rights to access it underlines the need to develop a new framework to clarify its relationship to the city and its peoples, including the rights of landowners.

In line with this, the landowners’ continued to make claims for compensation for maintaining the general amenity of the escarpment. Graeme Jackson points to a blatant inconsistency between deeming privately owned escarpment lands to be for ‘public recreation’ yet the owners were not to be compensated, while in 2009 the Council under its government-appointed administrators paid the major developer Stockland $1.8 million for over three hectares of similarly zoned land at Sandon Point (Wollongong City Council 2009a). Jackson says General Manager Oxley should have made Stockland sign the public land over to Council when it was bought. On this model purchasers of escarpment land such as mining companies should be required to donate any surplus land suitable for inclusion in the common. There is a puzzling paradox in that both Wollongong residents and its council appear to take for granted some commons aspects of the escarpment but official processes are unable to proclaim and implement this.

Whatever the merits of the consistent position taken by some that a continuous regional park managed by NPWS were, it was not to be achieved as part of the events covered here. This raises questions about whether the desire was in fact the invocation of a policy panacea in Ostrom’s sense, and whether more attention could have been given to the type
of common advocates were striving for rather than emphasizing zoning and ownership so exclusively, with its clearly differential impact on different groups of citizens. There was no real disagreement among escarpment citizens about the following ends:

1. Preserve Wollongong’s ‘green backdrop’ by controlling development (aesthetics of place)
2. Repair past damage and minimize further disturbance to prevent risk to people and property in the city below (public safety)
3. Ensure access for education and healthy enjoyment (public amenity)
4. Conserve specific ecosystems and instances of biodiversity (environmental conservation)

While present here in particularly dramatic form, points 1 and 2, aesthetics of place and public safety, are the domain of all civic authorities. Point 1 focused on limiting residential development on the foothills, particularly ‘unsympathetic’ structures on prominent sites. But this may be a design judgement about architectural and landscape styles, for cities like Hong Kong, San Francisco and Rio de Janeiro contain prominent sections on steep slopes. Furthermore the ‘green wall’ of the escarpment actually contains a lot of weeds, of which many people are oblivious, as landowner Roland Foster points out.

Roland: So it’s changed, and the greenery that people look at now from Wollongong, as they look up to the escarpment, and a lot of it’s actually lantana and crofton weed and they don’t know it. They think it’s green so let’s preserve it.

Point 2 was a major part of the IEC’s campaigning as they pointed to instances of dumping, slips, polluted waterways and storm damage, properly holding Council to account on behalf of those for whom it held a duty of care. They were more sanguine about the risks of bushfire, however, arguing that this threat was overstated, resulting in excessive tree clearing and erosion.

Only points 3 and 4 are specifically the domain of NPWS, and it is increasingly recognized that even they are problematic. For all property owners to agree to point 3 would take a major cultural change, for they are understandably not happy with admitting people to their land for uses they disapprove of such as hunting or resource exploration. Low impact activities such as walking may not be a concern, but landowners may also take a prohibitive stance to any strangers, as indicated by the many Private Property and No trespassing signs on mine land and among the lifestyle blocks (Figures 31-2).

Hardin points to the problem with 3, open access, which with overuse can negate the object of 4. National parks have to deal with increasing demand for active pursuits leading to debates about misuse. Local examples of claimed misuse include motorized bicycles creating unwanted noise, tracks and erosion, and deer hunters of dubious legality shooting on private lands. Point 4, environmental conservation, in this case ironically resulted in a higher valuing of lands long quarantined for the West Dapto Urban Release than of the escarpment proper. So what appear to be straightforward propositions for a conservation agenda in fact invite disruption and rethinking.
Figure 31  BHP sign, showing Wongawilli mine

Figure 32  Treechanger block
The West Dapto land owners challenged the comprehensiveness of the above points by adding

5. Continue to exercise landowners’ existing use rights to treat the land as a resource

Farmers’ activities had been curtailed through various factors including the long period of Non Urban zoning of their land. This claim, asserted more militantly at later stages, caused consternation among the citizen and official participants in the debates, but it might not have if it had been more clearly established at an earlier stage that the escarpment is a bundle of potential resources that require management, both products such as coal, timber, pasture and land subdivisions, as well as services, aesthetic, amenity, environmental and safety. It cannot be quarantined from the users who value its resources, although a healthy public sphere will debate the value of the resources and how to manage them. The literature on the commons stimulated by the rejection of Hardin’s prognosis testifies that the commons can be successfully managed by self-governing users of valued resources, both products and services. The earlier version of the Escarpment Management Plan was making some initial steps towards the formation of such a self-governing body of escarpment owners, users and other stakeholders, and its deletion must be read as a withdrawal of state government support for such a common pool resources project, perhaps under the influence of lobbying from landowners who rejected the proposal because of an understandable fear of loss of autonomy over their land. It would take leadership to persuade landowners of the benefits of developing a greater common pool resource management system for the escarpment.

Transferring lands to NPWS ownership functioned as a panacea, in Ostrom’s terms, so that attention to other models was discouraged, there was no scrutiny of the processes of NPWS decision-making and they were not held accountable in the way that the IEC relentlessly criticized council’s decisions. NPWS is a government body working under certain legislative requirements and with its own organizational culture and strategic priorities for new acquisitions in the context of the massive expansion of its areas of responsibility. In the Working Party’s planning of an escarpment park the 7(a) lands that Council acquired were for the most part offered to NPWS but the process of negotiation was not public and much of the land was rejected because it was too disturbed or difficult to manage or did not meet their priorities. This can put the council into a difficult position, liable to find itself owning land unsuitable for development which it considers itself unable to manage. This applied for example to the old Corrimal mine site which NPWS did not accept though it did accept the lands surrounding it, creating one of a number of ‘doughnut holes’, a phenomenon the CRG had observed. BHP was allowed to sell the land for housing, a situation the IEC and others continued to object to, but it was not in Council’s interest to own the land although it was irregular to allow redevelopment so far into the bushland.

Much of the NPWS’ negotiations or the lack of them over the escarpment was not made public. We do not know, for example, what discussions took place over the Huntley Colliery site over the period of its ownership change. When the new owners, HHT Huntley Heritage, submitted a revised proposal in 2011, Council noted that ‘in 2007 the NPWS indicated that
it was not interested in the site, however in 2010 the NSW Department of Environment, Climate Change and Water [the department which had absorbed the NPWS] advised that it was willing to consider whether any of the site was worthy of inclusion in the IESCA’ (Wollongong City Council 2011c p37). The fact that NPWS was not required to publicly account for its decisions to reject or reconsider such lands offered to it by private owners or as in the case of the Fair Trading scheme, via Council, meant that the panacea of NPWS ownership continued to operate. This distracted attention from other possible models of an escarpment common, particularly seeing the land as a bundle of resources and services rather than a zone of restriction and prohibition, an unfortunate theme in public perceptions of what conservation means.

The NPWS website says that the NSW park system grew by 50 per cent between 1995 and 2004 to cover almost six million hectares or 7.4% of NSW, most of which is national parks (NSW National Parks and Wildlife Service 2005). The limits to the state’s capacity to resource its ever increasing conservation estate are being recognized by conservation bodies such as the National Parks Association, who established the Great Eastern Ranges Initiative in 2010 in an effort to involve landowners to help establish connectivity across very broad areas, only fragments of which could realistically be included in national parks (Mackey, Watson et al. 2010). There remained a clear potential for the Illawarra Escarpment to be seen in this way, as a whole complex landscape needing to be managed by its own citizens and users but locked in a complex of discourses working against this.
6 What unites escarpment citizens

This was what he disliked about political people – injustice and calamity animated them, it was their milk, their lifeblood, it pl easured them.

Ian McEwan, Solar

So muses Professor Michael Beard, the novel’s cranky, self-obsessed central character. His response to a politically engaged student may indicate a dysfunctional life and career but it is also an insightful suggestion about the impetus for individuals to take political action. For why did the people I have already quoted in previous chapters stay involved in the complex of events I am calling escarpment politics over such a long period? There may have been elements of principle and public duty as they reacted to threats to places that they believed should be preserved, and arguably some element of self interest as these places were part of their habitus and identity. But McEwan’s phrase ‘it pl easured them’ also rings true, and the speech situation here suggests that this pleasure is more visible to those unable to experience it. For being a political person can cause puzzlement to others, like an esoteric hobby.

6.1 Pleasure and pain in politics

Pleasure is an aspect of politics not often emphasised. To have a vision of nature conservation, ecological sustainability or environmental justice can be an exercise in imagination and hope and to work in support of it should then be satisfying and socially sustaining. There are satisfactions in analysing the problem, imagining the desired outcome, finding and working with like-minded people, sharing these activities and then ideally of understanding others who view the issue differently and negotiating mutually satisfactory outcomes. Such are the pleasures of politics, despite the issues at stake often being ‘injustice and calamity’.

More frequently however, environmental politics involves as much frustration and pain as it does pleasure. Typically it involves a quest to ‘save’ special places from misuse and destruction, or more recently to stop or reduce production and use of energy sources that are cumulatively changing the earth’s climate. Such projects may take the form of a crusade against forms of environmental wrongdoing, and are often doomed by more powerful actors, leaving the proponents defeated and despairing. Torgerson describes this with the resonant phrase ‘tragic seriousness’. In questioning this stance as a viable mode of environmental politics he argues for a resilient mode of operation and draws on Hannah Arendt’s analysis of 20th century politics. He quotes Arendt speaking of ‘the joy and gratification that arise out of being in company with our peers, out of acting together and appearing in public, out of inserting ourselves into the world by word and deed’ (Torgerson 1999 p133). Using the Berkeley Free Speech movement as an example she advocates the ‘public happiness’ that such experiences may bring, if only fleetingly. One thinks of more recent images of public happiness (as well as desperation and terror) on the ‘Arab street’ and demonstrations by the global movement that began as Occupy Wall St in 2011. This is a
‘politics of performance’ occupying public space and underlying her stress on the ‘intrinsic value of politics’ (p.154). While there are elements of such performance in escarpment politics, with unlikely alliances between different individuals and groups, there are also elements of an unproductive and corrosive antagonistic politics, leaving the participants feeling exhausted and betrayed. These turns from pleasure to pain are evident in the citizens’ interviews I recount here. Their hopes and visions are clear, and there are glimpses of public happiness, but overwhelmingly their retrospective accounts are tinged with disappointment and defeat.

Although there are many individuals of note in the events described in Chapter 5, I narrow the focus in this chapter to those ‘political people’, individuals who have had a more or less prominent role as citizens rather than primarily professionals, although there is some overlap as people’s situation may change. I intend the term citizen of the escarpment or escarpment citizen to be an instance of Bell’s term citizen of an environment introduced in Chapter 2 (Bell 2005). I use the term to cover a range of individuals who have chosen to take some form of political action in the pursuit of their environmental concerns about the Illawarra Escarpment. The people I am grouping as escarpment citizens were prime movers in presenting impediments to existing practices and/or lobbying for new forms of local and state government accountability and awareness of environmental issues on the escarpment. In introducing the escarpment citizens and their values I wish to keep in play the question of their pleasure in politics and their resilience. If these qualities are essential to a healthy green public sphere, as Torgerson and others argue, how can they be nurtured?

The citizens central to this study did not in the main have a pre-existing commitment to environmental activism aside from what they took from their involvement in these specific issues, nor did they have a history of political activism on other issues. The major exception to this, Jill Merrin, has since become a high profile member of The Greens party and one of Wollongong’s first two Greens councillors, though it was her NGO employment that brought her into escarpment politics. While there were many participants in the various groups and coalitions, including individual politicians, these did not include political parties. The Illawarra Greens took only a supportive role, as founding member Karla Sperling explains.

I suppose as a local political organisation with a commitment to the environment it was natural. The escarpment was a huge political issue at that time in the 1990s. You couldn’t not be involved in it if you were concerned about the environment in the Illawarra. It was probably the number one issue at the time... I didn’t have a major role but I was aware what was going on. I received literature put out by the Coalition and I might even have spoken at one of their meetings (personal communication 22/7/10).

Those who did have a major role tended, on the other hand, to have largely formed their citizenly identity through involvement in these events. The most prominent citizens involved did not come to the issue as already formed environmentalists experienced in
different campaigns but formed their identity as what I am calling citizens of the escarpment through their own experience of place and previous related political events. This varied from residents resisting planning decisions on nearby properties that they saw as destructive and risky, to farmers and other landholders first defending their property against industrial pollution and later contesting zoning decisions.

In accounts of conservation disputes in Australia citizens and their organisations commonly have a leading role as protagonists in issues over state decisions or policy. However such individuals are usually referred to as activists, environmentalists, conservationists, or pejoratively as greenies, thus giving the role a moralistic, crusader tinge and emphasising a unity of purpose in opposition to rapacious or recalcitrant companies and state bodies (or rightful actors in a different framework). In contrast I wish to reconsider the role of such people in my case study as being the more politically dispersed and morally neutral citizen. Citizens are essential to environmental politics as we know it, along with a range of state and legal bodies. However not all the escarpment citizens could be termed activists or would so term themselves and some found themselves in dispute with those who could. I hope that by treating all the people involved as citizens, searching for their common ground and analysing the source of their differences will lead to a more nuanced account of the events than what participants themselves or media accounts offer. In turn this should suggest more fruitful means of citizen input to officially sanctioned solutions satisfying different stakeholders than were evident in this case.

The citizens I quote here have been involved in various official forums, which is how I discovered them. In the second half of 2010 I interviewed eleven citizen participants in the major escarpment planning processes, to complement their sometimes prolific written output. In what follows in this chapter and the next I have a particular focus on the Illawarra Escarpment Community Reference Group (CRG) which met in 2002-3. It is the most recent forum, and was the largest and best resourced, with extensive documentation available. In this chapter I introduce the escarpment citizens, particularly the more articulate of them, with a view to exploring their sensibility as citizens, their conceptualisation of rights and duties, their experience of ‘public happiness’ in escarpment politics, their particular knowledge base and their propensity for practical judgement. I am also interested in the extent to which they share common ground and similarity of motive in getting involved in escarpment politics, and identify three areas of commonality: having an affinity with a threatened place, being discontent with existing politics and taking some form of strategic political action.

I begin with these commonalities and in the next chapter explore why areas of difference also created anger and mistrust. Citizens usually get involved in escarpment issues because of a local connection to where they live. For landowners this is straightforward. Their place is seen to be under threat in some way from natural disasters, industrial pollution, council zonings, or inappropriate development, and they see state bodies such as their local council as having the responsibility to manage, ameliorate or compensate for the threat. Conservationists’ affinity is usually with a wider area than their own property which has environmental and perhaps recreational and scenic value. The next section will introduce
the citizens with a series of vignettes illustrating their affinity with their particular escarpment patch, from north to south.

6.2 Affinity with a threatened place: meet the citizens

Maurie Dowson, Stanwell Tops
The far northern section of the Illawarra Escarpment is not the focus of this thesis but is important in regard to establishing green connectivity with Sydney’s southern boundary and the Royal National Park. Stanwell Tops is a particular environment, being the only village on the top of the escarpment. It borders forested lands of high ecological value and rock and water formations that plunge from the edge. The area has long been acknowledged as an important buffer zone to the national park but has been the site of bitter disputes over land use.

All Maurie’s efforts have been devoted to trying to get the steep and unstable lands around his village protected and brought into public ownership. The landscape is so akin to that of the neighbouring Royal National Park that one has to ask why it has never become part of the park. The bushland surrounding the village includes a well preserved and unusual hanging swamp and a remarkable swimming hole, the Mineral Pool, right on the cliff edge. It has been used as a holiday attraction since the 1930s. The area is visually very dramatic with commanding views over the coastal village of Stanwell Park, the historic railway viaduct over Stanwell Creek and across the valley to Mt Mitchell. However most of the area is privately owned and Maurie has been involved in numerous campaigns to preserve it from being developed since he moved there in 1969. Most of these have been won after considerable effort, but Maurie remains unhappy that Council allowed the development of the Tumbling Waters exclusive resort across the road from his house, which includes the mineral pool, now fenced off to the public (Figure 33).

He took me walking after heavy rain which had increased the volume in the existing waterfalls and caused others to appear. ‘Why wouldn’t you fight for this,’ he kept saying. ‘It needs to be preserved for future generations.’

Maurie: I first got involved in escarpment issues, would have been around about 1970 when there was a proposal for the Clutha coal jetty at Coalcliff... and we’ve fought battles endlessly ever since... to try and preserve the hanging swamp, the old mineral pool, the escarpment at this end and the Princess Marina Walk, Kelly’s Falls, all of that area. It’s just been a continuous battle ever since... Not long after that we discovered that there were 23 lots along the escarpment from the old mineral pool, over the headland overlooking Stanwell Park, which had been approved by Wollongong Council. Nobody knew anything about it till the bulldozers moved in. Then we quickly had a group of Stanwell Tops residents gather in the paddock over there for a meeting with Ian McManus, who was
our alderman on Council, and John Parker, who was the deputy Lord Mayor at the time, the ALP deputy lord mayor. We tried to find out what was going on. Well, when we found out it’d been approved and nobody knew anything about it, that started really our first campaign.

**Jill Merrin, Bulli Pass**

Jill Merrin came to the issues as a result of her botany training, her professional work in environmental organisations and her political commitment in the Greens. She has been involved in many environmental disputes and was later to be a leading figure in the campaign to save the coastal site Sandon Point, one of the few remaining green corridors from the coast to the escarpment, from residential development. She had a high local profile as an environmentalist before becoming a councillor in 2011 (Figure 33).

She participated in the escarpment COI by arguing for biodiversity conservation in the Bulli Pass area, one of the few roads going up the escarpment and hence a cause of disturbance and weed invasion.

Jill: It was a Department of Lands patch of land before it went back to National Parks. They were planning to build the new Bulli Tops tourist building up there way back then. I remember seeing something they’d written... because I was very concerned about weeds in the escarpment, that was one of my main concerns. I
remember driving up and down Bulli Pass and seeing great huge patches of weeds through the Bulli Pass State Park area, especially lantana and other very invasive things. So I asked them, I remember speaking to this guy in charge of the state park... I remember asking them what they were going to do about all these weeds. Meanwhile they were busy talking about building a building. And the guy I spoke to basically said Oh it’s too hard, we’re not going to do anything. We’re basically sacrificing it, I think he even used the word sacrifice. And I was incensed with anger at the thought that these people were in charge of this beautiful important natural area and that they didn’t have any motivation or interest in actually managing it for biodiversity. All they could think about was building a building. And even if they got money from that building they still weren’t going to address the biodiversity problems, especially weeds. So I was annoyed about that and I asked the guy, that was one of the questions I remember asking him during the COI. I think I asked him what was their long term vision, given that they were going to not do anything about the weeds. I think I was a bit nasty probably. I sort of said to him is your long term vision for this park a weed monoculture basically, a lantana monoculture? And I think he basically had to say yes to that question, because that’s what was going to happen if they didn’t do anything about it.

Joe Davis, Thirroul

Joe Davis still lives in the Thirroul house he grew up in. He is a teacher and historian who has written a number of publications about various aspects of local history, including D.H. Lawrence’s period in Thirroul in 1922 and a history of Lake Illawara. He takes an active interest in local environmental planning issues but says he never joins anything.

Joe: When you grow up here, this is the house I grew up in, you see what gets destroyed over a long period. The places I used to play as a kid, they’re gone, so I think maybe even as a twenty year old I sort of thought I’m going to do something about saving some of this place, so I always had that feeling.

June Pronk, Mt Keira
June Pronk, the individual to become most associated with the conservationist cause to save the escarpment, used to live with her husband Martin on the slopes of Mt Keira, the escarpment landmark closest to the centre of Wollongong, rising steeply behind the university and the Botanic Garden. She quickly became conscious of the implications of living in close proximity to an abandoned mine site which had nevertheless rapidly regenerated, so that she was surprised to discover that the rainforest and creeks did not form part of the Illawarra Escarpment State Conservation Area as she had been led to believe, but was still owned by BHP. It is the former site of BHP’s Kemira colliery, closed since 1980 but still, because of the extent of ground disturbance and fill dumped over the life of the mine, posing a threat to the suburbs below surrounding the university. Her first involvement came as the result of what she and other residents saw as a dishonest attempt to sell part of the land without their knowledge, the beginning of a long dispute over development in the area and a key focus of the IEC. Then after the storms of 1998 coal wash flowed through the streets of Keiraville and June and her group Friends of Keira campaigned to have the mine site rehabilitated. In the process she became aware of the past lack of controls over the treatment of mine waste, its effects on the waterways flowing off the escarpment and general safety issues due to increased land instability through mining.

June: In 98 we had the storm and that’s when things had to be fixed up... They had a group of people coming together to see what could be done about the amount of fill that was coming down the creekline and going into Keiraville, into the streets and houses. That happened also in the northern suburbs. The Kemira Colliery Reference Group worked for a number of years to have the site rehabilitated, which has been done [Figure 36]. There were initially 300,000 cubic metres of fill on Kemira alone over 100 years, debris dropped out of the mine, it wasn’t fill brought in, it was debris from the mine that had had just been dumped over the side and landed in the riparian corridor, and with the storms it’d flow into Keiraville. This is typical of all the mine sites. There was no regulation and they didn’t know what they were doing, they just dumped the coal smalls out of the mine that they
Roland Foster, Mt Kembla
Roland Foster is a school teacher who in 1975 bought a large block near the historic mining village of Mt Kembla on the slopes of the next major peak on the escarpment south of Mt Keira, an area where there have been pressures for some time to create more lifestyle or tree changer blocks. He sees this as a desirable development in terms of sharing his lifestyle and restoring the land, as well as providing income, and has been expecting it to happen for many years, but the mismanagement of the process has caused him and fellow landowners ongoing disillusionment, frustration and debt.

Roland: We’re here because we enjoy and want to live among the beauty of the escarpment. We’re living on large acreage property that the houses are sometimes five k[ilometres] visually from the parts of Wollongong that you can see... If a house is put on a rural block it’s often put on a bare paddock and the first thing the owners would do is to
plant trees around it. So as you can see with my house I’ve got this house that was initially put on a bare paddock where cattle were grazing and it’s surrounded by trees. All of these trees I’ve planted. I planted all those eucalypts over there as a windbreak, and I’ve planted all the other trees around the house... They’re huge now and they look as if they’ve been there forever.

Jean Ferguson, Kembla Grange
Former bookseller Jean Ferguson and her husband bought land in Kembla Grange 33 years ago. Theirs is a community of about fifteen households, none of who are farmers, in a secluded valley in the northern part of West Dapto behind the extensive waste recycling centre of Whytes Gully. She has been involved in various efforts to resist industrial development in the area.

Jean: I’ve been involved with environmental issues with Council. With John Ellis I was on the Kembla Grange industrial site committee when it was decided to extend that. We were probably one of only two people here when the Whytes Gully tip went in. Originally it was to go on this site until we showed them pictures of how high the water comes. They really couldn’t work their way round that. It would’ve been in this gully instead of round the corner... And this place and the whole of the valley is unbelievable. Delivery guys come and say Oh, didn’t know this was here. And I guess people don’t, because it’s just so close to town. It used to be 20 minutes, now it’s about 35, but still...
Russell Hayes, Huntley

Further south we find a community of landowning families going back several generations. Graeme Jackson explains the connections between the established dairy farming families of West Dapto.

Graeme: All the farming families, they’re all interrelated from back in the 30s. There are people in Calderwood Valley related to the families who live in West Dapto. And the predominant name in the West Dapto area is Hayes but I mean if you went to speak to Evan Perkins well his mother was Miss Hayes. Nothing happens but the grapevine... and given my good friendship with Jason and Esther Voorwinden, Jason was the son of May Voorwinden, she’s been there since the year dot. She’s an artist under the name of May Barrie. They just know, they’re talking to their friends, they’re all connected.

The original Hayes and Perkins properties are on the escarpment foothills behind Dapto, an area designated as Huntley. It has cleared sections, large areas of forest and expansive views which have allowed the landowners to observe wildlife movements and seasonal changes. The original Hayes farm was for sale at the time of my interview with Russell Hayes, whose family history has concentrated less on dairying than Perkins’. He owns part of the farm on a separate holding.

Russell: ... I was an electrical engineer. I’m a hobby farmer. This is only ten acres. This is my grandfather’s poultry farm. He bought it as a going concern in 1927. It was split off from the property next door... When I was a child we farmed underneath the dump there, a dairy farm. My father owned taxis, worked in mines. He retired in Wongawilli mine. He was a miner to start with and a miner to finish. In between time yes he was a dairy farmer at some stages.

Russell’s land is close to Horsley and he accepts the inevitability of further suburban development as lots around him are being sold to developers and he is being encouraged to participate in the process of overall planning. However he has been involved for many years in fighting against pollution from mining and trying to get escarpment lands brought into public ownership.

Russell: ....in September 83 I moved into this house. I owner-built it myself. Three weeks after I moved in BHP and the government put out a plan showing it was going to be covered with coal waste... so there was a group called Don’t Dump Dapto committee set up and I was the environment spokesperson...
Evan Perkins, Huntley

Evan Perkins’ situation is an extreme example of the fate of this group, whose lives and livelihoods have been disrupted by the decline of the dairy industry, pressure for the expansion of Wollongong and Council’s unsatisfactory responses to their situation. He remains the sole descendant of the earlier generation still committed to dairy farming, as others have diversified the use of their land and sources of income, though this looks increasingly impractical as he gets older and in light of the drawn out planning changes. Yet, as for others, because of the value of his land, part of which under current plans forms part of the West Dapto Urban Release Area, he is not eligible for any form of welfare. However he has paid development-level rates for many years for land which could not be developed. An articulate and bitter person, for decades he has been involved in political action in defence of his and others’ land and their rights to farm it. This defence started with the Don’t Dump Dapto campaign, along with Russell, against the planned dump for mine waste, the Wongawilli emplacement.

Evan’s land was particularly affected by council allowing the dumping of BHP slag on a roadway.

Evan: Council put toxic slag on a road near me. They built a road to Avon colliery and they put slag 30 feet deep up the road, and with that I had all these cows dying. I had 30 cows pull legs out, 45 in six months. Council kept saying I wasn’t the full quid, it was inert, all this sort of thing. I fought them for 30 years till I woke up to myself that people in authority aren’t always capable, honest, this sort of thing.
Figure 39 Evan Perkins’ farm

Figure 40 Greens councillor George Takacs, Iain Whittaker, Evan Perkins, Nick Gill on Evan’s property
He took matters into his own hands, using his own practical knowledge and appealing to experts.

Evan: And I started to get tests done myself. I had university professors doing tests telling me it was harmless. I went to ANSTO in the finish. I was only in there five minutes and they wrote all the equation for what I’d observed. Then CSIRO got involved in the finish, blew them out of the water. We did spectrometry on the cows’ bones and Council misrepresented things right to the bloody line...

[BHP] had nowhere to put their slag. They said it was blast furnace slag, which would’ve been iron. Someone told me they built a barbeque from furnace bricks and I said there shouldn’t have been any bricks. I got to thinking so I grabbed a bit of slag and put it on an emery wheel and I got a steel spark, not iron. So I took it to an engineer and said Have I got this right? He said Too right you have...

An EPA [Environment Protection Authority] audit found that Council had for 20 years misrepresented the volume and description of the material. Council has never even apologised and has hidden between an individual’s lack of financial resources to take the issue to court. They’d be using ratepayers’ funds to fight a ratepayer seeking justice from their negligence and deceit... The only consolation I have is in knowing that my campaign against Council has resulted in action that’s prevented any further contamination of Lake Illawarra, which would have had disastrous effects.

Evan relates that he was later vindicated by further government bodies and finally the Land and Environment Court finding that the slag was toxic and required an impermeable layer. The experience gave him an abiding scepticism, a key aspect of his general stance, towards experts and authorities who lack his own observational knowledge and deductions about proper management of the escarpment. He tells many stories of clashes between his practical knowledge and the accredited scientists of government bodies and universities. While these stories are not always easy for an outsider to follow (as in the case above), the passion in his experiences and convictions always is.

Evan: And when someone comes from Land and Water and tells you you should fence off all your gullies and I say Hey, cows walk round the contour for a drink and they don’t erode the escarpment. You fence it off and you erode all the escarpment. What are you doing here if you haven’t got more experience than that? They’ll give you $15-20,000 if you spend $15-20,000 to fence off your creeks. It’s just wrong, everything they touch they show us that they’re novices. Yet they’re the ones that call it science...

The question of diverse knowledges and discursive strengths is a strong theme in relation to the West Dapto landowners, as in other accounts of land management disputes documented by human geographers. In Paul Robbins’ account of the differences between landowners and hunters around Yellowstone National Park, for example, he emphasises the closeness of positions of the two groups, but how far apart they are in terms of recognised
knowledge (Robbins 2006). The disparity in forms of knowledge and expression as well as media access is a challenge for environmental politics, topics to which I return in the next chapter.

Graeme Jackson, Calderwood
Further south in the Calderwood valley is the highest quality agricultural land in the region. Wollongong businessman Graeme Jackson bought a property high above the fertile flats in 1984 and has lived there since in a startlingly beautiful environment, with rainforest gullies and an expansive view over the West Dapto plain. He does not have the farming families’ history but has become a vociferous and determined spokesman for their cause. While seen by the conservationists as a pugnacious opponent, arguing for landowners’ rights, he thinks he may have mellowed since these events, and is committed to the fundamental vision of saving the escarpment.

Graeme: Look, I’ve retired from retailing, I’ve bought my little idealistic farm. Go away, leave me alone, I’m not interested in development...You do come to realise particularly as you get older that something will happen after you go and that might not be what you wish for your land. So you start to see some merit in what was being proposed by certain elements to preserve the escarpment as is.

Escarpment citizens thus occupy or have some affinity with varied escarpment lands, from the cliff tops to the suburban slopes north and west of Wollongong city to the changing farmlands of West Dapto. All are prepared to take action in defence of their patch and indeed the wider entity of the Illawarra Escarpment. There is also a universal attitude of dismay at the way the land has been governed.

6.3  Dissatisfaction with prevailing politics
All the citizens have at some time got incensed about the actions of government bodies and particularly Wollongong Council in planning and regulating the use of escarpment lands. Most of the threats mentioned in the last section have been due in some way to political failures. The impetus to object may come from visions of preserving biodiversity and managing the land as a national park, safety concerns about the legacy of past and ongoing mining activities, or rezoning and subdivision allowing inappropriate development. Such objections can come from planners as well as landowners and environmentalists. David Winterbottom has had a varied career as a planner for NSW councils and as a private consultant, but now takes an active interest in environmental planning matters through citizen forums such as council’s local Neighbourhood Committee. He came to Wollongong Council as a planner in the early 1980s when a new LEP had just gone on exhibition.

David: I checked that out, walked the escarpment and came to the conclusion that the line they’d picked was near enough and probably about right. I was chief planner at Wollongong Council. So that plan went forward, went into law and was the first time that this area had environmental protection to that degree over the escarpment. I have to say that up until that time the planning legislation was such that there were no such things as environmental protection zones. The legislation
changed and the new plans produced included them... At that stage one had to fight like fun with the council to prevent development. There was a conservative council, as far as they were concerned development was good, as far as they were concerned if you owned a piece of land you could do what you wanted with it, and so it took quite a lot of education to begin to talk them round to the fact that this land ought to be protected.

The citizens’ grievances may have to do with procedures as well as outcomes. Roland Foster was part of a group of landowners brought together at council’s instigation in the interests of overall planning to agree on possible subdivisions of their land.

Roland: It was formed when we received correspondence from Wollongong Council in about 1987 identifying our land as being suitable for investigation for subdivision. So Council considered it to be land suitable for subdivision, and they invited us to participate in studies to determine the subdivision potential of the land. As a consequence of that we, together with council, sitting round a table, many meetings, developed the Farmborough Heights Mount Kembla Strategic Plan... That finally came out in early to mid 90s, perhaps 94, certainly before the escarpment plan. In actual fact some of the landowners elected not to participate in that study. Council considered that it was better to take a broader approach to the whole of the land rather than deal with individual allotments or DAs for individual allotments. They wanted an overall plan for the whole area. That made a lot of sense to us.

However after many years of consultation he is entirely cynical.

Roland: The council officers involved commended us for participating in what was considered to be the best practice in development. But it took a long time. Our view looking back was that those who participated in best practice sitting round a table engaging with the community, getting feedback from various community groups, co-operating with council, working together with each other to take the boundaries of the properties away, that all effectively failed. The best practice if you were the developer getting the full development potential of their land is not to engage in best practice but to engage in worst practice, to do it piecemeal, ad hoc, not part of a considered larger group working together, but bits and pieces, by stealth, creeping up to the limits of potential development. That’s worked. It’s worked for every single one of those landowners that broke away from our group or chose not to enter the group. Every single one of them have got their developments through.

Graeme is outspoken in his objections to council regulations about land clearing. His initiation into escarpment politics came when the Working Party recommended that a large part of his land be zoned 7(a) for special environmental protection.

Graeme: If you’re going to put on my 149 [land ownership] certificate limitations to my land use and you’re going to say that it’s 7(a) and I shouldn’t walk on it, and you
wouldn’t put on the 149 certificate that my existing use rights would prevail, it meant that if you sold the farm you had to give a lesson on the constitution of Australia to a buyer to enthuse them to buy it. I mean people don’t want to buy a fight with Council. I’ve written about how Council had virtually devalued the land from the day they made that proposal because the 149 certificate has to explain the fact that there are going to be new restrictions on the land even prior to the LEP coming out.

In Evan’s account of the Don’t Dump Dapto campaign Wollongong Council proceeded with its plans for industrial development in West Dapto despite the prospects of damage from coal waste and thus, as he sees it, destroyed the dairy industry.

Evan: The situation is that in 1985 there was a COI at Wongawilli because they [WCC] wanted to bring more industry into the Dapto area, particularly this huge coal dump, and all the farmers put on record that they didn’t want to develop, they gave all the reasons that the environmentalists are giving now in 2010 as to why they shouldn’t do it. It’s a very fertile area, it was productive, close to Wollongong, no travelling, all that sort of thing, and the visual amenity for the city and all that sort of thing. We put all that and it’s all on record...

We said that if they continued with this industrial program they would destroy dairying in the area, they’d pollute all the creeks and this wasn’t workable. What Council said, and it’s written in that inquiry, was it doesn’t matter. We’re going to develop it all by 1990. Our concerns were not relevant and they told the commissioners to work on that basis because it was all going to be developed...

The dairy company then moved from Wollongong to Nowra on that say so because they knew the dairy industry was finished. Now all the advantage that the local farms had in supplying milk direct to the distribution point was gone because they had to pay the freight to Nowra then back to Sydney. So they wound up the dairy industry. Now how does a farmer earn a living if he can’t farm his farm?

June has had mixed experiences in working with Wollongong Council in many forums from her early days in the Friends of Keira campaign to stop development on steep slip-prone land. Although the group achieved a reduction in the scale of BHP’s development from 120 lots to 26 and a change in the zoning, requiring lower density, she became aware of a deceptive, possibly corrupt council working in league with Wollongong’s business culture.

June: So there was a big improvement, but the trouble was when all that was done and it was finally sold it was sold... which was the hurtful thing, to a councillor who’d been in Council to get what he wanted for his developments. And the councillor, we didn’t know at the time, there were various companies in place so we didn’t know who bought the land. It was sold to a councillor and two other prominent business people in Wollongong, one of them being our accountant and a fellow that Martin had gone through uni with. Another was the same nationality as Martin, he was Dutch. All people
that knew us. We knew them but we didn’t know the councillor, but I knew of him and what he’d done.

There was community suspicion of corrupt councillors and officers in Wollongong Council over the period of this study, and this forms an important part of the background to escarpment politics. Some councillors were seen as participating in land speculation. Citizens had come to have little faith in their local government body and looked to take action outside it to help bring it to account.

6.4 Strategic action

There is an extensive history of citizen groups taking action in the interests of preserving the escarpment and its foothills. At the same time as the don’t Dump Dapto campaign there were conservationist groups in the area such as the South Coast Preservation Society and the Illawarra branch of the National Parks Association, both of which had lobbied for controlling development on the escarpment. As we saw in Chapter 5, a number of local groups also formed throughout the 1980s along the length of the escarpment as residents objected to the lack of action to redress past environmental damage and what they saw as inappropriate development allowed by a compliant council. As the escarpment came to be a high profile issue in the 1990s it attracted more citizen participation. As well as calling on Council to regulate development more effectively on environmental and risk grounds, escarpment citizens formed alliances, produced documents, publicised their cause, were involved in legal cases and occasionally took direct action. Their accounts demonstrate commitment, diligence, skill and sometimes courage, not to mention satisfaction and pride. They clearly are among the tellers’ favourite stories.

Maurie Dowson and other residents of Stanwell Tops formed a residents group, at first called the Stanwell Tops Action Committee. They enlisted the help of environmental organisations like the Total Environment Centre and also found allies on council. After a long, complicated, and stressful campaign, involving then NSW Premier Wran, Minister of Environment Paul Landa, Lord Mayor Frank Arkell and others, the state government eventually acquired the disputed 23 lots, thus protecting the escarpment on the cliffs overlooking Stanwell Park and creating a public reserve adjacent to the hanging swamp. There was a further lengthy campaign to reject another 34 lot residential proposal which, as Maurie explains, the residents and their allies saw as potentially damaging to the swamp.

Maurie: This was actually in the top end of the Hanging Swamp. Even the applicant’s consultant found five rare and threatened plants in that area. Again with help from a lot of concerned people, the 34 lots were reduced to 24 lots and then it came down to the Land and Environment Court issue and Council wanted to go in at a minimum of ten and try and work a compromise out. One of our great heroes in the northern area here, unfortunately he’s not with us any more, Jim Donohoe, argued with [Wollongong Mayor] David Campbell that you should not go in at a base level of ten, you go in with a base level of zero, and convinced him to go in with a base level of zero.
Council had excellent representatives, and Ros Muston was their environmental consultant. She did transects from the swamp to prove that the boundaries [of the hanging swamp] were something like 15 metres, I’m not sure now, larger in area than the developer’s consultant thought, who judged it only on the above ground vegetation. She dug holes and checked the soil and stuff like that. We attended the Land and Environment Court fairly frequently, and she wore a short skirt to make sure people could see the scratches caused by bush-bashing through the hanging swamp to dig the transects.

Then they were going to have big water retention basins and then the question was asked How will you keep those filled? Because you have to have a certain amount of water for them to be operative. And the answer was going to be town water. So they’d have to use a two inch town water supply to keep a retention basin topped up! The result was that the whole proposal was refused, thankfully.

As already discussed, the most important strategic action for the conservationists was the formation of the Illawarra Escarpment Coalition (IEC) in 1990 by bringing the local groups, including the Stanwell Tops Residents Awareness Association, together. This represented a new chapter in environmental politics in the Illawarra as the opposition was now unified and representative. It was to have a lasting presence and influence because of the individuals in leadership positions, and particularly its long term secretary June Pronk. Her networking skills led her to an early alliance with the South Coast Trades and Labour Council (SCTLC) after she realised the land above her house was to be sold for development.

June: ... BHP was selling the Gipps Rd site... which was advertised for sale in America and Japan and it wasn’t advertised here till very late, in the Financial Review but not in Wollongong. We didn’t realise it was for sale until our neighbours said Look, that looks like the land on the ridge is for sale, and I didn’t know quite what to do because I thought it was escarpment land. So I contacted the Mercury and they came up and had a look and then Carolyn Griffiths [later a Wollongong councillor] and her husband got involved, and that’s how Carolyn came into politics in Wollongong.

We looked at what was happening and neither of us had ever been in politics before or knew what to do with environmental issues like this. It was fairly new to us. But the SCTLC was very militant at that time so we contacted Paul Matters. At that stage he was our saviour. He was very politically involved, a bit extreme for us but he was very very good in what he did. I think it was one of his first environmental forays. He was probably following on the steps of Jack Mundey, who was a remarkable man. He said We’ll go to the auction in Sydney and black ban the whole thing. And we found out that the Kemira land was going for sale, the Tarrawanna land belonging to BHP was going for sale, below the Corrimal mine site which is now being developed, and the Mt Pleasant area adjacent to Parrish Ave. They were the three blocks that BHP wanted to sell, all mine land.
So we planned for it and we went, a couple of carloads of us, Paul, Carolyn, myself and a few other people that were concerned about what was happening. We had leaflets done, we went up to the 20th floor in Sydney where the auction was being held, auctioning beautiful homes on the harbour, and they had international clients on phones. And we had our pamphlets. Before the auction we just walked up as if we were part of the organisation, and we were all dressed up, and we saw this whole auditorium of people, all sitting there for the auction. So we just walked down the rows, each column and handed out our pamphlets saying that if anybody purchased this site it would be black banned.

The Mt Keira site was indeed black banned, with a picket lasting several months which culminated in police intervention. The *Mercury* predicted trouble (Figure 41).

June: The Coalition was adamant that this land should not be subdivided, even into 26 lots. Following the August storm in 98... It must have been 97 we were doing all this, before the COI... We decided we’d keep the black ban going, so every day when the bulldozers were going to clear the land for three months we’d put in a blockade and front up at 7 or 6.30 in the morning and try to stop them going in. We did that for quite a while with Paul and a couple of fellows from the Labour Council and a small group of the IEC. There were six lots down below on a very steep slope.
June tells the next part of the story with particular pride and pleasure.

June: Then one day, I don’t know what the catalyst was but the bulldozer was really going to start this day, but we wouldn’t let him get through. I actually stood in front of it and put my hand up so it couldn’t move, and he had the bucket thing up. And they called in the police and they had to get the owner out to tell us to get off the land, but that was the way it worked. So we had to move off the land and I just stood there and Irene Tognetti was with me, and the two of us were there. And the others said back off, don’t get all involved in this. So the two of us were there and Paul Matters.

The police came and they had to get on to the owner. I nearly died when I saw the owner, it was our friend the accountant. We didn’t know who owned it at that stage. We found out later when a local solicitor did the searches and found out... And the police said they’d have to charge us. Poor old Paul went off in the paddy wagon but the police were good enough to take Irene and I (laughs) in the police car. We were arrested. We went down to the police station and spent a couple of hours down there. It was our first offence, Irene and I. I didn’t even have a traffic offence, neither did she I don’t think.

The SCTLC were very good, they got us a barrister from Sydney. We thought heavens, we’re going to have to pay for this, but the barrister did the lot for nothing. We went to Sydney and they organised it all. We went before the judge or magistrate down here, we had to get up and say who we were and what we’d done and he gave us a warning both of us because we’d never done... We were both women in our 60s and we’d never had an offence, we were law abiding citizens (laughs) so he gave us a warning but said that if we trespass again we’d have it recorded against us.

When asked why she did this, she shows an activist’s awareness of the power of media images.

June: I felt so angry about what was happening, I thought this is the stand we have to take. If we take this stand there’ll be a lot of hullaballoo in the paper, it’ll show what’s happening on the escarpment, it’ll show this land, it’ll show just what Wollongong is doing. Somebody had to make a stand at that stage cause the developers were getting away with murder... There was a lot of hullabaloo at the time with photographs of myself and Irene in the paper and what not.

The Mercury’s report on the magistrate’s decision indeed drew attention to the unlikely protestors risking their ‘good names’ (Figure 42). It gave particular prominence to Irene Tognetti, ‘the mother of an internationally renowned musician’ who ‘put her good name on the line to protect the fragile Illawarra escarpment’ (Turk 1998).

June particularly was to use public forums, media statements and letters to raise the profile of the IEC and the issues it was campaigning for, particularly their call for a Commission of
Inquiry into management of the escarpment. Skill and diligence in this area is crucial to contemporary politics in general and was to emerge as a divisive force in later forums. Effective public performance inspires others to take their own actions. Joe was impressed hearing June speak at a rally.

Joe: Paul Matters invited June Pronk to give a speech on a May Day celebration in Wollongong and I think it was probably the first time that June had ever spoken in public, but she was sensationally good and I thought Where has Paul found this woman? So I thought anything she does I’m going to support... I just knew that she’d been angling to get this COI and I was very surprised when she actually got it because I thought there was zero chance of that happening. But the minute I saw it in the papers I thought I can make a submission to that, so I did.

Possibilities for strategic action may come through a citizen’s professional work. Agencies and positions with a brief of environmental protection may take the initiative to get involved in public processes such a COI or be expected to participate, or they may be appealed to by active citizens. Jill was working for the regional Catchment Management Committee when the IEC was preparing for the COI.

Jill: And while I was doing that there was a COI into the management of the escarpment and I remember June Pronk, the first time I ever heard from June was she was on the phone to me asking, begging for help from the Catchment Committee because she was aware of all of the overdevelopment that was...
happening on the escarpment. I’d never heard of June but she struck me as a very passionate person on the phone, and then I found out that the Escarpment Coalition that June was pretty much running, had pushed for and had finally achieved a COI. So then in my role with the Catchment Committee I attended the COI.

Russell has a long history of pushing council to take action against BHP’s plans that would have destroyed the agricultural and environmental value of their land.

Russell: Since then I’ve been on a lot of BHP things and Council … BHP got approval to have the Wongawilli waste emplacement and it was to be all by rail. It was the reason they got the approval, because they could back haul the waste from the steelworks by train. Soon as it started they started trucking. And it took me three months to get Council to take them to the Land and Environment Court and Council was scared stiff that they were going to lose and BHP would run riot. Thankfully we won. BHP’s argument was that it was a waste emplacement and they were transporting construction material for the waste emplacement so they were constructing a waste emplacement with construction material and it was no longer waste... After that the penalty was you’ve got to liaise with the community and Council, so there were quarterly meetings... Those things have gone on and on and on over the years.

The farmers formed their group West Dapto Rural Ratepayers Association (WDRRA), which lobbied council in the legal and economic interests of farmers. Graeme Jackson has had a long time association with it.

Graeme: I’m the president. I was spokesperson back in about 1993 and then they made me formally the president shortly after the COI I believe which I’ve been since. Our organisation is one of the most flexible, there’s a meeting later on today and it’s going to be in some cow bales and we hold it in his cow bales because he’s milking, you know what I mean? So three of us ...I’ve been in cow bales trying to take notes when someone was artificially inseminating a cow...it’s ridiculous! That’s how it works, who’s got jobs on ...

The Southern Escarpment Environment Protection Association (SEEPASA) was formed as an offshoot specifically to get representation on the Illawarra Escarpment Working Party when it was established in 1990, as Russell explains.

Russell: Well the Rural Ratepayers initially weren’t allowed to be on the Working Party. They applied and didn’t get on. We set up a group which was like, it started from members at a meeting of the Rural Ratepayers Association. We set up a group of not necessarily farm owners because I was the president... to find out what it was all about. Nobody knew what the working group was really about till it started and got going.
After many years of opposing Wollongong Council’s plans for their area, the WDRRA became increasingly frustrated as the IEC appeared to have gained influence over Council and clearly had the advantage in media power. During the course of the Community Reference Group in 2002-3, Evan Perkins and two other members of West Dapto landowning families, in response attempted to put their perspective on the history of West Dapto in the report referred to in the previous chapter, *West Dapto 1958 onwards, a reference for future management* (West Dapto Rural Ratepayers Association 2003). This was envisaged as a companion volume to a detailed response to the Escarpment Management Plan.

Evan: We wrote it because I was getting frustrated with the lack of science, the lack of logic and the lack of planning. And I wrote it originally, then the other two came in and we talked about it and rewrote it and it went on, different perspectives... We had plenty of plans of how we could fix it all, but my mate, he said That’s not our job. Don’t do that. All we want to do is start debate. He changed my opinion on it. He said Write it so it creates debate and everyone can come together with the solutions. We gave it to all the council aldermen, everywhere, and not one person came back to discuss anything.
You didn’t get it put on the agenda of meetings?

No, nothing. One person said Oh that’ll be interesting.

Though not professionally produced, considerable experience and effort went into this document but it appears to have received very little recognition or respect from authorities or fellow citizens, though there were stories in the Illawarra Mercury, one of which, ‘Last stand in West Dapto’ gave the story a wild west slant (Verity 2003). The vision enunciated by Evan and his co-authors evidently did not resonate with the urban environmentalist sensibility being advocated by the IEC, as members of the Coalition only vaguely recall its existence, if at all, or they comment on the cover, which contains an image of dairy land with an escarpment and cloud formation backdrop framed with coral trees (Figure 44). These strikingly beautiful trees in winter scarlet flower have been characteristic of the rural landscape of the area, but are now regarded by the bush regeneration industry as a difficult weed and are being removed. Tree limbs tend to drop and regrow, invading bushland and clogging waterways. I had initially accepted the environmentalist suggestion that such highlighting demonstrated at least a tolerance of invasive weeds and accepted the case against Evan’s claim that ‘the reason that the escarpment is in such good condition is largely due to the good management practices of landowners’ (Illawarra Escarpment Community Reference Group 2002a).

However as I came to appreciate the report’s value as a history and statement of landowner perspectives, I came to see the scant respect towards it as indicative of this group’s problem, a lack of understanding on the part of other escarpment citizens and government officials. Later co-author Iain Whittaker took me to task for not recognising that the image was a historical one, of a landscape now replaced by the suburb of Horsley (personal communication 16/12/11). Evan added that coral trees are not a problem in such situations, but acknowledged that in other circumstances they can be. This served as a reminder that conservationists sometimes need to be more open about what needs to be valued and preserved, more respectful of the relationship between places and their stewards, and underlines Ostrom’s warning cited in Chapter 2 that ‘we are fallible humans studying fallible human behaviour’ (Ostrom 2008 p19).

The strategic actions different groups took thus did not always work together and indeed brought out differences which threatened to become disabling to the wider project. Although there are variations in situation and outlook of these citizens, there are, as we have seen, strong points of unity as well as the debilitating differences that particularly emerged on the Community Reference Group. Unifying values included an attachment to particular parts of the escarpment as part of their habitus, awareness of the escarpment as a wider land form characterising the city of Wollongong, its unusual geography and life forms, the effects of its mining history and its vulnerability to threats; preparedness to organise and take political action both from the point of view of their own interests and convictions, and to engage in official forums with the wider brief of escarpment planning. They have devoted considerable time to these pursuits and the stance they take is an
important part of their identity, as for them there have generally been very high stakes involved.

Returning to my initial questions about pleasure, judgement and knowledge, I conjecture that green citizenship is a rich field for the experience and exercise of all three, though this happens to varying degrees in these escarpment citizens. Pleasure can be found in many aspects of politics: finding and practising unity against a common opponent, pride taken in courageous, principled acts, producing documents and performing advocacy. The actions taken, including speech acts in public forums and media management, are a result of practical judgement, often not consciously planned. The ability to articulate environmental values in specific escarpment sites and the escarpment generally is an indication of citizens’ knowledge and their discursive and media power.

I have concentrated on the areas of similarity between the escarpment citizens in this chapter in the knowledge that their differences led to some bitter disputes and contributed to a widespread sense of failure of the processes involved. I want to emphasise the considerable amount of common ground among these ‘political people’ and go on to question why this could not have been better harnessed towards generally acceptable outcomes. The term green citizen can certainly cover a wide range of types of people engaged in environmental politics. This openness however does not help in accounting for cases of differences between citizens, though Trachtenberg’s stress on judgement is a useful refinement. However in this case it is hardly adequate. I can point to cases of good judgement ‘in light of their circumstances’ (Trachtenberg 2010 p347). Such judgements contributed to achieving political goals, such as the formation of the IEC, its alliance with the SCTLC, the lobbying for a COI and for processes to implement its recommendations.

But equally I can point to instances where it was necessary to consider the circumstances of others and to have a more critical perspective on one’s own circumstances. For this we need a different concept to move from categorising individuals to capture the processes of public speech, listening and deliberation, that of the public sphere and in particular its green variants alluded to in Chapter 2. The difficult obstacles involved different conceptions of property and development. The inability to resolve such differences disempowers citizens and contributes to a pervasive cynicism about politics, the sense that dominant interests always overpower official procedures. In this light consultation exercises such as the CRG can be seen as tokenistic, for they are not able to achieve consensus nor to enact any decisions if they could. In the next chapter I focus on the differences between escarpment citizens and how they were negotiated in exploring two further attributes of green citizens: willingness to participate in forums with people of different views and commitment to a just outcome, attributes particularly associated with the public sphere.
7 Handling the differences

In the last chapter I introduced a selection of citizens who brought a range of perspectives and issues to escarpment politics, and established the considerable common ground between them. Here I pick up two further citizenly characteristics which serve to highlight their differences and how these were negotiated, namely willingness to participate in forums with people of different views and commitment to a just outcome. The need to take account of the position of others leads us from a focus on the characteristics of green citizens in relation to environmental threats to the need for them to engage in public processes requiring deliberation. I invoke the concept of the green public sphere as a way to think about the strengths and weaknesses of this and similar cases of environmental politics, and to suggest some managerial and discursive devices for conducting such forums.

7.1 Willingness to participate in forums with people of different views

The question of dealing with different positions on how land is to be used or managed is at the core of environmental politics. As we saw in Chapter 5, the citizens have participated in a number of the attempts by council and the state planning department over the period to bring people together and find acceptable solutions, notably the Escarpment Working Party, the Commission of Inquiry, and the Illawarra Escarpment Community Reference Group. All of the escarpment citizens were involved in at least one of these forums. I concentrate on the CRG and attempt to understand why people came to it generally in hope and good faith but increasingly became discontent and now in retrospect are almost unanimously scathing about the outcome of the effort and resources it took.

According to the theory of the public sphere, every time people agree to participate in an ongoing group that they know will involve different positions and interests they make a gesture of faith that this will be productive, that there can be a generally satisfactory outcome. There is willingness and hope, and in theory at least, a commitment to rational discourse. The prospects do indeed ‘pleasure’ people, giving them a sense that solutions can be reached through discourse and deliberation. This is the process of discursive democracy, in which different judgements and different discourses can be debated.

David Winterbottom led the Working Party in the early stages as he bussed the group of twenty all over the escarpment and they set to making recommendations about new zonings. The task was to decide which areas needed to be rezoned for environmental protection with a view to being brought into public ownership, and where some development might be suitable, steps towards the Fair Trading scheme introduced in 1994. In his view the group worked much better than the later CRG which he was also on in a different capacity. He is positive about the Working Party’s achievements.

David: ... we said Here are some areas that we think... ought to be bought at some stage, reforested or mended or what have you. And here are some areas where we think it wouldn’t be unreasonable to allow some development to take place. And
that was embodied into the Fair Trading policy... It was a very fruitful and positive exercise. The greenies got to understand the rights and the feelings of the landowners and to respect their point of view, and the landowners began to understand what the greenies were talking about in terms of the importance of the escarpment to ecology and the setting for the whole city. The point of that exercise was to say Well here are the opportunities, here’s what you’ve got to do in order to make the trade. And people started to pick it up and say Yes OK and the council said Yes OK and a number of parcels of land got developed and transferred in that way.

Russell Hayes was a member of the Working Party from the beginning in 1990 and supported the project of drawing a line between 7(a) land to be fully protected and eventually come into public ownership, and 7(b) land that could support some development. He approved of the Fair Trading scheme and the work of the Working Party.

Russell: I thought it was a fair proposal, probably the best outcome both for the escarpment to get public ownership, and for the landowners, and for the community, that you would’ve been able to have that land up there that you would have had to have access to... I never got fully involved though we went on bus trips to every piece of land. David Winterbottom drove us round at one stage cause he had a people mover that he convinced Council to buy. We went everywhere. The parts that they were complaining about that they didn’t think was fair trading was land that I think had been zoned residential before and had come back into it.

Evan Perkins objected to the constitution of the group and derides some dubious Council methods of deciding on zoning changes.

Evan: I started off making waves when they had the Escarpment Working Party. There was no farmers on it. None. I made waves and I got on that committee. Things went on all right then one night out of the blue I got a phone call. Could I come to Council. They were doing a zoning and they wanted somebody to make up a quorum, and I went. Now in the process they asked me to vote on farms in the north. And I said I can’t do that, I’ve never been on the farms in the north and it wouldn’t be very objective of me to make a comment cause I hadn’t seen it. The planner said Look, the land’s steep, it’s covered in virgin timber, just zone it 7a. I said Can’t do that. Have you got a topographical map and an aerial photograph, and someone went and got it and showed it to me. I looked at the aerial photograph and I said That’s lantana, not timber. I’ve done lots of work with bushfires, I can read the vegetation and that’s lantana. So I then got the topographical map and got a calculator and started to do trigonometry calculations to see what the contours were, to see if it’s prime land. And with that the planner put his hands up in the air and said All right, all right. I never said a word. As soon as he saw what equation I put up he said All right, it’s flat and it is just lantana, but we want it zoned 7a. Now that was one person’s life’s work and probably two or three generations involved as
well to pay for that and they were misrepresenting that zoning. That for me is not right.

Evan’s group did not call for the Commission of Inquiry, having campaigned for some time for Council to actually deliver on its promise to fund a social and economic impact study of the effects on the landowners of the industrialisation of some farm lands and their rezoning as Non Urban, so that agriculture could only continue under existing use rights. However they went along with it and were also impressed with the commissioner and his report.

As soon as the greens heard about this they asked Council to have the COI. We didn’t want an inquiry, we wanted that study. Here’s something that’s really wrong. That study was passed 100% by Council and never done. We kept yelling about it and it was never done. We had the COI although we didn’t want it. We thought the commissioner was absolutely fantastic. He listened to everyone, he brought everyone together, and he put a group of recommendations that gave balance. He saw things like to get some return back for our land he put like the land capability study, all those sort of things in the recommendations, and it was the first person who really understood the situation from both sides. Everything that was put in there for us has been completely ignored and the COI is always misquoted in the paper and Council never corrects it. The book is there, you’re sitting there reading it and you see a paragraph left out in the quotes.

The COI report raised many people’s expectations that the issues were being addressed at the highest level. However the local council and state government had to act on its recommendations which fundamentally challenged the existing planning framework by proclaiming that the escarpment, foothills and coastal plain had to be managed as a single entity. The generously resourced Community Reference Group was part of the implementation of the recommendations. The facilitator, Denise Wilson, was very impressed with the calibre and commitment of participants.

Denise: Incredibly knowledgeable, very well connected to their community groups, an excellent technical understanding of the issues that we were dealing with, a high level of community documentation of the history of the escarpment, a great passion to see the planning for the escarpment move forward and for government agencies to learn from past experiences in the planning. And the other thing that comes to mind, and I deal with a lot of community groups, this group was genuinely trying to represent not only their own individual group interest, but 9 out of 10 of them were trying to represent a broader community interest as well.

She puts this down to local place commitment.

Denise: I think the escarpment so dominates people’s lives in the Illawarra that you can’t help but be connected in one way shape or form, even if it’s just driving through it to leave the Illawarra. And so I think there was a high level of passion. We were fortunate enough to have a very mature group who had lived there for a long time and so they weren’t just about fighting a project, in inverted commas,
they were really about moving forward on the planning. I think also too that it was at that stage one of my earlier involvements with a community that viewed itself as having some rural connections, and that it brought home to me what a small place the Illawarra was... But everybody did know each other, and that meant that there was broader recognition of the various interests of each group.

Other participants were also positive. Jean Ferguson is a regular joiner of council committees and liked the way an external facilitator enabled real citizen input.

Jean: I’ve been involved with environmental issues with Council.... And gradually learned that you can work with Council rather than against them. I was on the Environmental Sustainability Committee for quite a long while. I was on the Library Committee obviously... I set up the Friends of the Library when it first started. It was all working with Council... It was a paid coordinator, which made life a bit easier. She could be tougher cause she didn’t live here....Like one of the local councillors thought she could just walk in on the day of the first meeting and join it and she was told sorry, the guidelines were there. Then the Green MP, he sent a representative then when he left parliament he tried to join the committee and she just said No we’re too far down the track. It was probably within the last two or three months. We’re too far down the track to have new ideas. You had your opportunity. That was good. It was different from most of the other council committees where the councillors dominated and this was free of that...To me that committee worked.

Jill Merrin was impressed by the quality of scientific and planning work that came before the CRG. She has participated in a lot of similar forums on other environmental matters and was a volunteer though she was nominated by her environmental NGO employers.

Jill: Oh it was extremely intense. ..The Department of Planning with Brett Whitworth in his role with planning, they seemed to be taking the lead role. There were oodles of documents and stuff that came out of it, lots and lots of time, and they had a professional facilitator, facilitation company, so there was the facilitator and one or two staff who were always there... provided agendas, provided written material, did minutes, all of that stuff, and reported. There was so much paperwork. You’ve seen it in those folders. There were letters from people like the West Dapto Rural Ratepayers, who were very prolific, and it was yeah...

Also I was quite impressed with the government stuff, the government involvement. So National Parks did that great big biodiversity study that they presented as part of the whole process... And I must say my impression was just, I was overwhelmed with the amount of material that was coming through, the number of studies, the amount of reports and responses by the professional facilitator and the government, Council, Planning, National Parks... So there were reports coming in and I think I was basically overwhelmed and I just found it really difficult to stay on top of what needed to be done. And I’m not stupid, plus I was
involved with the environmental NGOs, so I don’t know how some of the other people managed.

In contrast Joe Davis takes a cynical, even mischievous position on the CRG’s value, seeing it as tokenistic in relation to an unmanageable task. He proposed a heritage study of the entire escarpment

Joe: Just to make them realise that this whole thing was stupid... The whole idea without providing funds, without declaring it either a state reserve or a national park, this was just ludicrous... ...It was a talkfest... Simpson presented them with a report, bloody good report. ... and the problem is the government’s got to provide the funds to do that and it wasn’t willing to do so, so it had to work out a way to defuse that report. Often governments can work just by sitting on a report, doing nothing. But for electoral purposes I guess they thought they had to do something, so they made it a token show. ...it’s an unmanageable management inquiry because to do it properly you’d have to declare it a national park and you’d have to fund it and you’d have to have resources and you’d have to have full time employment. You’d have to have something like the Lake Illawarra Authority. And the Labor government has sworn that it will never ever set up an Illawarra anything like the Lake Illawarra Authority.

The landowners found the experience unrewarding for different reasons. They felt victimised by decades of poor planning by council and the state government to the point where they could not realise the value of their assets in any way. They were unable to farm but because of the value of their land were seen as asset-rich and greedy for wanting to subdivide at all. While having sympathy with the environmentalists’ cause, they did not take kindly to any prospect of such people having the power to tell them how to manage their land. Such suspicions were not allayed by the perceived behaviour of the council officers and state planning representatives on the CRG. Roland Foster compares it unfavourably to the earlier process he had been involved in to formulate a strategic plan for his area.

Roland: Oh look the Mt Kembla Farmborough Heights Strategic Management Group had a common purpose and we sat around a table, initially there were about ten of us together with Council planners and Council aldermen occasionally, and it was actually put out for community comments and they were received and fed into the process, and at the end of the day everyone seemed to be pretty happy with it. The CRG was quite different because there were representatives that had opposing objectives.

Evan Perkins found it totally frustrating. He and other landholders saw a hidden agenda on the part of the Council officers, encouraged by the Planning officials, to treat the privately owned agricultural blocks in the southern escarpment foothills as public land without acknowledging the contribution of their owners to the visual amenity of the area. He also thought that the CRG process was too open-ended.
Evan: And this is my bugbear with these committees I was on. Soon as they start... I said now look, let’s just stop and do this the way you’d do it if you were running a farm. The first thing is you go to the bank manager and see how much money you can get. Then you work out what you can do. They said Don’t worry about that. Then they say to the public This is your escarpment. How’s it their escarpment? We’re paying for it. We paid for it, we’re paying the rates. And we’re spending a lifetime’s work in it, but it’s their escarpment. And this is the attitude that’s got out of control.

His cry resonates with the attitude of Oregon rural landowners studied by Walker and Hurley, who raise the issue of the distribution of the costs of environmental and rural landscape protection as a crucial issue in reforming that state’s once progressive planning framework. Evan continues with a perhaps surprising statement of solidarity with the experience of Aboriginal Australians, a position more typical of environmentalists than farmers.

Evan: And it’s got back to the stage where when the whites first came here they were arrogant and they took the land off the Aborigines. And these people have got the hide... they go on about the indigenous community but they’re doing the same thing to us that all of us did, make no mistake, we’re all involved, to the Aborigines. But they woke up. The Aborigines that came to the COI they come and talk to me cause they saw the others were just using them. They’ve got an empathy with the land, they would have the same, and these people are doing the same thing to us...

David Winterbottom states a similar concern to Evan’s on the unclear parameters of the CRG, saying that the ‘balance sheet’ needs to be clear before such an exercise begins.

David: What wasn’t done which ought to have been done if the strategic planners had been involved, and probably in retrospect we ought to have done it for the fair trading in the first place, was trying to match up what you would be prepared to allow by way of development against what you wanted to acquire. So there was never that balance sheet done and it still wasn’t done at the time of the Escarpment Management Plan in terms of assessing what you really want.

Joe, with an appreciation of the contribution of the Dapto dairy industry to the history of the Illawarra, could see the opportunities lost by ignoring Evan’s calls.

Joe: Evan Perkins was my hero. He was this cow cocky that hated Council, was being done in totally by Planning all over the place and by developers, incredibly articulate, incredibly intelligent. If all farmers were like Evan we’d have a wonderful country... The commissioner was just so impressed. That’s where I think that the Dapto Rural Ratepayers Association were lucky because Evan was basically their front man...

Graeme Jackson was not on the CRG but followed their progress with interest and wrote them and other parties many letters of complaint. In his forthright manner he calls the
group a ‘sham’ as he disputes that the West Dapto landholder issues were properly dealt with.

Graeme: Well what came out of the reference group was the Illawarra Escarpment Management Plan. Well that’s a sham. They said that if I left this house for any reason whatsoever unattended for 12 months then I lose the right to reoccupy my home. ... Look, they had a preset conclusion. I think it was just a sham between Council and the state government, whether it’s the state government looking after developers and selling us off as a group or a community or whether it’s ... You’ve got two different bodies, both of which should have the capacity to know what’s going on, how come when we appeal to either side [Council or the state government] we couldn’t get a response?

7.2 Disagreements
It is not surprising that any group of citizens, even green citizens, will have differences due to disparities in social class, education and economic situation as well as more specific viewpoints. There is in this case a stark geographic contrast between the areas that the predominant groups came from, with the more dramatic cliff lines of the north with virtually no coastal plain to the wider agricultural lands and gentle foothills of the south. Some of the landowners also make the distinction between urban and rural people, although no one is at a great distance from Wollongong, with Maurie in Stanwell Tops in the north and Graeme in Calderwood in the south both being about 30 minutes drive from the city. Nevertheless there are contrasts in terms of the size of landholdings and whether or not people ‘think farming’, as Graeme puts it. The ageing former dairy farmers are a distinct group on any of these criteria, though their only representative among my interviewees is Evan. The other southern landowners are not significantly different in professional and cultural terms from the conservationists, though were in various forms of disagreement with them over the contentious issues of property and development rights. So we have a matrix of characteristics among the citizens accounting for alliances over some issues and differences over others. The differences however came to dominate proceedings in an arguably preventable way. Thus I constantly find myself describing the differences in binary terms, environmentalists versus landowners, unsatisfactory as this is.

Denise Wilson says that despite the complaints of the southern landowners ‘they certainly got most time on the agenda’.

Denise: Yeah I can certainly say that, that comes through to me really clearly even today as we speak about it, ... I have a feeling it was about 60% of air time because I know I looked at that at the end of the time, and at the end of each meeting I actually do a fairly informal situation where I see who’s spoken the most and do we get enough views around the table. And I drew a dot beside who was speaking, and those landowners certainly got the most meeting time, the most special additional meeting time, the most Saturday workshop time.
Unusually, time was devoted to discussing these differences, which Denise took to be a positive.

Denise: I think in some ways I was fortunate to be able to chair a process that was supported by the department and well resourced, so that we could actually give enough time to discussion of those differences. Often in the community forums I’m working in you’ve got a very clear end date, so you can only give limited time to the discussion and exploration of those differences. There was an upside and a downside. For whatever reason we had the ability to have longer meetings, more meetings, more frequent meetings, whatever that was, to discuss some of those differences. I guess the one that really does stand out for me is probably the difference between those people who wanted to see the escarpment conserved or preserved and those people that earned their livelihood through farming, and also perhaps wanted to move forward with some development because it was about their superannuation...

She enunciates a framework of division echoed by other participants. The organisers might have felt that allowing time to air differences was productive but this is disputed by others as the time taken on these matters at meetings and the burgeoning number of meetings irritated some, like Maurie, who felt that leadership needed to be taken towards resolving them. He states a position that is, like Evan’s, understandable from the point of view of his own priorities.

Maurie: Well a lot of time was wasted in peripheral issues that needn’t have been gone over and over and over again. The landowners’ concerns that through the rezoning they stood to lose some of their land without compensation were among these ‘peripheral issues’, not contentious in themselves but not central from an environmentalist perspective.

Unfortunately no one appears to have risen to the leadership challenge in this case.

Purely on the basis of her determined campaigning on the escarpment June came to be seen by Evan as inordinately powerful.

Evan: Take June Pronk. You’ve got to give her credit, she’s got so much power for one person, she’s running the show. Her vision is all right. I can take her somewhere and show her things and I get on with her and I understand where she’s coming from... Where the hell did she get the power from?... She controlled the whole thing... All the problems we’ve got, she’s been up to her neck in it.

Objectively June had no more power than Evan did but she was more successful at making alliances, presenting evidence and persuading officials. Even the perception of such a disparity in power is absolutely against the spirit of the public sphere and could have been addressed, with measures discussed such as agreement not to speak publicly outside the group, on the model of cabinet solidarity. June respects Evan, saying ‘he is one of the most
honest, decent people I have ever met’, but here she sees him as a victim in need of help rather than a citizen entitled to justice.

June: Evan Perkins is one man who was very badly done by; his land was apparently polluted by fill on the road and he lost his livelihood. He was very conservation conscious and was destroyed basically by corrupt management of fill that killed his cattle and he could no longer farm. He needed a lot of support. We got him to come to some of our meetings but there was no way much that we could help him. I think he thought we had a lot more power than we had. We were trying to work for conservation but we had no power in Council at all. We had a lot of stuff in the paper which may have made it appear that we had more power.

Evan says he was not asking June and her group for help, but rather a recognition that ‘we’re all pawns. Wollongong Council is not interested in the environment’. He admires her ‘guts’ and acknowledges that his group could learn from her media skills, but saw the IEC’s use of the media at the time as a betrayal of the spirit of the reference group (personal communication 8/2/12).

Evan: If you put them all in a room, all these committees, and we say we’ve got these problems and we empathise with what you’re saying. We want to preserve the escarpment. Let’s come to an outcome. What they’ve done, they put everyone together and then they allow the others to go and behave like commandos and put stuff in the paper and disrupt the process of actually getting down to what we can achieve.

The acute differences which emerge in accounts such as these of the CRG are at times characterised by bitterness and hurt and a perhaps unnecessary degree of blame. Questions arise as to the extent to which these differences needed to result in such feelings and such an unproductive outcome. There had to be different positions as well as common ground among escarpment citizens for such a group to be constituted. Were the problems due to the participants’ behaviour, the way it was managed or the group’s brief? Denise saw the problem in terms of the landowners not accepting the group’s brief, for their envisaged outcome was different, ‘...they wanted a Development Control Plan to enable DAs to be assessed and decisions made, and they did not get that’. David Winterbottom suggests that the other two of these factors were pertinent, saying of the landowners’ representatives for example

David: Well they were on the reference group and they weren’t silent. They sparred with June the whole time, those two, well Evan anyway. Their voice was heard, it was simply not accepted is more to the point.

Well what’s the point of having a reference group if you’ve just got people sparring and you don’t come to any resolution?

Yes, it wasn’t well handled from that point of view. It was a very difficult group. That’s what was so good about the Escarpment Working Party, that it started off
sparky but didn’t end up that way at all. We all agreed all the way down the line on every issue.

He also agrees with Graeme that both Council and the Planning Department made a big mistake in failing to include senior planners in the group. The reasons for this remain obscure.

Aside from possible mistakes and misjudgments in the establishment and running of the group which may have exacerbated them, there are some clear differences of values amongst the participants about land management issues. One such ‘red flag’ term was benign neglect, a strategy promoted during the COI hearings and subsequently advocated by the IEC as preferable, in the absence of resources for active conservation management, to allowing development with potentially serious cumulative impacts. Roland sees it as coming from ‘a theological idea that nature is god and if you leave it alone it will restore itself to its former beauty’.

Maurie gives a nuanced account.

Maurie: Everything starts to get complicated the more you start diving into these sorts of issues. For example weeds will suddenly come up, or erosion or things like that, especially weeds is a nice example. You can say that with benign neglect maybe the weeds will start taking over. Well if you’re going to neglect it who’s going to go and clean the weeds out? That’s a legitimate point of view.

Nobody would have argued with that?

No, I don’t think so. You’ve got the other obvious example that if a system is being left alone and it’s in good condition you don’t need to do anything to it. That’s benign neglect as well.

Roland dismisses it as an idea for which he has no sympathy.

Roland: Look I’ve practised benign neglect and then a few days ago when I walked down through my benign neglect ridges and found the thistles waist high and the weeds and all the rest of it, I decided to follow a policy of benign care, which works much better cause I’ve got rid of those weeds.

It’s a term that makes Graeme’s blood boil as indicative of conservationist hypocrisy.

Graeme: The one point I’d make to you is when they were talking about how they were going to take over the escarpment the green group were promoting an idea called benign neglect. It’d cost us nothing to benignly allow our paddocks to go back to forest. I challenged June Pronk to benignly neglect her home. If the light bulb fails, don’t replace it, when your plumbing fails don’t do anything, and just lose the capital value of your house. Because that’s what they were proposing, for us to lose the capital value of our farms. Benign neglect as a construct is just so ridiculous and when it’s explained to people that they wouldn’t apply that to their home.
when they continually apply that to a farm which they don’t own I think that lacks moral integrity at the most fundamental base.

Jill makes an equally passionate riposte in relation to the contentious topic of lantana.

Jill: That’s crap. Maybe it’s something they read somewhere or somebody might have said it once, I don’t know, but most environmentalists including myself, as far as lantana goes I think there’s no such benign neglect, it’s just neglect and it’s cancerous neglect, there’s nothing benign about it... I just think they wanted to fight and they wanted to hate environmentalists and this was something that they made up that fitted into that world view.

On the IEC’s calls for reforesting degraded areas, Evan claims this is ill-informed.

Evan: Foothill farmers have had a lifelong opportunity to observe the function of escarpment ecosystems by day, by night, over all seasons and conditions of drought, flood and fire... cleared areas and coastal plain grassy woodlands are the only feeding area used by a diverse array of escarpment fauna (personal communication 26-2-12).

In addition to such sparring on management questions there are more deep seated divergences of cultural belief about property and development, examples of contesting discourses rather than opinions or judgements.

7.3 Property rights
The question of bringing private property into public ownership was a major aim of the IEC, and the work of the Escarpment Working Party was aimed at identifying such land to be transferred and negotiating compensation to its owners in the form of additional development rights. As discussed in Chapter 5, this aim may have been something of a panacea, for there appeared to be little scrutiny of how acquisition decisions were made by NPWS or how the now public land was to be managed in its disturbed and problematic state. In any case the aim of bringing significant escarpment lands into public ownership as a regional park receded as NPWS priorities became clear to the CRG, leaving the issue of the management of private property, and hence the involvement of property owners, central to the process of escarpment planning and thus the work of the CRG.

The history of western concepts of property and how they are challenged by green theorists is extensive (Plumwood 2002 p29). John Locke is credited with the foundational idea that the western system of government and civil society is based on preservation of life, liberty and property. He assumes a bountiful natural environment which ‘God... hath given... to men in common’ but men who mix their labour with the earth can then claim it as their property, by consent of others, although ‘Nothing was made by God for man to spoil or destroy’ (Yolton 1977) p291. Obviously the world of property now is very different from Locke’s 17th century England, with massive changes in populations and conflicts between land tenure systems, as well as the environment movement’s emphasis on the
common heritage of the conservation estate, and increasing legal obligations on
landowners on environmental grounds.

This has given rise to phenomena such as the Wise Use movement centred in the American
West, where property owners, often large corporations who are primarily engaged in
ranching, logging and mining, but also smaller landowners, take an unreconstructed
Lockean position on their property rights in the face of competing forms of ‘the production
of nature’ in the form of the resumption of their land for conservation purposes or
environmental regulation of their activities (McCarthy 1998). Despite its conservative
provenance, McCarthy says that the ‘Wise Use movement highlights the very areas the
environmental movement has left dark’ because it rejects the environment movement’s
claims to speak for the general good but accuses it of being an elite project, characterising
environmentalists as ‘anti-human, arrogant, ignorant of local conditions and issues,
extreme, violent, and religious (pagan) in outlook’. Wise Use, he says, ‘places livelihoods
and the social transformation of nature at the centre of its ideologies in a way that
environmentalism never has’ (p140). Despite the legitimacy of much of this critique,
environmentalists have continued to respond by discrediting Wise Use altogether rather
than addressing the different underlying concepts of property and its attendant rights.

The role of private property has become a cornerstone of ideas of the liberal citizen, with
various qualifications on Locke’s view in light of environmental considerations. Previously,
in Section 2.2, I showed how, in proposing a renovated liberal conception of citizenship
Derek Bell advocates the term ‘citizen of an environment’, which I adapt here in relation to
the specific environment of the Illawarra Escarpment. Bell notes that contemporary liberal
theory has been criticised for treating the citizen as a ““free floating” embodied creature
inhabiting a world “made of property”” (Bell 2005 p27). In response he claims that the
environment is not just property but more importantly also our means of survival and
supplier of basic needs such as air and water.

... liberals must abandon their conception of the environment as ‘property’ and
adopt conceptions of the environment as ‘provider of basic (human) needs’ and as
‘a subject about which there is reasonable disagreement’ (p24).

He also draws on Rawls’ criterion of the ‘fact of reasonable pluralism’ as a second
overriding principle.

... – the fact that there is a multiplicity of reasonable moral doctrines held by
reasonable people in democratic societies – means that it is unreasonable to
defend principles of political justice that will govern the basic institutions of society
by appealing to controversial moral claims... Therefore, controversial metaphysical
and moral claims about the environment and our place in it... cannot be used to
justify principles of political justice. Similarly secular metaphysical or moral
conceptions of the environment and our place in it – such as theories that attribute
intrinsic value to the environment – cannot ground principles of political justice
(p28).
These are promising suggestions for how to proceed in forums where differences are being negotiated such as the CRG. On Bell’s grounds we cannot claim property rights or environmental values as fundamental principles. They are rather both reasonable positions among others which must be recognised but cannot ground principles of political justice. On the other hand a conception of the environment as provider of basic human needs cannot be denied and hence must be recognised in any reasonable account. His second essential characteristic is that the environment is ‘a subject about which there is reasonable disagreement’, ie that these alternative conceptions will typically come into play in environmental politics. While citizens will appeal to their varying doctrines and beliefs, they must first engage in a procedural discussion about how decisions are to be made, which requires them to accept that there is reasonable disagreement about the environment (Bell 2005 p29). However much is likely to hang on the definition of basic needs, about which there is also likely to be ‘reasonable disagreement’ because of the many recognised risks involved. How much radioactive fallout is safe? What is an acceptable risk to metropolitan water supplies of coal seam gas mining? Much also depends on the existence of good laws which citizens have a duty to obey and which deserve respect through good design and implementation.

There are also wider questions about the relationship of green citizenship to politics conceived in non-liberal ways, such as Marxists’ focus on the economic system. Peter Christoff notes the different views which nevertheless do detract from ‘the normative construction of ecological citizenship’.

... it remains unclear whether ecological citizenship in practice opposes capitalism, stands in tension with it by merely inhibiting the market, or supports it by believing that capitalism can be made truly ‘green’ (Christoff 1996 p162).

Although Bell’s own account of environmental citizenship is more focussed on his conception of the environment as provider of basic needs, I find the concept of ‘citizen of an environment’ attractive in the sense of environment as an ecologically defined place. Such a conception marks a different relationship between citizens and land from ‘landowner’ or ‘resident’, and acknowledges the publicness of relevant discourse without the assumed necessary commonality of the term community. ‘Citizen of an environment’ emphasises the predominance of environmental awareness in citizenly activities, bracketing other relations to land.

In the end however Bell’s proposal is weak because of the lack of appeal to specific environmental knowledges and the assumption that just laws will prevail and thus corporations and other interested bodies will not unduly influence the form of those laws and their implementation. However the state of the planning regime in NSW over the period of this study is just one example where the power of commercial interests, in this case developers, have been seen increasingly to dictate crucial laws and decisions. Although without a great deal of descriptive weight in the final analysis, Bell’s phrase ‘citizen of an environment’ nevertheless evokes a productive way to look at relations between place-bound citizens and the natural world. For me however it must involve a critical approach to
the relevant knowledges of the environment in question and to the wider economy, laws and planning institutions involved.

It would however be a step towards Eckersley’s ‘ecologically-driven redefinition of property rights’, also referred to in Section 2.2. This would constitute a very ambitious and long term project involving education, legislative change and much discussion in the public sphere. The CRG represented a small opportunity for landowners and conservationists to talk across the property gap as citizens of the escarpment environment. With many suggestions from scientists and conservationists for how their land could be used, the landowners reacted to what they saw to be unviable suggestions by defending their property rights as not a proper topic for external scrutiny and judgement (‘no one’s telling me what to plant’). Conservationists on the other hand put a higher priority on the conservation value of the land than its tenure, and felt free to offer what they saw as environmentally sound advice, such as ‘benign neglect’.

Issues arising from the complex of rights accrued through western patterns of settlement underlie the thinking of landowners conscious of the capacity of their large land holdings to produce income in certain ways. Property in Australia is a product of a colonial history in which settlers have claimed land which in turn has been seen as theft by invaders and has led to counterclaims by first peoples and defensive settler reaction. In this respect Australia is similar to other former settler societies and unlike parts of the world with more continuous histories of settlement and use (Furniss 1999). We can then see property as part of the apparatus of colonial law. On the other hand, because of their long and intimate association with land that was in most cases inherited, the southern landowners in particular implicitly claim something closer to the land rights associated with first nation claims, in the sense of who best knows the land and how to look after it. This was an aspect of their thinking which should perhaps have received more empathy from the northern conservationists, who own houses and may or may not have lived in the area their whole lives. The location of their houses is most likely both a result of their environmental awareness, or at least their appreciation in some form of the local landscape, and in many cases a basis for their attempts to manage or prevent damage and destruction. The experience of owning property and having a strong attachment to place needed to be separated and both recognised as common ground despite the major differences that also existed over property rights.

Graeme’s contributions to escarpment politics were often to defend property owners’ rights to make independent decisions within just laws, and the idea of property as essentially something that can be bought and sold. He opposed what he saw as unjust impositions on his existing use rights such as restrictions on clearing.

Graeme: Given that it would appear and that you’re not going to own anything for ever I just saw it as an attack on my land value and my life savings and we opposed it in principle... At no time have I felt threatened although people have threatened [me] in substantial ways and in writing by the regulations that they wrote and by potential regulations that were written and by threats of prosecution for using the
land as I was using it. Although I didn’t dare them because I was very careful when I put my slasher on and did it in tiny little pieces. I did stand toe to toe with a lot of the bureaucracy in Wollongong Council and say I will not put a development application in order to use my existing farming rights. I’m not asking you for development rights, we are simply going to maintain and use our farm... I felt it was an attack on my land use, my existing use, an attack on the legal system as we have it in Australia in terms of our constitutional rights, our land rights. It goes deeper than land rights, it’s a moral issue. You shouldn’t do to somebody else what you’re not doing to yourself.

After our interview Graeme was to put his ‘idealistic farm’ on the market, and at the time was concerned about what would happen to his land after he left it, so it does not only have exchange value for him. Evan does not argue from property rights but rather rights to earn a living. A lifetime on his family farm gives him a cognitive and affective relationship that can’t easily be severed and rebuilt elsewhere.

Now when that normally happens, an urban development, if your farm isn’t developed they allow you to cut it into smaller pieces and the farmers then they can rationalise to deal with the situation, or they can resettle somewhere else, but it takes an enormous amount of money to resettle somewhere. And also you’ve got to understand that each farmer’s knowledge is peculiar to the farm where he’s been for a long period of time. Like there’s an enormous amount of expertise in it and it takes a long time to get in tune with the seasons, everything in your district and when you move, although you’ve done farming, you’re a novice in another area. It’s four or five years before you start to get up to speed with what you’ve got to pick up.

The farmers have traditionally felled trees on their property, including cedar trees, once a major source of value in the escarpment. This may be done for their own purposes and in some cases for trade, although these trees have for some years been subject to escarpment protection rulings of Council, leading to Graeme’s campaign to defend existing use rights.

Then there’s a sawmill in this valley of which I was a part owner and my barn was built with trees that I logged here because I knew I had logging rights. I checked it out. The owner before me not only logged the place but he sold trees to a logger who came and took them off. They missed one ripper up the back, there’s photos on the CD. And I left that on the land that I gave to Council. I haven’t used the Fair Trading scheme to the maximum. I could have sold that tree to a logger, he would’ve given me $25,000 for it.

Graeme is a citizen of the escarpment and aware of the environmental costs as well as financial benefits of felling trees. Yet the fact that others were evidently appealing to their property rights in the process of felling cedars for profit (while also occupying, using and being part of the landscape) illustrates how the idea can be used to justify environmentally damaging actions. This angers environmentalists, makes them suspicious of talk of property rights and encourages their preference for public ownership of high conservation value.
land. However it is possible to imagine an environmentally desirable outcome here: a high value cedar industry logging carefully and replacing trees taken, and perhaps producing distinctive regional furniture.

Rather than provoking fears that their property rights are under threat, environmentalists would do well to point to the manifest ways in which individual land ownership is not conducive to managing large and pervasive environmental issues that cross property boundaries: bushfire, coastal erosion, irrigation from river systems, controlling weeds and other pests (Fiege 2005). Such issues involve the recognition of processes at ecosystem or regional level or higher, and need to be dealt with at appropriate levels of governance. There may of course not be suitable existing bodies and self-governing landowner groups are one of many possible arrangements for rectifying this.

While dairying has been the economic backbone of West Dapto, it is no longer financially rewarding and the landowners are looking for other ways to gain income from their land, including subdividing parts of it. Because of the long time imminent development of West Dapto as an urban area, the prospects of sale or subdivision are seen as the only ways this group can make money from their properties. For many years landowners had wanted a planning framework that allowed them to sell parts of their land, but this had met resistance from Council, who saw the need to maintain properties in large holdings in order to be able to convert them to subdivisions, which was extremely frustrating to landowners like Evan. Planners, however have to make visionary judgements about how much land to reserve for future projects, and in what size blocks are economically viable. The escarpment planning process crucially involved rezoning for such future purposes as well as to get more land into the 7a Environmental Protection Zone.

Roland cites WCC’s production of a map not showing BHP’s vast holdings on the escarpment to be private land as an example of a mindset, that private property is bad and must be got rid of.

Roland: I don’t know whether they withdrew the map or changed it or what they did, but that’s an example of a bias that was actually coming out of Council at that time, and Council’s maps that it was producing. There was a clear bias that seemed to be steering towards this idea that there’s not too many private landowners and we’ve got to get rid of them. We’ll do that by rezoning their land and making it less valuable by giving it a high conservation value, and then we’ll resume it, you know. And that’s what a lot of the hard core environmentalists were seeking that were on that particular group.

Despite the indisputable amount of damage mining has caused throughout the length of the escarpment, Roland credits BHP’s role in owning such large holdings.

Roland: ... In actual fact BHP has been the great conserver and preserver of the Illawarra Escarpment through having the land, being the owner of the land for many many years. It has protected it when you think about it. If the land had been in smaller holdings who could say what might have happened over the last 20 or 30
or 40 years or 50 years? For example along the Mt Kembla Ring Track my father remembers potato farms up there and there are these remnants of dwellings with their jacaranda trees and little ornamental trees in little pockets along there that indicated that there were dwellings along there and it was farmed. It was farmed right up to the Ring Track, even on the other side of the Ring Track. That’s quite high up and there was no forest or anything there at the time. But BHP took ownership of that land, put a gate at the end of the track, it was there for many years, and just let nature look after it for decades... but in fact a lot of the regrowth that’s occurred, the acacias and the cabbage palms and even the red cedars, there’s a lot of really valuable vegetation as a consequence of BHP taking over small landholdings and then effectively abandoning them.

Thus Roland sees landowners as basically benign, even, as June points out, lauding their practice of ‘benign neglect’. However the damage BHP has done in the process of mining coal on the escarpment is the basis of much of the escarpment citizens’ sense of purpose.

7.4 The bogey of development
Many conservation issues including this one are posed in terms of a dichotomy of pro and anti development. Environmentalists objected to the scenario of subdividing and building on high conservation value land, as they had seen happening with the compliant council under the Fair Trading policy, whereas the southern landowners saw some form of development as necessary to continuing to manage their land responsibly as an economic proposition. There are recurring comments about this division of the group although it is framed slightly differently by conservationists and landowners. In the most idealistic form of their beliefs, conservationists see all development on high conservation value land as undesirable and inconsistent with environmental preservation. Maurie states the form of the opposition.

Maurie: Everybody agreed as far as I’m concerned that the escarpment should be protected. It was just that in my view it was very finely balanced between the people that wanted to see development along the escarpment and those that wanted to preserve and protect the escarpment. That’s where the difference lay.

Roland sees this as a rigid way of thinking.

Roland: We weren’t of a common mind. Apart from the fact that we wanted the best that we could for the escarpment environment, but different ideas of what that meant... You can’t really deal that well with people’s presuppositions and one of those from a number of people within the group were that all developers were evil and all environmentalists were good and that there’s no overlap between the two, that you’re either in one camp or the other camp. So it was a very rigid framework of thinking I believe, to varying degrees with various people on the group, from one extreme to the point where there were some that just wanted everybody to be happy and hold hands and get along with each other...

He posed a challenge about the nature of development.
Roland: Right in the first or second meeting I asked the question What’s development? Because I wasn’t really satisfied that some people were saying there should be no development on the escarpment. And I thought well what’s development? The idea of development was never really clearly defined.

My interview with Roland had included a discussion of whether a walking track was development and I had to concede that in some definitions it would be.

In most cases the landowners’ income has come from an outside job, but they have been subject to major expenses in running their properties, compensating for industrial damage and particularly in the various legal and planning actions they have taken or been involved in, in attempting to get permission to subdivide sections of their land to sell to the burgeoning lifestyle block market. At the same time the creation of West Dapto as a population centre had been on the cards for many years. David Winterbottom is surprised that all the landowners affected didn’t see the writing on the wall that West Dapto was going to eventually become part of Wollongong, and act in their own self interest.

David: They’ve had that signal. Absolutely. That land’s always been seen as a reservoir for urban development. That’s why it’s zoned Non Urban. That’s why it wasn’t zoned Rural... I can’t believe that there wasn’t a farmer in West Dapto who didn’t say Oh development’s creeping a bit closer. One day... They may not have picked the legal system, the legal triggers that were pushing and they might not have picked the noises coming out of town hall, but they knew in their boots, every farmer knew that at some stage the development is going to reach him and he’s going to bail out and make a lot of money. Must do, must do, otherwise the land value wouldn’t go up. It’s been going up.

Roland had heard the signal.

Roland: It’s zoned rural land, Non Urban 1 I think was the zoning. Part of that zoning is to hold land in reserve for future development. That’s a specific part of the zoning as I understand it. So I was aware of that, and I was also aware that, because my father used to talk about the way Wollongong had changed in the last 20 years, and this was in 1975, so from 1955 to 1975 there were dramatic changes in Wollongong. So I knew that at some point in time rather than have a 100 acre property remote from Wollongong I’d basically have Wollongong up to my boundary. In fact that happened 20 years later, or less.

Graeme says that other landowners have been willing to sell completely and allow their land to become the new suburbia.

Graeme: Some of the landowners did have visions down on the bottom of doing a full on quarter acre block development. They thought that’s what was coming. And developers had approached them, Stocklands etc had approached them on those terms. Then they found a big percentage of their land in buffer zones [with much less development potential]. Now I did not argue for them on the basis that I was
arguing for the buffer zone to be made into quarter acre blocks. I only ever argued for them to get an exit strategy on those areas where they needed an exit strategy to get their money back... Give them a price on their farm so that they can simply go down to Gerringong and buy a farm and do it there, a coastal farm.

Roland Foster and his group are also concerned with getting an exit strategy in the sense of discharging the debts incurred from this process.

Roland: Look there needs to be an exit strategy from the debt that’s been incurred through the process that Council have led us into. We’ve all got that concern. The exit strategy for the landowners that I know isn’t to exit their dwellings or their houses. They want to stay where they are... We all need an exit strategy because we’ve invested a lot of time and effort and money into trying to achieve some development potential of our properties. We do need that as an exit because a lot of us are carrying a debt there... We’re all the landowners. We’re not developers that have actually identified a potential for making a lot of money, coming in, buying property, developing it and moving on and abandoning effectively the thing that they’ve created and they just walk away with money in their pockets. I don’t know that any of the landowners within the Mt Kembla Strategic Planning group are motivated by desire to get maximum financial benefit from development. I think most of them are like me in that we want to create as good a block as we possibly can so that other people can enjoy what we’ve got. I’m not interested in the amount of money I could get for the place. It’s not going to change the way that I live.

He and other landowners argue that some degree of human habitation and thus development is essential for proper stewardship of the land and wider safety issues. I asked Roland how he’d like his property to look in 50 years time.

Roland: Well where we’re sitting out, exactly as it is at the moment, no change. I don’t want to see large trophy dwellings on the place after I go. Farmhouse style, humble, is most appropriate, and if people want to build those large buildings they should be on blocks designed for that, like William James Drive down there in Cordeaux Heights, where they’ve got the two acre lots...one acre mansions on two acre blocks.

Evan takes a contentious position on allowing dwellings to be built high on the escarpment, specifically on the high and relatively level ‘benches’, which have largely been cleared. His primary concern is fire management, given that the forested escarpment is so close to Wollongong. His passion on the topic comes from being involved in fighting a high level conflagration in 1968 and to him the issue is when, not if, Wollongong will suffer a catastrophic fire as occurred in Canberra and outer Melbourne in recent years. Accordingly he has long campaigned for better fire preparation and radical changes to settlement patterns to prevent the damage that clearly could result.
Evan: What we said was it’s not the fire brigade that’s going to fix this, it’s the strategical planners. You’ve got to plan so that all the country that allows the fire to generate is maintained and you’ve got the finance to do it. And the only way to do that is to reduce the size of the land, the blocks near the escarpment, and my plan was to put dams on every bench, then allow them to put dwellings on the benches to cover the cost of it all, they put a pipe right along the escarpment and they put bores down. And it’s all financed by small clusters on the benches and they make the escarpment fireproof from here to Wollongong. They don’t want to do that. They want everybody out of it and say the escarpment is going to be safe. Now when it goes up they’re going to say, like they said in Victoria when a lot of people got burned, that they couldn’t pre-empt it. If you read the rural papers every week there’s old timers that have been in those brigades saying you’re coming to an enormous crisis if you don’t do this, this and this...

With other experts including Professor Rob Whelan of the University of Wollongong arguing for different programs for fire management that were more consistent with the conservationist agenda, Evan’s view was disputed and not endorsed by the CRG. How prepared communities should be for such rare extreme events, when to do so would arguably involve environmental destruction, is however a very difficult issue, one of many that defeated the CRG in the process of negotiating the members’ differences. It required, among other things, a more sophisticated appreciation on the part of the instigators and facilitators of the potential contribution all the citizens could make to escarpment planning and a clear commitment to justice. In the saga of escarpment politics only Commissioner Simpson appears to have embodied these qualities.

7.5 Justice and the limits of citizen action

One might expect that commitment to a just outcome for all would be another attribute shared by escarpment citizens participating in general forums such as the CRG. However this is weakly and infrequently articulated by the conservationists, and is likely to be dismissed as too obvious to discuss, as by Maurie.

Maurie: I’ve always believed that if anybody was adversely affected they should be compensated. We’ve always had that stance. We’ve never argued... you can’t just take stuff off people if they own it legitimately... In fact I remember at the CRG meetings it was made pretty plain that we would support all of that. We’ve never said anything else.

So in principle there was support for the landowners’ conservation efforts and their rights to compensation if they lost land. However there was evident impatience when perceived private financial matters (‘their superannuation’) were seen to dominate what was supposed to be an environmental forum. But from the landowners’ point of view what they were asking for was basic justice which should have been addressed. The question of compensation for contributing to a general environmental amenity is not an unusual or unreasonable suggestion. It is stressed by Walker and Hurley in their analysis of Oregon
planning, and an example of such compensation is mentioned by Robbins in relation to Yellowstone landowners maintaining land in a state suitable for elk hunting (Robbins 2006). Some scholars have pointed to the lacuna of wider political values such as justice and democracy in current forms of environmental politics. Latta and Gilbert and Phillips for example point to environmental justice as being a weak point in the western tradition of conservation, perhaps because of its origins in romantic notions of sublime nature transcending human interests. Latta asks what various forms of subaltern environmental citizenship might look like (Latta 2007). Similarly Gilbert and Phillips emphasise the need for environmental citizenship to be pluralised (Gilbert and Phillips 2003). In our case we can certainly see a blindspot towards the situation of Evan and the farmers he speaks for, who can be seen as a subaltern group, and not simply, as in liberal theory, another (equal) citizen group.

However the arguments of such analysts tend to be illustrated by a singular subaltern group’s claims for environmental justice which does not accord with the dominant conservationist paradigm, such as Gilbert and Phillips’ case study of the Tent City phenomenon in Toronto, rather than any case of such a group in dialogue with conservationists, as we have here. While broadening and pluralising environmental citizenships are both positive steps, we still need guidance on how citizens should approach and address each other with a view to mutual understanding and accommodation. As we have seen, simply allowing differences to be aired is not productive, and gestures of solidarity are insufficient. What is required as a condition of participation in such forums is a commitment to a just outcome, where the criteria for justice are agreed. This is likely to also involve commitment to a form of discourse which optimises the likelihood of a successful outcome. Such qualities are characteristic of the public sphere.

In the present example many statements about the financial situation of the southern landowners characterised the proceedings of the CRG and other forums with such concerns described by other participants as peripheral issues that were ‘gone over and over’. But are they peripheral? From the perspective of an urban environmentalist whose priority is to see the escarpment taken into the recognised realm of national parks and conservation areas, a farmer’s objections to the imposition of land management methods by government authorities is peripheral, for it does not contribute to achieving a different vision for the land and it does not fit with the narrative of ongoing destruction if not ‘saved’ in this way. Yet it is hard not to recognise the landowners as ‘conservationists in their own way’ in June’s words. I have argued that they are green citizens on several criteria and also have been involved in recognisably environmental campaigns and committees dealing with destructive elements such as coal waste and the damage to waterways through mining operations. Yet this common heritage did not appear to be adequately acknowledged, while statements of the differences in the desired outcome for the CRG were allowed to predominate without being subject to deliberation and negotiation.
7.6 Judgements in retrospect

Although the organisers and facilitator saw the CRG as a successful case of community consultation, the participants do not agree. It took too much time then ran out of time at the end, it didn’t have a ‘balance sheet’ approach, the recommendations got watered down through other pressures and there is a general sense of wasted opportunity and time. They got involved in an act of faith and hope that the various research exercises called in as a result of the visionary COI recommendations would provide guidance for the future planning of the escarpment, recognising its unique environmental values. Although the outcome is largely seen as positive by those in government bodies, since a great deal of scientific knowledge has been codified and there is a management plan where there wasn’t one before, the citizens are not satisfied.

David recalls that he wrote a letter to Wollongong Council in July 2003 beginning:

David: This Institute is totally committed to the practice and promotion of sustainable urban development and to the protection of the Escarpment. I write in considerable alarm and some despair, therefore, at progress on planning for the Escarpment. The community consultation process seems to be a farce, the Reference Committee having been given nothing remotely related to policy. If our understanding is correct, the plan making process, and the Plan emerging, seems to be an irretrievably lost opportunity and a disgrace (personal communication 13/12/11).

Graeme condemns the IEC.

Graeme: We’re not saving the escarpment ...this has been going on for 20 years and the IEC has achieved nothing. Nothing is in public ownership that wouldn’t have been if you know what I mean.

June is very disappointed with Wollongong Council and the state government and has moved away from the area.

Yes after looking back over our 20 years, the Escarpment Coalition it seems that we started off questioning what was happening, we worked very hard with a wide variety of people including councillors, state government... including being the catalyst for the Commission of Inquiry into the Escarpment, its Future Planning and Management. And at the end of all the studies, after fantastic recommendations, and at the end of eleven years since the escarpment studies, strategies, plans and everything had been worked through and all the data that they have collected, we are little better off.

She thinks the situation is in some ways worse because governing bodies now have indisputable evidence of what needs to be done.

It seems before the COI, before we really pushed to have better planning, people had no baseline data, they didn’t know where they were, so it was all ad hoc and they were working in the dark, and that’s what came out of the Commission of
Inquiry. Now we’ve had all these studies, we’ve had all the understandings, we’ve had an enormous amount of input from people with knowledge in every area, from state, local government and all the communities, whether they be landowners, conservationists or what. And at the end of all that, with an enormous amount of compromise, after everything had been done, we’re little better off. The planners, the politicians particularly, know what they’re doing and it’s morally worse than it was because they know what they’re doing and they’re still carving it up. Before they may not have been fully aware but in that twenty years awareness has come right through the community, and the community stood for trying to do the best, and the people in power, whether they’re politicians, planners, no matter what they are, they’ve still not done the right thing. They’ve not worked to improve the situation on the escarpment, the whole environmental aspect of Wollongong.

Maurie says the problem is lack of political will, though he applauds the work of the CRG.

... because it did result in the Illawarra Escarpment Strategic Management Plan and the intentions of that were excellent, really excellent. The only problem is it eventually got watered down from being very clear cut, especially things like riparian zones, which are the banks of creeks and so on and so forth, 40m setbacks and things like that. So it’s a shame. Although the state government and council adopted the recommendations they tended to get like they all seem to do, they get watered down again because of lack of political will and pressure from outside organisations or whatever.

Jill is disgusted and speaks with the frustration of the activist who sees an opportunity lost.

It was a real job. I mean really, the people who do that kind of stuff from the community are just saints, you know. The amount of work they put in, trying to get their heads around it. And the trouble is... what a waste, all those people that put in so much time and love and effort and work and passion and energy, what a bloody waste, because where is it now? What’s happening with it now? So many promises and so much enthusiasm and so much government studies and reports... Even then I was a cynical old bugger by that stage too. And even I thought Oh great, we’re getting somewhere, we’re all working together you know. And then you see it just fizzle out into nothing. And nothing’s changed, really. After all that work. And I’m not blaming the government people, I think they did a lot of tremendous work. Department of Planning, they put in a lot of recommendations to council about how to manage vegetation, to protect native vegetation and how it should be incorporated into their LEP. Ignored. Then the regional plan comes along, the planning legislation changed so many times that a lot of the stuff just became redundant.

Evan’s scenario for solving the problems involves a more open-minded council

They’ve got to do their duty of care and listen. First of all put all the farmers together and find out how they’re going to give them what they want and be able
to survive. They’ll all have a different idea. Then when they’ve worked that out, they’ve got to do what we were talking about a while ago, put all these people in a room and shut the doors and say if we’re gonna do this how are we gonna do it? I don’t want someone putting something up that’s not feasible and letting this drag on for ever and everyone say Oh you can do this and do that. Unless it’s calculated and researched and proves to be a winner you don’t even think about it. 1990 they started this. That’s 20 years and they haven’t progressed an inch. I’m a sincere person. If I’m in a relationship and I say I’m gonna do something and 20 years later I haven’t done a thing and the whole problem is Council, wouldn’t you be bitter?

It’s hard not to endorse Evan’s heartfelt question, especially when the other citizens substantially agree that the outcome was not worth the effort of participating.

The effect of the cumulative actions and interferences is an impoverished and embittered group of landowners who think that what planners are asking them to do ‘is provide the environment and visual amenity for everyone for nothing’, as Evan says. They see the conservation push as having primarily visual rather than proper planning results. Russell Hayes sees the loss of any prospect of bringing the lands into public ownership meant that ‘...there’s no environmental outcome at all now. It’s only a scenic outcome.’ The scenic aspect of the escarpment is indubitable and is exploited by local government, the tourist industry, university and businesses, without compensation to the people who claim to have maintained the icon. But scenery, or the aesthetics of place, does not necessarily require good environmental management.

There is a little recognised relation between national parks and conservation areas as having environmental value and as landscapes having scenic and recreational, and thus political value. Following Olwig, we might say that what has happened is a change in the idea of landscape, from landscape as human habitat and domain to an aesthetic dimension where landscape is primarily a viewing experience of scenery from a vantage point (Olwig 2002). This he attributes to the rise of theatrical conventions of the creation of illusory indoor scenery. ‘Our environment, conceived as landscape scenery, is fundamentally linked to our political landscape’ (xxxii). Thus national parks and conservation areas are not only environmentally special places, but determining them to be so makes a contribution to the nation or area’s vision of itself. Though he does not deal with the environment movement, the suggestion is that this theatrical tradition has had an unrecognised influence. So in the case of the escarpment the risks and management challenges posed by land instability and changes in vegetation are masked by the imposing greenness of the landscape, which connotes health and sustainability, qualities readily exploited in branding Wollongong.

My study of the escarpment citizens’ views in retrospect and some of the key contested ideas leads me to conclude that there is a pervasive sense of opportunity lost here. I am concerned with why this was so and how characteristic it is of environmental politics. How its processes could be conducted more productively, being more conducive to public happiness is a question to be explored in the final chapter.
8 Conclusion

Having described the physical setting and political background, I have given an account of the views of some Wollongong citizens about their participation in the processes of escarpment politics. In doing so I have invoked the concept of the green public sphere as a desirable mechanism for conducting debate about environmental matters. It is time now to return to the thesis topic and address the question of what constitutes a green public sphere, using the evidence from the particular case study of the Illawarra Escarpment Community Reference Group. We have seen how this group afforded a group of citizens with different perspectives the opportunity to speak to each other, to government officials and many other interested parties about their visions of a well managed escarpment and ways to achieve this. We have also seen that in retrospect the citizens are not happy about the experience, and in fact only the instigators and facilitator were satisfied with either the process or the outcome. In this final chapter I speculate about specific aspects of the CRG that might have led to greater satisfaction and effectiveness, and then offer some more general remarks about the green public sphere.

8.1 Applying the public sphere framework

As Dryzek (2000) claims, the public sphere is a forum for the contestation of discourses over matters of agreed significance. It requires both agreement and disagreement, and in the case of the green public sphere, these agreements and disagreements are over environmental matters. The public sphere then operates to resolve differences, which may be disagreements over practical matters or differences in values and corresponding discourses. If the desired outcome is, as Young suggests, to reach a position of ‘we with all our differences...’ then these differences must be acknowledged, respected, and addressed. In this case the environmentalists’ tendency to overlook or downplay humans’ places in the landscape needed to be acknowledged, for example, and property needed to be put into perspective as a particular administrative system that poses challenges for cross-boundary and communal management of environmental resources and problems. Such acknowledgement would have helped all parties to recognise that all conceptualisations of a situation, including their own, are partial and can be challenged.

The practical differences to be negotiated revolved around how best to protect and manage the escarpment. Views ranged from resuming all appropriate private lands to join the disconnected sections of the State Conservation Area to form a single escarpment park managed by the National Parks and Wildlife Service, to allowing landowners to manage their lands as they saw fit, including subdividing and allowing further clearing and construction. Issues debated included where the escarpment boundary was to be drawn, the management of fire and floods, the treatment of weeds and the contentious idea of benign neglect. Some of the differences were however more intractable and difficult than these due to unacknowledged gaps between underlying values and positions, such as the prevalent differences between rural landholders and suburban environmentalists.
All citizen members of the group saw themselves as committed to nature and enhancing the natural values of the escarpment. But different conceptions of nature were in play. For some environmentalists nature is essentially pre-human, and human activity has been in the main destructive. For these citizens, nature is a complex, self-regulating web that must be protected by removing or at least minimising most human influence, entrusting the land to management driven by conservation science and associated institutions, restricting human access and activity. For landowners nature is an intrinsic part of their private domain, and the source of the economic and personal values they hold in their property: its capacity to support varied life forms, its potential for agricultural production (even coal extraction), and the provision of aesthetic, lifestyle and recreational experiences. Nature is also for them the source of threats such as fire and land slips which must be understood and managed. For a wider public that has limited direct experience of such natural areas, the Illawarra Escarpment nevertheless exists as an important part of their visual world, varying with the weather, marking the limits of their city, and signifying both Wollongong’s distinctiveness and what the city is not, nature in the form of wild bushland.

The role and meaning of private property was another major difference, with the environment movement seeing this as a problem to be solved, ideally by state ownership of conservation lands. The rationale for such management of these lands is to preserve or restore them to an imagined pristine ideal, enshrining them as part of the state and national heritage. Landowners on the other hand were more likely to see the benefits of private ownership in the ability to acquire, often over long periods, specific knowledge of the land, resulting in what they claimed to be informed and sensitive management. Development was also a divisive issue, in this case residential development on escarpment slopes at the edge of existing suburbs and subdividing rural properties to create rural residential or lifestyle blocks. Environmentalists tended to oppose both types as threats, while landowners saw the latter as a way, if pursued with appropriate care, to enhance stewardship of the land and to share the increasingly sought after amenities of tree changer lifestyles, as well as to realise some of the value of the land in difficult economic circumstances.

The rationale for membership of the group was the representation of different interests: escarpment landowners, industry, environmental groups and north, central and south Wollongong. This structure replicates that of the Westminster system, where representatives feel compelled to act primarily for their constituents rather than any larger interest. The resulting competitive and potentially antagonistic system works against the elaboration of common interests. We have seen a number of cases where potential common ground was not recognised or developed, when doing so could have had a positive effect. For example all the citizens were property owners, although the extent of their holdings varied from suburban blocks to large holdings including swathes of bushland as well as cleared agricultural areas. Some were participating as property owners while the property ownership of other members was not foregrounded, though in many cases their escarpment homes had motivated them to organise or join environmental campaigns. Yet their common experience of the satisfactions and challenges of escarpment property ownership might have enabled them to imagine and empathise with the situation of others,
to create in particular a common appreciation of the particular anxieties of the West Dapto farmers beset by forces beyond their control. Beyond this, participants could have minimised their identity as landowners in favour of being citizens of a particular place, what I call citizens of the escarpment. As such they all had an attachment to the escarpment, a history of political engagement in its defence and a willingness to take strategic action.

8.2 Evaluating specific aspects

In procedural matters, the Illawarra Escarpment Community Reference Group displayed many favourable factors for the development of a green public sphere: it was guided by a visionary document, Commissioner Simpson’s Commission of Inquiry report, that was universally respected by participants; there was a wide range of community representation, with most participants demonstrating strong local place commitment; many government bodies (the local council, state planning department, state environmental bodies) had devoted considerable funds and other resources to the project and the resulting scientific and planning reports were valuable; and there was a professional external facilitator who encouraged the open discussion of differences.

On the other hand, participants did not trust the larger political framework. The history and their experience of land use planning and decision making in both West Dapto and in the northern urban areas of Wollongong provided a basis for this mistrust. They were aware of inconsistent and sometimes improper Council decisions, and of a history of state government bodies acting in an uncoordinated way. They were also aware of politicians and political parties who were concerned, among other things, to defend or increase their own advantage, material or political. Some participants perceived the environmental officers from Wollongong Council to be biased in favour of environmentalists and resented the framing of the issues in environmental rather than overall planning terms. The predominant environmentalist aim of bringing escarpment lands into public ownership was questioned by some and when implemented, seen as without fair compensation to landowners. These factors, plus perceived differences in media access, led to some citizens feeling that they were not being listened to, much less empathised with. Participants also had different and incompatible expectations, and the group’s brief was not clear. Although the time allowed and number of meetings was seen by some as appropriate and generous, to others it was excessive and not well managed, proceedings were drawn out with too much attention to ‘peripheral’ issues and then brought to an abrupt and unsatisfactory ending. The resulting management plan gestured towards a solution which could have satisfied all members in the idea of ‘a broader concept of park’. However details of this innovative idea and the general implementation program from earlier drafts were eliminated, leading to disappointment in the lack of political will at state government level.

In hindsight and with the benefit of not having been involved, I posit that some things could have been done differently and better. The initiating agency, the state planning department, could have decided at the outset that escarpment planning was a planning exercise that needed to be addressed at a more comprehensive level than simply determining what areas needed environmental protection. This would have required the presence of senior planners who would take responsibility for ensuring that an escarpment
management plan would be compatible with other planning imperatives as well as being environmentally desirable. The department could have allowed an appropriate amount of time from the start, rather than continually extending the group’s life. A commitment to a just outcome could have been articulated more clearly, and in particular the group’s brief needed to recognise the key issue of how the costs of providing a general environmental amenity would be distributed.

There was also a problem of leadership, and it is tempting to blame the facilitator for not exercising greater authority in clarifying what the group was attempting to achieve, steering the discussion and ensuring that all relevant contributions were recognised as such. In fairness to her though, her brief probably was not clear enough to empower her to take such a directive role. Although there were advantages in having an external facilitator without vested interests, there was also a big disadvantage, in that she could not provide leadership in the sense of having the gravitas to envisage common ground and to speak for the whole group as one of them, to articulate the ‘we for public discourse’. Leadership is essential to the success of many social endeavours, especially those involving diverse participants. A leader is someone respected and entrusted to speak for all, but not too closely aligned with any perceived faction.

The citizen participants could have approached the exercise in the spirit of an ‘enlarged way of thinking’, prepared to make efforts to treat others as different but as having a legitimate perspective and not the enemy. Different knowledges, including both conservation science and practical knowledge acquired through a lifetime of working the land and observing its life forms, needed to be shared and separated from perceived power positions. Members could also have agreed to make the group’s proceedings confidential, not speaking publicly during its deliberations in such a way as to jeopardise the trust and confidence of others.

8.3 So what makes a green public sphere?
We have here a case of Torgerson’s (1999) characterisation of practices of environmental politics as tragic narrative in the resulting sense of frustration among the citizen participants. He instead advocates Arendt’s notion of politics as ‘public happiness’. If we assume that a healthy society involves an active citizenry engaged in purposeful pursuits that contribute to public happiness, then political engagement needs to be rewarding rather than leading to disillusionment and exhaustion, as in this case. Torgerson also cautions against the closures of debate in an instrumentalist, functional politics, for debate in the public sphere requires a degree of openness and a sense of participation for its own sake. Thus the deliberations of a group such as the CRG, while administratively bound, needed to establish a mutual pleasure in participating that could outlast the particular constraints of the immediate task. This would promote the resilience he advocates in the existence of an ongoing network of informed and experienced citizens, an example of the ‘social-ecological resilience’ described by Olsson et al (2004) in the community management of the Kristianstad wetlands in Sweden referred to in Section 2.4. Such analysis is echoed in other work on the commons as essential for the successful management of common pool resources.
The Habermasian public sphere requires citizens to bracket inequality and speak rationally, but this is not realistic when participants feel that their most prized values, even their identity, not to mention their property and livelihood, are under attack. Passion cannot be disallowed, and insisting on rational speech also downplays the importance of empathy and other forms of emotional communication. Ambiguity and complexity should not be excluded, nor other forms of expression such as stories and jokes. Though it is unrealistic to expect all participants in an emotionally charged issue to always speak rationally, this should not obviate the need for civility. A large component of participation in the green public sphere is in fact not talking at all but listening and responding to the speech of others, recognising different views, questioning where they come from and alert to potential common ground. It is a lot to expect all citizens to bring such virtues and skills to a process like the CRG, and there may be a case for councils to provide ‘civics for committees’ training to potential members.

The green public sphere is a forum for citizen debate on environmental matters, directed towards the formation of public opinion on action required by the state. Based on this case study, we can infer that the issues must have personal significance for the participants as a place they belong to or care about, rather than simply a case of applying abstract administrative categories. There must be disagreement as well as agreement and there must be an imperative to handle the disagreements so as to create a ‘we for public discourse’. These characteristics apply to this case study of a group of diverse citizens trying to agree on a plan for managing the Illawarra Escarpment. However we have seen that there are many vagaries in this, as no doubt in any empirical case: how the group is established, what resources it has, how leadership is exercised, what procedures are used to order speech, ensure listening and arrive at decisions, and what commitment participants have to these procedures and their outcomes. This takes us into the realm of group dynamics, which could inform further work.

A possible green public sphere can form itself. For example the Illawarra Escarpment Coalition was originally established as such a forum for sharing and debate. The IEC was frustrated with existing politics and what they considered irresponsible decisions, so they shared information, expanded their knowledge and creatively planned to use the channels available to them, namely lobbying, publicising and organising. However it was trying to unite disparate groups with congruent agendas, and was largely characterised by agreement rather than both agreement and disagreement, as is required for the public sphere. The group undoubtedly displayed resilience in its long life and effective publicising of a large range of escarpment issues. If it had earlier become aware of the West Dapto Rural Ratepayers Association’s environmental concerns, the group might have persuaded the landowners to join and taken on the challenge of reaching across the ideological divide of property rights. A more successful form of the public sphere than the CRG might have emerged, and the later development of mistrust averted. This in turn could have resulted in what the landowners wanted, ie Council taking the step of removing some of the financial burden of escarpment management from the farmers and redistributing it to the tourism and real estate sectors and the general Wollongong community.
In contrast the CRG was invented by the government bodies charged with acting on the issues at stake. It was primarily an exercise in Dryzek’s (2005) democratic pragmatism, serving to solve a government rather than a citizen problem. This was how to deliver on the momentum of expectation established through the Illawarra Escarpment Coalition’s campaigning, and in particular, the Commission of Inquiry report. We could call such cases pragmatic public spheres. Even if the group had a clear brief, was led by a respected person, behaved civilly and could accommodate its differences, there would have been limits to what it could have achieved. A public sphere has the essential function of forming public opinion and providing it to whatever state body has responsibility for acting on the issue. In this thesis the CRG’s role in relation to its instigating bodies, the state planning department and Wollongong City Council, is not explored and requires a different research project. It is clearly complex and often opaque, for we have had many glimpses into how state bodies have taken events in new directions, away from established processes and blueprints, sometimes ignoring issues or proposals emanating from processes of public involvement.

There are in fact many issues regarding the relationship between state bodies and their publics. One phenomenon to be investigated, for example, is the extent to which land use planners in local councils and state planning departments are in the frontline of citizen objection whereas bodies charged with acquiring and managing lands, such as the NPWS, are much less subject to scrutiny. The citizens on the CRG speak highly of the state officials and the environmentalists particularly admired the work of the WCC Environment Division officers, although the landowners saw them as imposing their own agenda. But they had their own expertise and professional ideologies and were in turn subject to bureaucratic and other imperatives. Their work was modified as a result. Such officials also operated in the same unstable and sometimes volatile wider political environment, subject, perhaps indirectly, to pressures from higher levels of government and other powerful interests such as the development industry. The key shortcoming we have identified, the lack of strategic planners on the CRG, may have been due to circumstance or it may have served some higher level political purpose. In any case, it indicates the weakness of the structural position of such a group in the larger context. While the CRG had many characteristics of a potential green public sphere, the fact that it fundamentally served opaque state and local government rather than citizen agendas drastically reduced that function.

8.4 A more radical suggestion
This thesis has looked at one small example of a potential green public sphere and concluded that there are organisational matters which could have improved its workings and outcomes, as well as fundamental problems arising from the political context. However my final comment is to reflect on the inherent limitations of any forum that functions as a green public sphere. Under current institutional frameworks the public sphere has the function of providing advice to another body who will act. In order to have legitimacy it must be established or at least recognised by the relevant state body. All it can do is talk, using whatever discourses are available and appropriate. If successful it may come to a consensus but it does not make or implement decisions about what will be done. While I
have suggested ways that this particular group could have been conducted so as to nurture it as an ongoing network, a looser kind of escarpment public sphere perhaps, I have been unable to conclude that this would have resulted in a better management plan, given the political context and the group’s purely advisory role.

But people do not only debate environmental issues, they also manage them. As I surveyed in Section 2.4, the international literature on communal management of the commons or common pool resources provides examples of successful management by often diverse communities of resources that are collectively important to them, such as the many cases of fishery and water management studied by Ostrom and others. I suggest that it would have benefitted the CRG deliberations to have had some exposure to examples of successful management of comparable resources, if not directly then at least through some research and imaginative effort. Again this would have promoted the ‘enlarged way of thinking’ that takes people out of their own situation and its unquestioned assumptions.

Such eco-social networks obviously must talk, have good leadership and exhibit trust and social cohesion. But they also must have practical and intellectual skills and the ability to organise, work together and achieve the desired goals. I have argued that it would have been desirable in this case if the escarpment citizens could have embraced a solution of communal management, a commons, that involved all landholders, given that the policy panacea advocated by some, of ownership by the National Parks and Wildlife Service, was unrealistic. To people with knowledge of, for example, land management in some European countries, including multi-tenure national parks, this is not a radical suggestion, though Australia’s national parks follow a different, American inspired framework. To manage communal resources or commons requires a suitable governance framework which, following Eastburn’s (2010) comparison of the Kristianstad case with his knowledge of managing water systems in Australia, is evidently lacking in this country.

In regard to this study, suggesting a better political context would involve revisiting the planning framework outlined in Section 3.3. Urban growth needs to be planned according to realistic population, settlement and economic forecasts, a clearer rationale for environmental protection is required in planning legislation, mechanisms are needed for ensuring co-ordination between government bodies, government decisions need to be shown not to be influenced by political donations, local councils need to be constitutionally recognised and their role distinguished from those of state governments.

One of the roles of local councils might be, as Ostrom et al (1999) suggest, not just to manage land itself and monitor private land management practices, but to facilitate the capacity of motivated citizens to work together to communally manage valued local places such as the Illawarra Escarpment. This might be by providing services to increase citizen skills and enlarge their thinking, providing research and documentation, maximising communication, creating efficiencies and securing co-operation from other bodies. Under such a regime the Illawarra Escarpment Community Reference Group might have evolved into a network of citizens working together with Wollongong Council to manage the escarpment rather than a disparate group of disappointed citizens separately dealing with a
council that has delivered very little on a process in which it and many other organisations and individuals had invested a great deal.
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Appendix A  Timeline of key events

1987  West Dapto Draft Strategic Plan produced
1990  Wollongong Local Environment Plan adopted
       Illawarra Escarpment Coalition founded, July
       Wollongong City Council establishes Illawarra Escarpment Working Party, October
1991  Horsley Development Control Plan adopted
1997  IEC/South Coast Labour Council joint actions calling for Commission of Inquiry into the escarpment
1998  Major storm damage, August
       State government announces COI into the Long term Planning and Management of the Illawarra Escarpment, October
1999  Commission of Inquiry reports, May
2000  NSW government endorses COI recommendations, December
2002-3 Illawarra Escarpment Community Reference Group meets
       COI recommended studies produced
2003  West Dapto Rural Ratepayers Association produce West Dapto 1958 onwards, a Reference for Future Management
2004  West Dapto planning restarted
2006  Illawarra Escarpment Strategic Management Plan adopted
2006  State government produces Illawarra Regional Strategy
2007  WCC produces draft plans for West Dapto Urban Release Area
2008  Growth Centres Commission report on West Dapto
       NSW government introduces uniform template LEP
2009  new Wollongong Local Environment Plan adopted
2010  Wollongong Local Environment Plan (West Dapto) adopted
### Appendix B  List of abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>AIS</td>
<td>Australian Iron and Steel</td>
</tr>
<tr>
<td>ANSTO</td>
<td>Australian Nuclear Science and Technology Organisation</td>
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<tr>
<td>BHP</td>
<td>Broken Hill Propriety</td>
</tr>
<tr>
<td>COI</td>
<td>Commission of Inquiry</td>
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<tr>
<td>CPR</td>
<td>common pool resources</td>
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<tr>
<td>CRG</td>
<td>Community Reference Group</td>
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<tr>
<td>DA</td>
<td>Development Application</td>
</tr>
<tr>
<td>DECC(W)</td>
<td>Department of Environment, Climate Change (and Water)</td>
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<tr>
<td>EMP</td>
<td>Escarpment Management Plan</td>
</tr>
<tr>
<td>EPA</td>
<td>Environment Protection Agency</td>
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<tr>
<td>EPA Act</td>
<td>Environment and Planning Assessment Act</td>
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<tr>
<td>ESD</td>
<td>environmentally sustainable development</td>
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<tr>
<td>FTP</td>
<td>Fair Trading Policy</td>
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<tr>
<td>ICAC</td>
<td>Independent Commission against Corruption</td>
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<tr>
<td>IEC</td>
<td>Illawarra Escarpment Coalition</td>
</tr>
<tr>
<td>IESMP</td>
<td>Illawarra Escarpment Strategic Management Plan</td>
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<tr>
<td>LEP</td>
<td>Local Environmental Plan</td>
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<tr>
<td>LGA</td>
<td>Local Government Area</td>
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<tr>
<td>NPA</td>
<td>National Parks Association</td>
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<tr>
<td>NPWS</td>
<td>National Parks and Wildlife Service</td>
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<tr>
<td>SCA</td>
<td>State Conservation Area</td>
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<tr>
<td>SCTLC</td>
<td>South Coast Trades and Labour Council</td>
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<tr>
<td>SRA</td>
<td>State Recreation Area</td>
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<tr>
<td>UGB</td>
<td>Urban Growth Boundary</td>
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<tr>
<td>WCC</td>
<td>Wollongong City Council</td>
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<tr>
<td>WDRRA</td>
<td>West Dapto Rural Ratepayers Association</td>
</tr>
</tbody>
</table>
Appendix C  List of interviewees, affiliations and dates of interview

Joseph (Joe) Davis: historian; CRG representative of northern area; Thirroul resident; 18/11/10

Maurice (Maurie) Dowson: CRG representative of Stanwell Tops Residents Awareness Association; Stanwell Tops resident; 2/12/10

Jean Ferguson: CRG representative of southern area; Kembla Grange landowner; 14/10/10

Roland Foster: CRG representative of Mt Kembla Farmborough Heights Strategic Planning Group; Mt Kembla landowner; 16/12/10

Russell Hayes: Illawarra Escarpment Working Party representative of Southern Escarpment Environment Protection Association; Huntley landowner; 28/10/10

Graeme Jackson: President, West Dapto Rural Ratepayers Association; Calderwood landowner; 6/8/10

Jill Merrin: environmental officer with various organisations, CRG representative of NSW Nature Conservation Council; resident of Austinmer; 23/11/10

Evan Perkins: CRG representative of West Dapto Rural Ratepayers Association; Huntley landowner; 8/10/10

June Pronk: CRG representative of Illawarra Escarpment Coalition; Mt Keira resident; 17/7/10

Denise Wilson, id Planning, facilitator of CRG, 10/11/10

David Winterbottom: former planner with Wollongong Council; CRG representative of Urban Development Institute of Australia; 26/10/10
Appendix D Participant Information Sheet

Practising the green public sphere: a case study of the Illawarra escarpment

Helen Wilson, School of Earth & Environmental Science, Faculty of Science
Nicholas Gill, School of Earth & Environmental Science, Faculty of Science

PURPOSE OF THE RESEARCH
This is an invitation to participate in research for a Masters Thesis in Human Geography at the University of Wollongong. The study aims to examine events relating to management of the Illawarra Escarpment from 1990 up to the Illawarra Escarpment Management Plan in 2005. This will include the formation of the Illawarra Escarpment Coalition, the West Dapto Rural Ratepayers Association, Wollongong Council’s Escarpment Working Party and Illawarra Escarpment Community Reference Group, and the Commission of Inquiry.

The research will include both analysis of documents such as submissions and reports and interviews with people involved in escarpment management and planning. These interviews will help us to understand how participants and groups perceived and participated in planning for the escarpment. As part of the research so far we have found your name in the records of one or more of the organisations or planning processes. From these records we understand that you were an active participant and concerned in some way about escarpment zoning and management. The plan is to interview a selection of citizen participants to cover the broadest possible range of pertinent perspectives.

METHOD AND DEMANDS ON PARTICIPANTS
If you choose to be included, you will be asked to participate in a 1-2 hour semi-structured interview that will be recorded. Recording facilitates accurate interview analysis. If you wish to remain anonymous you will be given the opportunity to
specify this. In the interview you will be asked about your reflections on your involvement in escarpment issues. Typical questions will include:

- Which processes were you involved in and in what way?
- What brought you to this issue?
- What personal connections do you have with the Illawarra escarpment (e.g., landowner, bushwalker...)?
- What did you think of how the process(es) was/were set up and conducted?
- Did you feel that your views were satisfactorily heard?
- In what areas did you agree or disagree with other participants?
- Where do you think the power lay?
- How satisfied were you with the outcome?
- What needed to be different to make the process fairer and/or more successful?
- How do you think good citizens should behave in such cases?
- How have your views changed in retrospect?

We would prefer to record an interview with you in your home at a time to be arranged in late 2010. However, if this is not suitable or you no longer live in the area, we will arrange a telephone interview.

POSSIBLE RISKS, INCONVENIENCES AND DISCOMFORTS

Apart from the time you spend in conversation with the researcher, we can foresee no risks for you. Your involvement in the study is voluntary and you may withdraw your participation from the study at any time and withdraw any information that you have provided to that point. Refusal to participate in the study will not affect your relationship with the University of Wollongong. You will not be identified in any part of the thesis or publication arising from the interview unless you give us written permission to do so. Where you are on the public record, we may use your name as appropriate.

FUNDING AND BENEFITS OF THE RESEARCH

Your reflections will be a valuable contribution to an assessment of the various consultative and investigative processes for both the process of planning the city and that of regional environmental protection. As similar issues continue to arise, the project aims to provoke reflection on how best to conduct environmental planning and decision-making. Findings will be published in a thesis and possibly further publications.
INVESTIGATORS

Ms Helen Wilson (student)
School of Earth and Environmental Science
4283 3033
hw192@uow.edu.au

Dr Nicholas Gill (supervisor)
School of Earth and Environmental Science
4221 4165
ngill@uow.edu.au

ETHICS REVIEW AND COMPLAINTS

This study has been reviewed by the Human Research Ethics Committee (Social Science, Humanities and Behavioural Science) of the University of Wollongong. If you have any concerns or complaints regarding the way this research has been conducted, you can contact the UoW Ethics Officer on (02) 4221 4457.

Thank you for your interest in this study

Helen Wilson
Appendix E  Participant Consent Letter and Form

Helen Wilson
School of Earth and Environmental Sciences
University of Wollongong
hw192@uow.edu.au
4283 3033

July 2010

Consent for involvement in the project (2 pages)

Practising the Green Public Sphere: a case study of the Illawarra Escarpment

Project organisers:

- Helen Wilson (student, UoW)
- Dr Nick Gill (UoW)

Thank you for agreeing to participate in this research project. If you have any further questions about the research please contact Helen Wilson as above.

This form indicates your consent to be involved in the project. Before giving your consent please read the attached information sheet. The key activity is a 1-2 hour interview at a time and place to be arranged.

The material collected for this project will be used in a Masters thesis and possibly in further publications. You may request that some or all of the information that you provide
will be confidential, meaning that you will not be identified with that information in any publications.

Your consent can be withdrawn at any time if you are unhappy with the project.

If you have any concerns about the contact of the research you can contact:

- The Ethics Officer at the University of Wollongong NSW, 2522, telephone number 4221 4457.

PTO
I understand what the project Practising the Green Public Sphere: A case study of the Illawarra Escarpment is about. I have been provided with an information sheet and have had an opportunity to read it. I know if I have any questions I can address them to Helen Wilson or the Ethics Officer at the University of Wollongong.

I agree to be involved in the project, and am aware that if I am worried about my involvement I can withdraw at any time, without providing a reason and without prejudice.

I am happy for my name to be used in any publications.

OR

I request that (circle as relevant)

- All
- Some
  Specify: ..............................................................................................................................
  ........................................................................................................................................
  ........................................................................................................................................

Of the information I provide is confidential and my name will not be used in connection with it in any publications.

Signature: .................................................................

Date: / /
Appendix F Primary documents

Transcribed interviews are stored with the School of Earth and Environmental Science at the University of Wollongong.

Copies of versions of reports related to the Illawarra Escarpment and minutes of the Community Reference Group and the Illawarra Escarpment Coalition have been made available courtesy of interviewees and other members of these groups. In negotiation with the Wollongong Local Studies librarian, a full set of significant documents, along with the final version of the thesis, will be placed in that collection.