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Has planning been de-democratised in Sydney?

Introduction

Neoliberal reason... is converting the distinctly *political* character, meaning, and operation of democracy's constituent elements into *economic* ones.

In such terms, Brown (2015, p.17) argues that neoliberalism transforms debates about public goods and the public good into economic terms that situate democratic subjects and democratic arenas as assemblages of quasi-firms making decisions based on profit maximisation rather than of political actors and polities. The de-democratisation that results has redefined every aspect of contemporary societies, from law to education, welfare to urban planning. Streeck (2014) goes further, locating de-democratisation in the increasing influence of the financial sector on the contemporary state.ⁱ With the rise of the "debt state," public creditors have assumed new levels of power, as a secondary constituency to which indebted states must answer:

the state as debt state ... subjects itself and its activity to the control of creditors in the shape of 'markets.' That control appears alongside the democratic control of the state by its citizenry, with the possibility of overlaying it or even, as we see today, eliminating it altogether. (Streeck, 2014, p.78)

Streeck's argument is that rather than democratic demands for higher levels of expenditure accounting for the rise of indebted states, higher debt has been driven by the need to reduce tax revenues in support of capitalism, and this indebtedness has reduced democratic control.

The relative dominance of economic rationales differs sharply across places and periods; there is no single over-arching neoliberal rationality evident in the decades since David Harvey (1989) pointed to the rise of the entrepreneurial state (Peck, 2014). A closer reading of how and why these differing rationalities are articulated, and consideration of how place, time, and sector shape these intonations both suggest that claims for neoliberal hegemony may be unstable in practice. It is important to distinguish between de-democratisation as a logic driving state actions, and de-democratisation as the actual outcome of this logic. De-democratisation is not an inexorable force; instead, it is a site of conflict, in which the relative power of the state and of the multifaceted interests to which it answers, fluctuates based on the particular sector, time, and place in question (Metzger, Soneryd and Hallstrom, 2017).

This paper investigates the complex and continuously evolving processes of de-democratisation evident in urban planning practice in Sydney between 2011 and 2017. I argue that while New South Wales' efforts to streamline development and reduce local democratic engagement in decisions about development have evolved considerably in response to multiple forms of opposition, the success of the neoliberal project is still uncertain.

This empirical focus responds to a persuasive set of theoretical arguments that planning has been de-democratised through strategies intended to marginalise dissent, and does so by more narrowly defining the arena in which are located issues for democratic debate about planning. Allmendinger and Haughton (2011) point to how states have sought to stage-manage and choreograph participation to pursue economic growth, while interpreting questions about quality of life and environmental protection in terms of economic objectives. Governance has been depoliticised and de-democratised by the shift away from the bureaucracy's traditional duties— to implement the outcomes of representative democratic decision making— to others

based on reaching consensus using bargaining and negotiating among multiple public and private stakeholders (Jessop, 1998; Pierre, 2009; Swyngedouw, 2005). In the resulting post-political era,

political contradictions are reduced to policy problems to be managed by experts and legitimised through participatory processes in which the scope of possible outcomes is narrowly defined in advance ... Citizens become consumers, and elections are framed as just another 'choice,' in which individuals privately select their preferred managers of the conditions of economic necessity. (Wilson and Swyngedouw, 2014, p.6)

As the political is elided with the economic, economic decisions are increasingly insulated from traditional forms of civic accountability (Brown, 2015; Streeck, 2014; Wilson and Swyngedouw, 2014). They are displaced to decision fora where democratic oversight is limited or absent (Legacy, 2016). While the crisis of participation that is the theme of this special issue can be framed as protest over these multiple displacements, theorists of the post-political argue that the 'micro-politics of local urban struggles' are not properly political because they do not question fundamental issues of inequality (Swyngedouw, 2014, p. 176). Brown's argument is more subtle than this; she places de-democratisation in the hollowing out of democratic actors, and their replacement with 'market actors, always, only, and everywhere as *homo oeconomicus*'. The foundation for citizenship (and the citizen's concern with the public realm) is undermined when the limits of acceptable debate are defined with reference to an exclusively economic rationale (Brown, 2015, p. 39).

But to what extent are states inevitably successful in imposing such hegemonic narratives of the primacy of economic prosperity or the need for austerity? Larner (2014) argues that a close empirical reading suggests that depoliticisation strategies often fail; the neoliberal agenda can generate new forms of opposition from which are mounted effective challenges to

the consensus view. Empirical investigation of how and when opposition succeeds is an essential counterpoint to the over-determination implicit in many formulations of post-politics and de-democratisation.

This case study focuses on a sequence of efforts to de-democratise planning by controlling the terms of debate about how planning should change to better serve the public interest. The New South Wales government's recent efforts to simplify and streamline a complex, contested, and costly planning system invites examination of the State's changing strategies to stage-manage participation and forge consensus around 'a shared vision' (NSW, 2013, p. 24). Despite a carefully designed campaign to reach consensus over fundamental reforms of the planning legislation that, it was argued, had undermined development and reduced the State's ability to accommodate growth, the effort to establish a hegemonic agenda failed. A broad alliance of grassroots community groups, local governments, and special interest groups succeeded in arguing for the legislative defeat of the Liberal-National Coalition government's planning reform bill in late 2013. But the Coalition government regrouped, and by late 2015 had passed legislation establishing the Greater Sydney Commission and a statutory basis for strategic planning that promised to achieve what legislative reform efforts had failed to. Simultaneously, the State embarked on a contentious process to amalgamate local governments, rescaling the level of democratic engagement in planning decisions. However, this strategy has had uneven success, with the National Party (Coalition partners) withdrawing its support for amalgamations across its rural electoral base, and the courts rejecting some metropolitan amalgamations, based on the State's refusal to release the consultant report on which its decisions were based (Saulwick and Visentin, 2017).

This sequence of events raises interesting questions about the State's power to redefine the terms of debate over growth and development, and its power to hollow out democratic processes. A crude reading of the political environment during the 2011 election campaign might have forecast a victory for the well-funded developer lobby. How did a disparate group of individually weak community groups and local governments prevail in defeating both an apparently powerful coalition of State government and development advocates, and the legislation they favoured? The opposition alliance was not unambiguously progressive: many member organisations could easily be dismissed as NIMBYists preoccupied with protecting their own quality of life (or property values). But other oppositional voices are more difficult to dismiss: their positions reflect a broader set of social concerns around the nature of resource exploitation in particular places, and the rights of a particular generation and species in a particular place (Arashiro, 2017). While the Better Planning Network formed an effective alliance supporting the further empowerment of local communities in their efforts to control development impacts, their role has been primarily oppositional rather than pro-active. The alliance has not articulated the sort of bottom-up social agenda, and the concern with social and economic equity, that Moulaert et al (2007) or MacCullum et al (2009) identify in social innovation coalitions.

The insights this story offers add complexity to theorists' claims about the inevitability of depoliticisation, and the end of meaningful democratic engagement. The story also offers insights into how power is created, lost, regained, and sometimes lost again in particular local circumstances. The following section of the paper reviews recent research on participation in planning in a neoliberal era. Section three examines the recent history of planning reform in New South Wales, and its sequel, the establishment of metropolitan governance alongside a restructuring of local government. What lessons did the State learn from the failure of planning reform, and how have these lessons shaped its reformulated strategies? How has the

terrain of democratic participation been reshaped through these efforts? The conclusion explores what this empirical case suggests about states' abilities to de-democratise planning effectively.

Neoliberalism and democratic participation

Neoclassical economists attributed the gathering fiscal crisis of the state during the 1970s and 1980s to 'democratically generated demands' that overloaded the 'commons' of public finance with unproductive welfare expenditures (Streeck, 2014, p. 48). The consequent resurgence of a reformulated economic liberalism brought with it rescissions in welfare spending, a contraction of the bureaucracy's role in decision making in favour of multi-sector forums, the privatization of public assets, and deregulation of finance, trade, and of urban development (Harvey, 1989; Jessop, 1998; Pierre, 2009).ⁱⁱ

In contrast to previous formulations of economic liberalism, however, what was "new" was the shift from markets as arenas of exchange to markets as arenas of competition, and the corresponding shift from politics as an arena in which equivalent actors debate the collective good, to politics as an arena in which inequality (the basis of competition) is legitimised (Brown, 2015). Neoliberal rationality focusses on stimulating economic growth, but the specific political strategies underpinning this broad focus evolve continuously. The laissez-faire liberalism of Ronald Reagan or Margaret Thatcher was transformed into the softer social face of the neoliberalism presented by Bill Clinton or Tony Blair. As Peck and Tickell (2002, p.38) argue, neoliberal strategies are marked by their 'transformative and adaptive capacity', constantly evolving in response to the contingent and local. Thus, the 'construction [of hegemonies] ... is a continuing and contradictory process, not a fixed condition' (Peck, 2013, p.153).

Planning theorists have focused on how neoliberal regimes have defused and marginalised democratic opposition to “planning in the service of development” by redefining what participation means and who, or what, does it (Allmendinger and Haughton, 2011, 2013; Inch, 2012; Raco, 2014). Narratives about the necessity of reducing the regulation burden, responding to private sector stakeholders, and ensuring predictable streamlined development approval processes, place economic growth at the centre of social aspirations (Deas, 2013; Inch, 2012). Oppositional perspectives that prioritise environmental values or social equity are marginalised. Public debate is shaped and managed to eliminate dissensus and conflict, and to construct an apparently democratic consensus around preferred solutions (Allmendinger and Haughton, 2013; Raco, 2014). In some cases, the democratic process is explicitly subverted by planning strategies that remove crucial elements of decisions from public view (Legacy, 2016).

Swyngedouw (2014, p. 176) argues that although urban social movements may represent ruptures or contestations that ‘erupt ... [in] a political act’ they have a limited constituency that prevents them being truly political: instead, they are ‘invited as evidence of the proper functioning of democracy, instituted through participatory forms of governance’ (p.177). But Bylund (2012) argues that narrowing the definition of politics to being only about equality (while normatively attractive to many planning theorists) is a linguistic strategy rather than a convincing argument that helps us understand the world. It also deflects attention from complex empirical cases that push us beyond the binary opposition of post-political / properly political, and that foreground the intersections of different constructions of power (Arahiro, 2017; Legacy, 2016).

Other critics argue that the post-political perspective offers too rigid an interpretation of neoliberal hegemony, and thus that it fails to engage with the concept of power. Wendy

Larner (2014, p.190) argues that simplistic approaches that treat post-politicisation as an inexorable force ignore the significant challenges that constrain neoliberal ascendancy, and the 'subtle, complex, and unpredictable' ways that neoliberal strategies can generate new forms of opposition. She points out that third sector organisations are often seen as part of the neoliberal agenda, 'inadvertently reinforcing ... the neoliberal status quo,' with no possibility that they may disrupt this hegemony (p.190). Instead, she emphasises that neoliberalism should be understood as 'a situated, hybrid political project that takes multiple forms in multiple places' (p.195). Metzger, Soneryd and Hallstrom (2017, p.14) present a related argument, that appeals to hegemonic narratives explain nothing; instead, what is most interesting is 'how creative and innovative practice may function to undermine and subvert existing power relationships.' Their study of a referendum on a local redevelopment project concludes that expectations about which groups held the most power were confounded; instead, power was 'constituted *in the process itself*, as events unfolded' (Metzger, Soneryd and Hallstrom, 2017, p. 13). An empirical example of how power is constituted by unfolding events is offered by a recent case study of community responses to mining expansion in New South Wales, where 'community actions ... work[ed] to amplify the spaces through which power is disputed,' thus 'signal[ling] the possibilities of society's 'reoccupation' of politics' (Arahiro, 2017, Online First, p. 1).

Modes, terms, and locations of participation may be carefully orchestrated in an attempt to defuse political engagement and reach an unproblematised consensus, but is this a linear and reliably successful process? Revisiting the earlier distinction between de-democratisation as motivation and as outcome, how do efforts to de-democratise highly fraught debates around development (or migration, or redistribution, or religious expression) work out in practice, in particular places? How are de-democratisation strategies resisted and subverted,

and how are those strategies reframed in response? These are the questions addressed in this case study.

Metropolitan Sydney

The recent history of efforts to recast planning in metropolitan Sydney and New South Wales is interesting for several reasons. Sydney's challenges are typical of affluent neoliberal societies: migration pressures; the difficulty of funding infrastructure; and affordable housing shortfalls. The city also enjoys many significant advantages—economic and political stability, and high levels of environmental amenity in some places—that are reflected in property value appreciation, high employment rates, and a high median quality of life. Its governance remains heavily bureaucratized, but public spending limitations have made private sector domestic and international investors essential actors in the city's growth.

Sydney grew by 56 per cent between 1981 and 2016. For those governing this sprawling metropolitan area, a central challenge has been to densify and redevelop parts of it to accommodate housing demand, and avoid large scale infrastructure expenditures. While a variety of factors played their part, the complexity and uncertainty of the planning regulatory system was blamed for the extended slowdown in new residential development between the mid-2000s and 2012 (Hsieh, Norman and Orsmund, 2012). Infrastructure deficits were exacerbated by the New South Wales Treasury's conservative approach to debt financing, and continued failures to coordinate land use and transport planning effectively (Simmons and Dollery, 2014).

Beginning with the Labor government in the mid-2000s, streamlining the development needed to accommodate growth became a priority. To a disproportionate degree, State government revenues rely on continued property development; in the absence of residential land taxes for owner-occupiers, or of a State-based income tax, real estate-related taxes such

as stamp duties form a significant part of the State's revenue stream (Mangioni, 2016).

Without streamlining development approvals, New South Wales had few options to grow itself out of the deficit it faced in the early 2000s.

An initial reform effort from 2005 to 2011 focused on two primary goals: centralising powers once held by local governments, with the Minister for Planning empowered to decide on developments of "State significance" (in practice, anything over \$50 million); and removing contentious development decisions from what were seen as politicised and incompetent local councils, in favour of appointed expert panels (Freestone and Williams, 2012; McFarland, 2011). Vocal public opposition to this centralisation of powers was increased by a series of corruption scandals involving powerful party supporters, and ultimately at least one Minister for Planning (NSW ICAC, 2011). This round of reforms had been approached by means of an attempted administrative fiat rather than by consensus building, and the growing opposition to Labor's pro-development agenda included both residents angry about the decline of local democracy, and industry groups frustrated by the government's perceived inability to exercise the political will needed to deliver on its promises.

As previous studies have argued, the New South Wales Coalition government elected in 2011 began with a "hearts and minds" strategy, aimed at rebuilding trust and re-establishing legitimacy (MacDonald, 2015).ⁱⁱⁱ The Coalition government established an independent commission, which spent a year holding participatory forums throughout New South Wales, gathering opinions about the State's planning system and the much-amended Environmental Planning Assessment Act of 1979. The commission concluded that 'public confidence in the system has been eroded by the perception that politics can determine decision-making, and a lack of community confidence in the integrity of the planning system over decisions about

larger developments' (NSW, 2013, p. 13). This view was widely shared, but it posed difficult questions about governance, and the depth of the reforms that would be needed.

The new government built an extensive participatory strategy to demonstrate commitment to reversing business as usual, and empowering local communities. A further year of consultation focused on the government's proposed legislative reforms. Consultants gathered feedback from what were framed as 'a variety of stakeholder groups' (NSW, 2012, p. 3) constituted to ensure that local residents would be categorised as one of many interest groups, rather than as individual voters with a political voice. A 'broad based and open process' was needed to forge the consensus for fundamental reform that would depoliticise planning and provide 'decisions [that] are fast and transparent, in order to facilitate[e]... and manage[e]... growth and economic development' (NSW, 2012, p. 3). A fundamental 'cultural change' was needed, to smooth the delivery of development (NSW, 2012, p. 3). This culture change entailed stripping out meaningful democratic participation, and replacing it with technocratic expertise from appointed panels, and as-of-right development approvals (MacDonald, 2015).

Opposition was vocal, and it targeted the participatory process as well as the content of the reforms:

We are ... concerned that the issues discussed at the workshop were very much those selected by the organisers. There was no opportunity to raise and discuss other aspects of the planning reforms that are important to the community. (Better Planning Network, 2012, np)

Leaders of the loose coalition of community groups, local governments, and special interest groups that constituted the Better Planning Network argued that opportunities for consultation were intended to manipulate the community into the vision of reform agreed on by developers and the State government (Better Planning Network, 2013). Submissions from

both opponents and supporters of the reform proposal point to the significant credibility gaps people perceived in relation to the potential for dramatic culture change and the State's claims for legitimacy (see for example Law Society of NSW, 2013; Property Council of Australia, 2013). Consensus was clearly elusive, despite the State's expensive and time consuming efforts to create effective participatory processes. The State was vulnerable to an articulate opposition the members of which managed both social and conventional media outlets very effectively to critique the thin rationalisations presented to support a pro-development planning system.

Why did the reforms fail?

There are three categories of reasons for the State's failure to manage consensus around reforms. First, for an audience already sceptical about the links between neoliberal politicians and the development industry, several of the messages delivered through consultation were poorly formulated. In particular, the effort to redefine the sustainability principles that underpinned the 1979 planning act to foreground economic sustainability and de-emphasise environmental and social aspects of the concept, was widely seen (even by supporters of the new bill) as a public relations liability, and a source of endless legal challenge:

Under the draft legislation, a clear definition of 'sustainable development' is absent.

... The lack of a definition of 'sustainable development' removes certainty and this would arguably increase the potential for disputes. (Property Council of Australia, 2013, pp.26-27)

Second, the State was forced into a reactive strategy to make public concessions during parliament's consideration of the bill as a result of the effective critique of what, in some cases, were misconceived arguments about the legal basis for some elements of reform, such as the elimination of the right to appeal by opponents but not proponents of development

(Law Society of NSW, 2013; McKenny, 2013). This strategy undermined supporters' confidence that the State had the political capacity to pass the legislation, and the development industry moved to distance itself from what its members had come to perceive as an unwinnable battle (Hasham, 2013).

Third, individual groups drawn into the Better Planning Network alliance represented a broad array of interests and a united front far more powerful than individual member groups or sectors might have been. This was a strong alliance among suburban voters angry about growth without infrastructure; rural and regional communities battling the disastrous health and environmental consequences of the State's extension of mining leases; local governments defending the principle that elected officials should retain responsibility for local development decisions; and environmental advocates arguing the need to maintain the integrity of existing habitat and ecosystem protections. Together, they also commanded support from a wide array of politicians (Nicholls, 2013). The unacceptable amendments that gutted the reform legislation and forced the Minister to withdraw the bill in November 2013, represented another transitory but effective alliance among Labor, the Greens, and the rurally-based Shooters and Fishers Party.^{iv}

But the story did not end at this point. In the immediate aftermath of the defeat, the Planning Minister declared the government 'would look after the people of NSW by continuing to reform the current planning process through existing laws' (Hasham, 2013, np). That clearly proved impossible. Instead, the State acted on three key lessons that shaped its subsequent efforts to assert neoliberal rationality, by redefining planning to emphasise its technocratic capacity, by delegating Ministerial decisions to an appointed commission, and by redefining the role of local government.

What lessons reshaped State strategies after the reform failure?

First, the State's reformulated strategy effectively appropriated the language of the opposition. "Better planning" would be achieved by establishing a revitalised technocratic expertise on a metropolitan scale. The Greater Sydney Commission^v offered a new solution to New South Wales' long-standing problems of coordinating land use and transportation planning. In principle, the commission promised to address significant conflicts in government that have contributed to the disconnect between land use and transportation planning, and to the weak legal and resource base for strategic planning. The stated objectives of the GSC are to take 'a collaborative one government approach... [to] lead and guide the planning for development, transport and housing so that Greater Sydney will be a productive, liveable and sustainable city for all' (Greater Sydney Commission, 2017, np). In contrast to the fragmented State planning bureaucracy, the technical expertise that the GSC promised was a new approach to the problem of rebuilding trust and legitimacy.

The second lesson learned was the importance of insulating government from claims that it acts in favour of developers and against local communities. Depoliticising ministerial decisions by using the Planning Advisory Committee ultimately had been an ineffectual strategy given the committee's perceived bias towards State interests. The GSC has acquired many of the powers once held by the Minister for Planning, within metropolitan Sydney. Consequently, the basis for the broad geographic alliance represented by the Better Planning Network was undercut by the separation of metropolitan planning from regional planning for the balance of the State. But more importantly, the intense politicisation that resulted from previous strategies aimed at streamlining decision making by centralising planning powers, has been diluted by delegating these powers to an appointed commission. A permeable,

multi-sector governance forum with explicit claims to technical expertise offered an effective strategy to insulate the Coalition government from vocal opponents.

A third significant lesson learned from the failed reform project was that local democracy could be managed better if the role of local governments in broader governance processes could be diluted. Given the failure of attempts to forge a consensus on the need to streamline regulation, two complementary strategies attempted instead to limit local government autonomy. The first focused on amalgamating the 41 metropolitan local governments into 25 that would be “Fit for the Future”, fiscally sustainable, and with a more competent staff (IPART 2015). In many cases, the reconstituted governments would have more diffuse political bases with less clearly defined political voices in the debate over development. The language of this initiative was explicitly economic rather than political; but one plausible interpretation is that the State expected that larger, more business-like councils would be more politically malleable.

The second approach establishes a statutory basis for strategic planning, with a clearly defined hierarchy of plans. While local governments retain the responsibility to revise local environmental plans and assess small-scale development applications, their decisions must comply with district and metropolitan plans, and the GSC has the power to override them if they do not. The new hierarchy of strategic plans eliminates public participation at the local level, shifting it to the level of district and metropolitan strategic plans only. New South Wales is clearly addressing its crisis of participation by rescaling the locus of democratic engagement. Given the fundamentally local nature of many of the changes higher-level strategic plans will require, eliminating participation in local plan-making is a significant erosion of democracy.

The GSC's 40-year metropolitan planning strategy (*Towards our Greater Sydney 2056*) reconstitutes metropolitan Sydney from a city defined by a "Global Arc" of well-connected job-rich suburbs and a peripheral hinterland, to a polycentric three-city region. Job growth in the Western City will be stimulated by an aerotropolis that will redefine the western fringe of the metro area. The sprawling metropolitan region will become a "30-minute city" and very modest inclusionary zoning will address the severe affordability problem attributable to Sydney's intensely financialised housing markets.

While these metropolitan strategies may sound familiar and unobjectionable, they have drawn criticism from members of the developer lobby, who characterise the five per cent inclusionary zoning targets as a 'levy' which 'could increase the cost of all new housing' (Australian Property Investor, [2016, np](#)). Reserving land for future job growth is similarly seen as an unreasonable interference with developing more profitable housing. Clearly, the metropolitan strategic plan is far from perfectly aligned with the corporate interests that were vocal advocates for a metropolitan commission.

Production of the district plans has been complicated by how they incorporate local government amalgamations, a process that has attracted intense conflict. In the first amalgamation of four Inner West councils in May 2016,^{vi} the council's first meeting 'descended into chaos ... with riot police called to the scene as protesters shouted "out", spat at and jostled council workers' (Kemrey, 2016, np). Subsequently, the amalgamation process has begun to unravel. A new State Premier and the reshuffling of the Cabinet in early 2017 led to capitulation to National Party demands that mergers be abandoned in rural electorates. The courts upheld some local government appeals against mergers based on the State's refusal to provide the consultant report that, it claims, outlines the fiscal necessity for amalgamations (Saulwick and Visentin, 2017). While the State maintains the validity of the

economic rationale for this democratic rescission, the often-emotional public debate over the policy is framed clearly in terms of protecting due process, the collective good, and the distrust of a State with a material interest in maximising the pace of development. This particular episode in the longer story of New South Wales' evolving attempts to streamline development does not support arguments that democratic engagement has been fatally eroded (a similar point is made in Arashiro's (2017) recent case study of the same jurisdiction).

The State's post-2013 strategy redefines the structure and scale of governance, displacing local opposition to development by literally "rescaling" the local governments that in some cases had articulated alternative views of sustainability, livability, and local democratic process. Rescaling has also occurred in the shift away from local regulatory control to strategic planning at district and metropolitan levels, and in increased responsibility for independent development assessment panels. Planning problems have been redefined in technical rather than political terms.

New South Wales' new metropolitan and district planning framework appears to serve neoliberal strategies, but it does so differently from the planning reform strategy of 2011–2013. The arc of the narrative has evolved from being one about the search for economic sustainability to being one about better coordinated land use and transportation planning to provide jobs and more affordable housing. Rolling back local democratic processes is thus presented as essential to meeting social needs. The aim of achieving an unproblematised consensus supporting streamlined development regulation has been abandoned in favour of asserting authority more effectively over local government, and restricting its ability to articulate local opposition to State goals— although this has been only unevenly achieved.

Most significantly, leadership on metropolitan strategy is assigned not to elected State representatives, but to an appointed commission of experts, with claims to legitimacy that are

based on technical competence rather than democratic representation. The State has essentially abandoned the effort to rebuild trust or claim legitimacy in its own name. The failure to forge consensus for the 2011–2013 planning reforms asserting the primacy of economic sustainability pointed to a deeper failure to convince the community of the economic rationale justifying the proposed reforms or of the State's good faith in its efforts to broker a broad based and open process, that would 'empower communities' (NSW, 2013, p.5). Although public participation is now a statutory requirement for metropolitan and district strategic plans, it has been eliminated at the level of local environmental plans, significantly reducing the potential for democratic engagement in local development decisions. This is the most important sense in which the State has attempted to de-democratise the terrain of planning for growth in New South Wales: by subverting the due process integral to democratic institutions. However, as the story of local government amalgamations demonstrates, the separation of powers and an independent judiciary can frustrate de-democratisation strategies, if only unevenly and temporarily. De-democratising intentions are not necessarily reflected in de-democratising outcomes.

C o n c l u s i o n s

This story highlights the constantly evolving strategies of one neoliberal State, as it seeks a reliable fix for the problem of managing conflicts over development, and economic growth more broadly. On one hand, the State is vulnerable to complaints from the development industry that it cannot guarantee the predictability and stability required for investment. On the other hand, it is vulnerable to the opposition mounted by articulate social coalitions that operate very effectively within the surviving democratic institutions of independent judiciaries and shifting parliamentary alliances.

Elements of this story do support the argument that democratic engagement has been significantly eroded. Participation is usually most intense over local level decisions that have clear implications for specific interests, expressed in opposition to development proposals and rezoning applications. The State is attempting to defuse the crisis of participation it faces by rescaling the location of decision making in planning, from the local government level—where councillors are often swayed by threats to their re-election prospects, to district and metropolitan levels—where appointed commissioners are far less vulnerable to vocal community opposition. The strategy rests on the assumption that participation will become less partisan and less narrowly self-interested if it is constrained to more abstract levels. In addition, the terrain of debate has been redefined as being one about the technical merits of land use and transportation integration, and the gains this integration might offer residents in the form of the 30-minute city, accessible jobs, and affordable housing levies. Reducing local democracy is justified as the price of the promise to address these social deficits.

But other elements of the story suggest that the outcomes of the State's most recent attempts at de-democratisation have been uneven, and may be vulnerable to new oppositional alliances. Displacing dissent from the accessible level of local government to the less easily influenced level of district and metropolitan plans, may not effectively still that dissent. The rescaling of participation may create instead the basis for other, at least temporarily powerful, alliances within and between groups that effectively articulate dissensus at the district and metropolitan scales. The planning reform agenda applied to the State as a whole, and the existence of these diverse arenas and issues helps explain the success of small-scale community opposition movements when they banded together. Are similar cross-cutting alliances possible in response to this new iteration of State strategy? Much of the potential for new alliances will depend on how interests are constructed in different parts of the metropolitan region.

The restructuring of the arenas of local democratic engagement through local government amalgamations has encountered significant obstacles, despite New South Wales' long history of exercising its powers over local government to dismiss recalcitrant or incompetent councils, and to redraw council boundaries to shift the political balance of power. Growing levels of popular discontent with amalgamations seen explicitly as an anti-democratic strategy may threaten the future of the Coalition government in the next election. As Metzger, Sonryd, and Hallstrom (2017) argue, it is difficult to make assumptions about the distribution of power before events play out.

A larger question is raised by this story of de-democratisation and dissensus. Is this potentially a truly "political" struggle that threatens the neoliberal consensus by recasting debate in more than just economic terms? Or is this the window-dressing of democracy, the apparent conflict that legitimises a fundamentally unconflicted hegemony of neoliberal ascendance? Swyngedouw and others would clearly argue for the latter. The increasing inequality underpinning Global Sydney is an issue peripheral to planning-related public battles over growth, quality of life, and prosperity. Most of the opposition to council amalgamations, to technocratic solutions to jobs-housing balance, and to the restrictions on democratic engagement is easily dismissed as the activism of the self-interested and affluent residents of Sydney's more attractive neighbourhoods.

But, as Bylund (2012) argues, the refusal to assign a "properly political" status to these narrowly-focused battles rests on a linguistic strategy with a strong and implicit normative content. We may not sympathise with many of the voices arguing against higher densities in affluent neighbourhoods or mergers with neighbouring councils that have lower tax bases, but within the same alliances are other voices advocating for increased public investment in transit and the protection of groundwater quality. Defining this diverse opposition as merely

constituted by politicisers of narrow self-interest, bound within the same economic rationale as the State, is too crude a characterisation of the fluid and diverse alliances that have emerged at different times and in different places. Much of the terrain of public debate over streamlining planning or merging councils has been clearly aligned with notions of the collective good, the protection of the commons, and the principles of justice, that are the proper concern of the political—rather than economic—subject, as Brown (2015) argues. Those “properly political” concerns would likely be less visible without the critical mass of the alliance, across sometimes odd bedfellows (the crucial role of the right wing Shooters and Fishers party in both the undoing of planning reform and the retreat from rural council mergers is relevant here).

Wendy Larner’s (2014) argument about the significance of the challenges community groups mount to neoliberal orthodoxy might legitimately be extended to cover a broader array of challenges to the primacy of profit, the financialisation of the city, and the democratic power usurped by investors. If we are only willing to accord the status of political to those who clearly pursue the interests we identify with, we miss much that is interesting, ambiguous, and contradictory about how societies, cities, and regions are or are not transformed, and fail to gauge how power is created (or not). Consequently, we limit our understanding of the ways in which neoliberalism is reinvented, threatened, and sustained and, in particular, we limit our ability to see where it might be most vulnerable. The dismissal of the “not properly political” thus has profoundly retrogressive implications for our ability to recognise opportunities for change.

This broader perspective exposes the vulnerability of New South Wales’ attempt to de-democratise planning (and thus add value to real estate development) by means of successive stages of reform, metropolitan governance, and local government amalgamation. The

political arenas may be continuously transformed, but the fundamental potential to impose an uncontested consensus over development-enabling planning strategies is questionable. Nevertheless, the case study highlights the persistence of the de-democratising drive as an implement of neoliberalism, and the creativity of the State's evolving efforts to deflect opposition and enhance the profitability of real estate investors, whether domestic or global.

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Endnotes

ⁱ The state, as a socially constructed institution of governance, is more usefully approached as a complex assembly of agencies and entities with varying levels of power and often contradictory interests, rather than a monolithic entity with a single set of interests pursued through internally coherent strategies. The contemporary state is fragmented, not only by level and branch of government, but also through internecine conflicts, boundary disputes, internally contradictory strategies, and the shifting relative power of individual

agencies. In this paper, I discuss the theoretical concepts associated with multiple neoliberal versions of the state, and also the particular instance of the State of New South Wales (differentiating the two by capitalisation).

ⁱⁱ Streeck (2014) argues that financial deregulation was intended to stimulate structural change, and expand household credit to enable private satisfaction of needs for housing, mobility, and healthcare that had once been collectively addressed.

ⁱⁱⁱ One of the Coalition's first moves was to suspend the centralisation of planning powers with the Minister, but this was almost immediately replaced with a similar process which deflected some responsibility to a Planning Advisory Committee.

^{iv} While at one level the bill's defeat might be seen merely as evidence for the high degree of politicisation of planning reform, the State's efforts to push through legislation that effectively reduced democratic oversight were vulnerable to precisely such opportunism.

^v Established in December 2015, the GSC is headed by a Chief Commissioner, with three appointed commissioners expert in economic, environmental, and social areas, but with little bureaucratic experience. The Secretaries of the Departments of Planning and Environment, Transportation, and the Treasury are ex-officio members of the Commission. Six district commissioners were appointed, with responsibility for completing sub-regional or district plans, and for ensuring local plans are made consistent with both district and metropolitan plans.

^{vi} The senior State official appointed to oversee the transition to a new council structure was attacked as an agent of the State's WestConnex project, a much disputed highway link improving Western Sydney's access to the Sydney central business district (with traffic impacts on inner suburbs). While it is unclear whether the original local governments would have succeeded in halting WestConnex, the timing of elections for the new council in

September 2017 ensures that local oppositional political advocates had no clear voice during the crucial period of the highway's first development stage (Saulwick, 2016).