

INVOKING THE PUBLIC INTEREST IN PLANNING

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Doctor of Philosophy

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## **CERTIFICATE OF AUTHORSHIP & ORIGINALITY**

I certify that the work in this thesis has not previously been submitted for a degree nor has it been submitted as part of requirements for a degree except as fully acknowledged within the text.

I also certify that the thesis has been written by me. Any help that I have received in my research work and the preparation of the thesis itself has been acknowledged. In addition, I certify that all information sources and literature used are indicated in the thesis.

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## ABSTRACT

The value to planning of the concept of the public interest is in question due to its lack of an agreed operational meaning (Campbell and Marshall 2002, Moroni 2006). This research identifies those aspects of the concept that are agreed on by discourses about the concept of the public interest found within the planning and property development sphere in New South Wales, Australia. It then identifies practices relevant to determining the public interest that are compatible with those areas of agreement and finally proposes and evaluates procedures for determining the substantive content of the public interest in any specific context.

Different research methods are employed at different stages of the research. The discourses are identified using Q Method, where practitioners rate statements about the concept of the public interest and a form of factor analysis is applied to those ratings. The ratings are also used to identify areas of agreement among the discourses. The proposed procedures are evaluated and refined using a Delphi process to structure discussion among practitioners who are experienced in determining the substance of the public interest.

By minimising reliance on contentious issues in the proposed procedures, emphasis can move away from procedural arguments to the important work of exploring the substance of the public interest. That is, the procedures act as a *modus vivendi*, a practical arrangement between those whose views differ, which by-passes areas of difficulty for the sake of a contingency (in this case, progressing their claims about the public interest, and more broadly, developing collective understanding what serves the public interest).

The proposed procedures are outcomes-focused (consequentialist) but deal with the weaknesses of traditional utilitarian approaches by including common interests as well as individual interests, using qualitative evaluation processes that address the problems of value incommensurability, and allowing for the consideration of distributional effects. The procedures also allow for the inclusions of private interests where it is in the public interest to do so (the Wood-Robinson principle), thus ensuring that individual rights are taken into account.