

# BETTER TO BE ROUGHLY RIGHT THAN EXACTLY WRONG: THE CONCEPT OF CERTAINTY IN LAND-USE PLANNING

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## INTRODUCTION

The concept of certainty has aroused some limited interest in the theory attaching to land-use or urban planning (Booth 1996, Tewdwr-Jones 2002). What consideration it has received has mainly been in relation to planning practice, more precisely, the control of development. Why then, does the notion of certainty feature so highly in various governments' justification of their intervention in the use of land and their regular drives to reform planning by attempting to increase it?

A plan-led system, which has remained a key feature of planning regimes under jurisdictions of varying and even radical political complexion, can be justified on the ground of reducing uncertainty, resulting in fewer costly appeals and delay at the development control stage. However the plan is the provider of certainty in the rhetoric of government. This has the effect of placing a high level of importance on its details which are then subject to an increased level of scrutiny by land owners and developers with an attendant requirement on the planners to deal with an increasingly wide range of issues in greater detail. An increase in efficiency and speed of approval in one part of the planning system can therefore be off-set by an extended process of achieving the higher level of certainty at the plan-making stage. In this way, certainty, as an objective of the planning system, performs as a fulcrum in the balance of the two major components of the process.

The role of certainty at the plan-making stage is rarely addressed even when considered key to the planning process. While the planning authority may wish its plans to be as sound as possible and central government assured that its current policies and ideology are addressed, there must be reservations about the way in which certainty is achieved and contained within strategic plans. Long term planning statements are predictably unreliable and this problem has sometimes been addressed by reducing their specificity but inevitably they need to include some policy content even if only as a guide to more detailed local plans. However, with the strategic content of local plans being constrained by the introduction of a standard LEP template in NSW, greater responsibility inevitably falls on the strategic plan to provide additional detail.

This paper is an attempt to unravel the notion of certainty in land-use planning by engaging with other concepts such as discretion and flexibility, prescription and control, all of which have resonance in the way in which we seek to understand and operate the planning system. It mainly focuses on the situation in NSW but brief references are also made to planning regimes in the UK (now just England and Wales), the Netherlands and the United States. The material is mainly based on the principal policy frameworks directing plan-making and development assessment as they have coalesced over the past 30 years or so. It is a report of research in progress.

## WHAT IS CERTAINTY?

Certainty is a slippery concept, hard to pin down with its multiple nuances and its relationship to a raft of other closely related definitions and meanings. These include knowledge, belief, doubt, justification, truth, conviction, intuition, opinion, judgement, risk and a host of others. It has resonances in the law, philosophy, medicine, learning and psychology. Another word closely related is *ensure* from which the term insurance was derived. This means *make certain that it will happen* and is widely known to town planning practitioners even if they perhaps fail to appreciate its real significance.

David Kynaston entitled his third book in a massive social history of Britain between 1945 and 1979, *The Certainties of Place*. This covers the period from 1951 to 1957 when the country was starting to recover from the bleak period of austerity following the Second World War when the Labour Government embarked on the introduction of a series of initiatives which went some way towards the development of the welfare state based on the model of inclusion and equity.

Kynaston, when discussing the role of that British institution, the public house as an important centre of social inclusion, concludes that these meeting places acted as central reinforcements of working-class certainties in an era when those certainties – above all of place (in both senses; geographical and social)

and gender – still unquestionably applied. But, for all their psychological importance in underpinning a strong, cohesive sense of identity, they were certainties of exclusion as well as inclusion (Kynaston 2009).

Thus, we can see that the concept of certainty has a whole breadth of powerful meanings within a social, economic and political context. But, what might it be and how does it relate to land-use planning and urban development?

A more cerebral definition of certainty is the acceptance of fact without doubt. It is a level of confidence attributable to particular knowledge. When we believe something to be true, and have no doubts, we have certainty. Certainty occurs when all knowledge is known and supports the conclusion while none denies it. If some of the facts are unknown or cannot be validated, certainty does not exist. If all relevant information is known and confirms its truthfulness, certainty can be achieved.

However, it is possible to be certain and still be wrong. Knowledge is never complete and conclusions can be reached based on error. But knowledge is necessary to reach conclusions and a basis for accepting it as true is required.

Certainty, like knowledge is a property of belief. Some philosophers have thought that there is no difference between knowledge and certainty but it is now increasingly common to distinguish between them. Certainty, on this basis is either the highest form of knowledge or is the only epistemic property superior to knowledge. One of the primary motivations for allowing kinds of knowledge less than certainty is the widespread sense that sceptical arguments are successful in showing that we rarely or never have beliefs that are certain (Unger 1975).

In the context of land use planning, certainty is one of a number of vague and loosely defined words that have become central to the operation of the process and its justification. While governments define it almost exclusively in relation to the provision of sufficient confidence to landowners and developers that they will invest in development in order to increase economic activity and thereby legitimate the planning process as a suitable means of doing so, there are multiple identifiable groups with a varying interest in the planning process, each seeking its own level of certainty.

However, in common with all activities, land-use planning is undertaken in a context of uncertainty. Decisions are made in the absence of firm knowledge and the processes of planning have developed in various ways to cope with this problem. This is achieved via a complex process of review and amendment, consideration by the community and validation by responsible politicians. It is, in essence, a democratic process which cannot be effectively undertaken in the absence of any of these main components.

## **CERTAINTY AND THE CULTURE OF PLANNING**

Planning is a creature of its times; it reflects the prevailing ideology and owes its legitimacy to the power of the state. Broadly, the nature of planning has shifted over the years from an emphasis on the improvement of the physical environment as an instrument of the welfare state to a mechanism for assisting the market to achieve the gains deemed necessary for a fully-functioning modern capitalist economy. Under this model, the state-run planning system is essential for the market to operate effectively while the needs of the community are accommodated, with a few exceptions, by the activities of the market.

It used to be assumed that the overall aim of any government was to ensure that social welfare was maximised subject to constraints over which it had no control such as personal preferences, technology and access to material resources. This belief requires active intervention on the part of government due to the failure of free markets to deal with efficiency, problems of externalities, economies of scale and inadequate markets for risky outcomes, plus the equity issues relating to maldistribution of wealth. Overall, government policy has shifted under the influence of free-market objectives and demands to believe that all these could be adequately addressed by the market itself. (Layard 1972).

The material consequences of the free-market (neoliberal) agenda have occurred over the past thirty years through a mix of privatisation, deregulation and corporatisation. Perhaps the most significant of these has been the corporatisation of government resulting in an organisation based on expertise and devoted to the exercise of power through bureaucratic structures rather than via the vote of individual citizens to confer legitimacy. As a creature of the state, land-use planning and its processes have been swept up in these changes.

Australian planning systems are hybrids of those practiced in the UK and the US with a statutory and regulatory emphasis. Regulation and prescription are seen by some as fundamental to planning (Dawkins

1997) and are claimed to promote greater certainty and consistency in decision-making (Walton 1997). These assertions suggest that in practical terms, the merit components of the assessment process, where a degree of discretion is allowed, may be under threat, particularly in circumstances where a greater degree of certainty is sought.

The legislation influencing and determining the issues to be considered in the assessment of development applications has continued to grow in complexity including environmental, natural resource, economic, governmental, social and cultural matters. This has resulted in attempts at simplification of the process through planning reform creating a congruence with market demands for greater efficiency in the process of approval, defined as reductions in delay in reaching a positive decision. Speeding up the approval process, while possibly acceptable in improving efficiency, could be seen as reducing certainty that the process was carried out judiciously and objectively, taking account of all appropriate evidence.

There has been some discussion over the relative merits of regulatory (prescriptive) and discretionary (flexible) planning systems over the years (Booth 1996, 2003). While all planning systems are different, one theme running through them is the attempt to achieve a balance between flexibility and certainty in decision-making (Reade 1987, Allmendinger and Ball 2006). Certainty inevitably remains a problem for planning as its operation requires consideration of the future which is by definition unknowable. This is because, among other reasons, if we knew it with certitude we could take steps to avoid it and it would no longer come about. Additionally, whatever the future will be, it will be largely shaped by inventions which are presently unknown and unpredictable and by known influences whose effects are not presently predictable with any degree of certainty (Bernstein 1998).

It can also be argued that the application of higher levels of certainty in the planning process is probably self-defeating as this can only be achieved within the context of more accurate knowledge of future conditions or within a more constrained and potentially rigidly detailed system. The first of these is debateable and the second probably undesirable. We do however, continue to move towards more detail and prescription with all their attendant dangers of interpretation, dispute and delay.

## **PLANNING REGIMES AND THE USE OF DISCRETION**

All planning regimes seek to provide some certainty. Those with a legal emphasis are essentially regulatory and require controls to conform to the principles of statutory interpretation. Where vaguer terms are used whose precise definition is debateable, if not impossible, the use of regulatory controls presents problems. Here legal principles cannot be concerned with legal outcomes but with internal consistency of the definitions used (Stein 2008). Where these cannot be clearly defined - a common occurrence in land-use planning - we have the fundamental difficulties of technical definition, interpretation and the lax use of specific terms. These and such issues as differing or changing circumstances are addressed by the use of discretion. Granting discretion recognises the limitations of rule-making in specific cases.

In any case, it is not possible to eliminate all discretion – someone, somewhere has to decide which rules to adopt and then someone has to decide which cases fall under which rules (Tewdwr-Jones 1995). Discretion allows for a degree of arbitrariness that can lead to uncertainty and unpredictability, exacerbated by decision-makers' failure to explain their decisions except to state that it is within their power (Jowell 1973). The use of discretion does not avoid bad decision-making especially in circumstances where the pursuit of goals by any means available may allow the judgement of officials to overrule existing rules. However, the exercise of discretion in the planning system operates within limits, often defined by planners themselves and the culture within which they operate. The rules of planning are expected to be applied consistently. However, the use of administrative discretion can undermine this principle.

Discretion is not the antithesis of regulation nor does it represent uncontrolled flexibility (Dworkin 1977). It is central to the operation and practice of the UK (England and Wales) planning system. While its boundaries have been gradually curtailed over the past twenty years, it retains the support of the main political parties and the community at large. In part this is due to the tendency to spatial class segregation in the UK reinforced by the land-use planning system, where whole areas have acquired particular class connotations. The degree of flexibility achieved by the use of discretion is able to both create and support this pattern in a manner acceptable to relevant local power groups.

At the opposite end of the spectrum of planning regimes are those, predominantly found in Europe, where the foundation of law derives its basis from the Napoleonic system. One of the most highly regulated systems operates in the Netherlands. Here, the plan is a legal document, highly detailed and prescriptive. While this should provide a high level of certainty, the process is cumbersome and requires significant resources in its operation. The rigidity of the plan and the difficulty of amending it have inevitably led to the

circumvention of the established procedures where municipalities simply ignore the plan where there are no good grounds for refusal and no objections from neighbours or the Aesthetic Commission. Needham concludes that even a planning system based on certainty in law does not provide predictability. Public authorities do not wish to be bound by that level of restriction (Needham 2007).

It is sometimes supposed that the highest level of certainty in a planning system is achieved where there is no specific control on the use of land. The most famous case of such a system is that operated in the City of Houston, Texas where zoning, which is the fundamental mechanism of development control in the United States, is absent. Houston presents an interesting case mainly because of the divergence between claims made for it and the reality of its development system in practice (Feagin 1988). It does demonstrate quite clearly that zoning and planning in the US context are not synonymous. Planning takes place in Houston but it does so without zoning by using mainly legally-based controls which should, in theory provide a high level of certainty if applied uniformly. Indeed, it could be expected to do so for the estimated 30% of neighbourhoods covered by the application of deed restrictions but, even here there can be serious problems if adjacent sites are not subject to the same level of legal constraint. The remaining 70% of neighbourhoods, of course have to look after themselves (Vojnovic 2003)

A high level of regulation required to provide improved certainty as deemed necessary by governments in Australia and elsewhere does not appear to be either feasible or desirable. Decision-makers seek a degree of flexibility so that they are able to respond to changing circumstances while remaining, in most cases, within the policy requirements of the plan. Within planning systems with a degree of discretion, rules are often developed to more easily maintain consistency and predictability. Such a set of rules has been developed as the principles applied by the NSW Land and Environmental Court, for example where decisions are routinely tested against them (Pearson 2010). These are divided into two categories. The first comprises principles concerned with the setting of goals described as assessment or outcome-orientated and descriptive and prescriptive. The second category focuses on process described as consistency principles. Where the system is highly regulatory, a degree of flexibility is achieved by manipulating its procedures in order to reach a desired outcome even when contrary to the plan.

## SOME CERTAINTIES

One method of identifying the way that a certain kind of certainty is manifest within the plan is to assess how particular words expressive of that characteristic are used within published planning documents. These generally focus on statements when the necessity to express what is intended by the policies, actions and programs described therein, is required. Strategic plans, while remaining generalised contain whole rafts of statements which are intended to characterise and identify the aims of the plan and what outcomes are sought by their implementation. These are usually set out as objectives with attached actions purporting to indicate how the objectives are to be achieved.

One word widely used in planning documents is **ensure**. This is definitive and represents a clear and unequivocal commitment. As a result it should be used with care because its definition in the Oxford English Dictionary 6th edition includes another word – certain (*make certain that it will happen*). This is without qualification, in other words, absolute certainty that the action as described will take place and the objective achieved (1). There is no reservation – an absolute commitment is made; other certainties which might be attributed to the plan are less so.

**Ensure** can be used in circumstances where its meanings may be guaranteed and is sometimes used in this way. Otherwise it can be used indirectly: *it is important to ensure that*, for example. However, in many cases, the guarantee is used directly to, in effect, express certainty:

**ensure** sustainable development of major urban renewal projects (p29);

**ensure** adequate capacity for new office and visitor accommodation (p29).  
(NSW Department of Planning 2010a)

In order to determine the number of guarantees, pledges and promises (alternative definitions of ensure in the dictionary), included in previous and current Australian strategic plans, a word count for **ensure** was undertaken.

The results of this simple exercise reveal that most current strategic plans prepared in Australia use the word **ensure** to a remarkable extent ranging from one use per 1.8 pages in Adelaide to one per 1.1 pages in Sydney. Its use in similar plans in Sydney has massively increased from one use per 25 pages in 1968 to one per 1.1 pages last year. Neither does this appear to be an Australian phenomenon – a peculiar Oz use

of the language – use in the recent London Draft Replacement Plan, for example results in one use per 1.1 pages, similar to Sydney. The results are shown in Table 1.

**Table 1: Use of the Word Ensure within Major Strategic Planning Documents**

Planning Document	Date	Pages <sup>1</sup>	Use <sup>2</sup>	Pages per Use <sup>3</sup>
Sydney Region Outline Plan	1968	100	4	25
Sydney into its Third Century	1988	48	22	2.2
Cities for the 21st Century	1995	80	15	5.3
Shaping our Cities	1998	22	10	2.2
Sydney City of Cities	2005	236	149	1.6
Sydney Metropolitan Strategy	2010	220	199	1.1
Melbourne 2030	2002	175	108	1.6
SE Queensland Regional Plan	2009	156	125	1.2
Adelaide 30-Year Plan	2010	212	121	1.8
London Draft Replacement Plan	2009	176	154	1.1

Note 1: Total number of pages in the main document excluding summaries, obvious repetitions and graphics pages with no text.

2: Use of the word *ensure* within the main text.

3: One use per x pages of the document.

There is clearly a place for certainty (in this definition of ensure) in strategic documents if this is an accurate representation of the genre. Alternatively, the obvious over-use of this word may be attributable to semantic slackness on the part of the writers and editors of the document. However, many of the uses of the word are attached to objective statements and planning commitments in the document and the community is perhaps entitled to expect that these outcomes as promised are guaranteed.

A more detailed assessment of the use of **ensure** was undertaken for the summary chapter of the *Metropolitan Plan for Sydney 2036* which is entitled *Strategic Directions, Objectives and Actions* (NSW Department of Planning 2010a). The chapter covers 11 pages and contains 27 instances of the use of the word. As its title suggests, the chapter contains a listing of the objectives (54 in total) developed for the plan divided into a number of categories, each one supported by a series of actions (140) whose successful implementation, it is suggested, will result in the achievement of the relevant objective.

A number of the objectives as well as the proposed actions contain the word **ensure**, used in a variety of ways with differing emphases and meanings. However, before embarking on this exercise, it is worthwhile reviewing the material of which it is a part. This comprises the kernel of the document setting out the key directions which the plan is designed to take and providing the basis for all the policies and actions contained within it. In turn, these provide the basis for the development of local plans and the context within which decisions are to be taken on the kind of development to be approved and the conditions applying to its implementation. That, at least is the theory.

In practice, however the objectives are little more than statements of general policy providing nothing that would allow subsequent monitoring of their achievement or failure to be measured in any meaningful way. If the objectives are intended to be a detailed working out of the goals expressed as Strategic Directions in the plan, they still fail to provide any means by which their effectiveness can be demonstrated. Many of the listed actions are vague indications of what should or might be undertaken. Examples include:

**Objective H1:** *To ensure equity, liveability and social inclusion are integrated into plan-making and planning decision-making.*

**Action H1.1:** *Incorporate equity, liveability and social inclusion as a strategic direction in Subregional Strategies to ensure they can be implemented at the local level and in council LEPs.*

**Action H1.4:** *Ensure the special needs of particular groups are considered in plan making and planning decision-making.*

(NSW Department of Planning 2010a)

The issues of equity, liveability and social inclusion are major concerns, fundamental to the justification of planning. The wording of the objective and its associated actions simply passes on the necessity, first to define what these issues mean in operational terms and second, how they can be addressed in a realistic and meaningful way. That responsibility falls upon the local planning authorities to determine how these difficult and complex issues are dealt with within the new standard LEP guided by the as yet uncompleted Subregional Land Use Plans.

Even when another meaning of **ensure** (guarantee) is substituted, apart from making generalised statements including claims that these issues have been incorporated in the appropriate plans, there are no means of either confirming that they have been effectively included or identifying methods available to determine how effective the actions have been in achieving the required outcomes (2).

Nine of the stated objectives (guarantee) specific outcomes. None of these can be termed objectives in the classic planning sense. The majority comprise basic statements of what land-use planning purports or aspires to do. This includes facilitating the supply of land to accommodate demand for residential and employment use, the required level of accessibility to centres and the delivery of appropriate social infrastructure and services at effective locations.

Other objectives which include the certainty contained in the use of **ensure** are administrative, anticipating the delivery of the planning outcomes via the activities of the local planning authorities under close supervision or have only limited connections to the planning process in relation to their support of major events at iconic locations, for example.

There are actions attached to each of these objectives which also include the word **ensure**. These are aimed at seeking the achievement of, or movement towards achieving the outcomes set out in the objective. By their wording they are guaranteeing that this will occur.

The Introduction to the Implementation chapter of the Sydney Metropolitan Strategy 2036 provides the following:

*The Metropolitan Plan provides the vision and spatial context for whole of Government decisions to:*

- **ensure** NSW Government investment priorities are targeted to achieving the strategic functions of the plan.
  - ....
  - **ensure** strategic directions are reflected in local plans via the planning system and in partnership with local councils (via Subregional Strategies and the planning system).
- (NSW Department of Planning 2010a)

The first is probably more like wishful thinking rather than a guarantee and the second merely confirms the power relationship between State and local governments in NSW.

If we assume that this pattern of use is consistent across most of the practical planning literature, the situation might be described as unfortunate. Here strategic documents which, by definition are wide-ranging and more-generalised than the more-detailed and specific local planning instruments intended to set out standards for development, are repeatedly using a word which expresses absolute certainty providing a guarantee that the action or outcome stated will occur without any reservation. In documents where this word is frequently used, it is difficult not to conclude that its use has become something of a mind-set among its authors; otherwise we might start to think that they believe that each of their policies and programs will achieve their touted outcomes. Logically, certainties should be in the control documents.

What might we conclude from this exercise? There are perhaps four possibilities:

- Those who draft these documents are not aware of the meaning of the word and use it without understanding its implications. But why has its use increased so substantially since 1995?
- The authors of the plans believe that the actions stated will certainly bring about the hoped-for outcomes and they are becoming more certain about what they can deliver.
- Those plans with the highest proportion of use of **ensure** are strategic with no legal weight or significance, so it doesn't really matter what meanings are implied by the wording.

- The planners don't really believe that these objectives will be achieved by the stated actions, but they sound good in the context of an important planning exercise.

There is no means of knowing which of these, if any, is closer to reality. Perhaps the third and fourth ascribe too high a level of cynicism to the authors and should be discounted. The only plausible response is that the meaning of **ensure** and its implications are not fully appreciated by the authors. However, do the statements of objectives and the commitments to their achievement comprise the certainty required of the plan? This also remains debateable. The majority of these statements of absolute certainty are in practice nothing of the kind as we know from their previous manifestations in strategic plans. But they persist and their use, at least in Sydney, is increasing.

Another possible interpretation of its apparently excessive use is that the word **ensure** has become a central expression of what might be termed policy-speak. It is suitably consoling and seemingly positive, making it appropriate for use in selling government policy in the sense of marketing or promoting a product. It can be used in a manner where it appears to be definitive but is, in fact, only suggestive of that. It is yet another word which is semantically flexible and therefore useful for inclusion in policy statements and proposed actions which by their nature are uncertain of achievement. Indeed, the Minister for Planning and Infrastructure in announcing a major overhaul of NSW planning legislation in July 2011 claimed that:

*It will **ensure** NSW residents and businesses get the **certainty** which will bring jobs and new housing.*

(NSW Minister for Planning and Infrastructure Media Release)

A further interpretation in the context of strategic planning, relates to the content of the plan proposals themselves as indicated by Ray Bunker and Glenn Searle in considering certainty in recent planning for Sydney and Melbourne (Bunker and Searle 2007). They suggest that the ensurance (now insurance) of certainty (the action of making sure of certainty), is attempted in the plan by providing a highly articulated and detailed land use and transport plan. Fixed targets for jobs and housing to 2031 by sub-region, major centres and employment precincts are set out; all detailed planning is to be undertaken by the respective councils. A similar but somewhat amended recipe has been followed in the Metropolitan Plan for Sydney 2036 with five years added to the end date when the prescribed targets are expected to be achieved (NSW Department of Planning 2010a). The whole strategic plan is driven by these long term targets. Their achievement can only occur if the assumptions made by the planners about a huge range of factors which influence future development turn out to be correct or nearly so for there is little they can do to adjust these levels to ensure that the required volume of development activity eventuates. From this perspective, this is an old-fashioned comprehensive end-state planning document.

It might be possible to adjust the location of the development that will occur but measures are not to hand to ensure that the necessary volume of development will take place.

In circumstances where the preparation of plans and the formulation of urban policies focussing on the provision of a desired future outcome cannot make new development occur; this appears to be a peculiar kind of certainty. If the plan is there to provide guidance as it includes little or no coercion, it would appear to be risky to rely on a single long term set of population and employment predictions to drive the whole strategy while also relying on a whole regiment of other authorities and service providers to implement the proposals required to achieve the plan's targets. It is not clear how the persistent problems associated with the coordination of housing development and the provision of infrastructure have been or are expected to be overcome.

The planners cannot possibly know what economic conditions are going to be in five years time or even what policies are to be pursued by the new government or the one after that. Under such circumstances, it might be inferred that the safest option (the least risky) might be to assume that the continuation of past trends would provide certainty rather than the pursuit of a land use strategy reliant on development on the urban fringe (the current 50-50 split). Recorded completions have shown that the number of apartments and townhouses (predominantly built in the existing urban area) have exceeded those of free-standing houses for the last twenty years. While housing preferences have changed over the past ten years or so, the stated dwelling completion rates must be approached with caution. Completions on greenfield sites can be expected to be accurately recorded; the same cannot be said for the existing area due to the way that dwelling completions and production are defined in the Metropolitan Development Program (3). This whole area of uncertainty suggests that the establishment of long term fixed targets does not represent a sound strategic approach to development and that a greater level of flexibility will be required.

In the end, does this matter to those who have confidence in the development process to risk financing an urban development project now, rather than in (say) ten years time? The plan will, no doubt be regularly reviewed and possibly amended while the target date is progressively moved forward, five years at a time. Will anyone ever know, or care, if the targets in the plan are ever achieved? Except that the persistent problems will remain.

There is nothing special about this; all land use plans attempt to indicate where future development is expected to be undertaken. This provides some level of certainty for those who have an appropriate knowledge of the planning process or are alerted to it. These might include the development industry, providers of various kinds of infrastructure and, to a lesser extent, some of those potentially affected by it, but many will not be familiar with what is proposed at this strategic level. Their interest will only be aroused when they are likely to be affected directly. In practice, the strategic proposals will be amended and while the maps may continue to provide an indication of what was once termed with some hyperbole as the developer's bible, they remain highly generalised. None of this helps in identifying the presence or extent of certainty in the plan.

The belief of government that the principal purpose of planning is to provide certainty for developers also requires some qualification. Property development is a highly competitive activity in addition to being risky. As a result, equal knowledge for all is not necessarily a key concern and the provision of a high level of certainty, even if this was possible via the planning system, is not desirable. Developers prefer a reasonable level of certainty at the same time as a degree of flexibility that allows unconstrained decisions to be taken when required (Booth 1996, Ruming 2010). A shift towards a higher level of regulation as a means of achieving certainty is not therefore likely to achieve an increased intensity of development.

There has also been some debate about the effectiveness of strategic plans for the capital cities and the extent to which the plans can expect to be implemented (Bunker and Holloway 2006). At first sight this seems to be an odd question to ask. In essence, strategic plans consist of broad indications of development policy and directions which set the context for the subsequent more detailed local plans providing the basis for the practical implementation of these policies suitably tailored for local circumstances. The early strategic plans stressed their role as providing guidance for the content of the local plans which would be developed and implemented by the local planning authorities within the policy context provided by the higher level strategy. Recent years however have seen an increasing shift towards central control with the flexibility previously accorded to the local councils progressively reigned-in.

This presents a major problem for the strategic plan. A greater reliance on its prescriptions means that wider and more detailed investigations need to be carried out followed by the development of appropriate policy responses as a substitute for the reduction in the consideration of these issues at the local level. This is before other, perhaps more significant and difficult issues such as sustainability and climate change, are dealt with within the policy context. This is potentially a huge task if policies are to be developed for every eventuality and is possibly well beyond the capacity of a long-term strategic plan. Such an approach will inevitably lead to more detailed and prescriptive plans which seem to produce greater uncertainty as a consequence of the increasing requirement for interpretation. A problem is related to the rules that are necessary for the definition of the regulations which provide the fixed limits necessary for a consistent process. These may be appropriate to the nature of the planning task, sometimes they are not.

## **CONCLUSIONS AND THE FUTURE OF PLANNING**

Eric Reade wondered some years ago why governments insisted that there was a connection between the case for the planning of the economy in general and the case for the planning of the activities of the property development industry (or of land use). The arguments for the former are not the same as for the latter (Reade 1983). That question is perhaps easier to answer now following the almost universal acceptance of the neoliberal agenda and the supremacy of the market. But what is the nature of the contribution of the certainty attributable to the plan-led planning system?

Apart from providing relative stability in the land market, Reade believed that the positive characteristics attributed to the land-use planning system could not be justified in the absence of detailed and consistent monitoring of its effects (Reade 1987). However, we still remain blissfully ignorant about the effects of planning policies. Indeed the need for such knowledge has been dismissed in the past as unnecessary based on the assertion that the problems with which we are now faced have changed, rendering any assessment of past efforts fruitless (Eversley and Moody 1976). This in itself is strange given that planning implies an explicitly stated desired outcome. The lack of interest in monitoring, which hasn't changed much since the time when Reade was writing, means that fashion rather than the accumulation of knowledge is one way of explaining the ideas to which planners subscribe while the progress of planning theory could be

interpreted as a constant search for trendy concepts, new approaches and for a new vocabulary (Floyd 1977).

While this view remains debateable, some kind of certainty must be delivered by the operation of the planning system even though it does not appear to be possible to determine what this comprises in reality and how it is achieved. It is presumably the product of some kind of belief system. This would not be surprising given the nature of certainty and, indeed that of the land-use planning system as a whole.

However that certainty required by one of the key groups within the planning and development process, the developers, can reasonably be expected to revolve around the predictability of the system in delivering a positive decision expeditiously, without unacceptable conditions attached. This seems to be a very restricted sort of certainty and the major reforms undertaken by governments to improve it hardly seem to be justified if that is their sole purpose. It does, however possibly explain why planning has been reduced in status to merely a mechanism for supporting the property industry as is consistently promoted by governments.

## NOTES

- 1 Definitions of **ensure** in the Shorter Oxford English Dictionary 6<sup>th</sup> edition are:
  - promise to a person;
  - pledge; guarantee, warrant;
  - secure, make safe;
  - insure – used with the same meaning but only insure now has the commercial sense of arrange for compensation;
  - make certain the occurrence of an outcome; and
  - secure a thing for a person.
- 2 *An obvious example might be the goal/objective of providing the most convenient pattern of major shopping centres for the people in the area. This statement is not capable of providing a clear basis for its implementation. It lacks a precise statement of the objectives/standards needed. These might take the form of minimising the total amount of personal travel involved in reaching major shopping centres (plan objective) and containing the average distance of households from major shopping centres at not more than 7 kilometres (control objective).* (See Action B1.3 in the Sydney Metropolitan Plan for comparison)  
(McLoughlin 1969)
- 3 Dwelling completions and production included in the Metropolitan Development Program refer to the net number of completed dwellings added to the existing stock, adjusted for demolitions. (NSW Department of Planning 2009). However, this definition of completions also includes knockdown rebuilds (approximately 30% of total applications) and extensions to existing dwellings which do not add to the total housing stock included in the statistics but make up a significant volume of DAs for the existing urban area (Pinnegar et al 2010).

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