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# Unsolicited urbanism: development monopolies, regulatory-technical fixes and planning-as-deal-making

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## Abstract

This article identifies the evolution of, and critiques, unsolicited urbanism—a project of city-shaping favouring powerful market actors but inconsistent with the neoliberal tenet of competition. Marked by predetermined outcomes, unsolicited urbanism legitimates secretive monopolies over specific sites and the normalization of planning-as-deal-making. Such features are not uncommon globally, as circuits of capital seek rent opportunities latent in urban land, and as market actors increasingly exercise power over development decision-making. But following casino-led mega-development in Melbourne (Southbank/Docklands) and Sydney (Barangaroo), Australia, unsolicited urbanism has coalesced as a clearly-identifiable project, inflected by relationships forged in the Asia-Pacific. The project, promoted by coalitions of developers, global capital, state government, and real estate, engineering and financing consultants, targets not just new sites for development, but the planning system itself. At its heart is a novel urban planning instrument, Unsolicited Proposals, that codifies and legitimizes bold and secretive bids for sites and assets over which governments and communities have not signalled intent or need for change. Unsolicited Proposal guidelines solicit premeditated, commercial-in-confidence bids to redevelop key urban assets without outside competition. Originating in two high-profile waterfront sites in Australia, the formalized Unsolicited Proposal planning process has spread elsewhere as a 'fix' to 'unlock' urban spaces for casino development, infrastructure financing and quasi-privatizations, with foreboding signs of its rapid mobility. The project of unsolicited urbanism connects money and power in new ways to reshape cities, and this analysis shows how a suite of regulatory-technical processes has been reconfigured to make this possible.

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## Introduction

> 'I think Barangaroo is an unfolding disaster for Sydney—a disaster that plummets further with each degenerative development . . . a perversion of public process and an outrageous privatisation of public land—abdicating the public interest . . . Shrouded by secrecy and spin, mired in self-interest, Barangaroo has excluded wider public scrutiny, engagement and access.' (architect Philip Thalis, 2012: n.p.)

This article undertakes a regulatory-technical vivisection of how structures surrounding urban planning and city-reshaping are manipulated by money and power. The focus of our analysis is an urban planning mechanism, the Unsolicited Proposal, first created and used at large-scale development sites in Australia, but which has since diffused and been adapted elsewhere. The Unsolicited Proposal is a regulatory-technical 'fix' to overcome barriers presented by pre-existing planning systems, and to justify secretive proposals to arrogate land and assets, and legitimize private development monopolies facilitated by planning-as-deal-making (Harris, 2018). Situated after a long history of pro-market planning reforms (MacDonald, 2018; Park, 2010; Piracha, 2010), we argue that the Unsolicited Proposal formalizes and thus brings into critical light a wider political-economic project: unsolicited urbanism. That project involves development coalitions premeditating plans and predetermining outcomes, bidding in secretive ways for sites and assets over which governments and communities have not signalled intent or need for change. Novel technical-regulatory mechanisms enable such coalitions of developers, global capital, state government, and real estate, engineering and financing consultants to draw upon large circuits of capital, to access, redevelop and extract value from prominent sites and infrastructures that are the target of premeditated plans (Gibson, 2019: 807). Through unsolicited urbanism and its accompanying 'reforms', we argue, government attempts to regulate development with the planning system are usurped by an exercise of power that involves contestation over the control of the urban planning system itself. Through Unsolicited Proposals, development coalitions enclose relations between real estate, money, and high-level government decision-making, while excluding pre-existing statutory planning norms, local-scale municipal planners, and the general public. Contrary to their name, Unsolicited Proposals in effect solicit and legitimize exceptional schemes by private interests to extract value from otherwise unattainable city sites and assets. As foreseen by Dovey (2005: 245), in an urban planning context increasingly controlled by powerful private interests, 'the exception does not prove the rule, rather it becomes a precedent for a new rule'.

In the analysis that follows, our contention is that the project of unsolicited urbanism not only reconfigures money-city relations—which it does—but also emerges from experimentation over how to use the planning system to manipulate the physical terrain of cities. Such experimentation unfurls among private sector actors, their international partners with access to global capital, and their consultants, through contestation with governments (Peck et al., 2013). What makes unsolicited urban planning so problematic is the necessary requirement to manipulate the flow of information. Unsolicited urbanism is the culmination of a shift in urban planning over the last two decades towards the locking-down of large-scale urban

development information under commercial-in-confidence or similar legal privacy/secrecy mechanisms associated with tender and bidding processes (Dovey, 2005; Harris, 2018; Rogers, 2014). Locking down information flow reduces or even eliminates public input prior to decision-making or negotiations with government (MacDonald, 2018; Piracha, 2010). Unsolicited urbanism takes such manoeuvres a step further: creating the conditions for monopoly deals over specific high-value sites by eliminating altogether the need for public tender processes and accompanying market competition. Government processes for managing privatisation, large-scale renewal and state-subsidised infrastructure construction typically feature both visible (tender/bidding guidelines, terms of reference) and invisible elements (commercial-in-confidence provisions). Unsolicited urbanism effectively does away with the former. A secretive culture linking corporate and government elites with specialised expertise in finance, engineering and real estate, is codified and legitimated within a highly technical, and impenetrable regulatory process. And alarmingly, the project of unsolicited urbanism and its attendant regulatory-technical fixes is spreading, to other sectors, states, and internationally. Concerned for the implications of this more generally, we offer a regulatory-technical vivisection, urging for scrutiny, identification and comparison among critical urban-economic scholars.

In what follows, we outline the contours of unsolicited urbanism, and contextualize this among cognate analyses. A first section draws upon Dovey's (2005) analysis of Melbourne in the 1980-90s to contextualise unsolicited urbanism as a political project with important antecedents. In dedicated sections of the article, we then draw three distinctive features of unsolicited urbanism into fuller view: regressive reconfiguring of democratic governance through urban development; planning-as-deal-making; and premeditative reconceptualization of physical urban sites (i.e., landed assets). For each, we trace a genealogy of actors and unfurling events arising from major waterfront redevelopments in Melbourne and Sydney, Australia. In Melbourne, a suite of private sector developers (including Lendlease) and a casino operator (Crown), pushed through a bold project, widely considered anti-democratic, that usurped strategic planning in favour of a 'fluid' approach 'synonymous with whatever functions to aid capitalisation processes' (Dovey, 2005: 213). Over a decade later, in Sydney the same suite of private sector actors was involved in another waterfront redevelopment, at a site rebranded as 'Barangaroo'—a small area on Sydney Harbour located at the southern end of the iconic Sydney Harbour Bridge and the northern end of the city's Central Business District (CBD). Amid controversy, a plan by Crown resorts in partnership with Lendlease to transform the prime harbourside wharf precinct into a hotel, apartment, commercial real estate and casino development lead to contestation over the existing statutory planning system (Harris, 2018). What emerged after behind-closed-doors machinations between government, the developer-casino interests, and key consultant 'experts', was a seemingly novel planning mechanism of the New South Wales (NSW) state government, Unsolicited Proposals, which codified and legitimated premeditated and confidential plans.

Beginning with the Melbourne project we show how the political project of unsolicited urbanism culminated in the formalization of Unsolicited Proposals in Sydney, and how this regulatory-technical instrument of planning is spreading as a 'fast policy' fix (Peck and Theodore, 2015: 10; cf. McCann and Ward, 2012), distributed nationally and globally via developers such as Lendlease (headquartered at the contentious Barangaroo site in Australia, but with growing presences in the UK and elsewhere) and the developer/policy circuits of consultants, industry commentators and political advisors. Shaped by a distinctive 'register of expertise' (Bok and Coe, 2017: 51) arising from real estate and infrastructure engineering and financing quarters, very few non-state actors can marshal resources towards

Unsolicited Proposals. A high barrier to entry favours existing elites in government and the corporate sphere, especially large developers who have leverage within an entrenched political culture (dela Rama and Lester, 2019), as well as the consultants who designed Unsolicited Proposals policies and/or subsequently offered high-level advice in technical and financial requirements (see below). We do not claim that unsolicited urbanism represents a new paradigm that has somehow supplanted neoliberalism, nor that it is likely to contain universal features in all contexts. Rather, by dissecting unsolicited urbanism as a political project, we explore the 'social and political practices that *enable* fast-policy mobilities' (Peck and Theodore, 2015: 11; emphasis in original), showing how planning has been recast as deal-making, commercial-in-confidence requirements are pushing planning approvals out of public view, and the regulatory planning system has been repositioned as negotiable within a formalized behind-closed-doors approach.

## What is unsolicited urbanism?

Unsolicited urbanism is a project of city-reshaping whereby powerful market actors, with access to investment capital, secure favorable monopolistic deals in the city, by premeditating plans and predetermining outcomes. Efficient measures are sought for global, speculative capital to access rent opportunities latent in the concrete fabric of the city. Unsolicited urbanism is a distinctive form of city-reshaping that is characteristic of a deepening speculation in global real estate markets and one that is assembled by coalitions of state and capitalist actors (governments, developers, lenders, landlords, investors), but thence furnished with degrees of formality and credibility by technical planning, finance and consultancy experts as a distinct planning instrument (cf. Ashton and Christophers, 2018).

The features we describe here as unsolicited urbanism in some ways appear as variants on modes of neoliberal urbanism and entrepreneurial governance critiqued at length for decades (e.g. Harvey, 1989; Hall and Hubbard, 1996), wherein the private gains of capitalist actors are prioritized over the public good, and city-reshaping is driven by growth interests rather than government concerns with civic welfare. However, we are cautious in positioning our analysis simply as an iteration of a model of neoliberal urbanism emergent from the northern hemisphere. With genealogies traceable to earlier Australian planning contestations and circuits of Asia-Pacific investors, unsolicited urbanism is more than a mere downstream 'mutation' of an earlier transatlantic script (Rogers, 2017; Sisson et al., 2019). Critically, the central tenet of market competition is thwarted by unsolicited planning mechanisms that grant monopoly access over sites and infrastructures to powerful private actors without public scrutiny or counter-tenders by rival bidders. Concurring with Peck (2013: 132) such manoeuvres 'hardly mark the inauspicious end to the end of market rule'. Nevertheless, they do highlight how more-than-neoliberal political processes, including those fostering collusion and corruption between government and private capitalist interests, shape unjust urban outcomes (Chiodelli, 2019). While within jurisdictions vulnerable to corruption key market actors have always colluded with and secretly met government ministers and planning decision-makers, unsolicited urbanism formalises relationships of leverage, personal connection and favouritism (Murray and Frijters, 2017). Political projects favouring powerful market actors emerge and evolve in distributed fashion and can unfurl through regulatory experiments logically inconsistent with neoliberal reason (for related debate, see Aalbers, 2013; Peck, 2013; Peck et al., 2013).

Key to this is the very notion of solicitation itself: what is being solicited, and not solicited, and solicited from whom, for what purpose. Through regulatory guidelines that we describe below, Unsolicited Proposals planning processes necessarily solicit certain kinds

of city-reshaping projects (infrastructure upgrades, rezoned redevelopments, private toll-roads, massive and spectacular mixed-use upscaling projects) and not others (mass provision of public housing or other social infrastructure). Coalitions of developers, builders and financiers are those invited to submit unsolicited plans for the purposes of extracting value uplift from specific sites, returning taxes, levies and other benefits to government. With high barriers to entry and significant technical hurdles, community groups, welfare providers and other non-profit groups are effectively locked-out.[1] In this way, unsolicited urbanism is not a distinct entity or universal condition, so much as a political, financial and socio-technical project that particular 'urban' actors work towards. Drawing upon the work of Timothy Mitchell (2002: 52–53), genealogical analysis is necessary to tease out the exact mechanisms and pathways that bring unsolicited urbanism into being—'it means making the issue of power and agency a question, instead of an answer known in advance'. In this instance, power and agency is brought to bear on reforming planning systems, and their legislative remit within functioning democracies.

Modern planning broadly comprises government long-term strategic plans that set out a city-wide agenda, typically for 20–30 years. Broad metropolitan visions are put into action via a regulatory system, often devolving planning approvals processes to another level of government. Under conventional development application processes, a developer seeks approval for a proposal with a local government and the resulting proposal, by virtue of the government's integrated planning system, must concord with the metropolitan or state government's long-term plan for the city to succeed. Under this 'comprehensive' system of urban planning a range of built environment actors regulate their development proposals according to a preformulated set of urban planning rules and laws (Park, 2010; Piracha, 2010).

State-led regulatory urban planning systems are organised in a hierarchy of local and state government planning bodies, with the objective of setting the rules and regulating the actions of those engaged with urban development in the city across these different scales (McGuirk, 2003; Ruming and Gurran, 2014). There is a self-disciplinary dimension to this planning system, because each urban actor regulates their urban development goals in the knowledge that their development plans will ultimately be subjected to the regulatory mechanisms of this comprehensive planning system. The state-led regulatory urban planning system also drives toward normalisation, wherein each planning proposal is assessed by a local and/or state government planner against a set of the government's predetermined urban planning rules and laws as being either compliant or non-compliant, with non-compliant proposals rejected (Park, 2010). By requiring all urban actors to produce development proposals that meet the governments' established urban planning rules and laws it is likely that each urban actor will try to meet (although they may also try to bend, where possible) these rules and laws. In the state-led regulatory urban planning system the local and state governments hold significant control over urban planning.

With the rise of unsolicited urbanism, the state-led regulatory urban planning system has become the target of anti-planning/pro-development campaigns (Gurran and Phibbs, 2014). Discourses are promulgated by development industry lobbyists and commentators that depict strategic planning processes and decision-makers as unwieldy, inefficient, and in dire need of 'reform' (Dovey, 2005; Gurran and Phibbs, 2014). Key planning controls and regulatory settings ostensibly linked to liberal-democratic principles are manipulated or removed to hasten the otherwise prescriptive rules and laws of regulatory and strategic planning (MacDonald, 2018; Murray and Frijters, 2016). In pursuit of a pure growth machine that is unencumbered by government regulation and the politics surrounding community consultations and planning approvals processes, large developers who claim

they have access to globally circulating debt capital seek new value from old city spaces, therein eschewing the urban planning rules that apply to the rest of the city (Dovey, 2005; Harris, 2018).

Unsolicited urbanism represents a re-organisation of power that drives a departure from the disciplinary mechanisms of urban planning and, perhaps more radically, wants this power to be displaced from the confines of state-led regulatory urban planning. The proponents of unsolicited urbanism wish urban planning to break free of the disciplinary power of government to allow this power to reconvene behind the closed doors of governance spaces overseen by developers with select government representatives and other key urban actors in the city (see Figure 1 for an example from Sydney)

A suite of technical-regulatory reconfigurations is thus required to enable private actors, drawing upon particular circuits of money, to consolidate and protect power, and to access prominent sites and infrastructures that are the target of premediated claims to urban space. In consequence, new mechanisms and calculations are introduced, with attempts to 'persuade others that they are superior to rival models and calculations' (Mitchell, 2008: 1118), including the existing statutory planning system itself. Weber's work on Tax Increment Funding (TIF) schemes in Chicago is one prominent example, in which speculative future value uplift is factored into calculative algorithms that justify precinct-scale redevelopments (Weber and O'Neill-Kohl, 2013). Similarly, Murphy (2019) documented the calculative algorithms underpinning land value and development. The case in focus here aligns with such previous analyses, and adds another such planning mechanism, Unsolicited Proposals, to the list of calculative manoeuvres warranting critical scrutiny.

Formalised in 2012 by the NSW government, and since adopted elsewhere, Unsolicited Proposals formalize unsolicited urbanism as a political-economic project, thus crystalizing it into fuller view. They are developments proposed directly to government by private parties rather than in response to a request from government or

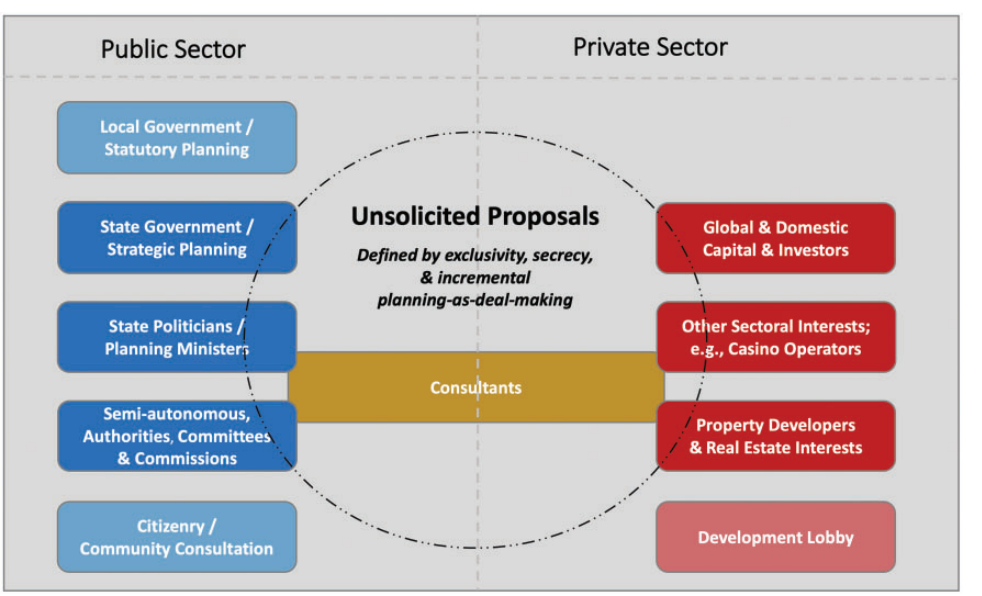


**Figure 1.** Diagrammatic representation of unsolicited urbanism in Sydney.

community need. Unlike the established practice of going to tender for private construction of new public infrastructure projects, an Unsolicited Proposal is, in the words of the NSW Parliament (2017: n.p.),

> 'a formal proposal made to government by a private party (otherwise referred to as a proponent) to undertake a PPP [public-private partnership] infrastructure project. This project is not proposed in response to a request from government, but is instead initiated by the private party. In developing an unsolicited proposal, the proponent outlines basic project specifications before approaching government for approval and support. Typically, this support is financial, though it may also include regulatory support or other forms of assistance. The Australian, state and territory governments generally negotiate with proponents exclusively, provided that the proposal meets the relevant criteria.'

The Unsolicited Proposals process is, according to the NSW Government (2018: n.p.),

> 'designed to encourage non-government sector participants to approach government with innovative infrastructure or service delivery solutions, where the government has not requested a proposal and the proponent is uniquely placed to provide a value-for-money solution. The key criteria are uniqueness, value for money and strategic fit with government objectives.'

In the words of Garry Bowditch, an expert-consultant with a background in private infrastructure financing influencing government policy at the time,

> 'too many projects in the Budget are all funded and orchestrated by government which sits oddly with the fact that superannuation funds have significant capacity to invest in infrastructure here and abroad. This situation demands urgent redress so that the many sources of private capital can be put to work as equity and debt partners. Private capital should be given more of a chance to invest in areas that can earn commercial returns rather than blindly relying on taxpayers to fund infrastructure.' (Bowditch, 2018: n.p.)

Unsolicited Proposals formalize and normalize the prospects of such financing. However, they also enable proposals to be kept commercial-in-confidence, with proponents negotiating directly and exclusively with government rather than presenting open plans for public scrutiny. The goal of the Unsolicited Proposals policy is to fast-track so-called 'state significant developments' without market competition, and avoiding the oversight of local participation, thus reducing risk, shrinking timeframes, and minimising the possibilities of public backlash and community activism.

Indeed, the responsibility for regulatory planning approvals processes can be taken away from local government and renegotiated with a state government planning department, the planning Minister, or even directly with a State Premier (equivalent to state governors in the United States). Therein, the capitalist-state territorial objective of this new planning project is revealed as being an attempt to detach the most 'productive' parts of the city from local regulatory planning and the protections of democratic, participatory urban planning (MacDonald, 2018), and to reposition these sites as zones for speculative capitalist intervention that can be negotiated with state government and politicians, in private, behind closed doors (Rogers, 2014).

Core to the project of unsolicited urbanism are what we have identified as three features, each of which is teased out in further detail in dedicated sections below (Table 1).

**Table 1.** Key features of unsolicited urbanism.

| | | |
|---|---|---|
| Reconfiguring democracy through development | Involves a recalibration of democracy through urban planning and development to suit developer and capital interests. | • Rearranging inter-government relationships<br>• High-dollar-value proposals consecrated as 'state significant' and thus regular planning structures need not apply<br>• Increasing privacy and secrecy: public scrutiny is denied by commercial-in-confidence provisions<br>• Amalgamating local governments and establishing quasi-state Development Authorities/ Offices |
| Planning as deal-making | Involves a new coalition of actors making exclusive deals by drawing up plans and making promises, not all of which are realised. | • Push for developer-led incremental planning with more flexible development control<br>• Negotiable developer incentives and contributions<br>• Developers, builders and real estate interests do deals with, and access finance from, other sectoral interests, including infrastructure and casino operators<br>• Anti-planning rhetoric used to by-pass planning controls |
| Reconceptualising the site | Involves reconceptualising and reimagining the site, and how it can be used. | • Development sites are constituted as global spaces<br>• Unsolicited land arrogations legitimated<br>• Public and private space is reconceived<br>• Indigenous, industrial and classed heritage is politicised and romanticised<br>• Social mix is stigmatised and/or removed<br>• New values are attributed to the site |

Unsolicited Proposals take shape around a coalition of market actors with vested interests in reconfiguring city-shaping in an unsolicited manner; making plans and deals. Herein the project-like character of unsolicited urbanism is rendered clearer: an agenda built through the actions, ideas, and manoeuvres of capitalists, enclosing specific relations between market and state actors, while excluding local governments, planning systems and publics, and enrolling 'experts' including consultants, lobbyists, industry commentators, and ideologically-aligned senior government bureaucrats (Mitchell, 2008).

While the skewing of urban governance towards capital's interests is clearly unsolicited urbanism's overall agenda, it is not simply a straightforward case of the ascendancy of neoliberalism (cf. Inch, 2018). Market competition is, for example, an anathema to the exclusivity of Unsolicited Proposals. After their adoption in 2012 and diffusion throughout Australia, the national competition regulator, the ACCC, criticised state governments for accepting Unsolicited Proposals for tollways without tender processes, and agreeing to raise tolls or extend the length of tolling concessions on other roads in return for private consortia 'stumping up money for the projects' (O'Sullivan, 2018). Furthermore, all the intellectual property and knowledge associated with the Unsolicited Proposal resides with the bidder (Barns, 2015). While the rhetoric surrounding Unsolicited Proposals evokes notions of 'freeing-up' assets and sites to flows of private investment, thus rendering the city and planning edicts more fluid (cf. Dovey, 2005), for the actors involved there is no intention of opening up sites or plans to outside competition. Rather, Unsolicited Proposals are calculative exercises in containment, protecting commercial-in-confidence arrangements,

**Table 2.** Planning policy reform underwriting unsolicited urbanism.

| | | |
|---|---|---|
| 1979 | The Environmental Planning and Assessment (EP&A) Act | The Act included: Part 3, a three tiered structure of Environmental Plans, Regional Environmental Plans and State Environmental Planning Policies; provision for increasing public participation; and establishment of the Land and Environment Court. |
| 1985 | EP&A (Amendment) Act | A key amendment was increasing Ministerial power to determine applications; allowing Minister's to call in and determine a development application and to include developments that would otherwise be prohibited under an environmental planning instrument. |
| 1993 | EP&A (Part 5, Amendment) Act | The Minister was granted consent authority for certain types of industrial development that generated significant employment and local Councils were, therefore, excluded. |
| 2005 | EP&A (Infrastructure and Other Planning Reform) Act | Introduced Part 3A with a new assessment and approval process for major public and private projects that were considered by the Minister to be of 'state significance'. Also introduced two new developer contributions types: voluntary planning agreements and fixed development consent levies. |
| 2006 | Environmental Planning and Assessment (Amendment) Act | Introduced Planning Assessment Panels with expanded power for the Minister to appoint planning assessment panels to exercise the planning functions of councils, if the Minister deemed the council's performance is unsatisfactory. |
| 2008 | Environmental Planning and Assessment Amendment Act | Introduced Gateway Determinations, whereby the Minister could make an upfront determination as to whether the proposal for the LEP should proceed, as well as the community and government agency consultation requirements. Shifted state approval from after fully-developed plans and community consultations to before the details of the plan were developed. |
| 2012 | Unsolicited Proposals | Allowed for formal proposals to government by a private party to undertake a public-private partnership infrastructure project. These projects were not proposed in response to a request from government, but is instead initiated by the private party whereby they outlined the basic project specifications and sought exclusive government approval. |

Source: Australian Government (2015); NSW Parliament (2017); Park (2010); Property Council of Australia (2015); NSWDPE (2015); Taylor (2016).

financing details and technical expertise, and solidifying monopoly interests over specific high-value sites by refining plans and fixing deals in private. Such projects are accelerated by 'the timing of key events and the tipping points that reconfigure relational trajectories in fields of relationships' (Weller, 2009: 790). In this case, the goal is not simply to speed up approvals for mega-developments, but to bolster returns and reduce the risk of failure, leaning on favourable relationships while protecting project timelines from the vagaries of community consultation and public scrutiny (cf. McAuliffe and Rogers, 2019; Murray and Frijters, 2016).

While the Unsolicited Proposal is a novel regulatory-technical mechanism, it arises as the culmination of successive attempts at reconfiguring power through the planning system in ways that enable money to more swiftly access city sites. A suite of incremental planning policy reforms in NSW, tracing back to the late 1970s, underwrites the formalization of the Unsolicited Proposals policy tool (Table 2). These reforms of the planning system assembled

a suite of technical means to restructure approvals processes and to legitimate land arrogations (Table 2). The reforms included: by-passing or more carefully choregraphing participatory planning (as set out in the EP&A Act 1979); increasing Ministerial power to make decisions on major infrastructure projects (1985 EP&A Amendment); granting the Minister development consent authority for certain types of developments (1993 Part 5 reforms); new assessment and approval process for major public and private projects that were considered by the Minister to be of 'state significance' (2005 Part 3 A reforms); expanding Ministerial power through Planning Assessment Panels that removed planning power from local government (2006 EP&A Amendment); and then introducing Gateway Determinations, whereby the Minister could make an upfront determination on a development proposal (2008 EP&A Amendment).

Media commentary and industry experts suggest Unsolicited Proposals is a wholly new development that emerged from the realm of infrastructure financing. And while the Unsolicited Proposals planning mechanism did indeed emanate from the key involvement of experts from private infrastructure (as detailed below), the circumstances within which it culminated involved a much longer timeline and another prominent and powerful sector, for which secrecy and predetermined planning fixes are the norm: casinos (Peck, 2017a, 2017b). In Sydney, and Melbourne before it, a cohort of interests set to benefit from casino development sought outcomes outside the strictures of the existing planning system. Organized around the three central features of unsolicited urbanism, we now trace these actors and their manoeuvres.

## Reconfiguring democracy through development

A more 'flexible' urban planning system is often positioned as necessary because it is said to free up the private sector to be more creative and efficient with reshaping cities (Gurran and Phibbs, 2014). Any new urban planning rules that result from the contestation over planning reconfigure the power structures through which different coalitions of urban actors can act and interact with each other in the city (Dovey, 2005).

In the 1990s and early 2000s in Melbourne, developers were increasingly allowed to push and pull at the urban planning regulatory mechanisms that guided what was permissible on the waterfront (Shaw, 2018), and the public was encouraged to think about this more flexible urban planning system, with its increasingly negotiable urban planning laws and rules, as liberating the city of urban planning's 'red tape', unnecessary bureaucracy or government indolence. Crucial waterfront developments redrew the relationships between the local and state governments and the public and private sectors. One in particular, Melbourne's Southbank development, was constructed as a 'project of state significance' and is an early example of this reconfigured approach to planning.

In Australia the designation of 'state significance' means the state government can resume control of the site from the regulatory powers of local government (see Table 2). The Southbank development was delayed for two years as the state and local government fought for control of the development (Dovey, 2005: 37). The state government's response, in this case, as in many other cases in Australia (Searle and Bunker, 2010; Sigler et al., 2019), was to establish a quasi-state 'development authority/office'. The semi-autonomous Major Projects Unit was established in 1987 to deal with large-scale redevelopments of state significance. This allowed the state government to separate their new entrepreneurial *modus operandi* from their regulatory functions, and to redevelop large sites in public ownership (Dovey, 2005: 223). This was a complex new development environment, involving development politics across local and state government and constituencies, and public and private

interests. It also 'enabled the state to separate the urban development process from the constraints of democratic governance, to negotiate flexibly and confidentially with private developers, and to by-pass the public planning process in doing so' (Dovey, 2005: 37).

In 1989, a property development industry sponsored conference in Melbourne called for a semi-autonomous development authority for the Docklands to be modelled on the London Docklands (Dovey, 2005: 129). The Docklands Authority was formed in 1991 and was governed by a majority of members with corporate interests and 'not one member directly represented the community' (Dovey, 2005: 134). 'The Docklands Authority Bill was passed by parliament in the face of criticism that it contained the potential of a sovereign state within a city', and the Authority set itself up as 'a development agency, not a planning agency' (Dovey, 2005: 134–135). The Docklands Authority Bill lead to a Planning Scheme within which compliance was voluntary; but the 'Bill gave the Authority the power to enter joint ventures, borrow, set up tax-free havens, compulsorily acquire land and levy development charges' (Dovey, 2005: 134).

The elected Councillors of local government were then excluded from the assessment of the private sector development bids for the Docklands, on the specious claim from Docklands Authority CEO John Tabart, that 'to have Councils involved in selecting bidders, while at the same time they've got responsibilities to their own constituents is a problem [because it] represented a conflict of interest' (Dovey, 2005: 144 citing Tabart). Local government's public accountability functions were disconnected from the urban planning process. The justification for this detachment of local democratic oversight was that commercial confidentiality was needed to protect the private sector bidders, although Dovey (2005: 144) suggests they were to protect the 'private interests from public scrutiny'.

Under the pre-existing disciplinary urban planning system everyone 'knew their place' and the 'rules of the game' (warranting critical analysis too—see Rogers, 2014; Searle and Bunker, 2010). The proponents and beneficiaries of this more flexible planning system were not, however, interested in the metropolitan scale or local constituencies as a site or reason for intervention and integration (Tomlinson, 2017). Furthermore, while transparent flows of information are key to urban planning, this new assemblage of actors and interests reshaped how information, consultation and review would thereupon unfold, first in Melbourne (Dovey, 2005) and then a decade later on another waterfront site in Sydney (Harris, 2018). For example, 'everyone involved with the [Docklands] Authority had signed secrecy agreements' (Dovey, 2005: 144) and many of the key decision-making processes were taken out of the public sphere and rendered 'opaque through "commercial-in-confidence" secrecy agreements' (Dovey, 2005: 11). The objective, according the Dovey (2005) in Melbourne and Harris (2018) in Sydney, was to protect the public and the private sectors from scrutiny. It was hard to assess the public benefit or otherwise because the planning process had been moved behind closed doors in both cases. The architects working on the Crown Casino project—Crown being a key player in the subsequent Barangaroo Unsolicited Proposal—were forced to sign confidentiality agreements; even they were appalled that this major development was not subject to public scrutiny (Dovey, 2005: 61).

Much like the debates in Melbourne in 1980-90s, there were calls in Sydney for a more 'flexible' urban planning system. Urban planning proceeded via mechanisms inherited and adapted since the 1970s (see Table 2): a multiscaled system of federal- and state-financed infrastructure, state strategic metropolitan plans, local municipal councils presiding over zoning, development controls and environment plans, and state-scale courts of environmental appeal to adjudicate on contentious planning decisions (cf. McGuirk, 2004, 2003). But despite questionable evidence, the development lobby, in concert with NSW,

in concert with some NSW state politicians, routinely criticised planning controls, urging reform (Gurran and Phibbs, 2014).

Successive challenges to the planning system ensued, under a Liberal state government, led by Mike Baird, who prior to becoming state premier previously held the position of head of debt capital markets for the National Australia Bank in its London office. The Barangaroo site was the fulcrum of such challenges. Much like the Victorian government, the NSW government used a series of authorities to manage the development at Barangaroo. The project was under the control of the Sydney Harbour Foreshore Authority, a special statutory authority overseeing the entire harbour, until the Barangaroo Delivery Authority (The Authority) was established, and then from 2009 the area has been under the control of Infrastructure NSW. The Authority was tasked with 'extending our CBD and its vital financial services economy onto the western shores of [Sydney] harbour and creating new and exciting public spaces for the people of NSW' (Barangaroo Delivery Authority Annual Report, 2009: 2). The Authority was supported by a Design Excellence Review Panel that included former Prime Minister, Paul Keating (Chairman from 2005 until 2011), and pro-development lobbyist Chris Johnson, amongst others. The Panel was instrumental in the selection of Hill Thalis Architecture as the winning bid in the international design competition in 2006. And mirroring the Melbourne case, tensions between local and state government, and the Authority and Panel, were also evident. The local government, the City of Sydney, was vocal in their concern about issues such as the scale of the development and overshadowing.

In late 2010 and early 2011, the NSW Government hired consultancy firm Malpine, led by infrastructure finance expert Brian McGlynn, to develop the Unsolicited Proposal Guidelines 'in conjunction with the Department of Premier and Cabinet in NSW', and 'administer the assessment of a wide range of unsolicited proposals put to government' (Malpine Pty Ltd, 2018: n.p.). McGlynn had a strong CV in the area of private capital funding of infrastructure. McGlynn was a civil engineer who had since the 1970s worked with various infrastructure companies on railways, water and roads in Australia and South Africa, and was a chief executive of Interlink Roads in the mid-1990s, managing and operating Sydney's new M5 motorway—a key piece of the Greiner Liberal government's PPP/BOOT infrastructure scheme. That was followed by six years as Chief Engineer at the Commonwealth Bank of Australia where, in the words of his LinkedIn profile, he provided 'technical due diligence' for 'all major lending propositions including toll roads, power stations, power networks, gas pipelines, mines and industrial enterprises.' He was Director of Infrastructure Investment for Colonial First State, in that role sitting on the board of several investee companies. In 2007, he started his own consulting company, Malpine, to provide 'infrastructure and investment consultancy services to Government Agencies and the private sector' (Malpine Pty Ltd, 2018: n.p.).

In January 2012, Malpine's Unsolicited Proposals policy was formalised, and it consolidated all the hallmarks of unsolicited urbanism. It was 'a key piece of the then new Government engagement with the private sector, seeking innovation and fast-tracking of beneficial projects to address the backlog of infrastructure provision in NSW' (Malpine Pty Ltd, 2018: n.p.). Tapping into globally-circulating pools of investment capital was a key justification. But unlike the unrealised promise for foreign capital in Melbourne's waterfront developments, in Barangaroo Lendlease was well place to bring in foreign capital. By 2018, Lendlease had '16 landmark regeneration projects across 10 countries' making it an 'investment giant worth $11.5 billion' with 'a $71 billion development pipeline' (Mather and Thomson, 2018: n.p.). In the same year Lendlease developed a financial 'partnership' with First State Super, a not-for-profit Australian superannuation fund, whereby each

partner committed $A680 million ($US500 million) in equity to a 'new vehicle and plan to create a $US2 billion portfolio' in the United States (Cummins 2018: n.p.). By the end of 2018, Tony Lombardo, Lendlease's former head of strategy, stated 'you can't just be a player in Australia,' thereby retrospectively positioning the Barangaroo project as part of a long-term global infrastructure play (Mather and Thomson, 2018: n.p.). Thus, while powerful developer interests have long worked behind closed doors to promote development proposals, the developers were nonetheless required to simultaneously engage with the formal urban planning process (see Raco and Savini, 2019). The regulatory tweaks ushered in by unsolicited urbanism removed the need for up-front engagement with the planning system and allowed for the exclusive negotiation of high-value sites behind closed doors.

## Planning as deal-making

In Melbourne's Victoria Harbour development of the late 1990s, Lendlease was announced as the preferred developer following a secretive bidding process where it appears that the private sector leveraged 'public funds for the clean-up and approval for a privatised waterfront' (Dovey, 2005: 178–179). Lendlease wrote at the time,

> 'While Lendlease has prepared concept plans . . . they do not constitute a promise or representation on the part of Lendlease that Victoria Harbour or any of it will be developed as indicated in any such plans or at all.' (Dovey, 2005: 181 citing Lendease)

Melbourne in the 1990s was framed by anti-planning rhetoric, with planning Ministers stating that they would be cutting red tape and that planning laws would be changed to speed up important urban developments. As elsewhere (Ruming and Gurran, 2014), this was an era within which planning was pitched as a barrier to development and planners were positioned as obstructionist (Gurran and Phibbs, 2014). The NSW Government amended planning law (see Table 2). Victoria 'streamlin[ed] the planning approval process and introduce[ed] secrecy provisions similar to those in corporate law, which restricted the disclosure of information' (Dovey, 2005: 38). The developer driven backlash against comprehensive urban planning pushed public planners into the private sector, where they redeployed their skills in the service of the market (Dovey, 2005: 247). The urban development 'deal-making [that resulted] relied on certain levels of reciprocal trust and social capital based in local networks' (Dovey, 2005: 199–200; also see Nelles et al., 2018).

In Melbourne, the developers also leveraged government to pay for connective infrastructure, which was originally to be paid by the private sector (Dovey, 2005: 199–200). The result, argues Dovey, included substantial cost to government with loss of development control (pp.199–200), with the local government, who were largely excluded from the development process, 'left to pick up the pieces' (p.92). The developers involved, including Lendlease, deployed an incremental planning strategy whereby they would 'lock in tacit agreements' to claim ground and develop the "crucial details . . . at the next stage"' (Dovey, 2005: 201). One developer reported to Dovey (2005: 201) at the time: 'Understand how it works. You keep bidding until you win. Once you win you try to re-draw the boundaries'. Dovey (2005) concluded;

> 'Initially there were well-expounded limits to such flexibility—developers would pay all infrastructure costs, proposals must include high levels of new investment, and precincts must be fully-developed within a decade. All of these requirements also turned out to be flexible.

> Planning law was being negotiated as the process unfolded . . . The planning and urban design process was essentially being subcontracted to developers.' (p.202)

The more flexible urban planning system that emerged across NSW and Victoria did not neatly enclose different actors within particular regulatory domains, such as 'law-maker', 'developer', or 'urban planner'. Instead developers then, like now, lobbied, met with, and sued governments in attempts to make them rethink the urban planning laws and rules to suit their own interests. Politicians then became more visible as urban deal-makers, and urban planners were increasingly asked to think like developers to secure a financial return on investment for government on each project (Schatz and Rogers, 2016). In the long-term, the benefits promised by liberating the private sector from the governments' long-term visions for the city and their hard regulation of this vision, such as the claim that completion between developers would make them more agile and creative with our cities, were questionable at best.

Sydney's own casino-as-urban-strategy is key to the genesis of the Unsolicited Proposal mechanism at Barangaroo, and its history stretches back into 1990s Melbourne. Luke (2012: 1) talks about Casinopolitanism as an intersecting urban development and economic strategy whereby the development of casino infrastructure is used as 'a key engine for economic growth, urban design, and cultural reproduction'. This term is a productive shorthand for conceptualising the two Crown casino projects. In the Melbourne case it was a state-led economic strategy, initially conceived by a Labor government before the Liberal Kennett government fast-tracked the casino-as-urban-strategy; 'granted it a monopoly and waterfront development rights for a license fee of $250 million and projected annual taxes of $50 million . . . [t]he new projects were intended to revitalise the city economy, by enhancing its ability to attract 'footloose capital and tourism' (Dovey, 2005: 39–40). By 1998 over half a billion dollars of major projects had been funded from the casino licence fees and taxes, but, of course, this was achieved by 'a siphoning of investment from poorer parts of the city to the centre' as well as the negative social costs of gambling (Dovey, 2005: 66).

In addition to Casinopolitanism as a government-led urban development strategy, there were problems with the casino bidding process. Dovey (2005: 59) suggests it was widely believed that the Crown consortium, with strong connections to the Liberal Party, amended their bid to match a competitor's. Labour Prime Minister, Paul Keating, another key player in the Barangaroo development, used parliamentary privilege to 'suggest that the process was corrupt . . . a later inquiry found insufficient evidence' (Dovey, 2005: 59). Crown's plans continued to change through the development process. By the time the casino was completed in 1997, the development had expanded from '200,000 to 500,000 square metres; from 3000 to 5400 parking spaces; and from twenty-five to forty-three stories. The site expanded from 5.5 to over 8 hectares and the cost increased from $800 million to $2 billion' (Dovey, 2005: 61–62). Crown achieved this through developer-led incremental planning, which meant that the planning grounds upon which their tender decision had been made were outdated and meaningless, and any public debate would have been equally meaningless too, because the plans were fluid throughout construction (Dovey, 2005: 61–62). No project 'with such a scale or impact on the city had ever been approved without public debate and there was substantial public outcry' (Dovey, 2005: 58–60).

In Sydney, from 2009 a coalition of semi-invisible actors began to steer the Barangaroo development away from the course set out in the winning Hill Thalis design. First, without public consultation the state government announced that, following revised land valuation calculations, the amount of commercial space would be increased by a third, to make the project more economically viable (Harris, 2018). Criticisms of the secrecy, increasing

building heights and a growing development footprint, intensified media and public debate. Nevertheless, after another shortlisting process in 2009, the state government announced—again without public input—that it was no longer proceeding with the original winning design by Hill Thalis, and instead would pursue a different design, featuring much more commercial real estate and a radically reconfigured suite of public space and community facilities, led by a consortium including developer Lendlease. These were unsolicited plans that were developed behind closed doors in an increasingly secretive and exclusive planning landscape (see Figure 1).

At the same time, in 2009, Lawrence Ho and James Packer, through a Melco International/Crown Entertainment joint venture, opened the City of Dreams Casino in Macau. Ho's company later acquired an almost 10% stake in Packer's Barangaroo Crown Casino amid controversy around company associations with organised crime in China. These developer-led planning negotiations were often framed by a government narrative about the need to attract global investment into these developments, that was matched by Crown and Lendlease who promised a flow of Chinese high roller casino money (money that may never materialise). In 2010, contracts were signed between the state government and Lendlease and the new unsolicited plan was given the tick of approval under revised planning laws that gave unprecedented, centralised approvals authority to the Minister for Planning (Table 2). New regulatory and financing arrangements seemed to appear out of nowhere. Using the now familiar anti-planning narrative about needing to liberate the city of urban planning red tape, the benefits of competition, unnecessary bureaucracy or government indolence, the NSW Planning system was further revised, seeking to make development approvals easier and quicker (Table 2). In this atmosphere of regulatory shake-up and planning-as-deal-making, a grander-scale urban redevelopment was validated while the winning Hill Thalis 'public tender' plan was eroded away through revisions and opaque decisions justified through arguments of economic viability.

## Reconceptualising the site anew

Reminiscent of Lendlease's incremental planning strategy in Melbourne in the 1990s, the incremental expansion of their plan was central to the politics of their competing design for Barangaroo. In Melbourne's Docklands, the building heights were expected to graduate down from the city to the water, to avoid an over-shadowed waterfront, but the urban planning 'height deals' that transpired did not protect these spaces from over-shadowing (Dovey, 2005: 129). In Sydney, Hill Thalis' original design preserved the most valuable, waterside stretches of the precinct as unalienable public space (mostly parkland), with commercial towers rising behind in gradual fashion (thus blending into the high-rise central business district). The subsequent Lendlease design put the tallest towers in the most valuable waterfront spots, which would cast long shadows and wall off public space access to the harbourside, essentially privatising the shoreline (Harris, 2018). Especially galling was the unforeseen plan to build a new hotel complex on reclaimed land jutting out 150 metres into the harbour. The hotel proposal was external to the site's boundaries, and contravened the 2005 Sydney Harbour Catchment Regional Environmental Plan, which 'expressly prohibits the construction of entertainment and tourist facilities in Maritime Waters' (Harris, 2018). Such environmental controls did not seem to matter. The Lendlease proposal was approved without going through competitive design or tender processes. As the fallout amplified, Sydney Lord Mayor, Clover Moore, resigned from the Barangaroo Delivery Authority as the proposal was described as 'privatisation of the harbour' by the National Trust. A group of 57 prominent architects and planners called for a public inquiry 'into how the currently

approved plan had moved so far from the original concept plan;' original jury members described the incremental changes to the plans 'a disgrace' and a sign of state government corruption (Harris, 2018).

The state government, with ultimate sole approval authority under revised planning laws (Table 2), nevertheless approved the proposal. The local government, community and architectural backlash continued, triggering a legal challenge against the government and Lendlease and an independent review. The state government would not, however, concede that the redevelopment proposal for Barangaroo was drifting away from strategic planning in the public interest. They sought, instead, to reconfigure the regulatory-technical approvals mechanisms to formalise and legitimise the Lendlease approach.

A key observation from the earlier Melbourne case is that urban development 'is traditionally grounded in both local sites' conditions and local communities of interest' but the more fluid development process 'ungrounded' these local places (Dovey, 2005: 3). 'From its inception', the Melbourne waterfront projects were 'also driven by the desire to attract global investment,' a goal that was never realised in the way it was imagined and promoted (Dovey, 2005: 37). Much like the Barangaroo development, the broad urban regeneration strategy in Melbourne sought to create a waterfront zone of global finance and expertise and to physically link this 'zone of global finance' to similar zones in the city (Dovey, 2005: 54; Rogers, 2014). While never realised, the global finance argument held powerful discursive weight in the public debate and allowed the government to argue for private sector-led developments (Rogers, 2014).

In Sydney and Melbourne, planners and developers attempted to exploit the assumed local authenticities of these places, such as local Aboriginal, working class or industrial place cultures. The contradiction of this activity is that in the quest to celebrate the uniqueness of these local places the force of the market destroyed them (Dovey, 2005: 12; Darcy and Rogers, 2016). During the Great Depression in Sydney, harbourside wharf workers named the strip along the wharves The Hungry Mile because they would walk from wharf to wharf in search of a job, often failing to find one. The remaining families of these wharf workers were living in a collection of former maritime workers housing, now public housing, in Millers Point adjacent to the Barangaroo development site. In 2013, the state government announced that the large former container dock adjacent to Millers Point would be renamed Barangaroo and redeveloped from shipping and stevedoring facilities into retail, commercial and recreational uses (Harris, 2018). Barangaroo was a prominent Aboriginal woman of the late 18th century, famous for her antagonism towards the British colonisers at the time of the colonial invasion of Sydney near the current Barangaroo site.

Questions of Aboriginal, industrial and working class heritage loomed large, and a heritage professional explained in an interview with one of the authors in 2015, 'We had the Barangaroo Delivery Authority, in its early days, talking about "activating Millers Point"' (Darcy and Rogers, 2016: 2). The state government had flagged the redevelopment of the western flank of the precinct, which encompassed several hectares of prime waterfront port space, and within twelve months the port facilities were vacated by the stevedoring firm managing the site, Patricks, after long-running industrial disputes with maritime workers' unions, and the company's eventual absorption into the larger conglomerate, Toll Holdings. Patricks announced plans to move to Port Botany where they constructed Sydney AutoStrad, one of the world's largest automated container terminals, bringing an end to 130 years of shipping activity at The Hungry Mile.

Reminiscent of Dovey's discussion of Melbourne years before, plans for this pivotal piece of real estate were continually revised. After the Hill Thalis debacle, a controversial new concept plan was released in 2007 and in 2008 a consortium led by a triumvirate of Sydney-

based multinational developers—Brookfield Multiplex, Lendlease Group and Mirvac—was shortlisted for the development. In 2012, negotiations became increasingly fractious when Lendlease teamed up with media-casino tycoon James Packer's Crown Resorts, and announced another revised, and even more bold Unsolicited Proposal: to construct and operate a $A1+ billion hotel, casino and entertainment complex, this time not jutting out into the harbour, but instead placed on the dwindling area of land set aside for parks, educational and cultural space on the water's edge at the heart of the precinct. The casino was aimed at domestic and international high-rollers, with nearly half the floors of the tower, which was a further 105 metres higher than Lendlease's hotel-in-the-harbour, dedicated to luxury apartments. The new location granted it unparalleled picture-postcard visibility adjacent to the iconic Sydney Harbour Bridge; it would become Sydney's tallest building. Premier O'Farrell reacted by describing the proposal as 'exciting' (Harris, 2018). It would also be the first such bid to proceed through O'Farrell and Malpine's new Unsolicited Proposals process.

In line with the Unsolicited Proposals process the exact details and project mechanisms of approval were kept secret, justified as commercial-in-confidence. Later in 2012, 'legislation requiring projects to be independently reviewed before being allowed to proceed without going to tender was removed, just one week after a private meeting between [casino tycoon] Packer and Premier O'Farrell' (Harris, 2018). The casino-as-urban-strategy was taking shape in Sydney, and in due course, legislation was approved to allow an additional casino license to the city. Until that time, the Casino Control Act 1992 allowed only one casino to operate in Sydney, expressly forbidding the proliferation of major gambling establishments. A license was granted to Crown Resorts without going to tender, to the chagrin of other Asia-Pacific casino operators who stated that they would have bid competitively for the license (Harris, 2018).

Another raft of criticisms was unleashed. Senior planners and architects took aim at arguments that the brazen building would prove an 'iconic' asset for the city akin to the UNESCO World Heritage-listed Sydney Opera House. Keating, previously on the Barangaroo Design Excellence Review Panel, and a staunch defender of Barangaroo, switched allegiances and became an ardent critic. Philip Thalis, the architect behind the original winning design, a design that was now completely unrecognisable in the Lendlease/Crown design for Barangaroo, pointed out, 'Only 35 percent of the bid was assessed on design. Despite government smoke about the need to protect the commercial interests of the winning bid, you can't help but wonder where the public interest lies in being denied access to the remaining 65 percent of the bid information.' (https://www.australiandesignreview.com/architecture/the-barangaroo-red-herring/). City of Sydney Councillor and outraged former Commissioner of the Independent Commission against Corruption (ICAC), John Mant, publicly criticised the Crown deal, suggesting Packer had been handed a private deal to 'the most valuable state asset you could think of... malevolent old partnerships and agendas and forces are deeply ingrained and very much at play in this state' (cited in Harris, 2018). Nevertheless, the plan proceeded through the Unsolicited Proposals policy's sequential stages and was approved in 2013.

While the bold Crown/Lendlease casino proposal received intense criticism, a new planning mechanism, Unsolicited Proposals, had been formalised and entered the regulatory landscape with much less notice. Refined again in 2014, Unsolicited Proposals were integrated into continuing technical/policy discourses around infrastructure financing and real estate redevelopment. Major developers mainstreamed the policy, establishing internal teams to prepare Unsolicited Proposals: identifying possible large and small sites and assets, working up designs, procuring funding on international capital markets; all behind

closed doors and under the protection of the policy's commercial-in-confidence provisions. Emboldened by the reconfigured approach, prominent Sydney-based developers such as Lendlease and Mirvac rebranded themselves as 'placemakers' who are able to access 'deep pools of international capital' to 'tap into the extensive urban renewal' underway in Australia's major cities (Condon, 2015). Then, fully closing the circle, the key architect of the Unsolicited Proposals policy, Brian McGlynn, offered the services of his consultancy firm, Malpine, to 'advise on the submission of Unsolicited Proposals to Government to optimize the probability of success' (Malpine Pty Ltd, 2018). From an experiment in city-reshaping unfolding on the waterfront flanks of Melbourne and Sydney, unsolicited urbanism had found its regulatory-technical fix and was now formally codified and legitimated into planning law.

## Conclusion

The decades-long project of unsolicited urbanism involves an evolving form of urban power that pushes beyond the old disciplinary urban planning system, which had a forward-looking and government-led strategic planning agenda at its core, with hard regulation of the governments' visions for the city. In this, unsolicited urbanism shares much in common with the well-documented neoliberalization of urban development elsewhere. Yet, here we documented a clearly-identifiable political-economic project, with its attendant regulatory-technical fix, inflected by relationships forged in the Asia-Pacific. Through contestations over key urban development sites, a shift took place from a planning system with some degree of public involvement and democratic oversight, to a more closed system comprised of coalitions of developers, Asia-Pacific casino interests, global capital, state government, semi-autonomous authorities, and many more semi-invisible consultants. Such coalitions operate exclusively behind closed doors to see their premediated and predetermined urban plans realised. The target of unsolicited urbanism is not just new sites for development, but the planning system itself. While the project of unsolicited urbanism was a long time in the making, developers now have a formal mechanism, Unsolicited Proposals, enabling propositions to by-pass development controls enforced by democratically-elected councils, and adjudicated by environment courts. Unsolicited urbanism attempts to side-step, re-scale, and obfuscate decision-making with new in-house processes and monopolistic determinations. Money and power indeed reshape cities. But new regulatory-technical processes are reconfigured to make this possible, and only for distinctive constellations of actors.

In the context explored here, the premeditated, deal-making element of unsolicited urbanism illustrates the *doing* of connecting money with city spaces in distinctive arrangements. This reconfiguring of money-city relations required the key intermediaries who shape city landscapes—developers, financiers, lobbyists, consultants—to concoct solutions to imagined urban 'problems'. The Unsolicited Proposal mechanism provided that fix.

While threads of critical urban economic scholarship have drawn attention to the influence of lobbyists operating behind closed doors (Jacobs, 2015), the project of unsolicited urbanism is more refined and on the move. A steady stream of Unsolicited Proposals followed their codification at Barangaroo. Tollway giant Transurban lodged an Unsolicited Proposal for NorthConnex, a $A3 billion, nine-kilometre tollway tunnel in Sydney's north. In 2016, while the state government and its Deutsche Bank and UBS advisors were in talks with American and Canadian pension funds about selling Ausgrid, the state's electricity network, an Unsolicited Proposal was received from IFM Investors Pty Ltd and Australian Super Pty Ltd, a consortium representing industry superannuation funds, to purchase the network (Thompson et al., 2016). Brookfield Office Properties

Australia presented an Unsolicited Proposal for a grand transit hall and public concourse at Wynyard station in the centre of the Sydney's financial district, with exclusive rights to develop commercial towers above. Macquarie Group Limited, an Australian multinational asset, equity and investment bank, and now the world's largest infrastructure asset manager, whose portfolio includes Sydney International Airport, led an Unsolicited Proposal to deliver a 'single fully integrated station/over station development solution' for the new Sydney Metro Martin Place Station, literally metres from its Sydney headquarters (Saulwick, 2018: n.p.). In 2018, state-owned and heritage-listed railway yards were the subject of an Unsolicited Proposal lodged with the government by Mirvac, the details of which are secret, but which are believed to involve the University of Sydney and Google in the development of a Silicon Valley style campus for the tech giant's Australian headquarters (Smith, 2018). Then, in a distinctive example of 'fast policy' mobility (cf. Ward, 2018), in 2018 the concept appears to have crossed the Pacific. In the wake of Trump's $US1 trillion infrastructure plan, US Congress sent a group of legislators to Australia to 'borrow' insights from Sydney's Unsolicited Proposals.

Thus, the project of unsolicited urbanism, tracked here from origins in Melbourne to Sydney, is on the move. No doubt it will transform as it travels. One implication for critical urban policy and economic scholars will be to scrutinise the ongoing diffusion of this or similar projects of city reshaping, their hybridisation in varying jurisdictions, and the authoring and promulgation of other kinds of regulatory-technical mechanisms with similar aims (cf. Brenner et al., 2010; Ward, 2018). As we write, politicians seeking avenues to stimulate economic recovery amidst the coronavirus crisis and accompanying lockdowns are already signalling further pro-growth legislative changes, especially in the urban development space.[2] Exactly what form and nomenclature unsolicited urbanism takes in diverse contexts matters less than the common features to look for: exclusive major project deals with government backing not being put out to tender; announcements of major city-reshaping projects and/or financially large infrastructure funding initiatives emerging fully formed from behind closed doors, and detached spatially and procedurally from pre-existing planning mechanisms and processes. The early warning signs of unsolicited urbanism first appear not as an overthrow or systematic restructuring of the planning system, but as targeted incremental amendments, covering specific places, sites or infrastructures, wrapped in expert legal-technical constructs. Arguably more important than the mobility of Unsolicited Proposals *policies* is the project of unsolicited urbanism *itself*: the legitimation of unsolicited and monopolistic propositions; the manipulation of existing systems that centralise power with business interests and evade democratic governance or critical scrutiny; and the normalisation of planning-as-deal-making.

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## Notes

1. In response to the presentation of an earlier version of this paper to the Money and the City workshop, in Sydney, in late 2018, Australian planning academic Peter Phibbs noted that it is hypothetically possible for community and activist groups to lodge Unsolicited Proposals for progressive projects—for example, new social housing provision. The technical barriers to this, however, remain significant.
2. The NSW Government has identified A$26 billion of 'shovel-ready' housing, rezoning and infrastructure projects—including many Unsolicited Proposals from major developers—that it plans to approve without delay using revised legislation that gives the Minister for Planning unprecedented 'emergency' powers, under the argument of economic recovery (Bleby, 2020).

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