



PUBLIC PARTICIPATION
&
DIRECT DEMOCRACY
IN
NORTH SYDNEY MUNICIPALITY



CONTENTS

Council Policies	4
Policy Development	8
The Precincts System	8
Notification of Development	9
Direct Democracy & Citizen Initiated Referenda	9
Council as a Service Organisation	13
History of the Precinct System	15
Precincts in Action	17
Objectives of the Precinct System	19
Guidelines of the Precinct System	20
Conclusion	20
Appendix	25

PUBLIC PARTICIPATION AND DIRECT DEMOCRACY THE NORTH SYDNEY MODEL.

THROUGH A SERIES OF POLICIES ADOPTED SINCE 1980, NORTH SYDNEY COUNCIL HAS CONSCIOUSLY ATTEMPTED TO LOOSEN ITS BUREAUCRATIC STRUCTURE TO ENABLE ITS RESIDENTS TO ACTIVELY PARTICIPATE IN COUNCIL'S DECISION MAKING PROCESSES. THE MOST SIGNIFICANT OF THESE POLICIES HAS BEEN THE CREATION OF THE PRECINCTS SYSTEM, A SYSTEM OF LOCAL NEIGHBOURHOOD COMMITTEES COVERING THE WHOLE MUNICIPALITY.

COUNCIL'S PUBLIC PARTICIPATION AND DIRECT DEMOCRACY POLICIES ARE RELEVANT FOR ALL AUTHORITIES INTERESTED IN BROADENING THEIR DEMOCRATIC BASE. THE PRECINCTS SYSTEM, IN PARTICULAR, IS CAPABLE OF BEING APPLIED IN ALMOST EVERY LOCAL AUTHORITY.

The issue of secret decision-making has been and still is the most controversial aspect of Local Government. At all levels of Government there has been a continual struggle for open government, accountability of elected representatives and bureaucracies, and freedom of information.

In North Sydney these issues have been fought with increasing intensity over the last decade. This culminated in the 1980 Local Government elections, (when 92 candidates stood for 15 aldermanic positions and only 5 members of the previous Council were re-elected).

Since that time, North Sydney Council has adopted a series of policies which have made the Council possibly the most advanced model of open government that exists in Australia. (Extract from Mayoral Minute No. 133, 2/10/87).

The principal policies adopted and implemented by North Sydney Council to ensure open government are -

- * All meetings of Council and Committees are open to the public.
- * Council or Committees cannot resolve to exclude the Press and public from any meeting without a resolution clearly indicating the reasons for having to go into a closed meeting. North Sydney Council has not had any matter considered in closed committee during the term of the last three Councils.
- * All agendas and reports are available to the public three days prior to the Council meeting. These are placed in the Council Library, which is open over the weekend, so the reports can be read or copied by residents.

- * Full copies of any report can be obtained prior to the meeting by any member of the public (except legal advice).
- * All files of the Council are open to any member of the public (except where legal advice is concerned, or a staff matter).
- * All development and building applications, whether by statute or not, are notified to all residents and property owners who may be affected, allowing 21 days for objection.
- * Any applicant or objector may address the meeting of Council on any item on the agenda including any application which is to be considered, by attending the meeting and notifying the clerk at the commencement of the meeting of the item on which they wish to address.
- * The public are involved in all decision-making to the maximum extent possible.
- * A formal public involvement programme has been established, known as the Precincts System. Twenty four resident groups meet to discuss issues affecting their local area.
- * All development applications, building applications, changes to traffic, parking and proposed major landscaping works, are referred to the appropriate Precinct for comment and the Precinct's comment forms part of the report to Council.
- * All major new policies or policy changes which directly affect the community are referred to the 24 Precinct Committees in an endeavour to obtain a broad community view before a policy is promulgated.

- * Total commitment to open government and the rejection of any form of secret decision-making.
- * Recording of all voting by elected members.
- * Referenda are used in conjunction with the Local Government elections to obtain community opinion on a whole range of issues - particularly issues which have been contentious during the term of the previous Council.
- * Where any development or building application is the subject of strong objection from affected residents and property owners, the application is not approved by the Council until a meeting is held with the objectors, the applicant, Aldermen and professional staff to see if the application can be modified to remove the objection(s). This system has proved immensely successful, generally for both the applicant and objectors.
- * No major application - that is, which will significantly alter the character of an area, or have a major impact on such matters etc. - is considered by Council before the matter is referred to a public meeting.
- * Disclosures of pecuniary interest, income source and property ownership by elected members are wider than the recently introduced State legislation, and are in keeping with the policy on disclosures formulated by the Ombudsman.
- * The Council's Estimates, and proposed rating strategy, are presented to a Public Meeting before being finally considered by Council so that public comments can be obtained.

- * Resident initiative is encouraged through questionnaires, surveys and studies. Some major studies carried out have been in relation to housing, recreation and aged services. The results of these studies are used to develop new policies and services which directly reflect the needs of the community.

- * Noticeboards have been placed throughout the Municipality in 45 locations, to encourage residents' knowledge of issues being considered by Council, to give details of all Council Meetings, and to allow local community groups and Precincts Committees to display their own information.

POLICY DEVELOPMENT

The implementation of public participation and direct democracy policies in North Sydney Council is attributable in the main to Ted Mack, Mayor of North Sydney from 1980 to 1988 and an elected member of Council from 1974 to 1988.

While some attempts had been made by a number of independent Aldermen, including Ted Mack, in the mid-to-late 1970's, the major thrust towards public participation can be catalogued through the series of Mayoral Minutes put forward by the then Alderman Mack in his mayoral capacity, following the landmark elections of September, 1980.

THE PRECINCTS SYSTEM

In November, 1980, Mayoral Minute No. 6 called for the reactivation and restructuring of the North Sydney Precincts System, a public participation strategy formulated in 1972.

The Mayor wrote "without labouring the issues of urban alienation, irrelevance of Local Government to a large percentage of the population, and the problems of bureaucratic control, the evolution of a formal system of decentralisation of power such as is offered by the Precincts System, is obviously desirable.

There are many administrative and financial difficulties in the system, but with the experience of the previous years and a supportive Council, rapid progress could be expected." A full description of the Precincts System, its history and development, is included later in this booklet.

NOTIFICATION OF DEVELOPMENT

Since 1972, Section 342ZA of the New South Wales Local Government Act, has required notification of specified development applications to adjoining owners.

In 1981 Council adopted a policy which included notification of all development applications to adjoining owners, including applications for rezoning.

In February, 1982, Mayoral Minute No. 66 called for the adoption of a procedure of notification of all development and building applications not only to the adjoining owners but to all deemed affected property owners, and to occupiers where the owner does not reside on the premises. This policy was formulated after a number of concerned residents and property owners had complained vigorously that they had been denied their right to object, even though the previous notification procedures were a Council policy and not a statutory requirement.

The notification period was also extended by this Mayoral Minute allowing residents 21 days to consider plans and to lodge any objections. Notification procedures include referral to the appropriate Precinct Committee, and the Committee's comments are included in the report to Council by Council Officers.

DIRECT DEMOCRACY

Mayoral Minute No. 92 (April 1983) catalogued the advances made by North Sydney Council in open government, and proceeded to once again broaden the role and power of local residents to participate in Local Government:

“All of these processes represent a moving away from the traditional method of representative Government whereby people are elected for three years to make many thousands of decisions and at the end of that period people approve or disapprove of the actions previously taken. At Local Government level particularly this system has proved very unsatisfactory, mainly due to the fact that people are interested in the decisions that are taken at the time they are taken.

What has happened in North Sydney is part of an essentially grass roots movement of people to make decisions for themselves rather than delegate their rights to an individual or group for a three or four year period.

It is part of what has become a movement of “direct democracy” which has been the subject of much discussion and actions throughout the western world and in particular in the United States of America. It is now proposed that the Council move further along these lines by initiating several measures to increase the power of the community as a whole to make decisions which affect them directly, that is -

(a) instituting a relatively large number of referenda on various issues at the next Local Government elections;

(b) creating a means whereby a certain number of citizens can also propose various issues to be put on referendum of the whole electorate;

(c) creating the possibility of a certain number of citizens being able to initiate a referendum on measures already approved by the Council, but which are considered to be objectionable by a significant proportion of the electorate;

(d) enabling citizens to remove elected Aldermen from Office at any time through a special election.

With regard to the suggestions set out in (b), (c) and (d), these measures are ways which are in fact in operation in Local Government in the City of Los Angeles and are referred to as the 'initiative', the 'referendum' and the 'recall'. All three have been in operation since 1903 and are generally held to have been highly progressive and very satisfactory systems. The detailed procedures for them are set out in the Los Angeles City Charter."

In all, 16 questions were put to the voters in conjunction with the 1983 Local Government elections, including the question of whether Council should "conduct referenda in conjunction with each Local Government election".

The result of that question was 63% YES, 27% NO and 10% UNDECIDED.

On the question of the ability of residents to initiate a referendum, 50% voted YES, 40% NO and 10% UNDECIDED.

On the "recall" question, however, "Should it be possible for some fixed proportion of the Electorate to force an Alderman to again stand for election before the term has expired?", 32% voted YES, 56% NO and 12% UNDECIDED.

Community opinion clearly rejected this proposition, which is in force in a minority number of states in the U.S.A.

Through Mayoral Minute No. 192 (June 1987) general public suggestions for referenda questions were invited, together with suggestions from the Precincts Committees, for the referenda in conjunction with the September 1987 NSW Local Government elections. Again, once the questions were decided upon, a for and against case was prepared by the Town Clerk, incorporating all major views on the question.

Procedures for the implementation of referenda questions were adopted by Council in 1988 and are as follows:

"That citizen initiatives be held in conjunction with future local government elections and are subject to the following regulations:-"

1. The "Questions" must relate directly to the issues within the powers and authority of Local government with the result capable of implementation.
2. The initiative petition must be signed by a minimum of 1,000 qualified electors.
3. The petition must be lodged with the Town Clerk at least 3 months prior to the prescribed date of the Municipal Elections.
4. There shall be a petition fee of \$1,000 (\$1.00 per signature) lodged with the Petition.
5. The Council shall reserve the right to add to any argument - for and /or against, presented by the petitioners.
6. Any costs associated with the implementation of the questions, should it be carried out, to the electorate, shall be fully explained with the arguments for and against.
7. It shall not be mandatory for the Council of the day to implement the result of any initiative.

COUNCIL AS A SERVICE ORGANISATION

By Mayoral Minute (No. 123) of May, 1984, the following general policy of Council as a service organisation was adopted:-

“It is considered that as with all organisations, Council should have a general statement of its objectives. Such a statement is useful for the public, the present staff of Council and future staff. It is also considered necessary because of the changing nature of Local Government generally and in North Sydney in particular.

It is my view that the Council is an organisation set up and paid for to arrange the affairs of North Sydney for the common good in the most effective and efficient way possible. Its purpose is to assist each individual, consistent with the public interest. It must perform this function within the legislative framework of the Local Government Act, but should never hide behind the bureaucracy of Acts and Ordinances.

Council's administrative and technical functions are not its primary purpose; its primary purpose is service to the community and the individuals within that community and in general terms its policy should be “the customer is always right”.

Such a policy is difficult for staff faced with people who at times are rude, self-interested and almost impossible to deal with, but that is the nature of Local Government and must be accepted. Rudeness by staff, bureaucratic attitudes, institutionalism or elitism in dealing with the public are not acceptable. Neither is misuse of positions of authority to enforce personal views on individuals or the community, no matter how well-meaning.

Council on the same date adopted the following general policies:-

That Council is a service organisation for the residents of the North Sydney Municipality.

That it exists to assist each individual residing within its area consistent with the common good and legal responsibilities. That it is not the function of Council and its staff to enforce any policy or view on the community or any individual unless that view has legal and community support, irrespective of the merits of that policy or view.

History of the Precinct System

In 1972, Council created a system of consultative neighbourhood committees to assist it to obtain planning information and advice, in conjunction with a review of the 1972 Residential Flat Code.

By a process of public meetings held in specific local areas, some fifty-six residential "Precincts" were created, with an average population of 400 people. Between 1972 and 1975, 33 public meetings were held in the Precincts. They discussed the implications of higher density development in the area.

Each Precinct Committee examined planning proposals and distributed a questionnaire seeking local opinion. About 5% of the target population attended the meetings, and about one-third of the population responded to the questionnaire.

Over time, these various committees developed in different directions, making various representations to Council over a wider range of issues than the planning review which was their original 'raison d'être'.

During the period 1973 to 1977, extensive interest was shown in the Precincts System. Studies by various investigators from the U.S.A., New Zealand and several Australian groups were carried out, and in 1974 Council received the Bluett Award, an award for initiative and achievement in Local Government in New South Wales, based on, among other things, the creation of the Precincts System.

By 1977 various Aldermen were dissatisfied with the Precincts System, and moved for its abolition. These elected members saw the system as being in competition with their own role. They also objected to the way in which some Precincts were demanding

more than merely an advisory role in town planning. These factors led to the disbanding of the Precincts Committees.

Following a period of some turbulence, and a series of major public meetings, the Committees were reinstated, but in a token form. Without any support or direction from Council, and no administrative back-up, the Precincts System virtually collapsed, and by 1980 only four or five of the original fifty-odd committees still existed.

In November, 1980, as the result of a Mayoral Minute, a committee was formed, consisting of the Mayor, interested Aldermen and Town Clerk with power to co-opt, to report to Council on the restructuring of the Precincts System, setting out objectives, procedures and costs for the reactivation of the system. In arguing the case for the Precincts System in his Minute, the Mayor wrote

“The representative system of democracy which exists at Federal, State and Local Government levels is only a very crude democratic system, and in many cases has proved a negation of the ideal. Nobody can look after their interests better than the person concerned.”

The Committee formed as a result of the Mayoral Minute developed a set of objectives and procedures for Precinct Committees. A series of public meetings was held in each neighbourhood locality to discuss the concept of public involvement in Council's decision-making processes. At these meetings, the draft objectives and procedures were also canvassed and the question of boundaries for each Precinct was discussed. The Council's aim was to define boundaries in terms of both geographical constraints, and similarity of interests (i.e. community of interest)

The result of this series of public meetings was the establishment of a network of 25 Precincts, each of approximately 2,000 residents. Lack of interest, or artificially-imposed boundary constraints have since led to modifications, giving a total of 24 currently active Precincts.

Prior to the release of 1981 Census data, the Australian Bureau of Statistics was approached regarding the availability of Census data on a Precinct basis. Council provided the relevant information on Precinct boundaries to assist in determining which Collectors' Districts could be combined to conform to the Precinct boundaries.

Precinct Census data has since proved to have many uses; it is used for assessing the impact of development applications, for monitoring population changes on a small scale and for evaluation of municipal environmental and social planning policies.

Precincts in Action

The major objective of the Precincts System is to encourage total involvement of all residents in the making and influencing of all Council's decisions. The system is a conscious attempt to evolve a formal system of decentralisation of power and to broaden citizen involvement in the decisions affecting them.

The Precinct Committees provide a formal means for advising residents on matters affecting their local area. To these Committees are referred any changes to traffic and parking, all development applications and building applications, all rezoning proposals, major landscaping proposals, and any other items being considered by Council. It also provides a formal mechanism for residents to raise issues and matters which require action by Council.

A section of Council has been established to service the public involvement programme. Two full-time staff, a Precincts Co-ordinator, and an Administrative Assistant, are employed by Council to resource the Precincts System. Each Committee has a modest budget to assist in distribution of notices of meetings and agenda, and general running costs.

The primary and secondary objectives are outlined below.

OBJECTIVES OF THE PRECINCTS SYSTEM

Primary Objectives

- (i) To encourage total involvement of all residents in the making and influencing of all decisions.
- (ii) To encourage more social interaction within the community and its environment.
- (iii) To encourage the total community to continually feed information to elected representatives.
- (iv) To be a means through which information can be supplied to all residents.
- (v) To strengthen the mandate of Council in dealing with bodies outside the Municipality such as Federal and State Government and private organisations.

Secondary Objectives

- (i) To supply input to the Council and assess Town Planning matters including development applications
- (ii) To provide information on the physical and social characteristics and requirements of individual Precincts in order to assist Council in formulating its programmes.
- (iii) To make recommendations for expenditure in areas such as tree planting, landscaping, etc., and encouraging individual participation in community care of public lands.
- (iv) To encourage public involvement in the various community service organisations within the Municipality.
- (v) To be fully representative of residents within its boundaries and for such purpose membership should be drawn from as wide a social and geographical area as possible within those boundaries.

GUIDELINES FOR PRECINCTS COMMITTEES

General

- * All residents, property owners and workers may vote at a meeting. The minutes should state when workers have been part of the voting figures.
- * No resident or property owner is to be excluded from any Precinct meeting.
- * Every Precinct must hold an Annual General Meeting. All houses in the Precinct must be notified about this meeting, including details such as the date, time and location of the meeting.
- * Aldermen may attend Precincts meetings by invitation only, with the exception of the Precinct in which they are resident.
- * All people directly concerned with an item (e.g. owners, developers, architects and individual objectors) should declare an interest and should not vote on that item.

Office Bearers

- * The office bearers, that is, the Chairperson, Secretary and Treasurer must live in the Precinct.
- * The office bearers should not be from the same family group.
- * Chairpersons should hold this position for a maximum of two (2) consecutive years (except in exceptional circumstances)

Decisions

- * Any decisions made by the Precinct and referred to Council must come from a meeting attended by at least 12 members.
- * Any letters to Council regarding a decision made by the Precinct should state the date of the meeting when the decision was made.
- * Decisions on matters sent to the Precinct by Council must be within the time specified, e.g. some development applications must be commented on within 21 days.

CONCLUSION

These policies are unique in Local Government in Australia. It acknowledges that Local Government is not just a smaller version of State and Federal Governments. While many local authorities would adhere to the premise that Local Government is the level of government closest to the people, most operate along institutionalised bureaucratic lines.

Too often Local Government forgets that it exists to serve the people within its area. Staff are not encouraged to be community-orientated, and aware of an individual's problems and rights. Services to property rather than services to people are emphasised.

The General Policy of North Sydney Council reinforces Council's philosophy of participatory democracy rather than bureaucratic uniformity.

There are major difficulties in making Local Government "closer to the people". Most people want evidence that participation is worthwhile.

The policies adopted by North Sydney Council have been formulated to enable Council to monitor and sympathetically react to community moods and expectations, and to create more real choices for its residents. The Precincts System, in particular, has had an important impact on local issues and politics, and has generated a high level of interest from individual Councils in most Australian states, and from overseas.

Actions initiated by Precincts are given high priority by Council, within the limits of its budget. Since the Precincts are involved at all stages of Council's decision-making,

residents are aware of the background to Council's decisions.

Over the past three Council terms, six elected members have come directly from precinct involvement, including Ted Mack. Issues directly affecting a particular resident are often the initial reason for contact with the local Precinct. Ongoing contact with other members of the Precincts strengthen ties between people in the community and some Precincts include a range of social activities in their annual calendar. The executive members elected to run a particular Precinct can have a significant impact on the development of the Committee as a social integration mechanism.

This role is particularly important in the North Sydney area, where high mobility, large numbers of transients, and over half (53%) of the population living alone, can contribute to a sense of social isolation and alienation.

Council, through the Precincts System and in conjunction with other community programmes, is creating socially acceptable reasons for assembly, as well as providing its residents with a forum for the expression of their views.

The weight which Council gives to the views of its residents can be demonstrated by the results of public meetings called to discuss controversial issues. Over the past two terms of Council, i.e. since 1980, the decisions on such issues have been in accord with the majority decision of the public. No instances have occurred where Council has overruled the wishes of the majority of its residents.

In the 1960's and early 1970's, North Sydney Council operated under tight and total bureaucratic control. Disatisfaction

by residents led to the formulation of resident action groups, including the Precincts System which Council initiated in 1972 (to assist in the revue of the Residential Flat Code) and which it then effectively disbanded in 1977.

When the 'new look' Council of 1980 instituted effective participatory policies, resident action groups virtually ceased to exist, other than in the revived and revised Precincts System, directly supported and funded by Council.

North Sydney Council, through its rejection of the traditional view of 'representative government', now enjoys a high level of trust and confidence at the community level.

Political analyst M.A. Jones, in "Local Government and the People - Challenges for the Eighties".(Hargreen: Melbourne: 1981), has argued that bureaucratic control by local authorities leads to boredom and apathy, and that " participation will only increase when local authorities loosen up their structures and create more real choices" (P.259).

Only the passage of time, and the careful monitoring by Council of its participatory mechanisms, will determine whether the unprecedented level of satisfaction with Council on the part of its residents will be maintained through active community participation, or whether complacency will again lead to the apathy usually only prevalent under the bureaucratic model.

Appendix

Precincts System Facts Sheet

Size of Municipality	10 square kilometres
Population	54,000
Number of Precincts	24
Households per Precinct	500 - 1500 households
Meet	Monthly
Guidelines	All residents, property owners and workers may attend. Aldermen may attend Precinct meetings by invitation only with the exception of the Precinct in which they reside.
Office Bearers	Chairperson, Secretary and Treasurer are elected at AGM. Chairperson holds position for maximum 2 years only
Quorum	12 residents
Items referred for comment	All development and building applications, development control plans, changes to zoning, traffic changes, landscaping proposals, Council budget estimates, general policy issues and local services.
Funding	\$300 per annum as contribution to wards printing and distribution of notices.

Public Participation Initiatives by North Sydney Council Departments

Development and Planning

- * Notifications of Development Applications
- * Notifications of Site Meetings on contentious applications
- * Inclusion on front page of report to Council of the Precincts comments on each Development Application
- * Notification of Development Control Plans to Precincts for their comments.
- * Availability of Council Officers to attend Precinct Meeting to discuss relevant issues.

Health and Building

- * Notification and Referral of Building Applications to Precincts.
- * Inclusion of Precincts comments on report to Council.
- * Council Officers Available to attend Precinct Meetings.

Design and Technical Services

Design and Technical Services covers the following areas:

Parks and Gardens

Traffic

Engineers

Property

- * Referral of any major landscaping changes.
- * Consultation and referral of traffic studies, traffic

- changes, road closures etc.
- * Consultation in the setting of priorities for capital works.
 - * Joint projects between Council and individual Precincts to care for public lands.
 - * Consultation in naming of parks.
 - * Precincts refer items of maintenance at each meeting, which are included on the cumulative list of Precincts' requests which is submitted to Council quarterly.
 - * Precincts have access to Council noticeboards within their Precincts to put up notices of interest to the Precinct and community in general.

Estimates and Capital Works

Each year Council holds a public meeting to discuss the draft budget for the forthcoming year. All residents including the Precincts are invited and are supplied with a summary of all income and expenditure. This meeting provides residents with information such as the ratings structure and provides them with the opportunity to assist in the setting of priorities for capital works.

Community Development

The Precincts System at North Sydney Municipal Council is supported by two full time staff, a Precincts Co-ordinator and Administrative Assistant, who are located within the Community Development Department.

Precincts are informed and consulted about policies such as housing policies and joint ventures between the Department of Housing and Council.

Through the Social Planner, the Precincts are able to acquire important information about their Precinct and the Municipality as a whole.

The Information and Publicity Officer uses the Precincts as a vital means for the distribution of information to the community.

LOCAL GOVERNMENT AREAS WITH PUBLIC PARTICIPATION PROGRAMS

North Sydney Municipal Council	Precincts System
Waverley Municipal Council	Precincts System (commenced 1988)
Manly Municipal Council	Precincts System (commenced 1990)
Liverpool City Council	Precincts System (2 precincts 1989, 1990 will set up broader program)
Box Hill City Council	Precincts System (to start late 1989/early 1990)
Shire of Narracan	Local Neighbourhood Advisory Groups (commenced late 1989)
City of Melbourne	Trialling one Precinct late 1989 in conjunction with the Cleaner Melbourne Campaign

OTHER PUBLICATIONS OF INTEREST

Public Participation in Local Government; A Report to the Hawkesbury Shire Council by Nick O'Neill and Hal Colbatch. 1989

Local Government and the People: Challenges for the Eighties. M.A. Jones. Hargreen Publishing Co, 1981 Australia

