

newDEMOCRACY

A NEW PLANNING SYSTEM FOR NSW RESPONSE TO GREEN PAPER

Precis

The newDemocracy Foundation welcomes the substantive role given to Community Participation in the Green Paper. Based on our experience with innovative community engagement projects in state and local government, we offer specific comments relating to how a best practice model could be implemented.

Rationale

Planning is a complex area. It takes time to immerse community representatives in deliberation to generate meaningful results. The current model of community engagement - too often following the path of Decide, Announce, Defend - is superficial and unrepresentative.

A plan that is reviewed, deliberated upon and transformed by a representative community will engender trust as no other process can.

This submission offers specific recommendations about best-practice approaches in specific areas nominated in the Green Paper.

➤ *Strategic Community Participation*

Ample research evidence already confirms the capacity and indeed the desire of citizen panels to deliberate and make recommendations about complex issues.

Two of NewDemocracy's most recent projects, which offer interesting insights and recommendations, are outlined below. The suggestions and recommendations contained in this submission are based on our experiences in these, as well as earlier, projects. More detail about these two projects can be found in the Case Studies section of this submission.

- a. In partnership with Canada Bay City Council, newDemocracy delivered a citizen engagement process designed to review Council's budget for the next four years. The citizen panel, which was constituted from a randomly-selected group and offered a clear level of authority, operated in a rational, considered manner that contrasted with the incendiary tone of most residents' meetings, and reached a consensus decision.

- b. In partnership with the State Government's Public Accounts Committee, newDemocracy facilitated two randomly-selected citizen panels (one metropolitan, one regional) to review future energy generation options. More than 50 citizens invested over 40 hours of their time, over five Saturdays across three months, and reached a unanimous decision.

➤ *Transparency in Decision Making*

Transparency is one of the Green Paper's key aims, and is an integral element in building public trust in the process.

We trust jury selection. We trust lottery results. We have less trust in interest groups and, unfortunately, in existing government structures. The proposed Charter aims to build on structures we trust today.

For this reason, the new Act will require **up-front** community consultation from the initial stages of strategic plan preparation, to ensure that community issues are identified *before* the delivery of draft plans. Citizens will not trust anything which looks like a *fait accompli* document.

The emphasis on transparency also highlights the importance of avoiding a self-selection model, which can be flooded with participants representing a single point of view (either pro- or anti-development). Such a process is not just meaningless, but also counter-productive.

Random selection is a technique that ensures transparency. A randomly-selected group cannot credibly be accused of being biased or stacked by residents' action groups or "developers' mates". It also demonstrates a commitment to going beyond the type of tick-the-box exercise that discourages the community from participating in the current LEP consultation system, which it views as having largely pre-determined outcomes.

➤ *Public Participation Charter*

The New Planning System aims to deliver stability and confidence. To ensure this is the case, we suggest that the process framed by the Public Participation Charter must be designed to avoid predictable potential pitfalls, such as manipulation by activists or Government.

To this end, we suggest that the central elements for this Charter should cover the following.

- a. That panel participants be randomly selected rather than self selected, to avoid the otherwise very high likelihood of a process being skewed by interest groups.
- b. All parties have a right to submit their view and request to appear before this randomly selected panel.
- c. The jury style selection should be conducted by an agency outside of local government, whether this is a Foundation, a University, the NSW Electoral Commission or the Sheriff's Office.

- d. The panel receive a reasonable per diem payment for their time.
- e. The community be given a pre-agreed level of authority for its participation, in order to encourage those without a direct interest to give up a substantial amount of their time.
- f. The panel has the right to determine the length of time it needs to complete its plan, with a mandated minimum time of at least six meetings across a four-month period, and a potential maximum of nine months.
- g. The panel has access to information and expertise within an agreed budget and be allowed to hear from a diverse array of planning experts, not just a narrow selection of an agency's choosing.

➤ *Information Technology & e-Planning*

Technology can be used to give thousands of people in the community the opportunity to have their say and connect with the random sample undertaking in-depth deliberations.

However, when evaluating online engagement, it is a mistake to focus on quantity rather than quality, taking the number of hits as the key indicator of whether the community has been engaged. The *quality* of the input and the deliberation is far more important.

For this reason, technology should be seen as a way of adding to the quality of the deliberation. Particularly with planning decisions, it can illustrate planning concepts using Google Maps-style applications to explain zones, height, density and the overlay of community benefits delivered through Section 94 development contributions.

Technology can also help to amplify and scale a deliberative process. However, from our research, technology cannot replace the need to meet in person. The key challenge with any online tool is that the learning and engaging experience risks being compromised by the loudest voice in the virtual room.

A twin approach to technology will help ensure its effective use:

- a. Impassioned activist supporters could be encouraged to make their case in writing, using location photos and (if they choose) video for sharing on a discussion forum website. Activist individuals and interest groups do not necessarily represent the views of the wider community, but their local knowledge and experience is valuable. These activists bring value to the process as content creators for the randomly-selected panel, rather than as decision makers on the community's behalf.
- b. A broad cross-section of the community can be invited to engage in an online forum at a number of key points through the panel's deliberations, reviewing council documents and community submissions and offering their insights, while understanding the panel will also review the insights. Central to the effectiveness of this online forum would be the ability to create separate discussion group of between 40 and 50 people, rotating participants to ensure these groups are not

dominated by a handful of activist participants. This approach can be expanded exponentially if necessary.

What Constitutes a Decision?

In order to shift the public mindset from adversarial, either/or contests (Council vs residents, or developers vs NIMBYs) and to convey a message of broad-based support for the recommendations made, newDemocracy suggests that wherever a vote is required as part of a panel's final decision, an 80% supermajority should be required. In practice, citizens' panels tend to reach consensus (or group consent) positions with minority voices explicitly included in any report. It is rare for a vote to be required.

Case studies – recent experiences

a. Canada Bay Council

In August 2012 newDemocracy undertook an engagement process for the City of Canada Bay. Invitations were sent to 1577 addresses in the local government area, inviting participants to take part in a process that would set the range and level of Council services, and decide how these services should be funded.

The response rate of around 10% offered a pool of potential participants large enough to allow for targeted random selection, choosing a group that offered an approximate match to the area's Census profile in terms of age bracket, gender and ratepayer/ tenancy status.

Thirty-one people attended the first meeting, of whom 29 were still involved at the end of the process, three months later. The panellists, representing the views of the whole community, evaluated very detailed information and considered some difficult trade-offs. The panel reached a pragmatic consensus that reflected the actual financial position of the Council. Their set of resolutions was quite different to, and arguably more considered than, results from previous methods of community engagement.

Panellists each received an allowance of \$400 (paid upon completion and full attendance).

b. NSW Public Accounts Committee

newDemocracy is close to completing a similar jury-style process for the Public Accounts Committee of the NSW Parliament, which has already achieved consensus recommendations in the highly complex, emotive and advocate-riven area of energy policy.

We convened 26 participants each in Tamworth (drawn from a 100km catchment radius) and the Sydney metropolitan area. Participants were not paid for their time, and were initially asked to attend four meetings. Both groups ultimately decided to devote more time to the process, and both groups delivered unanimous recommendations.

The energy inquiry also demonstrated the panels' ability to discuss, identify and agree on which expert speakers should appear before them. The complexities of energy policy can be seen as equivalent to those relating to strategic planning.

c. Dialogue with the City (WA)

In a process (described in detail at <http://participedia.net/cases/dialogue-city>), the role of the media (West Australian newspaper and Channel 7) combined to demonstrate how a deliberative process can meet the Minister's goal that "1 in 5 people feel part of the process and own the outcomes".

The scalable component of this design was to use wide ranging surveys to inform and set the agenda for the face to face deliberative component. This scale, coupled with an engaged media environment help the entire community own the resulting plan.

Conclusion

We ask the Minister to acknowledge the considerable risks attached to any community process that can be flooded by a single-interest party, and to consider our recent experiences in delivering a more representative and deliberative process.

This significant opportunity to build trust in Planning through instituting world's best practice community engagement should not be missed.