

Chapter 21:

Social Impact Assessment

Document History

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A. INTRODUCTION

A1 Title of this Chapter

This Plan is called Byron Shire Development Control Plan 2010 Chapter No.21 – Social Impact Assessment. It is a Development Control Plan prepared in accordance with Section 74C of the Environmental Planning and Assessment Act 1979.

A2 Where this Chapter applies

This Chapter applies to all land within Byron Shire Local Government Area upon which development as detailed in section A5 applies as permissible under the Byron Local Environmental Plan 1988.

A3 Aims of this Chapter

The primary aims of this Chapter are:

- To ensure development applications for certain developments that are likely to have a significant social impact are properly considered in accordance with the *Environmental Planning and Assessment Act 1979*, the *North Coast Regional Environmental Plan* and the *Byron Local Environmental Plan 1988*; and
- To achieve maximum social benefit for the community from particular development activity and to mitigate the negative social impacts.

A4 Objectives of this Chapter

The general objectives of this Chapter are:

- To assist in achieving cohesive, sustainable and resilient communities within the Shire;
- To enhance consistency, certainty and transparency in Council's assessment of the positive and negative social impacts of proposed development;
- To maximise the positive social impacts of development such as improved access, amenity, affordable housing provision, employment opportunity and safety; and
- To minimise the negative social impacts of development such as increased traffic congestion, restriction of access to facilities, services and transport, loss of employment opportunity, loss of existing affordable housing stock, loss of public safety or perceived public safety.

A5 What development does this Chapter apply to?

It applies to development applications that incorporate the following:

- a) Residential development for twenty dwellings or more in an urban area,
- b) Residential development for ten dwellings or more in a rural or environmental protection area (including multiple occupancy developments),
- c) Subdivision for twenty or more allotments in an urban area (including community title subdivisions),
- d) Subdivision for ten or more allotments in a rural or environmental protection area (including community title subdivisions),
- e) An 'Affordable housing' project,
- f) Manufactured home estates or caravan park,
- g) Boarding houses,
- h) Seniors Living,
- i) Commercial development with a gross floor area of more than 1500sqm,
- j) Commercial uses in non-commercial zones with a gross floor area of more than 500 sqm,
- k) Industrial development with a gross floor area of more than 1,500 sqm,
- l) Tourist facilities and rural tourist facilities providing overnight accommodation for twenty or more persons,

- m) An event for 200 persons or more on private land,
- n) Permanent Places of Public Entertainment approval,
- o) Brothels,
- p) Restricted Premises as defined under Byron LEP 1988,
- q) Licensed premises
- r) Bottle shops,
- s) Service stations
- t) Designated development,
- u) Where no SIA has been considered as part of a draft Local Environmental Plan amendment for a use listed in this chapter., and / or
- v) Any development proposal deemed by Council to have likely significant social impacts.

This Chapter does not apply to applications where the owner of the land and the applicant is the NSW Department of Housing (or its equivalent) or its nominated community housing provider.

[Note: Where a SIA has been provided for an LEP amendment or rezoning application applying to the subject site, a SIA is not required for the development application, unless over 5 years have elapsed].

A6 How this Chapter works

This Chapter provides information to support the provision of a social impact assessment for certain types of developments which are likely to cause significant social impacts on a community. Applicants are required to provide to Council social impact assessment documentation with lodgement of their development application to Council. A pre-lodgement meeting with Council officers is preferred by Council to discuss issues associated with the application.

This Chapter contains the following Parts:

Part A – Introduction

This part contains the legal requirements for the preparation of the DCP and the relationship between this Chapter and other planning documents.

Part B – General Provisions

This part contains the general information and processes involved in undertaking a social impact assessment. It provides a flow chart which gives a graphical representation of the process for social impact assessment.

Part C - Decision Making

This part provides information about what happens after the SIA Report has been assessed and a decision is made by Council.

A7 Relationship with other Chapters

This Chapter applies to all development on the land to which this Chapter applies. The information contained in this Chapter is to be read in conjunction with the *Byron Local Environmental Plan 1988* and other relevant Environmental Planning Instruments or Chapters within this DCP. Environmental Planning Instruments prevail over this Chapter in respect to any inconsistency. This Chapter prevails over any other in respect to any inconsistency with other Chapters.

A8 Background to Social Impact Assessment in the Byron Shire

Council is committed to the implementation of social impact assessment. On 21 June 2005 Council resolved (05-496) a commitment to social impact assessment as a means of considering social issues more comprehensively and consistently.

There is a growing demand on Council to consider the social impacts of decision-making in addition to the more usual assessments of economic issues and environmental impacts.

Demand for a stronger focus on social impacts is being driven in the Byron Shire through:

- The need to generate data in order to measure and manage social impacts
- High levels of unemployment in the Shire
- Lack of affordable housing
- Significant impacts on community 'way of life' as a consequence of tourism

development

- The need to recognise the value of 'way of life' to sustainable tourism
- A strategic move towards triple bottom line accounting

Council has developed *Chapter No.21 - Social Impact Assessment* and the *Social Impact Assessment Policy* as mechanisms for identifying and assessing the impact on communities of proposed projects, policies and development.

Social impact assessment utilises measurable social variables plus community consultation processes to assess the potential social impacts of change, and includes plans for managing those impacts, whether positive or negative.

This chapter of the DCP addresses six social elements for consideration;

- Transport
- Safety
- Population Change
- Amenity
- Employment
- Culture

The elements for consideration above aim to determine likely social impacts of a proposal on the following:

- Peoples' way of life – how they live work, play and interact with one another on a day to day basis;
- Peoples' culture – their shared beliefs, customs and values; and
- Peoples' community – its cohesion, stability, character, services and facilities.

Community consultation is a fundamental part of social impact assessment. This Chapter requires proponents to undertake a pre-application discussion with Council to develop a community consultation strategy for proposals affected by this Chapter. Council can offer advice to the proponent as to what groups or people are potentially affected by the proposal that need to be consulted.

A9 Definitions relevant to this Chapter

Affordable Housing

Means housing for very low-income households, low-income households and moderate-income households. Very low-income households, low-income households and moderate income households, in this definition, are those whose gross incomes fall below the following percentages of the Byron Shire median household income and below the State median income if purchasing. Median incomes are identified using the Australian Bureau of Statistics census figures adjusted quarterly in line with the consumer price index:

Very low income households	less than 50%
Low-income households.....	50% or more but less than 80%
Moderate income household	120%

Affordable Housing Project

A project undertaken in accordance with Affordable Housing as defined in this Chapter.

Essential Worker

Essential workers are people whose work is considered strategically important to the economic development and sustainability of the region.

Population Change

A temporary or permanent change in population numbers as a result of a Council activity.

Proponent

Person or organisation responsible for a project, proposal or application requiring social impact assessment.

Social Impact Management Plan

A plan identifying the likely social impacts of a proposed development and ongoing requirements for mitigation and management of those impacts. This can be required by a condition of consent and will be monitored by a Council staff member.

Social Impact Assessment Scope

The pro-forma completed at the pre-lodgement meeting by the applicant and Council staff to identify issues of concern, delineate study boundaries and community consultation requirements.

For other definitions, refer to Chapter 1 and Byron Local Environmental Plan 1988

B. GENERAL PROVISIONS**B1 Element - When is an SIA Required?****Element Objective**

To define criteria for determining whether Social Impact Assessment is required for a particular project.

Performance Criteria

This stage involves determining whether a social impact assessment is required. Not all development applications will require a social impact assessment. To determine whether an assessment is required, Council has developed the following trigger criteria.

A response of 'yes' or 'possibly' to any of the following questions means that a social impact assessment will be required as part of the planning application.

- a) Does the proposal include a residential development for twenty dwellings or more in an urban area?
- b) Does the proposal include a residential development for ten dwellings or more in a rural or environmental protection area (including multiple occupancy developments)?
- c) Does the proposal include a subdivision for twenty or more allotments in an urban area (including community title subdivision)?
- d) Does the proposal include a subdivision of ten or more allotments in a rural or environmental protection area (including community title subdivision)?
- e) Does the proposal incorporate 'affordable housing'?
- f) Does the proposal include a manufactured home estate or caravan park?
- g) Does the proposal include a boarding house?
- h) Does the proposal include Seniors Living?
- i) Does the proposal include a commercial development with a gross floor area of more than 1,500 sqm?
- j) Does the proposal include a commercial use in a non-commercial zone with a gross floor area of more than 500 sqm?
- k) Does the proposal include an industrial development with a gross floor area of more than 1,500 sqm?
- l) Does the proposal include a tourist facility or rural tourist facility providing overnight accommodation for twenty or more persons?
- m) Does the proposal include an event for 200 persons or more on private land?
- n) Does the proposal include a permanent Place of Public Entertainment approval?
- o) Does the proposal include the use of premises as a brothel?
- p) Does the proposal include a restricted premises as defined under Byron LEP 1988?
- q) Does the proposal include a licensed premises
- r) Does the proposal include a bottle shop?
- s) Does the proposal include a service station?
- t) Is the proposal designated development?
- u) Does the proposal include a development listed in this DCP where no SIA has been considered as part of a Draft Local Environmental Plan Amendment? or
- v) Does Council consider the proposal likely to have significant likely social impacts that require assessment?

Councils' duty planner can assist in determining whether any of the trigger criteria apply to your proposal. Phone: (02) 6626-7025.

B2 Element – Qualifications for Conducting SIA**Element Objective**

To ensure that social impact assessments for projects in Byron Shire are prepared by persons with appropriate qualifications and experience.

Performance Criteria

If your proposal requires a social impact assessment, this must be conducted by a suitably qualified person.

Qualified practitioners are persons who:

- Have social science training and / or extensive experience in the field of community needs analysis and community consultation, and
- Are familiar with the types of information required, and
- May work in a range of fields including town planning, social planning, sociology, anthropology, human geography.

Where stakeholder consultation is required as part of the social impact assessment, specialist skills may be required to consult with particular groups such as Aboriginal people, older people, youth, people with a disability or people who use English as a second language.

B3 Element – Conducting the Social Impact Assessment

Element Objective

To ensure that social impact assessments in Byron Shire are prepared systematically and contain the information required to enable the evaluation of social issues, impacts and management measures.

Performance Criteria

The social impact assessment is to be conducted by a suitably qualified person employed by the proponent. The Social Impact Assessment must be included as part of the development application for the proposal.

There are FOUR steps to follow:

- B3.1 Undertake the Social Impact Assessment Scope**
- B3.2 Pre-application meeting with Council**
- B3.3 Undertake research, consultation and analysis**
- B3.4 Prepare the Social Impact Assessment**

These steps are illustrated in Flowchart 1 at the end of Part B. They comprise the following:

B3.1 Undertake the Social Impact Assessment Scope

A Social Impact Assessment Scope (see Attachment 1) is the first stage of the SIA. This is to be prepared by the proponent (or consultant conducting the SIA, in Section B2) in collaboration with relevant Council staff. The aim of the Social Impact Assessment Scope is an initial attempt to establish the range of possible issues that need to be considered and the geographical area of possible social impacts in order for a proposal to mitigate against these impacts. A pre-lodgement meeting is the preferred method for discussing 'The Social Impact Assessment Scope' with council staff.

The Social Impact Assessment Scope will:

1. Nominate the data collection methods and the measurement techniques- the scale and size of the social catchment and geographical area to be considered (for example, Shire wide, town centre, village, hamlet or neighbourhood),
2. Nominate how the data will be analysed,
3. Preliminary identification of the potential important issues relating to a proposal, (both positive and negative),

4. Nominate the Community Consultation Strategy, and
5. Identify the relevant elements for consideration as listed in the table below:

Elements for Consideration

The Social Impact Assessment Scope will draw on the following list of elements for consideration but will not be limited to it.		
Elements for Consideration	Outcomes	Information required
<p>Transport Access to employment and recreation opportunities by way of public and private transport has a significant bearing on social cohesion, economic development and regional education.</p>	Access to recreation and training and employment via public and private transport.	Map showing accessibility of site to public transport, pedestrian and private transport networks linking to local commercial, recreation, tourism and industrial areas.
<p>Safety The minimisation of potential security risks to persons and properties.</p>	Design that addresses and responds to local crime statistics and conforms with CPTED Principles.	Identify crime prevention strategies in relation to local crime statistics and address CPTED Principles.
<p>Diversity Nurturing and maintaining respect for points of cultural and demographic difference within the population</p>	Maintain housing affordability to ensure community diversity.	Address increased demand for essential worker housing.
<p>Amenity Quality of attractiveness experienced in a place as a result of the environmental, social/cultural and economic factors.</p>	<p><i>Traffic:</i></p> <ul style="list-style-type: none"> • Minimise increase in traffic congestion. • Maximise pedestrian access routes from proposed development to local attractors. <p><i>Noise:</i></p> <ul style="list-style-type: none"> • Minimise noise emanating from proposed development. <p><i>Facilities:</i></p> <ul style="list-style-type: none"> • Provide facilities for parents with young children, people with disabilities, young people and the elderly. 	<p><i>Traffic:</i></p> <ul style="list-style-type: none"> • Show expected increase in traffic due to proposed development and existing and proposed pedestrian routes linking to local attractors. <p><i>Noise:</i></p> <ul style="list-style-type: none"> • Show design and management strategies to minimise noise from proposed development. <p><i>Facilities:</i></p> <ul style="list-style-type: none"> • Show facilities provided.
<p>Employment and Training Opportunities for paid employment and paid training positions within award requirements.</p>	Generation of local employment and training opportunities.	Show employment generated by proposed development. Detail any training opportunities to be generated from the proposed development. Identify likely local economic impact of proposed development.
<p>Culture Communities are complex and multi-layered, meaning that</p>	Development to be compatible with local identity and cultural goals as identified in key Council policies.	Address cultural goals of the Shire relevant to the proposed development.

<p>a particular community is made up of many 'cultures'. Community culture includes expressions of identity such as language, dress, cuisine, sporting activities and more in addition to what is narrowly termed 'arts'.</p>		
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B3.2 Pre-application meetings with Council

For all type of development identified in this Chapter that require a SIA, it is recommended that a pre-application meeting take place with Council staff during the initial stages of a development. The aim of this meeting is to provide discussions with Council on the proposed development and the likely social impacts arising from the proposal. It also provides the opportunity for Council to provide advice to the proponent as to what groups or people are potentially affected by the proposal that may need to be consulted. Attachment 1 provides a pro-forma, which will aid in identifying the issues for consideration and the most appropriate community consultation methods for the proposal.

B3.3 Undertake research, consultation and analysis

The research and consultation must be in accordance with the Social Impact Assessment Scope as determined by Council (Element B3.1). Following from this, the research, consultation and analysis should include the following components:

- Community Profiling – this provides an overview and analysis of current social and historical trends.
- Formulation of alternatives – examination and comparison of options for change based on the projection and estimation of effects.
- Projection and estimation of effects – detailed examination of the potential impacts of one or more options against decision criteria.
- Community Consultation – identification of community consultation methods and justification for the methods used and analysis of outcomes.

The research, consultation and analysis must be conducted by a suitably qualified practitioner (Element B2) and in accordance with professional standards.

B3.4 Preparation of the Social Impact Assessment

Documentation of the research, consultation and analysis must be in the form of a Social Impact Assessment Report and should include:

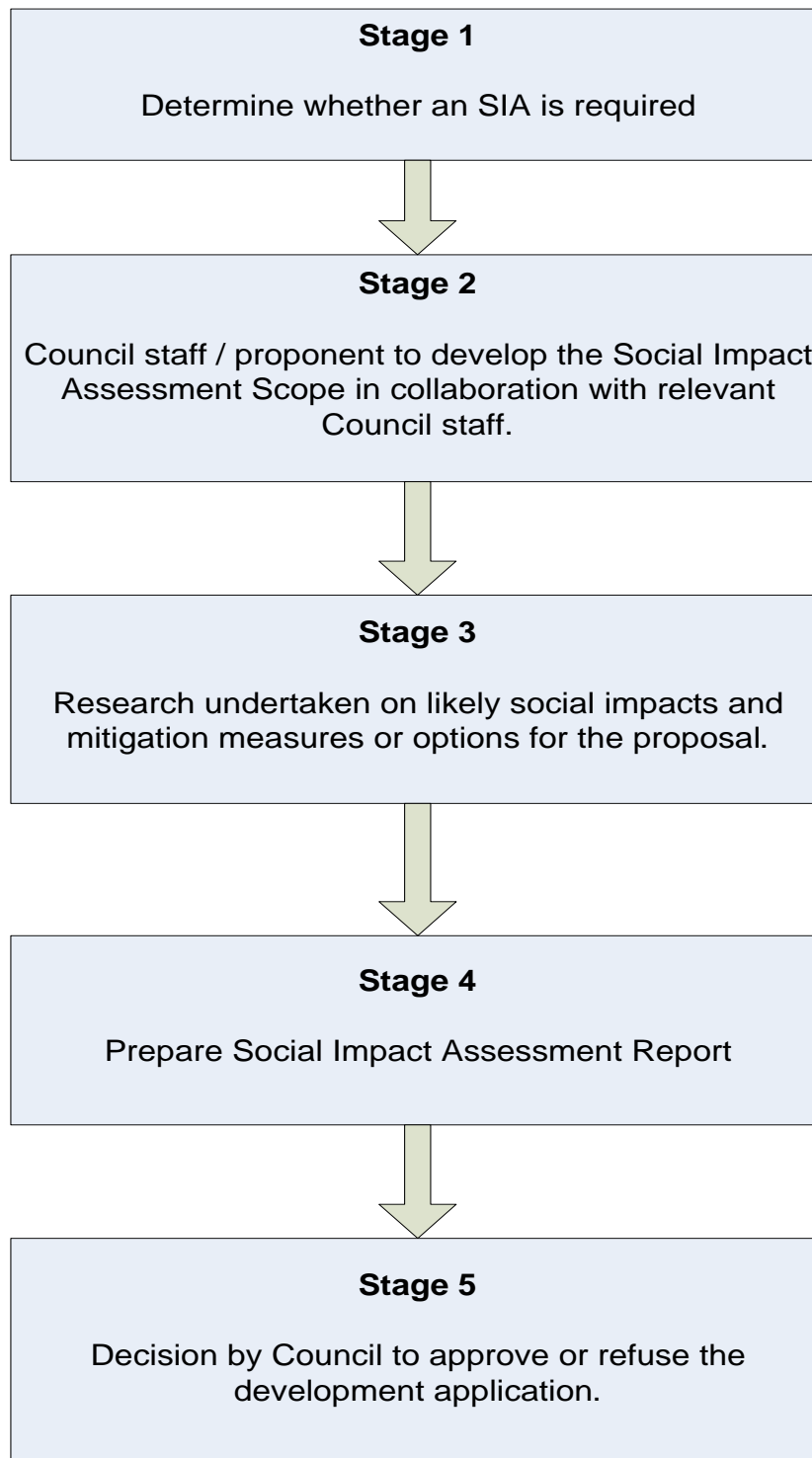
- The Social Impact Assessment Scope,
- Community profiling,
- Identification of issues (both positive and negative),
- The methodologies employed by the study to measure impacts,
- The primary and secondary data collection methods,
- The primary and secondary data collected,
- Method of analysis employed and a discussion and analysis of the issues,
- Identification and measurement of likely impacts,
- Range of options for proceeding with the proposal, and
- Recommendations including suggested mitigation measures for negative impacts that have been identified and/or strategies to monitor and manage negative impacts over time

B4 Further Information

The following provides a list of Council policies and plans which may assist proponents to identify issues for consideration in a social impact assessment:

- The Byron Shire Local Environmental Plan 1988
- The Byron Shire Social Plan 2004 – 2009
- The Byron Shire Community Profile
- The Byron Rural Settlement Strategy 1998
- The Brunswick Heads Settlement Strategy 2004
- The Mullumbimby and Bangalow Settlement Strategies 2003
- The Byron Shire Community Safety Plan 2003
- The Byron Shire Disability Action Plan 2001 - 2004
- The Byron Shire Cultural Policy 2003 and Plan
- The Byron Shire Affordable Housing Strategy for Urban Areas 2002
- Far North Coast Regional Strategy 2006 - 2031

Flow Chart 1: Conducting the Social Impact Assessment



C. DECISION MAKING

The Decision	
<p>Deciding <i>(The Council makes the decision)</i></p>	<ul style="list-style-type: none"> Councils' determination of the proposal will take into account the information submitted.
<p>Impact Management Planning <i>(The council determines the conditions of consent)</i></p>	<ul style="list-style-type: none"> If the proposal is approved by Council, preparation of a Social Impact Management Plan may be required as a condition of consent. This will be dependent on the complexity of the development and whether any mitigating measures can easily be transposed into consent conditions or are reliant on a Social Impact Management Plan to identify a range of measures that need to be implemented for the development.
<p>Monitoring and mitigating <i>(The proponent is responsible for implementation and reporting to Council in accordance with consent conditions)</i></p>	<ul style="list-style-type: none"> The Social Impact Management Plan may require the collation of information as to particular impacts over time. This information will be applied to mitigate or avoid negative effects, to maximise positive effects and to manage overall changes.

Attachment 1

Social Impact Assessment Scope

This pro-forma will be discussed and completed during a pre-application meeting with Council staff to provide advice for applications that require an SIA. This pro-forma identifies issues for consideration and the most appropriate community consultation methods for the proposal.

Description of the proposal?

Property Lot and DP

What are the standard issues for consideration? <i>(Clarify if listed in order of importance and include rationale.)</i>	What baseline data is available?	What information needs to be collected by the applicant?	What is the most appropriate collection tool?	What is the most appropriate analysis tool

Community consultation

Issues to be covered	Community Representatives that need to be included	# of sessions to be held	Advertising of sessions required

Comparison analysis (comparison of options for the proposal)

What are the elements for consideration?	What baseline data is available?	What information needs to be collected by the applicant?	What is the most appropriate collection tool?	What is the most appropriate analysis tool