

FILE NO: PSC2017-03201

TITLE: SOCIAL IMPACT POLICY

POLICY OWNER: SECTION MANAGER, STRATEGY AND ENVIRONMENT

PURPOSE:

This policy outlines Council's commitment to ensure social impacts are considered and addressed in Council's decision making processes.

This policy's related Social Impact Assessment Guidelines identify when a Social Impact Assessment (SIA) is required, the category of that SIA and how social impacts are to be addressed in relevant development applications and planning decisions.

CONTEXT/BACKGROUND:

Social impacts refer to the effects of change on the social environment. Social impacts derived from change may be positive and/or negative in nature and may inequitably disadvantage or advantage one individual or group over another. SIA is a process that can enhance positive outcomes and mitigate costs for the community and Council. The process also ensures that unintended or undesirable adverse consequences are avoided. Fundamentally SIA applies the precautionary principle to proposed change.

Social impacts can be relevant when applications and decisions are made under the *Environmental Planning and Assessment Act 1979* (s79C(1)(b)).

Social impacts are also relevant considerations in Council processes and decision making including the preparation of strategic plans (including Council's Community Strategic Plan), policies, and decisions made under the *Local Government Act 1993* (Section 8A(1)(2)). That Act requires Council decision making to (among other things) recognise diverse local community needs and interests, consider social justice principles, consider the long term and cumulative effects of actions on future generations, and consider the principles of ecologically sustainable development.

SCOPE:

This Policy relates to Council functions and decision making under the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*.

DEFINITIONS:

An outline of the key definitions of terms included in the policy.

Community	Any individual or group who could be affected by a proposed change or project including: a) Those who live nearby; b) Those who will hear, smell or see a development or its effects c) Those who are forced to relocate; d) Those who have an interest in, or are likely to be affected by, the new project but may not live in close proximity; e) Those who may normally use the land where the project is to be located.
Precautionary principle	This principle requires decision makers to take account of the likely risks and benefits when making a decision. It is generally held that an absence of proof is not sufficient grounds for disregarding likely risk, which will have a serious social impact.
Social Impact	Any change to social wellbeing, resulting from development practices, Council decisions or other activities, that affects people's way of life. Social impacts are changes, which affect the distribution of: social structures (such as residential areas), social infrastructure (such as recreation facilities), and the distribution of social risks and vulnerability.
Social Impact Assessment (SIA)	Social impact assessment is an investigation and evaluation process that takes place before a decision is made about a proposed change. The aim of the assessment is to consider likely risks and benefits that the change may bring in the short and long term and to assess whether the risks substantially outweigh the benefits. Social impact assessment may also be viewed as the implementation of the precautionary principles.

POLICY STATEMENT:

The objectives of this Policy are:

- To effectively integrate social impact considerations more comprehensively and consistently to Council functions and decision-making under the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*;
- To enable Councils management of their operations and forward planning in a manner that is consistent with the wellbeing of people living, working or visiting the LGA; and
- Council plans for the future delivery of services and facilities and distribution of land use in ways that will promote social wellbeing and equity.

The expected results are:

- Land uses and the provision of facilities are appropriately distributed in an equitable manner to ensure minority and disadvantaged groups do not experience inequitable social consequences of land use activities; and
- Council meets all its social and statutory responsibilities under the *Local Government Act 1993* and *Environmental Planning and Assessment Act 1979* when social impacts are a consideration.

POLICY RESPONSIBILITIES:

- 1) Strategic Planning team is responsible for monitoring, reviewing and providing advice on the policy.
- 2) Implementation of, and compliance with, the Social Impact Policy is the responsibility of all staff, with the Senior Leadership Team responsible for ensuring the policy is implemented throughout the organisation.

RELATED DOCUMENTS:

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| 1) Local Government Act 1993 | 8) Environmental Policy |
| 2) Environmental Planning and Assessment Act 1979 | 9) Crime Prevention Plan |
| 3) Community Strategic Plan | 10) Port Stephens Council Disability Inclusion Action Plan |
| 4) Port Stephens Development Control Plan | |
| 5) Alcohol on Parks and Reserves 2002 | |
| 6) Asset Management Policy | |
| 7) Acquisition and Divestment of Land Policy | |

CONTROLLED DOCUMENT INFORMATION:

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RM8 container No	PSC2017-03201	RM8 record No	PSC2017-03201
Audience	Internal and external		
Process owner	Section Manager, Strategy and Environment		
Author	Senior Social Planner		

Review timeframe	Two years	Next review date	February 2020
Adoption date	23 September 2014		

VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1	23/09/2014	Senior Social Planner	Original document revoked 27 May 2003.	241
2	13/02/2018	Senior Social Planner	Social and statutory responsibilities under the Local Government Act 1993 (Section 8A (1)(2)) and the Environmental Planning and Assessment Act 1979 (s79C(1)(b)). Broadened to apply to development under <i>Environmental Planning and Assessment Act 1979 (Part 5)</i> .	009

1.0 BACKGROUND INFORMATION

These guidelines are given force through the Social Impact Policy and have been developed to provide guidance to:

- Applicants for development where a social impact assessment is required; and
- Council, when decisions are likely to have social impacts.

The guidelines provide a clear and consistent framework and overarching methodology for identifying, assessing and responding to the likely and precautionary social impacts of a proposed development, project, plan or decision.

1.1 Social impacts

Table 1: Examples of potential social impacts

Impacts	Description
Way of Life	<ul style="list-style-type: none"> • How people live, work, play and interact with one another on a day to day basis, including social well-being, connectivity and accessibility.
Cultures	<ul style="list-style-type: none"> • People's shared and individual beliefs, language or dialect (including Aboriginal culture and connection to country), changes in relationships and structures customs and values.
Social cohesion	<ul style="list-style-type: none"> • Community cohesion, stability, character, services and facilities.
Political systems and governance	<ul style="list-style-type: none"> • The extent to which people are able to participate in decisions that affect their lives, and the resources provided for that purpose.
Environmental impacts on people	<ul style="list-style-type: none"> • The perceived quality of the air and water people use, the availability and quality of the food they have available to them, level of hazard or risk, including dust, noise, flood, fire and heat they may be exposed to; the adequacy of sanitation, and access to and control over resources. • Changes to the aesthetic environment.
Health and Wellbeing	<ul style="list-style-type: none"> • People's physical, mental, social and spiritual wellbeing. • Demand for health services (including ancillary services such as community health care and dental services). • Access to and the requirements for human and social services, and infrastructure. • Crime Prevention through Environmental Design.
Personal and property rights	<ul style="list-style-type: none"> • Access to job opportunities and the ability to earn income or potential to experience personal disadvantage. • Access to housing tenure and choice. • Access to education.
Community safety	<ul style="list-style-type: none"> • Their perceptions about their safety, their fears about the future of their community, and their aspirations for their future and the future of their children.

Table 1

Assessing the likelihood of social impacts early on in a project or the decision making process can enhance outcomes and prevent costs to the community, developers and Council.

Consideration of social impacts can:

- Improve economic development within an area by creating greater certainty for project investment and increase the chance of project success;
- Avoid and reduce social, environmental and economic risks and conflicts felt by industry and local communities;
- Improved planning for social and physical infrastructure;
- Improve processes to inform and involve internal and external stakeholders and construct better relationships; and
- Improve sustainability outcomes for present and future populations.

2.0 TARGET AUDIENCE / USERS

Applicants

TABLE 2 of these guidelines requires a social impact assessment to be undertaken for certain development applications.

Council

Relevant social impacts are required to be considered when planning applications are determined under the *Environmental Planning and Assessment Act 1979* (EP&A Act) (Section 79C(1)(b) and Section 96(3)).

Other planning decisions (such as rezonings or the preparation of a Development Control Plan) must be consistent with the objects of the EP&A Act which include "to encourage ecologically sustainable development" (Section 5(a)(vii)). For the purposes of the planning legislation, 'ecologically sustainable development' includes the integration of social considerations (as well as economic and environmental considerations) in decision-making processes.

Council also has a statutory obligation to consider social justice principles when decisions are made under the *Local Government Act 1993* (Section 8A(2)(b)).

The Port Stephens Community Strategic Plan identifies as a strategic direction: "(to) balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations."

3.0 APPLICABLE STANDARDS

These guidelines identify two levels of social impact assessment for development applications, and the process and information that is required to undertake the assessment.

Comprehensive Social Impact Assessment (CSIA)

A CSIA is a thorough assessment of the potential social impacts of a proposal, including a detailed analysis and response to the likely and precautionary social impacts. A CSIA must be completed by a suitably qualified and experienced professional; that is those with qualifications and experience in using rigorous social science methodologies, working in professional fields, such as the social sciences, town planning, anthropology or human geography, who does not have a conflict of interest or financial interest in the project.

The CSIA should be a separate specialist report that is referenced in, and attached to the planning application documentation. The study should demonstrate robustness, such as ethical considerations, credible and referenced data and research, and without false or misleading information.

Social Impact Comment (SIC)

A SIC is a smaller scale of SIA. A SIC need not be a separate report and can be incorporated in the assessment report lodged with the application.

Council reserves the right to require a full CSIA notwithstanding the indicative requirements in the table below.

3.1 Types of Development

Type of Development	Description	
	Social Impact Comment	Comprehensive Social Impact Assessment
Caravan Parks and Tourist Facilities	<ul style="list-style-type: none"> Section 96 Development Applications <u>without</u> the addition of permanent sites Hotel, resort, motel and backpackers accommodation that has the capacity for less than 20 persons 	<ul style="list-style-type: none"> Section 96 Development Applications <u>with</u> the addition of permanent sites Hotel, resort, motel and backpackers accommodation that has the capacity for 20 persons or more Hotel, resort, motel and backpackers accommodation greater than and including 14 metres
Commercial and industrial development <ul style="list-style-type: none"> Business premises Office premises Retail premises 	<ul style="list-style-type: none"> Amusement centres Cemetery and crematoriums Places of public worship Service stations Twenty four hour restaurant, food, drink or convenience store 	<ul style="list-style-type: none"> Correctional centres Gaming outlets, which are defined as a food and drink premises Packaged liquor, which are defined takeaway food and drink premises or a registered club Restricted premises
Early Education and Educational establishment	<ul style="list-style-type: none"> Early education and childcare facilities more than 100 places, except home based child care 	
Extractive industries	<ul style="list-style-type: none"> Extractive industries 	
Health services facilities	<ul style="list-style-type: none"> Drug rehabilitation facilities, which are defined medical centres 	

Planning proposals	<ul style="list-style-type: none"> • Planning proposals resulting in greater than 100 lots but less than 200 lots 	<ul style="list-style-type: none"> • Planning proposals resulting in greater than 200 lots • Planning proposals that facilitate development that requires CSIA
Recreation and community facilities	<ul style="list-style-type: none"> • Recreation and community facilities 	<ul style="list-style-type: none"> • Recreation facility (indoor and outdoor) greater than \$5M CIV
Residential development	<ul style="list-style-type: none"> • Section 96 Development Applications where CSIA was requested for the original development application • Residential Flat Buildings greater than eight units • Multi dwelling housing greater than eight dwellings • Residential subdivision • Boarding houses, hostels, aged care facilities, group homes • Residential Flat Buildings and Multi-dwelling housing higher than 10.5 metres 	<ul style="list-style-type: none"> • Affordable housing under SEPP (Affordable Rental Housing) 2009 – excluding secondary dwellings • Housing for Seniors or people with a disability under SEPP (Housing for Seniors or People with a Disability) 2004 • Manufactured Home Estates

3.2 Council's role

Council will manage consideration of social impacts in its decision making processes by:

- Referring CSIAs to the Social Planning unit for review; and
- Undertaking Social Impact Assessment in accordance with these guidelines where relevant to Council decisions and/or when required to in accordance with Management Directive / within Councils Integrated Risk Management Framework and Matrix.

The Social Planning unit will consider the following in its assessment of CSIA:

- The data and research validity;
- The community of interest and whether the relevant social impacts have been satisfactorily identified and considered;
- The distribution of proposed impacts, i.e equal or inequitable distribution on vulnerable proportions of the community; and
- Whether mitigation and monitoring measures proposed are appropriate and support positive social outcomes for the community.

3.3 Data sources

Port Stephens Local Government Area (LGA) www.portstephens.nsw.gov.au

Source	Data Available
Port Stephens Community Profile	Port Stephens key demographics by suburb <ul style="list-style-type: none"> • How many people live there • What is the age breakdown • Dwelling types
Port Stephens Council Website	<ul style="list-style-type: none"> • Port Stephens Council Local Environment Plan (LEP) and Development Control Plan (DCP) • Other documents and publications, e.g. Ageing Strategy and Disability Inclusion Action Plan
Non Government Organisations (NGO's) and local community organisations	<ul style="list-style-type: none"> • Reports relevant to issues facing minority or disadvantaged groups • Smith Family • Ability Links

State Government Agencies www.nsw.gov.au

Source	Data Available
NSW Bureau of Crime Statistics and Research http://www.bocsar.nsw.gov.au	<ul style="list-style-type: none"> • Crime statistics for NSW and LGA's • Specialist crime data and comparative trend analysis
Attorney General's Department	<ul style="list-style-type: none"> • Specialist crime data research and comparative trend analysis
NSW Police Force www.police.nsw.gov.au	<ul style="list-style-type: none"> • Mapped crime data by local area commands (available through local police stations) • Crime statistics • Annual customer satisfaction surveys (levels of reporting and police response)
Office of Liquor and Gaming www.liquorandgaming.nsw.gov.au	
Department of Education www.dec.nsw.gov.au	<ul style="list-style-type: none"> • Enrolments in government and private schools • Enrolment of special groups (Aboriginal and Torres Strait Islanders; Non-English Speaking Background students)
Department of Family and Community Services www.community.nsw.gov.au www.facs.nsw.gov.au	<ul style="list-style-type: none"> • Supported accommodation information • Child abuse and domestic violence statistics
NSW Health www.health.nsw.gov.au	<ul style="list-style-type: none"> • In-patient statistics • Community health data • Hospital facility data • Waiting list information • Range of health indicators (e.g. mortality data) • Alcohol and drug dependency data
Department of Housing NSW www.housing.nsw.gov.au	<ul style="list-style-type: none"> • Boarding house data • Waiting list numbers • Client profiles • Housing stock information • Quarterly rent and sales reports
NSW Government Licensing Service (GLS)	<ul style="list-style-type: none"> • Childcare licence information
NSW Fair Trading www.fairtrading.nsw.gov.au	<ul style="list-style-type: none"> • Boarding house data • Rental Bond Board data (rents, type of dwellings)

Department of Planning & Environment www.planning.nsw.gov.au	<ul style="list-style-type: none"> • Population projections (LGA and regions) • NSW Household and Dwelling Projections Data • Demographic trend analysis • Urban Development Program (UDP) production data – new release areas • Metropolitan Urban Development Program (MUDP) production data – established areas • Employment Lands Development Program data • Regional housing statistics and market analysis • State and Regional strategic plans
NSW Spatial Data Catalogue (NSDC) www.sdi.nsw.gov.au	<ul style="list-style-type: none"> • Central repository for the publication of metadata describing NSW Local and State Government spatial data • Search for data, find out what data exists, where and how to access the data, the data's fitness for purpose, who/when and how the data was created, how often it is updated, the geographic extent of the dataset, as well as the rights and restrictions that apply to the dataset
Bureau of Transport Statistics www.bts.nsw.gov.au	<ul style="list-style-type: none"> • Passenger travel for all modes of transport (by traffic zones and statistical local areas) • Freight movement survey • Journey to work data • Information on future road and public transport networks
NSW Lands and Property Information http://www.lpi.nsw.gov.au	<ul style="list-style-type: none"> • Land title registration • Property information • Valuation • Surveying • Mapping
NSW Valuer General www.valuergeneral.nsw.gov.au	<ul style="list-style-type: none"> • Average house prices by type of dwelling and locality
Tourism www.destinationnsw.com.au	Tourism statistics and research

Federal Government agencies www.australia.gov.au

Source	Data Available
Australian Bureau of Statistics (ABS) www.abs.gov.au	<ul style="list-style-type: none"> • A wide range of data
Department of Employment Labour Market Information Portal www.lmip.gov.au	<ul style="list-style-type: none"> • Centrelink Customer Population by Main Allowance Type • Job Services Australia data • Employment Industries and Occupations by area • Unemployment rates • Labour force data
Department of Immigration and Border Protection www.immi.gov.au	Statistics on permanent settlers to Australia by visa category using the Settlement Database

PROCEDURE DESCRIPTION

The below table is a guide in which to undertake the process for SIA, including preparation of SIC and a CSIA. Given the wide ranging scope of social impacts as a result of change, it is impossible to provide an exhaustive list, therefore this list is not prescriptive. However, the matters addressed in SIA should demonstrate a robust, reliable and explainable assessment of the predicted social impacts of the proposed development, plan or project.

Scoping and Profiling	
Define the Community of Interest	<ul style="list-style-type: none"> • Define the geographical boundaries of the study area • Additional relevant boundaries, including distance and walkability
Detailed description of the Community of Interest, including residents and workers.	<ul style="list-style-type: none"> • Age distribution and trends; i.e growing ageing demographic, decline in younger age cohorts • Current population and likely growth or decline, including age and gender distribution • Crime profile for the local area in which the development is proposed to be located • Health profiling • Household characteristics • Income and weekly household income • Levels of advantage or disadvantage • Minority, marginalised or other vulnerable groups • Levels of Need for Assistance
Identification and prediction of the social impacts	
Identify the social impacts (positive and negative change) of the proposed development, decision, plan or policy	<ul style="list-style-type: none"> • Identification and analysis for both the positive and detrimental social impacts
Community Engagement	<ul style="list-style-type: none"> • Identify and involve all potentially affected groups and individuals • Identify public concerns and values
Analysis of the social impacts (positive and negative change) of the proposed development, decision, plan or policy	<ul style="list-style-type: none"> • Access and inclusion to; services, buildings, transport, including compliance with Premises Standards and specific needs of those affected • Demographic change, such as the size and age distribution of the resident population, influx of temporary workers or influxes of tourist population or recreational users • Cultural change; will the development enhance or detract from cultural values within the locality of interest • Economic change including new patterns of employment/income, real estate speculation (increase/decrease in housing/rental market) • Environmental change, including changes to land use, such as rezonings and land use objectives, loss of community and aesthetic values. • Housing, loss or increase in housing and dwelling type, eg single detached • Operational or institutional change, including provision and maintenance of community facilities, social infrastructure and amenities
Assessment and evaluation	
Assess and evaluate the identified predicted impacts and the affect of those on the Community of Interest.	<ul style="list-style-type: none"> • Will the proposal inequitably advantage or disadvantage a person or group over another • Direct and indirect impacts • Short and long term impacts • Cumulative impacts • The level of controversy and community outrage
Evaluate alternatives and mitigations	<ul style="list-style-type: none"> • Minimise the impacts of any adverse impacts <ul style="list-style-type: none"> ○ Setbacks ○ Acoustics ○ Hours of operation ○ Visual impacts, including loss of outlook or views, restriction of sunlight and privacy ○ Aesthetic effects, including bulk, scale in the context of surrounding development, construction and landscaping materials

	<ul style="list-style-type: none"> • Should demonstrate overall benefit to the community
Recommendations and monitoring measures	
Recommendations, and monitoring mechanisms	<ul style="list-style-type: none"> • Outlines overall benefits and costs of the proposal, including the level of significance of the predicted impacts. Significance refers to: <ul style="list-style-type: none"> ○ The level of change likely to arise relative to the people affected by it ○ The number of people likely to be affected ○ The duration of the impact • Plan of management of monitoring processes for conditions of consent and mitigation measures

Definitions

An outline of the key definitions of terms included in the guideline.

Comprehensive Social Impact Assessment (CSIA)	A comprehensive social impact assessment is the type of assessment and report required when a development or planning decision is of large enough scale or potential level of impact that it requires detailed consideration of the social impacts. The data, analysis and assessment within the report should be commensurate with the likely risks involved in preparing a proposal.
Development Control Plan (DCP) Community	Sets out the controls guiding development within a particular area. Any individual or group who could be affected by a proposed change or project including: a) Those who live nearby b) Those who will hear, smell or see a development or its effects c) Those who are forced to relocate d) Those who have an interest in, or are likely to be affected by, the new project but may not live in close proximity e) Those who may normally use the land where the project is to be located
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Social Impact Assessment (SIA)	Social impact assessment is an investigation and evaluation process that takes place before a decision is made about a proposed change. The aim of the assessment is to consider likely risks and benefits that the change may bring in the short and long term and to assess whether the risks substantially outweigh the benefits. Social impact assessment may also be viewed as the implementation of the precautionary principles.
Social Impact Comment (SIC)	A social impact comment is a phrase used to describe an SIA when it is brief. However, the size of a social impact comment should be commensurate with the likely risks involved in preparing a proposal. The greater the risk, the greater the need for a more comprehensive social impact assessment (CSIA).

Literature and Research

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Further information

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