

Social impact assessment guidelines



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ACT Planning &
Land Authority

CHANGING A CONCESSIONAL LEASE

This is a guide to the process of removing the concessional status on a lease through the development application process. If the lease is not a concessional lease this guide is not relevant.

Is your lease a concessional lease?

Recent changes to the *Planning and Development Act 2007* (the Act), through the *Planning and Development (Concessional Leases) Amendment Bill 2010*, make it easier to determine if a lease is concessional. These amendments came into effect on 8 October 2010.

If you have not already done so, you should clearly establish whether your lease is concessional.

The changes sort certain leases into the following categories:

- concessional leases - leases deemed to be concessional
- market value leases - leases deemed to be not concessional
- possibly concessional leases - leases deemed to be possibly concessional

The new category 'possibly concessional' includes leases that might or might not be concessional. This category is intended to serve as a flag or warning that the lease might be concessional and that further research may be needed.

In the first instance check the Land Titles Register. If the register does not have the information, you may apply to the ACT Planning and Land Authority for a determination.

Yes, my lease is concessional and I want to change it.

An application to remove the 'concessional' status from a lease must be accompanied by assessment of the social, cultural and economic impacts of the proposal. This is known as a **social impact assessment (SIA)**.

The SIA must consider those things identified in this guide in the context of the proposed development. This will assist in the assessment of your application and avoid any possible delays due to further information requests.

An application to remove the concessional status from a lease is:

- assessed in the Merit track;
- comments are sought from:
 - ACT Government agencies; and
 - neighbours - residential and commercial
- subject to a time limit for assessing the application i.e. 30-45 working days, but if more information is required this will extend the timeframes.

Don't quite understand the requirements?

If you do not understand the requirements you should contact ACTPLA's Leasing Section to discuss this. Once an application has been accepted the application must be determined. This could be delayed if the SIA does not provide sufficient information.

How this guide works

This guide sets out the **general requirements** and the **specific requirements** for all SIA. You should respond to the specific requirements in the context of your development application proposal. Nothing in this guide restricts someone from including additional information that will inform ACTPLA on the merits of the proposal.

You should attach your SIA to the hardcopy of your development application. Alternatively, if you are making an electronic application, please attach the assessment, clearly titled, as one of the documents you up-load with your application.

What is a SIA

You can find information about social impact assessments on various industry websites such as the Planning Institute of Australia, local Councils, government agencies and industry providers. You can also refer to the International Principles for Social Impact Assessment to help you understand what a SIA is.

However, in the context of your proposal, your assessment must respond to those things mentioned in this guide.

ACTPLA will use the information in your development application, including the SIA, to advise the Minister. Under the Act the Minister can only decide an application if it is in the public interest. Section 261 of the *Planning and Development Act 2007* provides:

“The planning and land authority, or Minister, must not decide a development application to which this part applies under section 162 (Deciding development applications) unless the Minister decides whether it is in the public interest to consider the application.

(2) In deciding whether it is in the public interest to consider the development application, the Minister must consider the following:

- (a) whether the Territory wishes to continue to monitor the use and operation of the lease by requiring consent before the lease is dealt with;
- (b) whether approving the application would cause any disadvantage to the community taking into account potential uses of the leased land that are consistent with the territory plan, whether or not those uses are authorised by the lease;

- (c) whether the application to vary the lease to make it a market value lease is, or is likely to be, part of a larger development and, if so, what that development will involve;
- (d) whether the Territory should buy back, or otherwise acquire, the lease;
- (e) whether the Territory wishes to encourage the continued use of the land for an authorised use under the lease by retaining the concessional status of the lease.

(3) The Minister must give notice of the decision to the planning and land authority.”

The main test for an SIA is to demonstrate that it is in the public interest to deconcessionalise the lease. You should consider those things that the Minister will consider (note sections 2 (a) – (e)) when you are completing the assessment of the social, cultural and economic impacts of the proposal. The SIA should explore the positives and negatives of all options to deliver the proposed outcomes. While a development application may be for deconcessionalisation typically this could be the first step towards future plans for the lease such as changing the use from ‘community facility’ to ‘supportive housing’. The SIA should explore the various ways that this will impact on the community.

Who should complete the SIA?

To complete your SIA you may like to consider engaging a consultant who specialises in this work.

If you would like to ask ACTPLA's advice on the SIA before you lodge your development application, please contact ACTPLA's Leasing Section on 620 72869.

Check it twice - lodge it once!

Remember to check your development application carefully before you lodge it with ACTPLA. Applications can be delayed if you have not attached the right information or if you haven't filled out the form correctly.

To avoid delays, make sure you fill in all the parts of the form you are required to.

There is a checklist at the end of the DA form to help you complete your DA. This tells you what documents you need to provide with your application.

Details of the fees relating to development applications are listed in the fees and charges booklet available from ACTPLA's Customer Service Centre or online at www.actpla.act.gov.au.

GENERAL REQUIREMENTS

If you are not sure how to proceed or want to ensure you have everything you need for your application please contact the Leasing Section on 620 72869.

1. Cover Page

This must clearly indicate the name of the proposal, date of preparation of document, name of person/organisation who prepared the document and for whom the document was prepared (proponent).

2. Preferred format

A4 format, portrait, numbered pages.

Please ensure each page of the SIA has a footer that includes the block/section number and the proponent's name.

3. Base contents

As a minimum and within the context of the proposal, the SIA must include:

- lease information – include detail for each lease or related lease
 - how did you determine that the lease was concessional?
 - specific lease conditions (if any)
 - block /section number
 - proponent details
 - tenancy details (if applicable)
 - relevant and interested party detail (if applicable)
- legislative compliance - the proposal should be consistent with:
 - the Territory Plan*
 - the Spatial Plan
 - Canberra Plan

*Note: if you are managing your proposed intentions for a lease in stages then you must consider the possible time delays, if for instance a subsequent proposal requires a variation to the Territory Plan. A variation to the Territory Plan can take up to two years.

- executive summary
- background
 - provide a summary of the existing development and related leases i.e. an existing development may be on one or more leases, one or both may be concessional, or one may not be. Provide detail of the lease that is not a concessional lease and information about how this is related to the concessional lease.

- introduction
 - state a clear reason why the lease(s) need to be deconcessionalised at this stage and why such need cannot be addressed satisfactorily under a concessional lease. You should provide evidence to backup your claims.
- proposal details
 - objectives
 - alternatives
- community profile
 - local
 - social demographics
 - infrastructure
 - social
 - physical
 - employment
 - economic
- community and stakeholder information
- a valuation certificate that shows:
 - for a development application that proposes changing or adding a 'use' - the change of use value
 - the value of improvements
 - the pay-out figure
- recommendations
- glossary of technical terms
- references

The specific elements of the SIA are dealt with in the next section of this guide. Nothing in this guide restricts a proponent from including additional information that will assist ACTPLA determine the application.

SPECIFIC REQUIREMENTS

The SIA must demonstrate that the proposal is in the public interest. For each of the points 1 - 5 the SIA must demonstrate:

- how the proposal will benefit the community
- what benefits may no longer be available to the community and how this will be mitigated
- how the lessee will benefit.

Nothing in this guide restricts a proponent from including additional information.

1. Socio-economic and health

Provide an analysis, that considers the proposal at:

- a. full implementation
- b. the future maximum development potential of the site.

The analysis should consider:

- accommodation and housing
- community services and facilities
- interaction between development of the site and the existing community
- the impacts of the proposal on social cohesion

The analysis should:

- define and describe the practical measures for protecting or enhancing social values
- describe the level of community support for the project
- provide a description and rationale of the overall net community benefit.

2. Economic costs and benefits

Describe the general economic benefits of the proposal.

Describe the purpose to which monies gained from the potential sale/transfer would be used.

3. Community and stakeholder consultation

The SIA must show all the relevant community and stakeholder consultation that has happened.

For each consultation include:

- who was consulted and what is their interest/relevance
- dates and locations of meetings – how was the meeting publicised
- if you produced information for the consultation – please attach
- summary of issues raised – pro's and con's
- if you refined your proposal as a result of the consultation
- follow-up / feedback
- outcomes
- a summary of all consultation undertaken
- an analysis of the consultation
 - identify any unresolved issues and why the proposal can not address them

Who should you consult?

- the local community council. Each region of Canberra has a community council. Depending on your proposal you may need to consult with more than one community council
- other relevant community organisations that may be impacted by your proposal
- carefully consider if your proposal may be of interest to ACT Government entities such as, but not limited to:
 - ACT Heritage Council
 - Chief Executive for TAMS
 - Conservator and EPA
 - Emergency Services Commissioner
 - Chief Executive for Health Policy
 - ActewAgl Distribution and Actew Corporation

You may like to consult with these entities during development of your proposal. This way any issues raised can be dealt with during refinement of your proposal and before you lodge your development application. Once you have lodged your development application, it will be referred to entities as required under the Act.

4. Traffic and streetscape impact

Provide an analysis of the traffic and streetscape impact under the maximum development scenario allowed under a paid out concessional lease.

In providing this analysis, it is recommended that you consult with TAMS. Please provide evidence.

5. Reasons for deconcessionalisation

Provide a rigorous analysis of why the lease should be deconcessionalised. The analysis should be informed by section 1 – 3.

If the proposal deals with more than one lease, whether or not the other lease/s is concessional, the analysis must identify the impact on each lease.

