

Social Impact Assessment - Exhibition Submission Response Form

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#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil
1 2 3						
4 5						

6

7

Suggested amendment (if any)

Data values for form

Exhibition Document	Category of comment/issue
SIA Guideline	Approach
Technical Supplement	Scalability
Practice Note 1	Language and terminology
Practice Note 2	Project refinements
Practice Note 3	Phase 1
Practice Note 4	Phase 2
Practice Note 5	EIS Assessment Alignment
Practice Note 6	Alignment with business/government processes
Practice Note 7	Modifications
Practice Note 8	Social Licence
Transitional Arrangements FAQ	Social Locality
	Social science concepts
	Social Baseline
	Categorising impacts (+ & -)
	Evaluation impacts (+ & -) incl matrix
	Responding to social impacts (+ & -)
	Post approvals
	Consultation
	Engaging with different people
	Confidentiality/Sensitivity
	SIA Authors
	Data collection/validation
	Timing/implementation
	Other - please describe

summary response support in principle (with suggested changes) support as is oppose (explaining objective/reasons)

Improving guidance for social impact assessment in NSW

1 – Have **independent** EIS studies that give objective positives and negatives

2- Why?

Quite simply the proponent that pays for the EIS will receive an EIS that is skewed in their favor!

- 3- How do I know?
 - The **Yanco Solar Farm EIS SSD-9515** that was presented, amended and re-presented and passed minimized the impact on the local economy by:
 - Misrepresenting water supply bores and positioning
 - Misrepresenting the local production value of the property
 - **Misrepresenting** the community value of local income machinery sales and maintenence, local manual labor, water sales, water supply maintenance
 - Misrepresenting the value of the loss of high value agricultural land
 - **Ignoring** the value of the present infrastructure of electricity supply, irrigation pipelines and systems, equipped and operating irrigation bores. *When the land is supposedly returned to Agricultural production, who pays to repair/replace the irrigation systems*
 - Misrepresenting the ease of which to return this land to agricultural production
 - Misrepresenting the calculation of local jobs lost because of lost water sales to Murrumbidgee Irrigation
 - **Misrepresenting** the life cycle costs to the local economy presently battery life is about 8/10 years and panels end of economic life about 25 years (*not 30*)
 - **Misrepresenting or ignoring** the contribution to the local council of how solar waste of panels, infrastructure and batteries are disposed of during and end of life – *currently there is only one panel re-cycling facility in Australia and that is in a start up phase* – *obviously there will be more in time but who pays the freight? Who pays for the removal of the infrastructure of steel frame work, concreted posts and concrete* – *Where does it go? Who pays for the rectification of the land should a catastrophic event occur that contaminates the land with heavy metals that are impossible to remove?*
 - At this stage it appears to be the local council's cost who has received very little over the projected life of the solar dump compared to the income that the property would have produced. The solar dump may be good for Australia but has destroyed a community in the process.
 - I have use one example for my submission but virtually all my concerns are valid anywhere in Australia where prime agricultural land is used for solar dumps.
 - I suggest that you read the following and modify the behavior of how solar dumps and wind farms are sited. First priority is on low value land, thus the local community retains its economy, and has a economic win with the minor local contribution that the solar dump makes. *This simple step enables the local, state and federal economy to win. Of course the proponent has to dig deeper to fund the project, but then the Aussie tax payer subsidises the entire project for its entire lifespan.*

All I can do is present you with legitimate concerns and present informative information. The following observations by Mark P Mills should be considered for all future solar dumps and wind farms.

Mark P Mills

Biography-Mark P. Mills is a senior fellow at the Manhattan Institute and a faculty fellow at Northwestern University's McCormick School of Engineering and Applied Science, where he co-directs an Institute on Manufacturing Science and Innovation.

He is also a strategic partner with Cottonwood Venture Partners (an energy-tech venture fund). Previously, Mills cofounded Digital Power Capital, a boutique venture fund, and was chairman and CTO of ICx Technologies, helping take it public in 2007.

Mills is a regular contributor to Forbes.com and is author of *Digital Cathedrals* (2020) and *Work in the Age* of *Robots* (2018). He is also co-author of *The Bottomless Well: The Twilight of Fuel, the Virtue of Waste,* and Why We Will Never Run Out of Energy (2005).

His articles have been published in the *Wall Street Journal*, *USA Today*, and Real Clear. Mills has appeared as a guest on CNN, Fox, NBC, PBS, and The Daily Show with Jon Stewart. In 2016, Mills was named "Energy Writer of the Year" by the American Energy Society. Earlier, Mills was a technology advisor for Bank of America Securities and co-author of the *Huber-Mills Digital Power Report*, a tech investment newsletter.

He has testified before Congress and briefed numerous state public-service commissions and legislators. Mills served in the White House Science Office under President Reagan and subsequently provided science and technology policy counsel to numerous private-sector firms, the Department of Energy, and U.S. research laboratories.

Early in his career, Mills was an experimental physicist and development engineer at Bell Northern Research (Canada's Bell Labs) and at the RCA David Sarnoff Research Center on microprocessors, fiber optics, missile guidance, earning several patents for his work.

He holds a degree in physics from Queen's University in Ontario, Canada

What he presents is what I have been concerned about for years!

Link:

https://www.youtube.com/watch?v=RqppRC37OgI&feature=youtu.be

It is time to stop being green for green's sake and have a look at honest and long term impacts of solar dumps and wind farms.

There are no free lunches!



Social Impact Assessment - Exhibition Submission Response Form This template has been provided by the Department of Planning, Industry and Environment to assist with submission lodgement and analysis. Please do not reformat this document. Please complete this excel form and submit it to the Department (in excel format) with your formal submission. Category of Exhibition Summary Response Page Comment support approach that is scalable recognising there are small and example SIA Guideline Scalability support as is 4 & 10 large state significant projects which require different levels of Nil assessment The relevant process set out is unclear to the those potentially Wording in the Introduction to the effect that the affected, that is those suffering the social impact of theproposed Proponent will not progress without proper consultation project. To ensure those potentially affected can see their project. To ensure mose potentially directed to more positions will be properly considered in the process undertaken 12, the insertion of words to the effect that Phase 1 of by the Proponent the initial wording and diagrams need to more the SIA includes the provision of detailed reports on support in principle SIA Guideline Project refinements (with suggested All clearly spell out the Propoent does not progress until there has affected community consultation. Wherever there is changes) been proper consultation with the affected community. A rewording would also make it clear the Proponent needs to take this seriously and not as has been occurring with Department of undertaking these steps. undertaking these steps. Transport and 'Connex' projects to date. the Guidelines be amended to include provisions requiring the wherever in the Guidelines it refers to the preparation of Proponent to provide the proposed SIA Report to the SIA Report the need for this requirement should be support in principle representatives for the affected community for comment by that included, so that obligation is abundantly is clear to the SIA Guideline Project refinements (with suggested All community, with those comments to be included in the SIA Proponent. Unfortunately given the manipulation of the changes) Report included in the Proponent's application to the Department interpretation of words in the past by Proponents this of Planning. above 'interpretation'. The term 'material' needs to be altered to remove 'the most' from line 1, and 'the greatest' from line 1 & 2. these are subjective terms which appear in the form of the definition to be matters support in principle Language and SIA Guideline (with suggested 10 decided by the Proponent which is inappropriate. The Proponent see 'Comment' for amendment wording terminology changes) needs to set out all social impacts and progress a proper analysis of all of them not just what the Proponent feels matter most or have the greatest opportunity to impact the community. The term 'precautionary' needs to be amended in line 2 after the word 'certainty' by inserting 'and/or the provision of the support in principle community's evidence of social impact to the Proponent'. This Language and SIA Guideline (with suggested 10 will mean the Proponent needs to consider the evidence see 'Comment' for amendment wording terminology changes) provided by the community which may be based on other factors which are just as credible as the Proponent's 'modelling' and other bases. The term 'rigorous' needs to be altered by adding after the word 'sources' the words 'all such sources from the Proponent and/or support in principle the community shall all be referred to in the SIA Report with any Language and SIA Guideline (with suggested 10 appropriate qualifications if required'. This will ensure the see 'Comment' for amendment wording terminology changes) community's experts and comments will be included in the Proponent's reporting process to ensure the decision maker sees all relevant material. support in principle there is no definition in Table 3 Terms used in this Guideline for an appropriate definition needs to be inserted for the Language and SIA Guideline (with suggested terminology 'participation' word 'participation' changes) support in principle There is no definition in Table 3 Terms used in this Guideline for an appropriate definition needs to be inserted for the Language and SIA Guideline (with suggested terminology 'social impacts' words 'social impacts' changes) support in principle Language and There is no definition in Table 3 Terms used in this Guideline for an appropriate definition needs to be inserted for the SIA Guideline (with suggested terminology 'accepted social science methods' words 'accepted social science methods' changes) in paragraph 4 of section 3.1, it refers to minimum requirements for the Phase 1 report but makes no reference to any initial forays by the Proponent into the community to assist them to explain the matters mentioned in that paragraph. Should there not be an obligation at the Phase 1 stage for the Proponent to support in principle undertake some initial community consultation so there is some 'SIA' insert 'preferably with the results of initial community SIA Guideline Approach (with suggested 14 evidence backing up their stated 'rationale, assumptions and likely evidence'. Without that approach the Proponent's incorrect changes) rationale, assumptions and evidence could be maintained through the Phase 1 and Phase 2 reports creating an incorrect application on which the Departmewnt of Planning is to assess the project support in principle In paragraph 1 Scenario B, the term 'minimum environmental add a proper definition of 'minor environmental impact' Language and impact' needs to be clearly defined to ensure no issues arise as either in the Scenario B section or in Table 2 page 10 or SIA Guideline (with suggested 15 terminology changes) to what is/isn't minimum environmental impact. Table 3 page 11 the section 3.2 needs to be moved in the guideline, 3.3-3.11 relate to requirements in the original application process preapproval by the Department. 3.2 relates to a situation where the support in principle Proponent has approval and seeks to modify their application SIA Guideline move 3.3-3.11 to 3.2-3.10 and move 3.2 to 3.11 Approach (with suggested post approval. The placement of the content of 3.2 beofre the changes) content of 3.3-3.11 is highly confusing and could create a situation where proponent's are unclear what their obligations are for the SIA in an application as distinct for m a modification. in section 3.3 (which should be section 3.2) where it refers to what is typicall yin the SIA reports (Phase 1 & 2) it needs to spell out that in each report there will be the results of community support in principle consultations, the current terminology used is too vague in Add a line item-' a detailed and informative summary of SIA Guideline relation to this aspect. From experience Proponents will seek to the Proponent's community consultation process and Approach (with suggested 15 changes) minimse their obligations by 'novel' interpretations of the written results of same' obligations so the words need to be so clear and precise that they cannot be interpreted to minimse the community consultation requirements in the second paragraph of 3.3.2 (presently that in paragraph 3.3.2 (should be 3.2.2) in the second paragraph there is the term 'undersdtanding (line 2), whose understanding? the effect-'For the purposes of assisting the Proponent support in principle Surely that is not left to the understanding of the Proponent. Language and SIA Guideline (with suggested Again experience indicates Proponent's understanding of 16 terminology suitably qualifed expert to provide a report on the changes) anything is not often the same as the community's. It should be an independent suitably qualified expert who provides the initial aspects of understanding required for the Proponent to progress the SIA report into the impact on the relevant thoughts to guide the Proponent. social locality. This report should be included in the SIA report' in the list of categories of social impacts therer should be added one to cover the major vulnerable sections of the community so the Proponent is required to specifically consider them as a separate important consideration and not a line item stuck at the bottom of the 'nth' page of other unrelated items in the same 'general' category. The most important categories here would be Add a category-Major vulnerable sections of the school children (from pre-school through to primary/secondary community in the social locality- particularly schools support in principle Language and and to tertiary education), the elderly and the health (pre-schools through to tertiary education facilities)' (with suggested 19 SIA Guideline terminology compromised where there are groups of these people in the retirement villages and aged care facilities, and pallative changes) affected social locality area eg schools, aged care facilities and care facilities/hospices and the impact the project has hospices. From experience the Proponents have downplayed on people in those facilities. these sections of the community and not adequately included the impacts in their proposals, this must change. With the current pandemic we see health has priority over economics and this should filter through to all projects to a degree appropriate to the naure and impact of the project on the community. in the cumulative social impacts section it should include provision that there needs to be an obligation to consider and include an 'over time' assessment of potential impacts over a long period of time on the community in the social locality, such assessment to include proper consideration of long term Language and terminology support in principle (with SIA Guideline impacts and what is required to review andmonitor the following suggested changes) real time impacts so any necessary changes can be required to Add a paragraph to the Cumulative social impacts be done without long winded obstructionist intreference because section stating the assessing of these impacts would it is already factored into the terms of the approval. The addition include a detailed summary in ther SIA report of the in the termws of approval being possible due to the proper 'over time' impact of the project on the community in the reporting in the cumulative social imapct in the SIA report. social locality in the EIA section, section 3.3.6 (should be 3.2.6), in the first support in principle (with papragraph the items included should also include the SIA Guideline Approach suggested changes) 21 community consultation report/results See Comments for amendment details Given the history with now Proponents have approached things including putting together a baseline to show how th eproject impacts the community, in section 3.3.8 (should be 3.2.8) there Add to section (presently) 3.3.8 words to the effect- The should be an obligation that the Proponent get a report from Proponent in reaching the social baseline to work with in support in principle (with SIA Guideline Approach suitably qualified independent expert(s) as the baseline to use in its application is to include all reports from all suggested changes) their application so the community can be more independent suitably qualified experts required to be assured/comfortable the Proponent does not under/over state obtained to justify the socal baseline position in the the exisitng position to benefit their application application 22 support in principle (with in section 3.3.9 (should be 3.2.9), the items included are missing the application (eg an upgraded public transport system SIA Guideline Approach suggested changes) important points including alternativesd and the independent as opposed to a new motorway)' and 'consideration and assessment of the consultation process, these need to be review of the independent assessment of the included so it is clear what the Proponent needs to include. Proponent's community consultation'. with respect to the term significance in line 3 insert before the word the following-'supprtable (by both the Propoent's research and trhe results of community support in principle (with in section 3.3.10 (should be 3.2.10) the obligations should be consultation, if those two positions disgress two figures SIA Guideline Approach suggested changes) clearly set out so the Proponent knows how far they need to go to may be required)' and with the term 'evidence' in line4 meet their obligations particularly in relation to 'significance' and insert before the word the following- 'appropriately 23 'evidence' detailed and scientifically based' in section 3.3.11 (should be 3.2.11) the reference to the term support in principle (with Language and 'summarieses' in line 1 needs to added to so the Proponewnt After the 'summarise' in line 1 of section (presently) SIA Guideline suggested changes) 24 terminology provides sufficient detail of all the various impacts 3.3.11 insert - 'in detail' paragraph needs to be altered so that where the Proponent decides it is unable to 'avoid' or minimise' the impact then there should be an obligation to go back to the community with its proposed 'mitigation' works for community consultation and where that area of 'mitigation' may have a substantial negative support in principle (with SIA Guideline Approach impact on the community, the Proponent be required to report on suggested changes) the community's position to that 'mitigation' in its reporting in the SIA reports. This is necessary so the Deaprtment of Planning is aware of the latest position of those affected where the section (presently) 3.3.11 needs extensive amendment Proponent is unable/unwilling to reach 'avoid' or 'minimise' status to incorporate thew obligations higlighted in the and seeks to rely on a 'mitigation' status. Comments section 24

Suggested amendment (if any) reference to affected community consultation a reminder Addition to Figures 2 & 3 on page 12 of this detail and needs to be clearly spelt out at every opportunity so it is

In paragraph 4 of section 3.1 on page 14 on line 3 after

numbering in the draft guidelines) insert a sentence to reach an appropriate initial understanding to commence the SIA report process the Proponent is to engage a

in section (presently) 3.3.9 add th efollowing dot points-'consideration of all alternativesd to the subject matter of

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DISCIPLINE OF GEOGRAPHY AND PLANNING Macquarie School of Social Science Faculty of Arts



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23 November 2020

RESPONSE TO THE NSW DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT (DIPIE) DRAFT SOCIAL IMPACT ASSESSMENT GUIDELINE AND TECHNICAL SUPPLEMENT (2020)

This response was prepared by Dr Alison Ziller and Assoc Prof Fiona Miller in the Discipline of Geography and Planning, Macquarie School of Social Sciences, Macquarie University. It represents their professional opinion, not the views of the University.

INTRODUCTION

The issuance of this draft Guideline and Technical Supplement is welcomed as enhancing the standing of SIA in planning and related fields and demonstrating a commitment to learning from experience. We welcome the Department's continued investment in building SIA capacity through this Guideline. We particularly agree that

- 'The SIA should be targeted and proportionate to the nature and scale of the project's social impacts and to its locality. (p14) and
- 'neatly categorising impacts is not as important as identifying and assessing them' (p19).
- SIA should be better integrated with other aspects of EIA.

The draft Guideline has usefully separated some of the technical issues into a separate document and this makes the Guideline itself more concise.

We acknowledge that this draft Guideline is timely in light of the recent Samuel Review (2020) of the Commonwealth EPBC Act, which notes that the public is losing trust in the assessment process due to a feeling that their concerns and values are not being taken into account.

The Guideline is helpful in providing support for practitioners to prepare more complete and robust SIAs, however there are a number of areas in which the draft could be tightened, clarified and made more rigorous.



We provide our feedback under the following headings:

- 1. Shortfalls in overall approach:
- 2. Language, structure and presentation
- 3. Omissions
- 4. List of recommendations

1. SHORTFALLS IN OVERALL APPROACH

PROCESS V MERIT

This Guideline, like the previous Guideline, is very focused on process. In fact the Guideline uses the word process 68 times and the Technical Supplement uses it 33 times. The Guideline mentions content once and does not mention merit. The Technical Supplement mentions merit twice (at pp 12 and 15). That is, there are 101 occasions in these documents when process is referred to, there is one mention of content and two mentions of merit.

This is a problem of emphasis.

While the Guideline and the Technical Supplement require the preparer of an SIA to use 'accepted, suitable qualitative and quantitative social science research methods' and 'use credible, reasonable and justified estimates and assumptions'. (Guideline p23) neither document identifies the common ways in which these requirements and a merit assessment are evaded in SIAs.

Recommendations

1 The role of SIA in contributing to a merit decision about a project should be clearly stated.

2 Discussions about process should be reviewed to remove suggestion that good process is sufficient for a merit assessment.

THE PRECAUTIONARY ROLE OF SIA

We commend the acknowledgement of the importance of the precautionary principle in the Guideline as a key requirement of ecologically sustainable development (ESD) and the basis for social impact assessment. Consistent with the precautionary role of SIA, the Guideline should acknowledge the possibility that a precautionary assessment may result in a refusal of the project or major parts of it.



In this draft, the Guideline makes 18 mentions of project approval, and 7 mentions of project consent. It makes no mention of project determination or refusal. At p 12 the process structure does not include the possibility of refusal or that very substantial revision may be required.

Unless and until the Guideline makes it clear that proper social impact assessment can result in refusal of a project application on social impact grounds, the Guideline will appear to misrepresent the purpose of SIA.

Recommendation

3 The Guideline should state clearly that the aim of SIA includes indicating when a project should be refused on social impact grounds.

4 The option of early rejection of a proposal, for example at the end of Phase 1, should also be indicated.

IMPACTS ON THE GENERAL PUBLIC

There is a single reference to the **public interest** in the Guideline. Addressing the public interest appears as optional rather than required. Determination of the sphere of influence of the project appears to exclude considerations such as the public interest.

The list provided at p19 suggests that the Department considers that social impacts are consequences that can happen to groups of people. This is small group analysis. It is necessary but not sufficient.

This approach appears throughout the Guideline, for example

- Collectively, this data will paint a picture of what is important to people' (p22)
- 'Consider potential social impacts from the perspectives of potentially affected people' (p23).

Of course it is important to understand which issues matter to groups of people in the project's locality and the degree to which the impacts matter. However, this approach omits the fact of potential impacts on everyone in an area, that is on the people as a whole and the public realm. Further, while the list mentions public health and public safety, the public interest is not addressed in the Guideline.

This omission particularly affects the risks a project poses for distributive equity. For example, if a SIA about the demolition of a public housing estate focuses on what happens to the current residents, it will not deal with the contribution of that proposal to the increasing spatial divide in Greater Sydney. Every development which adds to that divide by



re-locating proportionately more low income people to cheaper housing areas than were originally housed at a site, is contributing impacts on public health. These impacts are cumulative, project by project. And this should also be included as an example under the heading Cumulative Social Impacts on p 20.

DISTRIBUTIONAL EQUITY AND PUBLIC HEALTH

The role of distributional equity in social and economic welfare, and the impact of inequity on public health, is a primary consideration in SIA but inexplicably does not make an appearance in the Guideline. Intergenerational equity is also a key principle of SIA, and though mentioned in the Guideline, no detailed guidance on how this might be considered in an SIA is provided.

The point about disaggregating data on diverse social groups, as mentioned on p17, is critical to understanding social disparity in a locality and distributional equity implications of a proposed project. Yet, it is not clear to what extent there is a requirement for the provision of socially disaggregated data (according to income and wealth, gender, age, ethnicity, Indigeneity) as part of the baseline identification social characteristics as well as in terms of prediction and analysis. Moreover, it is unclear if such data will then inform subsequent analysis of the significance of impacts and design of mitigations.

Recommendations

5 Descriptions of social impacts, and distributional equity, should include social consequences affecting everyone in an area, including in terms of public health or the public interest.

6 Suggestions on tools, worksheets and the presentation and analysis of data to better capture **distributional equity** over time and space should be provided in the Technical Supplement. The Guideline should include reference to tools to better understand and present data on distributive equity, such as a matrices, maps, tables etc., that clearly show distribution of social impacts over time, over space and between actors.

ABORIGINAL PEOPLES' CULTURAL, SOCIAL AND SOCIO-ECONOMIC INTERESTS

We commend the acknowledgement of Aboriginal and Torres Strait Islander peoples in the Guideline and the importance of their spiritual and cultural connections to Country, and the disproportionate impact a potential loss of cultural values has for Aboriginal and Torres Strait Islander people. This is important yet it is not sufficient in the context of the ongoing structural disadvantage Aboriginal people experience in their daily lives. Information on the potential socio-economic costs and benefits of projects on Aboriginal people should be



captured in an SIA so as to inform DPIE decision making (e.g. information on housing stress, realistic job creation opportunities, social infrastructure benefits). Moreover, opportunities to engage with Aboriginal people and Aboriginal organisations in key aspects of decision making concerning SIA should be emphasised.

In addition, the Guideline should clarify the additional considerations which apply to Aboriginal communities in NSW on, or in association with, their traditional lands, land owned by Local Aboriginal Land Councils (LALCs), and land for which Native Title is claimed or granted.

Recommendation

7 More guidance should be given as to how SIAs should describe and document a project's potential contribution to social and socio-economic inequalities for Aboriginal people (i.e. the risks not just how these might be mitigated).

8 The Guideline should give clear explanation, with examples of how engagement with Aboriginal people and Aboriginal organisations is required (including where free, prior and informed consent is required) and of how consideration of social impacts on Aboriginal communities may also require taking account of LALC holdings and Native Title.

2. LANGUAGE, STRUCTURE AND PRESENTATION

THE TARGET AUDIENCE

The SIA Guideline is addressed to project proponents (your project / your development p7/ you will etc. p14). This is inconsistent with the expectation that the Guideline will be useful to the many actors with a stake in how well an SIA is done (itemised on p9).

Recommendation

9 As the entire document is written for proponents, the Guideline should state this.

BENEFIT OF THE GUIDELINE

In Section 1.1 the benefits of the guideline are framed problematically in terms of seeking to give "community comfort" and to build "community appreciation" of projects. The Guideline should seek to ensure the SIA takes the interests and concerns of communities and the wider public interest into account.

Recommendation

10 Rather than seeking to build "community appreciation" of projects, the emphasis should be on achieving project outcomes that are in the public interest.



LANGUAGE

Terms requiring emendation:

- **Community:** As currently defined, the term excludes the general public, viz. the people as a whole/everyone in the relevant locality
- **Community:** Businesses and industry representative bodies should not be included in the category of 'community' as this is not how the term is commonly understood and these groups represent a particular interest group. Similarly, businesses and organisations are entities, not 'people'.
- Engagement should be defined as Actions by the proponent....'
- **People:** The definition excludes the general public, viz. the people as a whole/everyone in the relevant social locality

Terms requiring inclusion:

- Social influence
- Locality
- The general public
- Modifications
- Public health
- Climate change
- Community resilience (in relation to environmental extremes and climate change)
- Conditions of consent defined as different from mitigation actions at the discretion
 of the proponent
- Consultation (not the same as engagement)
- Procedural fairness and natural justice
- Due diligence.

Section 1.5 indicates the Guideline's preference for language that allows flexibility for context. However, stronger language of 'must' or 'should' is necessary in order to ensure SIAs address government regulations and policies, particularly around climate change, human rights and the public interest. As an example, the Guideline states on p16: "Social impacts in and beyond the project's site boundary, both positive and negative, *may* also be considered during approval processes in terms of public interest and the suitability of the site for the project. "This is a point where the Guideline should be stronger in terms of stipulating that this will be considered and thus an SIA should address this concern.



SIA REPORTS

The plethora of reports mentioned in the Guideline results in confusing language – scoping reports, scenario A modification reports, Phase 1 and Phase 2 reports. The description of the Phase 1 report (p14) is really unclear.

Recommendations

11 The definitions of terms should be amended as shown and new definitions added to aid clarity. These should be clearly labelled in Figures 2 and 3 as inputs and outputs of decision making.

12 Consideration should be given to clarifying the description of the number of reports that may be required.

LOCALITY

It is agreed that locality has no fixed meaning in terms of geographic area (p16). However, the discussion and examples included in the Guideline, and the use of the concept 'social influence' also mean that a project's locality will not have a hard, fixed or narrow boundary as suggested by Figures 5 and 6 on pp17 & 18.

Analysing a locality in terms of who may be affected and how they may be affected (by *emanations from* the project – noise, dust etc. as well as the social *catchment of* a project – customers, employees etc.) means that the localities for relevant groups will differ. That is, the relevant locality will be different for a project's neighbours, customers or employees.

SIA process as outlined in Figure 3 on p 12, appears to relate the complexity of the SIA to the locality, rather than also being related to the nature and scale of the project. The nature of a project will determine the size of a locality. Some localities, e.g. for a new airport, will be large. In the case of the airport the relevant locality will reflect the alignment of runways, different approaches during different meteorological conditions, other transport modes and so on. The locality of an airport may appear large in terms of footprint on the ground, but it is not large in the context of the speed and distances travelled by the aircraft or people using it.

In view of these meanings, the diagrams of locality in the draft Guideline are inappropriately hard, singular and small. In addition, there is no basis for the boundaries shown in the diagrams.

Recommendation



13 Localities should be represented as several overlapping but different areas with soft edges.

STANDARDS

1 The Guideline says it provides 'a rigorous framework to identify, evaluate and respond to social impacts' (p8). But it does not establish criteria against which an SIA will be reviewed in terms of social merit and the public interest, for example in terms of impacts on public health in the short and longer term. That is, there are no standards of merit assessment adequacy. We have read many SIAs in which all process requirements have been met, or are claimed to have been met, but questions of social merit have been omitted. The Guideline as currently written tends to imply that if process requirements are met, content adequacy will also have been achieved. This does not necessarily follow.

2 The Guideline contains a list of principles (p10), however, these are exhortatory rather than standard setting. The Guideline does not say that, or how, the principles listed will be used in assessing SIAs received. The Guideline does not note how the application of the principles of precaution and distributional equity to the assessment will occur. Further the Guideline's 'nuanced' approach (p11) explicitly resiles from prescription. In effect the Guideline says, by omission and avoidance, that there are no standards.

3 The Guideline also does not identify common failings in SIA which will not meet acceptable standards. This is a crucial omission.

Example 1: Double counting

Double counting is a common error in cost benefit analysis and good guidelines make this clear. For example the NSW Government's Guide to Cost-Benefit Analysis¹ states at p 17

The distribution of benefits among beneficiaries can inform many decisions, such as determining who should pay the costs of the project, program or regulation. Where distributional impacts are reported, transfers between groups of beneficiaries should be taken into account to avoid double-counting.

Double counting is a common error in SIA. It is found in most SIAs, and in many assessment reports and decisions. It is no more acceptable in SIA than in CBA and the Guideline should say so.

¹ The Treasury 2017, NSW Government's Guide to Cost-Benefit Analysis, Policy and Guideline, TPP 17-03 March : <u>https://www.treasury.nsw.gov.au/sites/default/files/2017-03/TPP17-03%20NSW%20Government%20Guide%20to%20Cost-Benefit%20Analysis%20-%20pdf_0.pdf</u>



Example 2: Unsubstantiated claims

Unsubstantiated claims are a very common feature of SIAs. While it is true that the Guideline expects a sound evidentiary basis for the social baseline, it does not make it clear that unsubstantiated claims will detract from the merit assessment. The Guideline does not say that unsubstantiated claims will be identified and treated as invalid. In fact on its opening page, the Guideline makes five unsubstantiated claims about its usefulness:

Use of the Guideline will

- give the community comfort
- build 'social licence' for projects
- help build community trust
- create better proponent-community relations, and
- [create] more socially sustainable outcomes (p8)

Given that unsubstantiated claims are rife in social impact assessment it would seem imperative for the Guideline not to model or endorse their use.

Similarly, the Guideline should note that selective use of data, bias and omissions will seriously detract from the credibility of a SIA and that this will be noted in the internal review of these documents.

Recommendations

14 The Guideline should include a new section titled Standards.

15 The Standards section should list common forms of methodological error, with examples.

16 Unsubstantiated claims should be removed from the Guideline.

ASSESSMENT BIAS

1 The Guideline consistently suggests that social impacts can be made acceptable and social benefits will exceed social costs (e.g. p 21). This is unrealistic and misleading.

2 The Guideline states that the significance of potential social impacts can be evaluated on the basis of evidence, demonstrating impartiality and relevant research (p23). However, there is no known basis for doing this. In making this statement, the Guideline encourages SIA preparers to present their opinion

- *as if* it is not influenced by the financial relationship between the preparer and the project owner, and
- *as if* the significance rating can be anything more than opinion.



This is misleading.

3 The illusion that the level of significance of a social impact can be objectively defined and isolated from the financial interests of either the proponent or those of the SIA preparer is re-enforced in Tables 6 and 7 in the Technical Supplement. In our experience the weighting allocated in social impact significance matrices is invariably opaque and indefensible. The Guideline should not continue to encourage these as they are misleading.

4 Figure 8 (p23) suggests that all impacts can be either minimised, mitigated or managed. This is empirically incorrect.

Recommendation

17 The Guideline should be reviewed to remove implications of assessment bias.

MITIGATION ERRORS

The Guideline states that mitigation measures 'could include ... investment in local health services to meeting increasing population needs, investment in community projects or community development funds. Other measures may include strategies for housing, employment strategies, education and training, or benefit-sharing agreements.' (p24).

This list describes a conventional suite of proposals often seen in SIAs. However, these examples do not meet the three basic criteria for effective mitigation, namely that a mitigation should be tangible (real), deliverable (by the proponent) and durably effective (not ephemeral). It is noted that these criteria are not listed until Appendix C (item 20 at p 35) of the Guideline.

The suggested mitigations (p24) do not meet the criteria for effective mitigations as shown in the table below.

Mitigation (suggested in Guideline)	Tangible	Deliverable by the proponent	Durably effective
invest in local health services	Not tangible as expressed. Could be anything e.g. a computer terminal for telehealth conferencing	Only as a donation. Amount of donation needs to be stated	Depends on what is done. A short term health education program for example would not meet this criterion
invest in community project	Not tangible as expressed	The project proponent is not a community development specialists so a \$ amount and the community project need to be specified	Without the delivery information, who knows?

Mitigations suggested in the Guideline assessed against the criteria



MACQUARIE University

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Mitigation (suggested in Guideline)	Tangible	Deliverable by the proponent	Durably effective
Contribute to community development funds	Yes, however the dollar amount needs to be specified to achieve tangibility	Amount of donation needs to be stated	No, most community development funds only fund short term programs, projects or events
Housing strategy	Actual houses would be tangible	Only where the proponent is a housing provider	Requires specification relating the provision to the social impact, e.g. number of public housing dwellings.
Education opportunities	Usually expressed as scholarships or traineeships. Actual number of scholarships over time needs to be stated to make this tangible. Number of traineeships and skill /certificate should also be specified	Dollar amount should be specified	Only if the number of opportunities offered are proportionate and relevant to the impacts being addressed (i.e. not a trade-off (cf. Technical Supplement p 20) and funding to complete training is guaranteed.
Jobs	Actual number should be specified to make this tangible. The basis for this number should be stated to ensure credibility.	Yes jobs directly arising from the project	Most jobs relating to the project are short term/ for the life of the project

A mitigation which is intangible, undeliverable, ineffective or ephemeral is not worth much and the Guideline should not imply that it is.

Section 3.3.11.2 also notes that 'Ideally affected communities should be involved in the identification, design and implementation of positive social impacts...' The word 'ideally' suggests that nonetheless, a project proponent can identify, design and implement enhancement to social benefits without community input – a proposition which surely is indefensible.

Recommendation

18 Examples of mitigation of social impacts in the Guideline should meet the criteria: tangible, deliverable and durably effective.

THE SIMP

The basis of a SIMP is that the project proponent manages social impacts continuously throughout the life of the project. There are known problems with this which are not mentioned or addressed in the Guideline:

i The SIMP is managed by the project proponent, the proponent's financial conflict of interest in the scope, content, extent and quality of implementation of the SIMP is not acknowledged or controlled.



- ii The proponent is rarely a social policy or community development specialist and must therefore engage staff to carry out this work – creating another layer of financial interest – which is also unacknowledged or controlled.
- iii The content of the SIMP is likely to be vague, short term (in line with the life of the project or its construction) and superficial cf. the vaguely expressed mitigations at p 24 of the Guideline.
- A SIMP by definition does not address social impacts which endure beyond the operation of the project (e.g. extraction) or its construction (new railway station etc.).
 These social impacts are not addressed by the use of a SIMP.

A SIMP is rarely the subject to independent oversight and violation of agreed measures in a SIMP rarely results in repercussions.

Recommendation

19 The Guideline should point out that a SIMP addressing or delivering vague and inadequate mitigations will not be acceptable.

20 There should be a strengthening of requirements on proponents to demonstrate compliance as well as penalties for non-compliance as part of the conditions of consent and this should be backed up by regular audit which is publicly available.

READABILITY OF THE GUIDELINE

Sections 3.1 and 3.2, and Figures 2 and 3 are particularly confusing and require revision to demonstrate the requirements of each stage and flow of decisions.

Technical Supplement Appendices

Appendix A: People are not audiences, but rather participants, citizens, affected people or stakeholders.

Appendix B: How would a project proponent know whether an SIA specialist is required unless one is involved?

Appendix C: Questions 6 should make mention to climate change and extreme events, and cumulative impacts from surrounding developments; Question 10 should also make reference to the distribution of positive and negative impacts amongst different groups over time and space? How the groups that benefit may differ from those who bear the costs? Question 12 should be how have engagement activities engaged with marginalised groups? Question 14 – rather than material, it should be important social impacts from the perspective of those affected.



Recommendation

21 The Appendices should be revised to improve readability.

3. OMISSIONS

CLIMATE CHANGE

Whilst climate change risk is identified under the SEARS, there is **no explicit mention of climate change** in this document. The Guideline assumes business-as-usual despite the climate emergency (Ripple et al., 2019). There is no mention, or inclusion of questions, prompts, tools or standards, that encourage or require those preparing an SIA to consider how current social impacts of climate change, as well as climate change mitigation and adaptation measures, are to be incorporated into the preparation of an SIA.

The Guideline should explicitly require SIAs to address the social impacts of climate change including

- i Whether the project is likely to contribute to increased carbon emissions (e.g. extraction of fossil fuels) from the locality (Scope 1 emissions) and elsewhere (e.g. export of fossil fuels, Scope 2, 3).
- ii Consideration of social impacts of existing climate risks, such as drought, fires, coastal risks, extreme heat, should be required in the scoping phase and particularly as part of the compilation of the social baseline (e.g. is the locality still recovering or rebuilding following a disaster?).
- iii Likely social impacts of climate change in the locality based on future climate scenarios (e.g. increased heatwaves, declining rainfall, bushfires, sea level rise) should be taken into account when undertaking predictions and assessments related to the project impacts.
- iv Capacity of the project to influence social impacts of climate change (e.g. shade, setbacks, building thermal comfort) and contribute to carbon emission reductions (e.g. solar panels, electric vehicles, revegetation)
- Whether the project would reduce or enhance community resilience to current and future climate risks in the locality (e.g. undermine community cohesion, contribute to outmigration).
- vi The review questions and checklist should require substantiated evidence on how the project takes account of climate change impacts and contributes to reduced carbon emissions and improve climate change adaptation.

Climate change is an ongoing challenge with social impacts which every SIA should take into account.



Recommendation

22 The Guideline should be revised to include the social impacts of climate change.

OTHER OMISSIONS

- 23 We recommend that the Guideline explicitly state the following:
 - · Reviews of SIAs will focus on key social impact issues, the impacts that matter
 - All SIAs should provide an a null or 'no-go' analysis
 - Mitigation actions will be monitored.

LIST OF RECOMMENDATIONS

1. SHORTFALLS IN OVERALL APPROACH

- 1. The role of SIA in contributing to a merit decision about a project should be clearly stated.
- 2. Discussions about process should be reviewed to remove suggestion that good process is sufficient for a merit assessment.
- 3. The Guideline should state clearly that the aim of SIA includes indicating when a project should be refused on social impact grounds.
- 4. The option of early rejection of a proposal, for example at the end of Phase 1, should also be indicated.
- 5. Descriptions of social impacts, and their distributive equity, should include social consequences affecting everyone in an area, including in terms of public health or the public interest.
- 6. Suggestions on tools, worksheets and the presentation and analysis of data to better capture **distributional equity** over time and space should be provided in the Technical Supplement. Guidelines should include reference to tools to better understand and present data on distributive equity, such as a matrices, maps, tables etc that clearly shows distribution of social impacts over time, over space and between actors.
- 7. More guidance should be given as to how SIAs can better capture a project's potential contribution to redressing social and socio-economic inequalities and supporting Aboriginal self-determination.



8. The Guideline should give clear explanation of how free, prior and informed consent is addressed in SIAs and taken into account in DPIE decision making, as required according to the Arts. 28, 29, 32 of the United Nations Declaration on the Rights of Indigenous Peoples.

2. LANGUAGE, STRUCTURE AND PRESENTATION

- 9. As the entire document is written for proponents, the Guideline should state this.
- 10. Rather than seeking to build "community appreciation" of projects, the emphasis should be on projects that are in the public interest
- 11. The definitions of terms should be amended as shown and new definitions added to aid clarity.
- 12. Consideration should be given to clarifying the description of the number of reports that may be required.
- 13. Localities should be represented as several overlapping but different areas with soft edges.
- 14. The Guideline should include a new section titled Standards.
- 15. The Standards section should list common forms of methodological error, with examples.
- 16. Unsubstantiated claims should be removed from the Guideline.
- 17. The Guideline should be reviewed to remove implications of assessment bias.
- 18. Examples of mitigation of social impacts in the Guideline should meet the criteria: tangible, deliverable and durably effective.
- 19. The Guideline should point out that a SIMP addressing or delivering vague and inadequate mitigations will not be acceptable.
- 20. There should be a strengthening of requirements on proponents to demonstrate compliance as well as penalties for non-compliance as part of the conditions of consent and this should be backed up by regular audit which is publicly available.
- 21. The Appendices should be revised to improve readability.

3. OMISSIONS

22. The Guideline should be revised to include the social impacts of climate change.



- 23. The Guideline should explicitly state the following:
 - Reviews of SIAs will focus on key social impact issues, the impacts that matter
 - All SIAs should provide an a null or 'no-go' analysis
 - Mitigation actions will be monitored.

Reference:

Ripple, W., Wolf, C., Newsome, T., Barnard, P., Moomaw, W., & Grandcolas, P. (2019). World scientists' warning of a climate emergency. *BioScience*. doi:10.1093/biosci/biz088



PO Box 871, Tamworth, NSW, 2340; email infor@miningrelatedcouncils.asn.au

Ms Jennifer Richardson Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124 23rd November 2020

ISIA.project@planning.nsw.gov.au https://www.planningportal.nsw.gov.au/Social-Impact-Assessment

Dear Ms Richardson,

Re: Association of Mining & Energy Related Councils - Submission in response to Social Impact Assessment Guideline (SIA) & Technical Supplement (DPIE, October 2020).

1. Introduction

The NSW Association of Mining & Energy Related Councils ('MERC') welcomes the opportunity to comment on the October 2020 SIA Guideline prepared by the Department ('DPIE'). MERC's comments relate to State Significant Developments (SSD's) in rural and regional areas

In summary, our salient messages are:

A. Whilst enhancing the technical rigour of SIA is important, MERC considers an even greater issue is how DPIE will enforce the standards and hold proponents accountable - that is, the **process and governance** aspects.

We understand DPIE has limited SIA specialist capacity to vet Environmental Impact Statements (EIS's) during the 'adequacy review' phase and thus judge the appropriateness of the standard of the SIA.

In addition, the Government is exerting ever increasing pressure on DPIE to expedite the processing of SSD's and reduce the Government's assessment and determination timeframes. Not only is this disappointing as it is a crude metric to measure efficiency and effectiveness, but these two factors together create a substantive risk that substandard SIA work will materialise.

<u>MERC seeks comment from the DPIE on how it will manage these risks effectively so</u> as to avoid these scenarios.

B. Rather than the SIA standard being designated as a 'Guideline', MERC recommends it be granted more standing and be deemed a 'Requirement'. The precedent has been set by way of the Independent Environmental Audit Post Approval 'Requirements' dated May 2020. For several years, the approach to such audits was via 'Guidelines' but now are more prescriptive and mandatory, by virtue of being 'Requirements'. Because the SIA material is currently only a 'Guideline' there is a risk some proponents may ignore the messaging and thus DPIE will miss the opportunity to gain more substantive traction on SIA reform. <u>Again, MERC recommends the SIA obligations be</u> <u>mandatory and made 'Requirements' to thus better ensure the effort is rigorous, robust, transparent and better satisfies community expectations.</u>

Facilitation and assistance by the DPIE are appropriate only up to a point, and then regulatory steps are required to ensure accountability and avoid the outsourcing of non-compensated impacts, often generated while a private company makes a profit.

- C. <u>That the SIA document explicitly requires comprehensive examination of the social</u> <u>ramifications of climate change</u>.
- D. MERC questions whether the SIA undertaken in the Scoping Phase of a project is substantive enough to influence project design (termed 'project refinement' in the document), as is stated in the Guideline. Our experience suggests the project design is well and truly settled from an engineering and financial sense before proponents have garnered any meaningful social impact data.

MERC recommends the standard explicitly require proponents to ensure sufficiently meaningful social assessment is conducted prior to finalising the Scoping Report tabled requesting SEARS. The SIA in the Scoping Report should be required to clearly demonstrate evidence of material data unique to the locality.

2. About MERC and its Members

MERC was founded in 1978 when several rural and regional councils recognised that Local Government Areas associated with coal developments would benefit from a co-ordinated approach when liaising with proponents and the NSW State Government.

In 1993 the scope broadened to include metalliferous mines. In 1999 it expanded further to represent Local Government on all extractive industries, including unconventional gas and in 2017 added renewable energy projects to its remit. Currently there are more than 20 rural and regional member councils of MERC.

A feature of the MERC membership is that it has extensive first-hand experience in the operational realities of the assessment and determination of State Significant Developments – including many mining projects, wind and solar farms. To that end, it has liaised closely with the DPIE and other NSW Government instrumentalities making contributions to public policy, including on matters such as:

- Reform of the Planning Agreement process (in collaboration with the NSW Minerals Council);
- Improving the infrastructure contributions system (NSW Productivity Commission, July 2020);
- Improving the environmental impact assessment and determination process (DPIE);
- Improving how the mining sector could better support businesses in regional economies (DPIE);
- · Improving the standard of mine rehabilitation (DPIE);
- · Planning for large scale solar projects (DPIE);
- Reform of the Resources for Regions policy criteria; and
- Being an active participant in DPIE's Resources Advisory Forum (now defunct).

3. Appreciative Comments – General

- a) It is pleasing to see increased attention being given to make SIA more rigorous, robust and professional. Generally, SIA could be described as the 'soft underbelly' of EIA in that it often has been relatively under-done when compared to consideration of environmental and economic aspects;
- *b)* MERC agrees with the opening line on page 10, s1.4 SIA Principles that 'effective SIA practice is as much about the approach you will take to collect, assess and analyse information to inform findings as it is about the final report.'

Stakeholders keenly observe how proponents and their consultants go about engagement and the gathering of social data. Their approach is often a good reflection on how genuine, rigorous and material the EIA process will be. This is a useful indicator of what sort of 'social licence' the proponent will be granted.

- c) In our experience (for example, Vickery Coal Project, Shenhua Coal Project, Sunrise Mine Project, Cobbora Coal Project, etc), EIS's often overstate the benefits and understate the costs to the local communities and councils. For communities and other stakeholders to have trust and confidence in the EIA process they expect SIA to be founded on robust, comprehensive and relevant data, collected in a respectful, genuine manner, with assessments and judgements that are sound, transparent and unbiased.
- d) Page 16, s3.3.2 Social Locality: We commend the inclusion of the statement that a proponent should define and describe *'built or natural features on or near the project that could be affected, and the intangible values that people may associate with these features, such as a sense of place or belonging, rural character, community cohesion and connection to Country'.*

So too inclusion of the statement *'relevant social, cultural, demographic trends or social change processes occurring now or in the past near the project site and in the broader region and how people have felt or experienced these changes'* is to be commended.

In our experience, this aspect of SIA needs significant improvement.

e) Page 22, s3.3.7 Data Collection: MERC endorses the commentary that 'information and insights from all sources should be trustworthy, credible, rigorous, up to date and relevant to the social context – for example, regional data may not apply evenly across all communities and may need to be disaggregated locally. Additionally, primary data should be grounded in people's reports of their actual experiences, views and perceptions and informed by details of the project' (emphasis added). We especially support efforts to ensure consultants generate primary data collection and analysis, rather than rely on the 'broad brush' ABS information.

We also support reference to requiring 'primary data from sources such as: •discussions with State agencies •interviews, community workshops or focus groups •written and oral stories, first-hand testimonies or community histories •community surveys.'

To be clear, this data gathering should be mandated for SSDs. MERC encourages DPIE to direct proponents to engage closely with Councils as local government often has social data and/or contacts that could be invaluable.

- f) Page 28, 3.3.9 Predicting and Analysing Social Impacts: MERC applauds the list of nine actions required to describe and analyse the scope and nature of likely impacts. Bullet number 3 ('consider potential social impacts from the perspectives of potentially affected people rather than from your project's perspective') is especially salient because many people in this category are granted little or no voice.
- g) Page 34, Appendix C Review Questions: represents an excellent checklist. MERC recommends DPIE require proponents demonstrate compliance with this checklist.
- h) MERC supports the SIA standard referencing more exhaustive assessment of cumulative social impacts generated by incremental and combined impacts.
- i) MERC commends DPIE on the quality and substantive nature of the Technical Supplement.

4. Constructive Comments - General:

 a) Whilst enhancing the technical rigour of SIA is important, MERC considers an even greater issue is <u>how</u> DPIE will enforce the standards and hold proponents accountable
 - that is, the **process and governance** aspects.

We understand DPIE has limited SIA specialist capacity to vet EIS's during the 'adequacy review' phase and thus judge the appropriateness of the standard of the SIA.

In addition, the Government is exerting ever increasing pressure on DPIE to expedite the processing of SSDs and reduce the Government's assessment and determination timeframes.

Not only is this disappointing as it is a crude metric to measure efficiency and effectiveness, but these two factors together create a substantive risk that substandard SIA work will materialise.

MERC seeks comment from DPIE on how it will manage these risks effectively so as to avoid these scenarios.

b) MERC also recommends that rather than the SIA standard being designated as a 'Guideline', it should be granted more standing and be deemed a 'Requirement'. The precedent has been set by way of the Independent Environmental Audit Post Approval '**Requirements**' dated May 2020. For several years the approach to such audits was via 'Guidelines' but now are more prescriptive and mandatory, by virtue of being 'Requirements'.

Because the SIA material is currently only a 'Guideline' there is a risk some proponents may ignore the messaging and thus DPIE will miss the opportunity to gain more substantive traction on SIA reform. Again, MERC recommends the SIA obligations be mandatory and made 'Requirements' to thus better ensure the effort is rigorous, robust, transparent and better satisfies community expectations.

Facilitation and assistance by the DPIE are appropriate only up to a point, and then regulatory steps are required to ensure accountability and avoid the outsourcing of non-compensated impacts, often generated while a private company makes a profit.

- c) MERC notes there are a number of what could be described as 'opt out' or 'escape' provisions in the document, namely:
 - Page 9, s1.2: 'you may prefer a methodology that differs from this Guideline'
 - Page 11, s 1.5: 'allows for a nuanced approach'
 - Page 15, s3.31: 'you may choose to stage your SIA process, and the reporting, differently'.
 - Page 22: s3.3.7: 'you may need to seek out primary data from sources such as...:

We recommend all possible steps be taken to avoid discretionary decisions being made by proponents. We suggest proponents be required to 'show cause' if they do not follow the standard.

- d) MERC recommends the guidance (that is as a 'Requirement') provide more details to how proponents should assess social costs and benefits on the one hand with the single focus in today's world of the 'jobs and royalties' mantra on the other.
- e) MERC recommends the SIA document explicitly require comprehensive examination of the social ramifications of climate change.

5. Constructive Comments: Specific

- a) Page 7, Fig 1: We suggest the title to Figure 1 is excessively extravagant and that a better option is 'the various social elements of interest to people'.
- b) Pages 8 & 12 (Fig 3): MERC questions whether the SIA undertaken in the Scoping Phase of a project is substantive enough to influence project design (termed 'project refinement' in the document). Our experience suggests the project design is well and truly settled from an engineering and financial sense before proponents have garnered any meaningful social impact data. MERC recommends the document explicitly require proponents to ensure social assessment is conducted prior to finalising the Scoping Report tabled requesting SEARS.
- c) Page 22 s3.3.7 Data Collection: MERC recommends that for SSDs the generation of primary data from key sources should be obligatory. 'Broad brush' ABS data needs significant enhancement by reinforcement with primary data.
- d) Page 24: 3.3.11.1 Responding to negative impacts: The section begins with the statement 'Consider measures to firstly avoid, and secondly minimise, impacts by amending the project design. <u>If neither are possible nor reasonably practicable</u>, consider measures to mitigate impacts'. (Emphasis added)

MERC considers that the words underlined in the second sentence acts as an 'escape clause' allowing proponents and/or their consultants to make discretionary judgements and avoid meaningful, substantive examination of avoidance and mitigation measures. The default response typically is 'it is cost prohibitive, therefore we have not or won't implement the safeguards'. Hence, in reality, the aforementioned impacts are often outsourced without compensation for the community to bear.

We recommend far greater direction is required from the Department necessitating a full and comprehensive justification for not mitigating impacts. All costs must be identified and fully compensated for a project to proceed. Otherwise it should be refused.

e) Page 24: 3.3.11.2 Responding to positive social impacts: The section includes commentary suggesting a proponent could implement 'a procurement policy that requires a proportion of goods and services to be sourced from local providers, or how a program to hire and retain apprentices throughout a construction project'.

MERC recommends that both matters mentioned herein should be mandated for all SSDs and that Proponents should be required to table an exception report if they plan to not do so.

f) Page 25: 4.1 Introduction (SI Management): MERC considers adoption of 'adaptive management' is akin to 'learning on the job', as proponents grapple with impacts not accurately predicted and often impacts/costs that are being outsourced without compensation to the community and/or the environment. MERC recommends that adaptive management should be dis-endorsed as an acceptable approach.

The onus must be placed on the proponent to be more accurate in its assessment and regulatory measures enforced to hold them to account when impacts are understated.

- g) Page 27 Appendix A Community Engagement: In relation to community engagement objectives, rather than 'you should aim to', MERC recommends that the objectives listed <u>must</u> be fully pursued and be mandated. 'Aiming to' is too discretionary and proponents may opt out.
- h) Page 30: Table 4: MERC suggests the heading be 'Recommended' engagement techniques rather than 'Useful'.
- i) Page 32: Appendix B Authors of SIA documents: We recommend DPIE be more assertive in directing the engagement of specialist SIA service providers for more, not less, projects. In our view the proponent should have to explain and justify not using such services. Thus, the default position is you must use specialists for SIA studies.

6. Conclusion

MERC appreciates the opportunity to provide feedback on the abovementioned matters.

Our organisation has extensive operational experience across all facets of mining and energy developments in rural and regional areas and would welcome the opportunity to discuss the matters raised herein in more detail. We extend an invitation to the Department to convene a Zoom or Microsoft Teams virtual meeting to discuss the topic.

If you have any queries please don't hesitate to contact the Executive Officer of MERC Mr Greg Lamont on phone 0407 937 636 or email & Energy greg@yourexecutiveservice.com.au

Yours sincerely,

Peter Shinton Chairman Association of Mining Related Councils



Social Impact Assessment - Exhibition Submission Response Form

This template has been provided by the Department of Planning, Industry and Environment to assist with submission lodgement and analysis. Please do not reformat this document. Please complete this excel form and submit it to the Department (in excel format) with your formal submission.

#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	;
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil
1 2 3 4 5 6 7	SIA Guideline	Other - please describe	support in principle (with suggested changes)		Guideline could be strengthened by recognising the statutory rights held by Aboriginal people through the <i>Aboriginal Land Rights Act 1983</i> .	Guideline co statutory rig <i>Aboriginal L</i>

Suggested amendment (if any)

e could be strengthened by recognising the rights held by Aboriginal people through the al Land Rights Act 1983.

Submission – SIA Guideline October 2020

Richard Howitt¹

Despite the assurance that State Significant Projects (SSPs) "go through a comprehensive assessment process with extensive community participation and are evaluated against the triple bottom line" (NSW Planning Portal), NSW has a long record of divisive and contested decisions about SSPs. Gold standard triple bottom line assessment has not always been delivered. Triple bottom line assessment involves consideration of economic, environmental and social consequences. Robust, rigorous and accountable triple bottom line assessment should be foundational to responsible state decision-making. In many cases, the social impacts of SSPs in NSW have been poorly addressed in assessment and post-assessment procedures.

The *SIA Guideline* proposes important steps to address this weakness in policy, practice and public accountability. It is, therefore, most welcome as an important improvement in public policy settings.

The principles underpinning NSW's SSP assessment processes, at the very least, should transparently demonstrate how planning and both administrative and political decisionmaking about SSPs are able to be held accountable for the consequences of decisions affecting public interests. The *SIA Guideline* offers clear guidance on these matters and, therefore, not just welcome, but also timely and essential. As Minister Stokes (2012, p. 3) put it some time ago:

transparency and accountability encouraged through public participation can increase the public's sense of confidence that government decisions are consistent and just. A decision resulting from a process considered to be open, fair and transparent is less likely to generate feelings of disenfranchisement than an arbitrary or autocratic decision imposed on a community, which might just exacerbate conflicts over land use planning decisions. A 'project carries more legitimacy, and less hostility, if potentially affected parties can influence the decision-making process' (quoting Shepherd & Bowler, 1997, p. 725)

Similarly, transparency and accountability supported by good practice SIA will ensure that decisions makers better understand the social consequences of their decisions and can be held accountable for those consequences in transparent and meaningful ways. This will generate better decisions in planning and development of SSPs, and greater public confidence in the institutions that are meant to protect the public interest.

This submission offers broad support for the new guideline as exhibited and offer some commentary to suggest possible improvements in the guideline and particular suggestions regarding its implementation, monitoring, reporting and future review.

¹ Richard Howitt is Emeritus Professor of Geography at Macquarie University. He is an experience SIA practitioner and teacher. He introduced the first named postgraduate program in SIA in an Australian university at Macquarie University in 2008. He has contributed to high level SIA training and research, including reporting on the social impacts of major infrastructure, resource, tourism and policy projects as well as assisting communities to understand and respond to the impacts of various developments in urban contexts. He has published widely on SIA in peer reviewed journals.

SSP Business Cases and SIA

The *SIA Guideline* recognises SIA is "one input to a broader environmental impact assessment process", with the requirement to undertake an SIA to be "explicitly noted within the ... SEARs" (*SIA Guideline* p7). The guideline goes on to note that "undertaking an SIA is considered best practice whether required by the SEARs or not". In other words, the SIA Guideline suggests that SSP proponents should be reporting on social impacts whether or not they are required by the SEARs for a project.

It is beyond the scope of the SIA Guideline document to establish why, how and at what threshold the Planning Secretary might require inclusion of an SIA as an element of the SEARs for a specific SSP. There is, however, need for better guidance to proponents of SSPs than currently provided in the Introduction (SIA Guideline p7). In particular, there is a need for SIA to be integrated into thinking about SSPs at the earliest possible stage. It would be appropriate for the SIA Guideline to identify a specific expectation that consideration of social impacts will be addressed the initial business case for any SSP. Given that SSPs are often originate in response to economic (or perhaps more accurately political-economic) drivers, the initial business case for a project sets the tone of much of the discussion. Failure to address social and cultural impacts in the preparation of initial business cases risks placing gold standard triple bottom line assessment in jeopardy at the very beginning of project development. Indeed, the SIA Guideline should make it clear that the SIA worksheet referred to in Figure 2 (page 12), is not only a required input for a formal Scoping Meeting, but also should be considered as a procedural requirement for submission of any SSP business case. This should also become a requirement for unsolicited project proposals intended to become SSPs. It should also be mandatory that this initial consideration of social impacts is demonstrably developed by suitably qualified and experienced social scientists.

This sort of early consideration of social impacts is a key principle (Principle # 4) of the International Principles for SIA developed by the International Association for Impact Assessment (Vanclay, 2003, p. 9). In NSW, failure to consider social impacts in developing a project business plan has often resulted in premature political endorsement of projects that subsequently face public critique. The social division, political instability and budgetary implications which require substantial commitment of public funds to address with intergenerational implications, should also be considered in early-stage consideration of social impacts.

Suggested amendment:

nsert text into page 7 between current paragraphs 4 & 5.	It is good practice to address social impacts at every stage of a project's development from inception and development of preliminary business cases to post-development follow-up audit reporting. Inclusion of consideration of the social impacts worksheet in the business case for state significant projects ensures that political and administrative decision makers pay proper attention to social and cultural matters and put appropriate minimisation, enhancement and mitigation requirements into place throughout the development and assessment process.
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Maintaining responsiveness to social impacts throughout whole-of-projectlife

There is also a very specific need for the guideline to offer guidance to the development of both SEARs and conditions for approval of SSPs in which the framing of *process criteria* for triggering, monitoring, reporting and addressing social impacts is explicit.

What I mean by process criteria is the need for feedback loops in assessment procedures that require review of relationships, outcomes and impacts at various points in project development. SSP assessment should not proceed through a series of one-way gates as if approval at each stage precludes the emergence of new or unexpected issues (unpredicted impacts) requiring reconsideration of SIA reporting. Social process is open-ended and evolving, and approval to proceed should always be contingent on accountability to public interest and benefit review. It is well-understood that public participation is often difficult to generate early in projects and it is only when impacts begin to be generated that public concern becomes articulate and focused. This sort of thinking is foundational to the preparation of good Social Impact Management Plans – although project-scale management processes are often more about completion that the longer-term management of triple bottom line outcomes. Therefore, ensuring project teams are required to ensure their own completion targets are constantly reporting against triple bottom line criteria and responding to temporal dimensions (intergenerational) as well as the internal logic of project management.

My concern is that if for some reason the SEARs for an SSP do not require an SIA but social impact concerns are raised either during the EIA process, through public responses to the project, or as a result of design, schedule, budget or other changes to a project (as is very common in relation to SSPs), there is currently no enforceable mechanism for project proponents to be held to account. Indeed, there is potentially no mechanism to even secure public and transparent reporting against triple bottom line criteria if there is no political appetite for revising a project in response to emerging social impacts.

Historically, this sort of situation has seen major projects fail to deliver promised public benefit. Once projects are approved, unless consent conditions specify process criteria for demonstrating they can and do address social concerns, there are very limited mechanisms to acknowledge the loss of public benefit, the imposition of specific costs and impacts on elements of the NSW public, or the politicisation of project proposals, assessment, monitoring and reporting in ways that risk cost and schedule blow-outs, policy paralysis and corruption of good process. For example, in reviewing the case of the never-delivered Parramatta Rail Link, Mottee and Howitt (2018) note that in NSW:

Strategic infrastructure plans are not assessed using SEA [Strategic Environmental Assessment], and project-specific SIA criteria are often poorly matched to key impacts of projects as-delivered. While SIA followup focused on either of these elements would increase transparency and accountability, there is no political appetite to mandate either SIA or follow-up reviews (page 48).

They go on to note that:

existing design and assessment was overturned in Cabinet in expedient response to political pressures, without reference to an evaluation of the modified project against established policy or project objectives (page 52).

Suggested amendment:

Amendment to Figure 2 and appropriate textual revision

It might be possible to indicate in Figure 2 how the SIA process should work alongside the Community Participation Plan (CPP) so that the SIA process can be re-opened, extended or expanded in response to issues that emerge in the CPP processes. This should also be drawn into the life-of-project planning within the SIMP and made explicit.

Political accountability to the triple bottom line in SSP delivery

Publication of the *SIA Guideline* suggests that perhaps political appetite for better performance of SSPs is developing. This is certainly urgent as extensive public funds – including future public funds which has intergenerational implications – are committed to major infrastructure projects intended to support an anticipated post-Covid recovery. There is significant commitment to bi-partisan political support for such investment, but past experience might lead one to anticipate that bi-partisanship dissolves quickly in the face of political and electoral opportunism.

Therefore, good practice SIA will be important in securing just and sustainable social outcomes from these investments in post-Covid recovery. Indeed, it may well be crucial in building better bureaucratic, political and community understanding of the burden as well as the project economic benefits of these projects.

In decision-making about SSPs framed as contributing to post-Covid recovery, my professional view is that there is a very real risk that narrowly defined 'economic' benefits, including specific benefit to private economic interests, will be prioritised over triple bottom line thinking and transparency will be sacrificed to expediency.

Initial business cases for SSPs often frame project justification in terms of projected contributions to the public interest. But holding those projects accountable to either initial business cases or pubic interest tests has been rendered next to impossible in the absence of enforceable requirements about social impacts. Indeed, changing political or economic settings as projects progress have often been used to justify governments (of both political persuasions) step away from commitments made to the public in election campaigns as if inadequate oversight of projects justifies sacrifice of public interests (see eg (Mottee & Howitt, 2018). Similarly, the use of commercial-in-confidence protections in public-private partnerships for SSPs has often made transparent assessment of the balance between public, private and political confusion about the difference between public and vested interests, and a long history of defining particular sectional or special interests (most notably, of course, the interests of First Nation citizens and the Indigenous public) as somehow outside the public interest (Howitt, 1991).

The longstanding Commonwealth definition of environment, recognises that the term encompasses

(a) ecosystems and their constituent parts, including people and communities; and

(b) natural and physical resources; and

(c) the qualities and characteristics of locations, places and areas; and

(d) heritage values of places; and (e) the social, economic and cultural aspects of a thing mentioned in paragraph (a), (b), (c) or (d) (Environment Protection and Biodiversity Conservation Act 1999 (Cth) at § 528).

The NSW legislation, of course, defines environment as including: all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings (EP&A Act 1979 (NSW) at §1.4).

Phased SIA reporting

The *SIA Guideline* establishes a phased process in which the initial expectation is that an SIA Worksheet will be integrated into early project planning and design, with the full scope of SIA reporting being responsive to initial assessment and consultation.

I strongly support this procedure, but as indicated elsewhere in my submission, the risk is that failure to recognise or report on a particular issue, or the emergence of unpredicted social impacts later in project development might lead to some impacts being amplified or misunderstood and unaddressed.

The Guideline should recognise this risk and amplify the need for well-qualified personnel being involved in both the preparation and evaluation of SIA reporting. It is simply not acceptable for environmental consultancies commissioned to prepare an EIS to hand responsibility for SIA preparation to unqualified junior staff as if this is the poor cousin of the well-funded environmental and economic elements of project assessment for SSPs.

It is also important for the *SIA Guideline* to include a specific mechanism for dealing with unanticipated or unrecognised social impact issues that emerge in the course of a project's history. Historically, it has been rare for social impact issues to cause approval for projects to be withheld or withdrawn, but common for unanticipated or unrecognised impacts to produce major community concern, distress and disadvantage.

Indigenous SIA in the SSP setting

I am particularly conscious of the experience of Indigenous people in SIA, where culturally insensitive developers, SIA practitioners and regulators simply fail to recognise not only direct project-related impacts but also the risk and impact context in which those project-related impacts are experienced as part of entrenched patterns of denial, erasure and invisibility and become a further iteration of generational and intergenerational trauma. In a societal setting where perfunctory acknowledgement and recognition and even commitment to reconciliation has become commonplace amongst government agencies, project developers and environmental consultancies and other institutions, superficial acknowledgement of history often disguises deeply entrenched structural racism, erasure of particular experience and continued expectation that those who have benefitted from dispossession and displacement of Indigenous peoples from their Country can demand that we just move on together. This notion of focusing on the (imagined) future rather than the experienced past reinforces the invisibility of Indigenous trauma to many developers.

In my own practice, I have often borne witness to the deep pain and suffering caused by such failures, and we have an extreme example in recent national experience in the impacts of the destruction of Juukan Gorge sites in Western Australia. In that case, a company that has led many of the most significant shifts in national responses to reconciliation had demonstrably failed to understand the cultural context of its operations and the social impacts of its plans. Similarly, the routine dismissal of statements of concerns from marginalised Indigenous communities about the social impacts arising from the locations of public projects and SSPs by politicians, government agents, project proponent, consultants and regulators is far too often accompanied by naïve and ignorant statements of commitments to reconciliation. There is no sense of irony, hypocrisy or ignorance in these statements – but their impact is often piling another layer of trauma and erasure on people whose identity and right to exist have been challenged by the creation of the entities that now propose projects that require 'consent to destroy' Indigenous heritage sites. State expectation and insistence on developer engagement with statutory land councils regardless of the particular histories and geographies of erasure, compounds the impacts and reinforces marginalisation for many peoples.

So, there should be much clearer guidance on Indigenous issues in the Guideline. At the moment, it is limited to notes on Indigenous engagement in Appendix A, which risks giving developers and regulators an excuse for minimising its significance. There should be explicit reference to a need for SSP proponents to identify and address historical trauma associated with SSP sites and for early and high-level engagement with affected Indigenous groups to be adequately costed and funded as part of project planning.

Suggested amendment:

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Amendment to text in Section 3.1	It might be possible to revise the text to include the following (proposed additional text is underlined):
	At a minimum, the SIA Worksheet and Phase 1 SIA report should explain the rationale, assumptions and likely evidence to be used in the SIA, and explain how any issues arising from historical or contemporary First Nations' experience at or related to the site have been identified and will be addressed, as well as next steps and opportunities for community engagement that will inform the Phase 2 SIA. This effectively forms a work plan for Phase 2 SIA, completing the final SIA Report.

I am also deeply conscious of how the difficulties many Indigenous groups face in responding to the social and cultural impacts of SSPs imposes substantial costs (social, emotional and resource) on communities and individuals. In many cases, the experience reproduces or reinforces previous trauma for individuals and reinforces the powerlessness of communities to exercise any decisive influence on their circumstances. This leads to approval of projects that should never be approved and failure to impose conditions of approval on projects that ensure such issues are attended to. The development of the Guideline is a powerful opportunity to address this longstanding legacy of transgenerational trauma in Indigenous communities and to insist that the public interest is re-interpreted to ALWAYS include Indigenous groups affected by SSPs.

The extensive and persistent failures of government process to avoid and address these concerns is a reprehensible stain on the state. Good practice SIA would certainly go a long

way towards ensuring that SSPs contribute to positive public benefits for affected Indigenous groups, and to avoid tokenistic acknowledgement of reconciliation as a foundation for further dispossession, marginalisation and decimation of Indigenous rights and standing in the NSW public policy setting.

Suggested amendment:

Amendment to text in Section 3.3.2

It might be possible to revise the text to include the following (proposed additional text is underlined):

Defining the social locality begins with an understanding the nature of the project, the characteristics of affected communities and how positive and negative impacts may be reasonably perceived or experienced by different people. State Significant Projects have a particular responsibility to produce demonstrable and accountable social benefits to the communities they most directly affect. In particular, given the history of state-imposed trauma and disadvantage on Indigenous groups in NSW, State Significant Projects should ensure full and respectful engagement with Indigenous social, cultural, environmental and economic concerns related to a project. They should clearly demonstrate how Indigenous issues are to be identified, clarified and addressed in early SIA worksheet, Phase 1 and Phase 2 reporting and through community engagement strategies and resources.

Community Engagement and Resourcing

The NSW Government's Community Participation Plan has objectives that aim to ensure that community participation in the assessment and evaluation of State Significant Developments is:

- Open and inclusive by keeping the community informed about planning matters and seeking community views on the merits of these matters
- *Easy for the community* by giving the community information that is easy to understand, making it as easy as possible for the community to engage in planning matters, and taking additional steps to seek input from groups in the community who may find it difficult to participate
- *Relevant* by ensuring all community engagement undertaken by the Department is tailored to match the context, scale and nature of the activity, level of community interest and community's preferences about how they would like to participate
- *Timely* by engaging with the community as early as possible and giving people enough time to provide considered feedback on planning matters
- *Meaningful* by giving serious consideration to community views in all planning matters and providing regular feedback to the community on how these views were taken into consideration during decision-making.

While this presents an admirable goal, much of the community engagement process imposes a substantial burden on community participants and organisations, with a significant expectation that volunteers will simply donate time and effort to engage with projects that bring little or no benefit to them, and which often impose poorly understood costs and impacts on them. Where the impact burden falls on poor and marginalised
communities, this reduces the opportunity for even good practice SIA to adequately understand, report and address impacts before they emerge.

In many cases, affected communities are unable to take up opportunities that are intended to receive their input simply because there is no capacity to respond. Taking that silence or non-participation as approval or absence of impacts is to deeply misunderstand the social impact experience.

To me it is regrettable that the development industry has generally been able accommodate an increased research and reporting requirement for environmental reporting regarding biophysical environmental requirements, but still seems to conceptualise social impact reporting as unnecessarily difficult, costly and vague. This only serves to increase the burden on community groups seeking to articulate concerns to industry and regulatory interests who are disposed to approval rather than assessment of even the most controversial proposals once they are designated as "state significant". This also sees any requirement to address concerns raised in community engagement processes as an unexpected (and uncosted) burden on projects that disrupts orderly development.

This is something that the *SIA Guideline* should make clear as no longer acceptable. Developers must be required to budget adequately for social reporting, including providing appropriate resources for affected community participation and even development of community capacity to participate and respond.

Suggested amendment:

Amendment to text in Appendix A – Community engagement It might be possible to revise the text to include the following (proposed additional text is underlined):

Particular attention is needed when engaging with vulnerable and marginalised groups to understand how they might experience and reasonably perceive social impacts. You should provide multiple opportunities for people to participate. You should understand that for many community groups there is limited capacity and resources to support engagement that supports good practice SIA. In advocating your project, it is essential that you make every effort to understand impact experiences from communities' perspectives and that your SIA budget and process includes appropriate resources to support community engagement.

Qualified SIA practitioners

Having taught SIA theory and methods at Macquarie University and undertaken major SIA research in multiple jurisdictions and industries, I am very conscious of the value of ensuring that SIA research and reporting is undertaken by professionals who have a deep understanding of social processes in the contexts in which impacts are generated by major projects.

There is no formal accreditation for SIA practitioners in NSW at the moment and identified specialist training at graduate or postgraduate level is limited. Maintaining specialist programs will be important in supporting implementation of the SIA Guideline and delivering the systemic changes it envisions.

It is acknowledged that SIA is appropriately conceptualised within the broader EIS process and many major SIA reports are created under the leadership of major environmental consultancies. However, it is also my experience that many significant projects have had SIA reports developed with very limited social science expertise. This is simply unacceptable because SIA is a specialised field requiring specialised skills, knowledge and methods.

The importance of employing appropriate staff and consultants should be made explicit in Appendix B.

References cited

- Howitt, R. (1991). Aborigines and restructuring in the mining sector: vested and representative interests. *Australian Geographer, 22*(2), 117-119.
- Mottee, L. K., & Howitt, R. (2018). Follow-up and social impact assessment (SIA) in urban transportinfrastructure projects: insights from the Parramatta Rail Link. *Australian Planner, 55*(1), 46-56. doi:10.1080/07293682.2018.1506496
- Shepherd, A., & Bowler, C. (1997). Beyond the Requirements: Improving Public Participation in EIA. *Journal of Environmental Planning and Management, 40*(6), 725-738. doi:10.1080/09640569711877
- Stokes, R. (2012). Defining the Ideology of Public Participation: Democracy, Devolution, Deliberation, Dispute Resolution and a New System for Identifying Public Participation in Planning Law. *Macquarie J. Int'l & Comp. Envtl. L., 8*, 1.
- Vanclay, F. (2003). International Principles For Social Impact Assessment. *Impact Assessment and Project Appraisal, 21*(1), 5-12. doi:10.3152/147154603781766491



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#	Exhibition Document	Category of comment		Page number	Comment	Suggested amendment (if any)
nple	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil
					This submission offers broad support for the new guideline as exhibited and offer some commentary to suggest possible models and the some commentary to suggest possible models and the some commentary of the some some is inplementation, monoform, ergoring and future area with insert text into page 7 between current paragraphs 4 & 5.	It is good practice to address social impacts at every s of a project's development from inception and developm of preliminary business cases to post-development foll up audit reporting. Inclusion of consideration of the soci impacts worksheet in the business case for state signi makers pay proper attention to social and cultural matt and put approprime immimisation, emancement and disvelopment and assessment process.
					Amendment to Figure 2 and appropriate textual revision	It might be possible to indicate in Figure 2 how the SIA process should work alongside the Community Particip Plan (CPP) so that the SIA process can be re-opened, extended or expanded in response to issues that emer the CPP processes. This should also be drawn into the of-project planning within the SIMP and made explicit
					Amendment to text in Section 3.1	It might be possible to revise the text to include the fold (proposed additional text is underfined): Additional text is underfined): Additional text is net retrained, assumptions and likely evidence to be used in the SIA and explain how any is arising from historical or contemporary First Nation? we perince at or related to the site have been identified will be addressed, as well as next sites and opportunit for community engagement that will inform the Prase 2 The effectively forms a work, plane for Prase 2 SIA.
					Amendment to text in Section 3.3.2	completing the final SIA Report. It might be possible to revise the text to include the foli (proposed additional text is underlined): Defining the social locality begins with an understandin nature of the project, the characteristics of affected communities and locality begins with an understandin nature of the project, the characteristics of affected software in the software of the software of the software State Significant Projects have a particular responsibil produce demonstratile and accountible social benefits the communities they most directly affect. In particular given the history of state-imposed taruma and disaxiv on Indigenous groups in NSW. State Significant Project should ensure if and respectful engagement with Indigenous social, cultural, environmenial and econom concerns related to a project. They should clearly demonstrate how Indigenous is uses are to be identifie carried and additessed in and ySA worksheet. Phase
					Amendment to text in Appendix A – Community engagement	Phase 2 reporting and through community engagement strategies and resources It might be possible to revise the text to include the foll (proposed additional law is underlined); that will be accurate attention is needed when engaging when the experience and evaluation and the social impacts; should provide multiple opportunities for people to participate. You should understand that for many com- groups there is imited capacity and resources to sup engagement that supports god practice SIA. In advo- your project, it is essential that you make every effort understand impact experiences for the process persones are and that your SIA budget and process persones are and that your SIA budget and process persones are and the your SIA budget and process persones are and size and process persones are and size and process persones are and size and size and process persones are and size and size and persones are and size a



Social Impact Assessment - Exhibition Submission Response Form

#	Exhibition Document	Category of comment	Summary Response	Page number	Comment
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and la state significant projects which require different levels of assessmen
1	SIA Guideline	Language and terminology	support as is	11	"This Guideline uses words such as 'should' or 'suggested', rath than prescriptive terms such as 'must' or 'will'. This allows for nuanced approach and reflects the range of development type that the Guideline applies to"
					Passive terminology which allows flexibility is a positive aspect the draft.
			support in principle		The guideline states: "You will start to write your SIA report at the start of project planning, before you interact with the Department Begin by completing the scoping worksheet (see link to Scoping Worksheet), a decision support tool, before the scoping meeting
2	SIA Guideline	Phase 1	(with suggested changes)	14	This assumes that proponents will engage an SIA practitioner a the commencement of the project. We know however that this not always the case. Practitioners are often engaged after the proponent has obtained the SEARs and the proponent-led scop exercise is complete. Moreover, the proponent scoping effort is often not thorough or consitent with the guideline.
3	SIA Guideline	Other - please describe	oppose (explaining objective/reasons)	14	Approvals Assessment: The assessment of an SIA scoping rep should be done consitently, irrespective of whether it is complet by the proponent or a qualified SIA practitioner.
4	SIA Guideline	Other - please describe	oppose (explaining objective/reasons)		Approvals Assessment: On occasions the DPIE SIA Lead has made substantial efforts to review scoping reports and make extensive written recommendations. These written remarks are not always disclosed to the SIA practitioners in full.
5	SIA Guideline	Social Locality	oppose (explaining objective/reasons)	16	The draft states the 'area of social influence' concept is common used in social science practice. 'Social locality' is less common used and there is potential for the terms to be used inconsistent if it is introduced into new Guideline version. The two terms appear to be used interchangably in section 3.3.2, yet in Figure and 6 the ASI appears to be a subset of a social locality.
6	SIA Guideline	Social Locality	support in principle (with suggested changes)	17, 18	Including example area of social influence maps are very helpfu However the maps used in the draft are poor quality.
7	SIA Guideline	Categorising impacts (+ & -)	support as is	19	The revised impact categories listed in the draft are an improvement and they support SIA practice
8	SIA Guideline	Evaluation impacts (+ & -) incl matrix	oppose (explaining objective/reasons)	Figure 8	Figure 8 purports to address positive impacts yet the illustrated process has an exclusive negative impact focus. Specificlly, it seeks to address negative impacts (i.e. avoiding, minimising an mitigating) and has no relationship with section 3.3.11.2 where enhancement of project opportunities and benefits are discusse
9	SIA Guideline	SIA Authors	oppose (explaining objective/reasons)	Table 5	Table 5 is incorrectly labelled as Table 6 in text on p.32
10	SIA Guideline	SIA Authors	support as is	p.32	The definition of a Suitably Qualified Person is strong. Emphasi on social science research methods is essential. At the time of writing there is one SIA specialist employed by th Department. It is obvious that the Guideline (in whatever form) largely be an aspiration unless DPIE adequately resource its SIA
11	SIA Guideline	Timing/implementation	oppose (explaining objective/reasons)	All	capabilities. The intent of the Guideline and the work acheived to date is commendable. It will be wasted unless a sincere approad is taken to SIA resourcing. The idea that one person can adequately oversee implementation of the Guideline to all SSDs statewide is inconceivable.

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oner at t this is the d scoping fort is	Make clear the Department's expectations about how to 'retrofit' the scoping exercise in this scenario.
mpleted	Where the proponents (as opposed to SIA practitioner) scoping efforts are superficial and inconsistent with the guideline, the proponent should be directed to undertake an adequate scoping study. The elephant in the room is the availability of qualified SIA resources at DPIE to enable this work to be done. Refer row 11 for further commentary about adequacy of SIA personnel.
l has ake <s are<="" td=""><td>Provide verbatim written recommendations prodcued by the DPIE SIA Lead to practitioners.</td></s>	Provide verbatim written recommendations prodcued by the DPIE SIA Lead to practitioners.
ommonly nmonly sistently ns Figures 5	Preserve the most commonly used terminology only or alternatively, thoroughly define the relationship between the two.
helpful.	Engage a mapping speciliast to consider the maps more carefully and produce better examples.
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SSDs	



Social Impact Assessment Guideline

State significant projects

October 2020

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Both Photography: NSW Department of Planning, Industry and Environment

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Vietnamese | Tiếng Việt: Hãy gọi cho chúng tôi với thông dịch viên

Để gọi cho chúng tôi với thông dịch viên, vui lòng gọi Dịch vụ Biên dịch và Thông dịch Toàn quốc theo số 131 450, và yêu cầu họ gọi cho chúng tôi theo số 13 77 88. Dịch vụ này cung cấp tức thời thông dịch qua điện thoại.

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Table 1 Abbreviations		\bigcirc	C		C

Abbreviation	Term			
ABS	Australian Bureau of Statistics			
EIA Environmental Impact Assessment				
EIS	Environmental Impact Statement			
EP&A Act	Environmental Planning and Assessment Act 1979			
СРР	Community Participation Plan			
SEARs	Secretary's Environmental Assessment Requirements			
SIA Social Impact Assessment				
SIMP Social Impact Management Plan				

<u>Section 1.5</u> includes a list of terms used in this Guideline.

1. Introduction

State significant projects can impact people in many ways, both positive and negative. By identifying and understanding these social impacts, we can create the right responses to avoid, mitigate or reduce negative impacts, and capitalise on positive impacts.

Every State significant project is subject to a social impact assessment (SIA). In this process, 'social impacts' are the consequences that people experience when a new project brings change. For the purposes of the SIA, 'people' could be individuals, households, groups, communities, businesses or organisations.

The SIA process identifies, predicts, evaluates and develops responses to social impacts as part of an integrated assessment that also considers environmental, economic, social and cultural impacts. This is a process that assesses your project from the perspective of people meaning your development is more likely to be socially sustainable. Definitions for the terms in **Figure 1** are within **Section 3.3.4**.

The SIA is one input to a broader environmental impact assessment (EIA) process. The EIA is reported through an environmental impact statement (EIS), which details the potential environmental impacts and mitigation measures for certain types of development. All State significant projects, and most designated developments, require an EIS as part of the approval process.

The requirement to undertake an SIA will be explicitly noted within the Planning Secretary's Environmental Assessment Requirements (SEARs); however, undertaking an SIA is considered best practice whether required by the SEARs or not.



Figure 1 SIA places people at the heart of planning

This Guideline is designed to help proponents with the SIA process. It draws on the agreed principles and frameworks of various international institutions, including the International Association for Impact Assessment and the Interorganizational Committee on Principles and Guidelines for Social Impact Assessment.

SIA is not a one-size-fits-all process – social impacts may be both positive and negative, direct and indirect, or tangible and intangible. The SIA should be targeted and proportionate to the nature and scale of likely project impacts, and to the project's context. This Guideline details how social impacts should be identified, evaluated and responded to, giving proponents and the community greater certainty and transparency to potentially achieve a variety of mutually beneficial outcomes. The Guideline provides:

- a rigorous framework to identify, evaluate and respond to social impacts
- guidance on meaningful, respectful and effective community engagement on social impacts from project planning to post-approval
- the means to obtain quality, relevant information and analysis for decision-makers
- advice on how the SIA can inform ongoing engagement, project refinement, monitoring and adaptive management.

State significant projects

A State significant project is a type of development under the Environmental Planning and Assessment Act 1979 (EP&A Act). It may be either:

- State significant development (SSD)
- State significant infrastructure (SSI)
- critical State significant infrastructure. ¹

The EP&A Act requires State significant projects to be subject to development consent or approval and sets a framework for the assessment and determination of applications for these projects. <u>Section 2</u> summarises this process.

1.1 Benefits

Using this Guideline during the SIA process will:

- help proponents to understand what is required to meet the Department of Planning, Industry and Environment's expectations
- give the community comfort that their concerns and perspectives are considered early
- build higher levels of community appreciation, or 'social licence', for projects
- reduce project risks and costs related to unplanned or reactive management of social impacts
- enhance a proponent's corporate reputation, helping to build community trust
- create better proponent-community relations and more socially sustainable outcomes
- streamline assessment processes by reducing Departmental requests for more information.
- better integrate the SIA and EIA.



Photography: NSW Department of Planning, Industry and Environment

¹ Categories of development that may be declared SSD or SSI are listed in Schedules 1 and 3 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Projects declared to be SSD, SSI or Critical State significant infrastructure are listed in Schedules 2, 4 and 5 of the SRD SEPP.

1.2 Using this Guideline

This Guideline explains how you should assess likely social impacts for State significant projects under the EP&A Act. While the EP&A Act has legislative requirements for SSD that differ to those for SSI, you can use this Guideline for all State significant projects, as the consent authority or Minister will need to consider the likely social impacts of a proposed development.

Among other things, the EP&A Act aims to promote the social and economic welfare of the community and facilitate ecologically sustainable development. It does this by integrating relevant economic, environmental and social considerations in planning and assessment decisions. It also allows for the community to participate in this process.

These objectives are the foundation for the purpose of the SIA. To meet the requirements of the Act, we expect this Guideline to be used by:

- proponents preparing SIA reports for State significant projects
- departmental assessment officers reviewing and assessing an SIA
- community members or interest groups no wish to understand SIA requirements and how to participate in the SIA process.

This Guideline replaces the Social impact assessment guideline for State significant mining, petroleum production, and extractive industry development (2017) and should be used for all State significant projects, including modifications. Transitional arrangements for the introduction of this Guideline are available <u>here</u>.

Other resources

A **technical supplement** sets out technical guidance including worked examples, social impact prompts for various development types, methods for collating and analysing social data, methods for evaluating significance, and requirements for mitigation, monitoring and adaptive management. The supplement will be updated to include best-practice examples and new research.

The **Community Participation Plan** (CPP) will also be of interest. The CPP sets out the Department's approach to community participation including within the approval process.

In limited circumstances, you may prefer a methodology that differs from this Guideline. If this is the case, discuss this with the Department early, before lodging a request for SEARs.

1.3 When to undertake an SIA

Your project will begin with a scoping phase that considers potential impacts and will likely include some community engagement. Once you have completed this phase, you will submit a scoping report to the Department with a request for SEARs. The SEARs will likely require an SIA to be completed in line with this Guideline.

The SIA process will begin during project scoping, when you should determine the size and scale of likely social impacts. Projects likely to have minimal impacts will require a simpler SIA; for other projects a more complex SIA process will be required. **Section 3** and **Section 4** describe the three phrases of the SIA process.

1.4 SIA principles

Effective SIA practice is as much about the approach you will take to collect, assess and analyse information to inform findings as it is about the final report.

The principles in **Table 2** will support an evidence-based approach to SIA – this table will be a useful reference throughout the process. You may wish to summarise how the SIA adheres to these principles in the SIA report. If any of these principles are not relevant (for example, because of project scale) explain why.

Principles	Description
Action-oriented	Defines specific actions to deliver practical, achievable and effective outcomes for people.
Adaptive	Establishes systems to respond to new or different circumstances to support continuous improvement.
Distributive equity	Considers how different groups will experience social impacts differently (particularly vulnerable and marginalised groups, and future generations compared with current generations).
Human-rights oriented	Exercises due diligence to identify and address any impacts on people's human rights, including access to grievance and remedy mechanisms.
Impartial	Uses fair, unbiased research methods and follows relevant ethical standards.
Inclusive	Seeks to hear, understand, respect and document the perspectives of all potentially affected people. It uses respectful, meaningful and effective engagement activities tailored to the needs of those being engaged (for example, being culturally sensitive and accessible).
Integrated	Uses and references relevant information and analysis from other assessments to avoid duplicating assessment. It supports effective integration of social, economic and environmental considerations in decision-making.
Life-cycle focus	Seeks to understand potential impacts (including cumulative impacts) at all project stages, from pre-construction to post-closure/operation commencement.
Material	Identifies which potential social impacts matter the most for people and/or pose the greatest risk/opportunity to those expected to be affected.
Precautionary	If there are threats of serious or irreversible environmental damage (including harm to people), a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.
Proportionate	Ensures the scope and scale of the SIA corresponds to the scope and scale of the potential social impacts.
Rigorous	Uses appropriate, accepted social science methods and robust evidence from authoritative and trustworthy sources. (Appendix B provides advice on appropriate skills and experience for SIA authors.)
Transparent	Explains, justifies and makes available information, methods and assumptions so that people can see how their input has been considered.

Table 2 Principles to guide the SIA process²

² Adapted from Vanclay F. 2003. 'International principles for social impact assessment', Impact Assessment and Project Appraisal, 21(1), 5-12. https://doi.org/10.3152/147154603781766491; and Vanclay F. et al. 2015. Social impact assessment: Guidance for assessing and managing the social impacts of projects. International Association for Impact Assessment. https://www.iaia.org/uploads/pdf/SIA_Guidance_Document_IAIA.pdf.

1.5 Guideline language

This Guideline uses words such as 'should' or 'suggested', rather than prescriptive terms such as 'must' or 'will'. This allows for a nuanced approach and reflects the range of development types that the Guideline applies to.

This Guideline emphasises a high-quality process and high-quality outcomes. It allows for information gleaned during the SIA process to be used for other purposes, such as engagement, project risk assessment and project benefit realisation. You should demonstrate that you have satisfied the provisions in this Guideline; as noted earlier, any deviation and justification for doing so should be discussed with the Department early in the process. The SIA process uses terms that may have a different meaning in everyday language. **Table 3** clarifies what these terms mean within the context of this Guideline.

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Table 3 Terms used in this Guideline

Term	Meaning for the purposes of SIA Guideline			
Application	An application seeking development consent/approval for a State significant project or an application to modify an approved State significant project consent/approval (including concept plan) under the EP&A Act.			
Community	Anyone affected by or interested in State significant projects in NSW, including individuals, community groups, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, representative bodies, businesses, local government and stakeholder groups (defined below).			
Engagement	Actions to encourage community participation in the assessment of State significant projects.			
Management-based mitigation	Actions or measures that satisfactorily avoid or mitigate potential negative social impacts by implementing known management approaches.			
Matter	An element of the environment that may be affected by a State significant project (for example, air, amenity, biodiversity or economic or social matters).			
Mitigation	Actions or measures to reduce adverse social impacts of a State significant project.			
People	Individuals, households, groups, communities, businesses and organisations.			
Performance-based mitigation	Actions or measures that achieve an appropriate social outcome, without specifying how the outcome will be achieved.			
Prescriptive-based mitigation	Actions or measures that must be taken, such as a known best-practice technology, design or management approach, to mitigate the social impact.			
Proponents	Those seeking approval for a State significant project, including applicants.			
Scoping worksheet	A tool to identify likely impacts and the level of assessment required to evaluate the significance of impacts including social impacts.			
Secretary	The Planning Secretary of the Department or their delegate.			
Scoping meeting	A meeting between the proponent and the Department at the start of a State significant project.			
Scoping report	A report submitted by the proponent to the Department after the scoping meeting, accompanied by a request for SEARs.			
Social impacts	The matters listed in <u>Section 3.3.2</u> and <u>Section 3.3.4</u> of this Guideline.			
Stakeholder group	A group or organisation that represents several people with an interest in a State significant project.			

2. Overview

The SIA process is a component of the EIA process that identifies, assesses and proposes management for relevant matters in accordance with the EP&A Act.

The SIA process can include two phases (Phase 1 and 2) that together form the process of analysing and responding to likely social impacts. Phase 3 is a process for social impact management. **Figure 2** describes each phase, its purpose and how each aligns with the assessment process. **Figure 3** expands on activities and outputs within each SIA phase.

In most situations the Phase 1 SIA will be followed by a Phase 2 which completes the SIA Report. In some exceptional circumstances a Phase 1 SIA Report may be all that is needed; if so, it should consider the requirements of an SIA Report (in full) to a level that is appropriate for the project. This would then be provided to the Department with the Scoping Report.

This Guideline, however, is structured for the majority of projects that will go beyond a Phase 1 SIA Report.





Figure 3 The SIA process in detail

2.1 Support technical supplement

This guideline is supported by a separate technical supplement. The technical supplement provides more guidance on each aspect described in this guideline, and also provides examples to assist proponents and practitioners.

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2.2 Alignment with other process

As a process that helps to reduce project risks, the SIA process should align with other project management and funding stages. Proponents often consider social impacts early in a project; these investigations can inform the SIA rather than be duplicated for the SIA. NSW Government proponents may commence the SIA process when undertaking strategic business case works, so that a single SIA can be used for both funding and planning approval processes.



Photography: NSW Department of Planning, Industry and Environment

3. SIA reports

3.1 Introduction

SIA reports describe how the project may positively or negatively impact people early in project planning. This early assessment allows you to adjust or refine a project in response to identified community values and to engage with people early, reducing risk of delays from unexpected community responses or unforeseen impacts.

You will start to write your SIA report at the start of project planning, before you interact with the Department. Begin by completing the scoping worksheet (see link to Scoping Worksheet), a decision support tool, before the scoping meeting.

After the scoping meeting, you will prepare a scoping report to request SEARs. You will submit a Phase 1 SIA Report with the scoping report or incorporate it into the scoping report if it is formulating the work plan for completion of the final SIA Report. If you expect the Phase 1 SIA will be the end of the SIA process, create the Phase 1 SIA report as a standalone document, attached to the scoping report. The Phase 1 SIA report does not need to duplicate project detail covered in the scoping report.

At a minimum, a Phase 1 SIA report should explain the rationale, assumptions and likely evidence to be used in the SIA, as well as next steps and opportunities for community engagement that will inform the Phase 2 SIA. This effectively forms a work plan for Phase 2 SIA, completing the final SIA Report.

If an alternative method for completing the SIA has been agreed with the Department, describe this in the Phase 1 SIA.

Any information provided will be made publicly available during the Department's assessment process, starting from when the request is lodged for the SEARs.

The SIA should be targeted and proportionate to the nature and scale of the project's social impacts, and to its locality, as shown in **Figure 4**.



Significance of social impacts (also known as level and nature of impacts within EP&A Act)



Complex Max. 100 pages for Phase 1 & 2 i.e. the final SIA Report

Basic Min. 2 pages for Phase 1 SIA Report

Figure 4 The scalable complexity of SIA

3.2 Modifications

Your modification may be categorised as:

- Scenario A a modification of more than minor environmental impact, or a modification that changes the terms of an approval (if the State significant project is State significant infrastructure), or
- Scenario B a modification involving minimal environmental impact.

Modifications that fall into Scenario A are covered by this Guideline in full. Whether an SIA is required for a Scenario B modification depends on the likely impacts of the proposed modification. If the original application included an SIA, and the proposed modification will not result in material change to the impacts identified in the original SIA, further investigation may not be required. In this case, discuss any likely changes to social impacts during the scoping meeting for the modification application.

In terms of a Scenario A modification, if the original application included an SIA, and the modification is likely to increase or change project impacts, use the SIA process to consider the changes to the impacts as a result of the modification. You will not be expected to compile new social baseline data or complete a new SIA; rather, you should focus on updating the existing information and analysis of impacts expected to change as a result of the modification.

If the original approval did not include an SIA Report, an SIA Report will likely be required. You can discuss this with the Department during the scoping meeting.

For either type of modification, you must meet the requirements outlined in **Section 3.3.1** to a level that is appropriate for the project.

3.3 Preparing an SIA report

3.3.1 Required information

The final SIA report will be a combination of findings and analysis from Phase 1 and Phase 2 of the SIA. The staging for each phase, noted below, is considered best practice, but you may choose to stage your SIA process, and the reporting, differently. The SIA Report should cover the following in the final version.

Typically, a Phase 1 SIA will include:

- an understanding of the project's social locality (see <u>Section 3.3.2</u>)
- initial analysis of the defining characteristics of the communities within the project's social locality, including any vulnerable groups (described as the social baseline)
- initial evaluation of likely social impacts for different groups in the social locality
- any project refinements or approaches to project development in the early phases of project planning that will be undertaken in response to likely social impacts
- how the EIS Engagement Strategy will help to identify and assess social impacts
- the proposed approach for undertaking the remainder of the SIA process.

Typically, the Phase 2 SIA Report will:

- predict and analyse the extent and nature of potential social impacts against baseline conditions using accepted social science methods
- evaluate, draw attention to and prioritise the social impacts that are important to people
- develop appropriate and justified responses (i.e. mitigation and enhancement measures) to social impacts, and identify and explain residual social impacts
- propose arrangements to monitor and manage residual social impacts, including unanticipated impacts, over the life of the project (including post-closure phases for mining projects).

The **technical supplement** provides a suggested structure of an SIA report.

The SIA Report will be made publicly available as part of the Department's assessment process in accordance with legislative requirements.

3.3.2 Social locality

The social baseline study (see Section 3.3.8) begins by considering social impacts in the 'social locality'. There is no prescribed meaning or fixed, predefined geographic boundary to a social locality; rather, the social locality should be construed for each project, depending on its nature and its impacts. The term 'social locality' is similar to the idea of an 'area of social influence' that is commonly used in social science practice.

Defining the social locality begins with an understanding the nature of the project, the characteristics of affected communities and how positive and negative impacts may be reasonably perceived or experienced by different people.

Social impacts in and beyond the project's site boundary, both positive and negative, may also be considered during approval processes in terms of public interest and the suitability of the site for the project.

Some State significant projects may have a relatively focused social locality, while others may be spatially and/or temporally dispersed, involving different timeframes and/or multiple areas that require different considerations for different people and community groups. Some projects may involve a longer duration of impacts over multiple areas.

Figure 5 represents a relatively confined social locality given the nature of the project, while **Figure 6** represents a more dispersed social locality.

To define and describe the social locality, you should analyse:

- **the scale and nature** of the project; its associated activities including ancillary works and infrastructure; potential direct and indirect impacts (for example, transport and logistics corridors or property acquisitions); and potential cumulative impacts
- who may be affected by the project; how they may be affected; their social, cultural and demographic characteristics; their relevant interests and values; the things that differentiate groups (such as cultural diversity) as well as things that they have in common; and the broader community interest
- whether any vulnerable or marginalised people may be affected by the project, including people on low incomes; people living with disabilities, chronic medical conditions or in poor health requiring access to services; culturally and linguistically diverse communities; people who are homeless or in insecure housing; people who are unable or unwilling to represent themselves or other vulnerable people such as elderly people, children or single-parent households
- **built or natural features** on or near the project that could be affected, and the intangible values that people may associate with these features, such as a sense of place or belonging, rural character, community cohesion and connection to Country
- relevant social, cultural, demographic trends or social change processes

 occurring now or in the past near the project site and in the broader region – such as how Aboriginal people engage in area (past and present), rental affordability trends, changing employment patterns, shifting land uses or population and demographic changes – and how people have felt or experienced these changes
- **the history** of the proposed project and the area, and any similar experiences people near the project have had, including change prior to, or created by, the planning assessment process; how people reacted to early discussions; and how these discussions and other experiences affected the broader community.

Where the social locality comprises groups of people who are demographically, socially, and/or culturally diverse, or where some groups may be more significantly affected than others, data should be disaggregated and described in detail to illustrate these differences. If these differences are negligible or irrelevant, data may be aggregated.

Not every SIA will be the same. Data collected should be targeted and proportionate to the project's context, and the nature and scale of the project's impacts.



Figure 5 Project's social locality - confined example

Linear projects

Linear projects such as rail lines, roadways or utility services are typically narrow but long, like that illustrated in **Figure 6**. Analysis should consider the broader area as well as key precincts or areas that will experience a higher level of impact. Surveys of people in a wider region may inform an understanding of their ways of life and livelihoods (for example travel times and employment) and present a broad representation across a larger social locality.





Figure 6 Project social locality - diverse example

3.3.3 Potential social impacts

You should consider possible social enhancement opportunities or benefits, and analyse how they will be distributed. Figure 8 illustrates the process of dealing with positive and negative impacts and Section 3.3.9 to Section 3.3.11 provides more detail.

The scoping worksheet is useful at this point. It assists in project planning and covers social impacts for eight categories and prompts you to consider social impacts in the context of:

- whether the project meets objectives of relevant environmental planning instruments, such as a local environmental plan for SSD,
- what project activities could induce social impacts for which people (referencing technical studies where relevant)
- any other activities that may combine to produce cumulative impacts
- a preliminary assessment of each impact and the proportionate level of assessment
- whether the project design has been refined in response to current findings.

3.3.4 Categorising impacts

A project may change people's lives in various ways. Use the following categories to identify potential social impacts:

- way of life, including how people live, how they get around, how they work, how they play, and how they interact each day
- **community**, including composition, cohesion, character, how the community functions and people's sense of place
- accessibility, including how people access and use infrastructure, services and facilities, whether provided by a public, private or notfor-profit organisation
- **culture**, both Aboriginal and non-Aboriginal, including shared beliefs, customs, values and stories, and connections to Country, land, waterways, places and buildings
- health and wellbeing, including physical and mental health especially for people vulnerable to social exclusion or substantial change, psychological stress resulting from financial or other pressures, and changes to public health overall
- **surroundings**, including ecosystem services such as shade, pollution control, and erosion control, public safety and security, access to and use of the natural and built environment, and aesthetic value and amenity
- livelihoods, including people's capacity to sustain themselves through employment or business, whether they experience personal breach or disadvantage, and the distributive equity of impacts and benefits
- decision-making systems, particularly whether people experience procedural fairness, can make informed decisions, can meaningfully influence decisions, and can access complaint, remedy and grievance mechanisms.

Some projects may have impacts in all these categories, but others may only have impacts in a few. For example, an influx of workers could affect both 'way of life' and 'community'. Neatly categorising impacts is not as important as identifying and assessing them. The categories simply provide prompts to help you to consider all possible social impacts. You should also consider and assess reasonable fears and aspirations for each of the above categories.

When assessing the nature and scale of social impacts, consider the project's:

- location, including whether it will be densely or sparsely populated, or whether it will be contained within one council boundary or several
- layout and design, for example whether it will be linear or contained within a discrete site
- social locality
- proposed construction and operation methods, and expected duration of each
- local and regional context including dependency on or proximity to other State significant projects or other forms of industry; the community's experience of other projects; and their adaptability and resilience.

Also consider external uncertainties in the economic and social context, such as fluctuations in local or global economies or changing community expectations that cannot be controlled and could alter predicted impacts.

Positive social impacts

You should assess positive social impacts to understand the net impact of a project on people. Be sure to assess the positive social consequences of change (e.g. improved public health resulting from increased public space), rather than simply stating the change itself. Be careful to assess positive impacts impartially and not to overstate or understate them. Positive social impacts may include:

- enhanced community wellbeing from increased jobs and business opportunities or less commuting
- improved public/community health, environment and wellbeing
- social development or a stronger sense of place and community cohesion through community investment or shared infrastructure
- community development initiatives, capacity building and stronger community institutions
- payments for the provision of services and infrastructure.

Negative social impacts

Negative social impacts may include:

- decreased amenity during construction programs affecting jobs and business opportunities
- increase in dust or noise impacts affecting community health, surroundings and wellbeing
- alterations to traffic routes and management reducing a community's ability to walk or cycle or their livelihoods, in turn affecting community health and wellbeing
- changes to land use affecting community character and people's sense of place, inducing a sense of cultural loss by Aboriginal people.

Cumulative social impacts

Cumulative social impacts are successive, incremental and combined impacts that can arise from project activities (such as dust and noise), or multiple projects needing similar resources (e.g. skilled labour, housing or water). The most effective way to assess cumulative social impacts is to consider them from the viewpoint of those experiencing them.

Cumulative impacts should be considered if multiple projects are being undertaken in the same place. You should consider 'place impacts' for those projects, and also consider other development underway in the same area.

3.3.5 Refining the project

After considering potential social impacts, the outcomes from engagement activities and lessons learned from other projects, you should refine the project design and explore alternatives that would improve social outcomes both during construction and when the project is complete. Describe changes made to the project design that have been made to the project in the Phase 1 SIA report.

3.3.6 Incorporating EIA elements

The SIA Report includes a social baseline study, predictions and analysis of impacts, evaluation of each impact's significance, and a preliminary monitoring, mitigation and management framework.

For example, relevant environmental studies may predict and model noise and air quality emissions during construction and once completed. Similarly, the economic cost assessment may predict resulting gains or losses from the project. The SIA Report complements these by examining how people might experience these environmental and economic changes and identifies opportunities to respond.

Each study undertaken for an EIA involves discrete processes, you should integrate the results into the relevant SIA Report that you submit as part of an EIS. **Figure 7** illustrates the relationship between the SIA and other specialist studies and how these relate to the EIA.



Figure 7 Example relationship between the final SIA Report and other EIS specialist studies

3.3.7 Data collection

Existing data sources such as ABS data, material from similar projects, published research, relevant local, State and Commonwealth strategic plans and policies, or the outcomes from previous community engagement will inform the SIA. These are considered secondary data sources; you may need to seek out primary data from sources such as:

- discussions with State agencies
- interviews, community workshops or focus groups
- written and oral stories, first-hand testimonies or community histories
- community surveys.

For project modifications, data may come from the approved project/s and results from monitoring post-approval.

While community profile data should help you to understand the demographics of the social locality, further analysis will identify distinguishing features and how the community compares to state, regional or district trends.

Collectively, this data will paint a picture of what is important to people. When articulating these values, consider:

• What features of the community, the social locality, and/or the landscape do people value – from urban areas, the sense of community or the accessibility of services, to natural and diverse environments or quiet/ vibrant neighbourhoods?

- How do these features influence local people's or businesses' way of life, health or wellbeing?
- How might the project affect these features, and for which groups?
- How could the project be modified to enhance these features and how they affect people's wellbeing?
- Although the project may deliver benefits in the longer term, how might the project be designed to avoid and minimise any short-term adverse impacts?

Information and insights from all sources should be trustworthy, credible, rigorous, up to date and relevant to the social context – for example, regional data may not apply evenly across all communities and may need to be disaggregated locally. Additionally, primary data should be grounded in people's reports of their actual experiences, views and perceptions and informed by details of the project.

3.3.8 Social baseline

The social baseline study describes the social context without the project. It documents the existing social environment, conditions and trends relevant to the impacts identified.

The study is a benchmark against which direct, indirect and cumulative impacts can be predicted and analysed. Tailor the scope and content of the social baseline study to the project context using meaningful indicators and information.

3.3.9 Predicting and analysing social impacts

In describing and analysing the predicted nature and scale of likely social impacts for the lifecycle of the project, you should:

- use accepted, suitable qualitative and quantitative social science research methods, including workshops and focus groups; interviews and surveys; scenario analysis and modelling; comparative studies; literature reviews; trend extrapolations; and risk/opportunity assessment
- engage with people to obtain qualitative data (see <u>Appendix A</u> for potential research methodologies) and to obtain multiple perspectives from various groups
- consider potential social impacts from the perspectives of potentially affected people rather than from your project's perspective
- proactively include groups that may have been historically marginalised by representing their views in their own words
- acknowledge and account for uncertainties in predictions and data collection by applying sensitivity analysis, ensuring predictions consider any reasonably foreseeable scenarios including the worst case scenario
- comparatively assess positive and negative impacts of the project not proceeding
- use credible, reasonable and justified estimates and assumptions, particularly those that rely on expert judgement
- use comparative studies (where appropriate) to examine the accuracy of assumptions, by considering similarities and differences between your project and other recent projects
- describe and justify the methodologies used to predict and analyse social impacts, assumptions and estimates as well as outcomes of the process.

3.3.10 Evaluating social impacts

You must evaluate the significance of each potential social impact without mitigation or enhancement by giving each a significance rating. Provide evidence to support the evaluation rating to demonstrate that it is impartial and based on relevant research.

Figure Ustrates the process of dealing with impacts, by first predicting impacts, refining the project in order to avoic pacts, minimising then mitigating impacts, and finally managing impacts.



Figure 8 Analysis of positive and negative impacts

3.3.11 Responses

You should summarise any proposed responses to positive and negative social impacts. Mitigation measures for negative impacts should detail when and where the measure applies and how effectiveness will be monitored and maintained. This includes relevant measurable performance criteria and management objectives. For positive social impacts, explain how and when benefits will be achieved, and, if possible, how they can be maintained and enhanced.

3.3.11.1 Responding to negative social impacts

Consider measures to firstly avoid, and secondly minimise, impacts by amending the project design. If neither are possible nor reasonably practicable, consider measures to mitigate impacts. This could include physical barriers to mitigate noise and visual impacts, investment in local health services to meet increasing population needs, investment in community projects or community development funds. Other measures may include strategies for housing, employment strategies, education and training, or benefit-sharing agreements.

It may be appropriate to consider providing material public benefits through a voluntary planning agreement.

Once you have clarified the proposed mitigation measures, re-evaluate the negative social impacts with mitigation using the approach in <u>Section 3.3.9</u>, and describe the expected 'residual impact' – the social impact after mitigation.

3.3.11.2 Responding to positive social impacts

Positive social impacts should be enhanced, particularly within the social locality to distribute benefits equitably. Measures to enhance positive social impacts, often identified as opportunities or benefits, must be able to be implemented and monitored effectively. Ideally, affected communities should be involved in the identification, design and implementation of positive social impacts and help to set relevant indicators and monitoring processes.

Describe any steps required to achieve the positive social impacts. This might include how you will implement a procurement policy that requires a proportion of goods and services to be sourced from local providers, or how a program to hire and retain apprentices throughout a construction project will be implemented.

Strategies to enhance positive social impacts may also help to offset negative impacts. If this is the case, describe and justify any connections.

3.3.12 Social impact management work plan

The SIA process provides a basis for developing a social impact management plan (SIMP). The SEARs may require a preliminary social impact monitoring and management plan to be included in the SIA Report.

4. Social impact management

4.1 Introduction

Any post-approval phase is likely to involve a continuous process of mitigating, monitoring and managing social impacts as they occur. These processes can help to nurture relations with communities and maximise broad community approval, or 'social licence'.⁴

Social impact conditions of consent may require a SIMP that describes the measures to be implemented and the impacts they will address. The process of implementing and monitoring these measures is known as adaptive management.

Monitoring and adaptive management should aim to protect and enhance the social environment over the life of the project. Project monitoring and management commitments can be integrated into overarching environmental management systems such as ISO 14001 accredited Environmental Management Systems.

4.2 Preparing a SIMP

4.2.1 Objectives

The SIMP should:

- enhance and refine mitigation, enhancement, monitoring and management of social impacts over the life of the project, including unanticipated impacts
- set out how you will continue to seek ongoing feedback from the community as part of adaptive management processes.

The SIMP should describe how the requirements of performance-based and prescriptive conditions will be implemented and monitored through a robust monitoring and auditing program. The SIMP should set out elements such as indicators, baseline values, frequencies, triggers, stakeholders and responses.

4.2.2 Suggested SIMP inclusions

While there is no required format for a SIMP, it should:

- include a project summary
- illustrate how social impacts were identified, plans for mitigation or enhancement, and management commitments
- explain how engagement informed the SIMP, detail the engagement strategy and future activities, and describe how these will inform monitoring and management
- provide measurable and defined targets and actions for monitoring, reporting, auditing and reviewing progress, with clear numbering, wording and commitments to locations, timing, frequency, method and responsibilities

commit to measure results and report these findings via the project website include how shortfalls will be addressed – for example, if a target is not being met or an impact is being inadequately managed, the SIMP should indicate steps to address and report on the shortfall.

A SIMP may also include other components required under a project's conditions of consent and may include overarching proponent commitments that will be upheld during the construction and operational phases of the project.

The document and commitments should be written in plain English that the community can understand and should be made available online. Depending on the cultural diversity in the social locality, it may need to be translated into other languages.

If the SIMP incorporates mitigation measures through other plans such as noise or air quality management plans, provide cross-references to these commitments, and avoid duplication.

⁴ Parsons R, Moffat K. 2014. Integrating impact and relational dimensions of social licence and social impact assessment. Impact Assessment and Project Appraisal, 32:4, 273-282. http://dx.doi.org/10.1080/14615517.2014.936107

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Appendix A – Community engagement

Respectful, inclusive and meaningful engagement is a fundamental part of SIA, alongside other research activities. It provides first-hand insights into what people value and how they expect a project to affect them. It also helps to focus the scope of the SIA on the things that really matter.

Particular attention is needed when engaging with vulnerable and marginalised groups to understand how they might experience and reasonably perceive social impacts. You should provide multiple opportunities for people to participate.

Engagement and public participation is not a substitute for good evidence-based SIA; rather, it is a component of it.⁵

Community engagement actions

- Consider the community engagement
 objectives
- Use outcomes of engagement to maximise community wellbeing and avoid or effectively mitigate adverse impacts
- Engage with a diversity of people, including vulnerable and marginalised groups.
- Use appropriate and specific levels and techniques of engagement, based on your analysis of the community and how they are best engaged
- Follow additional protocols for engaging with Aboriginal people.

Community engagement objectives

You should aim to:

- ensure potentially affected people are *identified* and have enough understanding of the proposed project, how it may affect them, the EIA process, and how they can participate in it
- collect qualitative and quantitative *data, evidence and insights* for scoping the SIA in ways that maximise diversity and representativeness of views
- understand the interests people have in the project and how potential impacts may be *experienced from their perspectives*
- consider the views of people in a meaningful way, and use these insights to *inform project planning* and design, mitigation and enhancement measures, and monitoring and management frameworks
- provide opportunities for people to collaborate on project design matters and provide input into the identification and consideration of preferred solutions
- confirm data, assumptions, findings and recommendations
- ensure people know how their *input and views have been taken into account*, and to help illustrate what actions or mitigating measures will be put into place to address concerns
- help people understand how other specialist studies prepared for the EIA (for example, air quality or noise), and any associated proposed mitigation measures, address social impacts
- respect people's privacy, allowing them to communicate their views anonymously if they desire.

You should consider how to use what you learn from engagement to inform the final project design so that it maximises community wellbeing and avoids or genuinely mitigates adverse impacts.

Which people and groups to engage with will depend on the project context and the different linkages and networks that connect them to the project. They are unlikely to fall within a single, clear, geographical boundary. At the very least, where people express an interest in the project, they are identifying themselves as being eligible for inclusion in engagement activities for SIA. However, the interests that different people have in a project will vary, as will the level of engagement different people may need.

Common research methods to help identify who should be engaged, and for mapping people to impacts, include stakeholder mapping, stakeholder matrix, values mapping, issues mapping, and community visioning.



Proponents should engage with a broad cross-section of people in a manner consistent with the SIA principles identified and explained in **Table 2**. To ensure the SIA is not disproportionately influenced by those with more power, people at all levels of the community should be included, from grassroots to leadership levels, and from informal, community-based organisations to formal institutions. General categories of people to engage include:

- existing and in-migrating residents and businesses, particularly those near the project location and in nearby localities, or any other potential users of the project, for example if it is a rail project, then future transport users need to be considered
- Aboriginal people and groups, especially those with a cultural connection to the project location, and including traditional owners or custodians who can speak for Country, native title holders or registered native title claimants and relevant Local Aboriginal Land Council/s
- employees, contractors and suppliers who use the area regularly
- community, industry, business, cultural and environment organisations, advocacy groups, and peak bodies
- public and private service and infrastructure providers and regulatory agencies (especially local, state, and federal government-funded education, health, community, and social services)
- elected representatives and other community leaders.

This analysis will be an important factor in deciding the levels of engagement and appropriate techniques needed to meet the abovementioned SIA objectives.

Photography: NSW Department of Planning, Industry and Environment

⁵ Freudenberg WR & Olsen D. 1983. 'Public interest and political abuse: Public participation in social impact assessment. Journal of the Community Development Society, 14(2), 67-82.

How to engage

Engagement during the SIA process may involve varying levels of participation and require the use of several different techniques. The levels of participation range from sharing information, to collecting information and insights, to involving the community in decision-making and codesign.

The choice of level and techniques should depend on the objectives of that engagement. For instance, when the objective is to explain the results and recommendations of a technical study so that people understand how they might be affected, information-sharing techniques such as newsletters, social media, and meetings may be enough.

Where the objective is to involve people in decision-making, more participatory techniques such as interviews, focus groups, workshops, community visioning, and co-design would be appropriate. To determine the levels and techniques of engagement for the SIA, proponents should consider:

- the scale of the project's social locality (refer to <u>Section 3.2</u>)
- the degree of diversity among potentially affected and interested people, and the extent to which they are expected to be affected or interested
- the range and types of impacts involved and their relative importance
- the timing and context, noting that stakeholders and their interests can change over time with different project stages and phases of the EIA and SIA
- the needs of different audiences (for example, cultural appropriateness, capacity to participate, communication styles and/ or preferences, barriers to participation), including: Aboriginal people; younger and older people; people with disability; people from culturally and linguistically diverse communities; people who are vulnerable, socio-economically disadvantaged or otherwise marginalised; and any other 'difficult-to-reach' groups
- opportunities to rely on or integrate with other engagement activities planned for the EIA to avoid duplication and manage 'consultation fatigue'.

Table 4 outlines engagement techniques typically relevant for SIA.



Level of participation	Engagement technique	Purpose in SIA		
Sharing information	Impromptu discussions and informal conversations	 identifying affected and interested people, groups, organisations and 		
	Public displays, briefings, information sessions and public meetings	 communities helping people to understand the proposal and the social impact 		
	Open days and site visits	assessment		
	Contact points (for example, hotlines, websites, shopfronts)	 addressing questions, concerns and complaints demonstrating early engagement 		
	Websites, direct mail/email/SMS, fact sheets, newsletters and webinars			
Consulting to collect information and insights	Surveys and interviews	 identifying and predicting social impacts collecting data, evidence and 		
	Community consultative committee or community liaison and advisory groups	insightsdemonstrating early engagementconfirming data, assumptions and		
	Online forums Social media	findings involving marginalised groups		
Collaborating in decision-making	Workshops and focus groups	• co-design, or collaborating in the design of project elements		
	Deliberative forums/workshops	 identifying and predicting social impacts collaborating in the development 		
	Citizen panels	of monitoring, mitigation and management measures and actions		
	Citizens' assemblies	 involving marginalised groups 		

Table 4 Useful engagement techniques for social impact assessment

When to engage

Since social impacts can begin with rumours of a prospective project or at first contact, proponents should commence engagement during the early project planning and development phases. Engagement will then generally continue through the project construction and operational phases, and into closure and post-closure phases where relevant.

Proponents should provide a draft engagement strategy for discussion with the Department at the Scoping Meeting.

Engaging with Aboriginal people

Engagement with Aboriginal people for SIA should recognise and respect their rights and be culturally appropriate. In practice, this means:

- applying relevant protocols for Aboriginal knowledge
- acknowledging and assessing both tangible and intangible forms of cultural heritage
- ensuring free, prior, and informed consent
- engaging traditional owners or custodians who can speak for Country
- allowing Aboriginal decision-making processes to function effectively
- avoiding conflict between engagement activities and cultural practices (for example, 'sorry business')

- engaging in places, at times, and in ways that encourage participation
- ensuring that engagement is undertaken by people with appropriate skills and experience.

A key objective of engaging with Aboriginal peoples for SIA – as distinct from Cultural Heritage Assessment – is to help identify the potential for a project to cause intangible harm through **'cultural or spiritual loss'**. This is defined as: loss or diminution of traditional attachment to the land or connection to country, or loss of rights to gain spiritual sustenance from the land. Equally, engaging Aboriginal peoples for SIA should aim to identify opportunities for cultural or spiritual growth.

The Office of Environment and Heritage's Aboriginal cultural heritage consultation requirements for proponents (2010) should be referred to for guidance when consulting with Aboriginal people about Aboriginal cultural heritage matters specifically, and on social impacts more broadly. In addition, please refer to the Australian Human Rights Commission's *Aboriginal and Torres Strait Islander Peoples Engagement Toolkit (2012).*



Appendix B – Authors of SIA documents

To realise the benefits of SIA, suitably qualified and experienced practitioner/s should be involved in the project scoping and planning phase. This will allow them to investigate and evaluate the stakeholders' perceptions and help to refine the proposed project design.

To ensure the SIA is targeted and proportionate to the project's context, and the nature and scale of its likely impacts an SIA practitioner should be used where the project's context and scale of its impacts are complex. For projects with minimal social impacts, an SIA specialist may not be required.

<u>Table 6</u> provides a guide on the minimal level of expertise required throughout the evolution of SIA and project development.

Table 5 Authors of SIA documents

Document		Proponent/proponent's study team [#]	Suitably qualified
Phase 1 SIA			
Phase 2 SIA (resulting in the final SIA Report)			√
SIMP			√

[#] A successful SIA process would enable the proponent to demonstrate how Phase 1 has influenced the project design (i.e. project refinement). Consequently, the study team should have the ability to influence the project design and a level of seniority to objectively and accurately consider social impacts in accordance with **Section 3.3.9 to Section 3.3.11**.

While it is not necessary for this person to have substantial competence in social science, it would be beneficial.

- * A Suitably Qualified Person must have:
- suitable **qualifications** in a relevant social science discipline (e.g. sociology, human geography, anthropology, communication), and/or
- proven experience over multiple years and substantial competence in social science research methods and SIA practices.

Outline the lead author's qualifications and experience in the SIA Report. They should be a member of a relevant professional organisation, such as the International Association of Impact Assessment, Environment Institute of Australia and New Zealand, Planning Institute of Australia, and/or Australasian Evaluation Society. Members of professional organisations agree to a code of ethics and professional conduct, ensuring they apply relevant principles and demonstrate integrity and competence in professional practice.

⁶ For further information on ethical considerations, see: National Health and Medical Research Council, Australian Research Council and the Australian Vice-Chancellors' Committee. 2015. National Statement on Ethical Conduct in Human Research. Canberra: Commonwealth of Australia; and Vanclay F, Baines J & Taylor CN. 2013. Principles for ethical research involving humans: Ethical professional practice in impact assessment Part I. Impact Assessment and Project Appraisal, 31(4), 243-253.
The author should also follow relevant ethical considerations that apply to research involving people.⁶ This ensures that research is conducted in a responsible, safe, secure, impartial, and respectful manner. Safeguards should be put in place, and documented, to ensure that the process and the outcomes provide an impartial assessment and avoid potential conflicts of interest.

The lead author should provide a signed declaration indicating:

- the date on which the assessment was completed
- that the SIA contains all information relevant to the SIA for the project
- that none of the information in the SIA is false or misleading.



Appendix C – Review questions

Proponents should use these review questions to check that they have fulfilled the requirements of this Guideline. The Department will also refer to these questions in undertaking its assessment.

Table 6 Review questions

General	
1	Does the lead author of the SIA Report meet the qualification and experience requirements?
2	Has the lead author of the SIA Report provided a signed declaration certifying that the assessment does not contain false or misleading information?
3	Would a reasonable conjudge the SIA Report to be impartial, rigorous, and transparent?
Project's sc	ocial locality and social baseline
4	Does the SIA Report identify and describe all the different social groups that may be affected by the project?
5	Does the SIA Report identify and describe all the built or natural features that have value or importance for people, and explain why people value those features?
6	Does the SIA Report identify and describe historical, current, and expected social trends or social changes for people in the locality, including their experiences with this project and other major development projects?
7	Does the social baseline study include appropriate justification for each element, and provide evidence that the elements reflect both relevant literature and the full diversity of views and potential experiences?
8	Does the social baseline study demonstrate social-science research methods and explain any significant methodological or data limitations?
Identificati	on and description of social impacts
9	Does the SIA Report adequately describe potential social impacts (whether negative, positive, tangible, intangible, perceived, and/or cumulative) from the perspectives of how people may experience them, and explain the research used to identify them? Where the assessment is partially complete, and expected to be completed in Phase 2 SIA, has this been explained?
10	Does the SIA Report apply the precautionary principle to social impacts, and consider how they may be experienced differently by different people and groups (i.e. distributive equity)?
11	Does the SIA Report describe how the preliminary analysis influenced both the project design and EIS Engagement Strategy?
Community	/ engagement
12	Were the extent and nature of engagement activities appropriate and sufficient to canvass all relevant views, including those of vulnerable or marginalised groups?
13	How have the views, concerns, and insights of affected and interested people influenced both the project design and each element of the SIA Report (e.g. the social baseline, predicting impacts, and mitigation/enhancement measures)?

Table 6 Review questions

Predicting and analysing social impacts		
14	Does the SIA Report impartially focus on the most material social impacts at all stages of the project life cycle, without any omissions or misrepresentations?	
15	Does the SIA Report identify the matters to which the precautionary principle could or should be reasonably applied?	
16	Does the SIA Report analyse the distribution of both positive and negative social impacts, and the equity of this distribution?	
17	Does the SIA Report identify its assumptions, and include sensitivity analysis and alternative scenarios (including 'worst-case' and 'no project' scenarios where relevant)?	
Evaluat	ing significance	
18	Do the evaluations of significance of social impacts impartially represent how people in each identified social group can expect to experience the project, including any cumulative effects?	
19	Are the evaluations of significance disaggregated to consider the potentially different experiences for different people or groups, especially vulnerable groups?	
Respon	ses, monitoring and management	
20	Does the SIA Report propose responses (i.e. mitigations and enhancements) that are tangible, deliverable by the proponent, likely to be durably effective, and directly related to the respective impact(s)?	
21	How can people be confident that social impacts will be monitored and reported in ways that are reliable, effective, and trustworthy?	
22	How will the proponent adaptively manage social impacts and respond to unanticipated events, breaches, grievances, and non-compliance?	



Photography:

NSW Department of Planning, Industry and Environment



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Technical Supplement

Technical Supplement to support the Social Impact Assessment Guideline for State-significant projects

October 2020

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1 Introduction

This Technical Supplement provides additional guidance for proponents and practitioners using the Social Impact Assessment (SIA) Guideline for State-significant projects (the SIA Guideline).¹

We will review it when needed so that it remains consistent with new research, evolutions in practice and changes in NSW Government policy – please also check our website to ensure you have the most recent version: www.planningportal.nsw.gov.au/Social-Impact-Assessment.

The Technical Supplement contains:

- Section 2: how to identify, evaluate and assess the significance of negative and positive social impacts
- Section 3: how to develop appropriate responses to predicted social impacts, with two worked examples of social impact evaluation and response
- Section 4: how to develop a social impact monitoring and management framework, with a worked example of a monitoring mechanism
- Section 5: considerations for data validation
- **Appendix A:** a recommended structure for a SIA Report.
- **Appendix B:** extensive examples of typical social impacts for various different development types.

Note that the methods and examples we've included are not exhaustive; rather, they are designed to illustrate typical SIA activities and support a rigorous, impartial and transparent SIA process.

Read this Technical Supplement alongside the SIA Guideline to fully understand the framework and expectations for undertaking SIA to the standard we require to assess a State-significant project.

1.1 Guideline language

This Technical Supplement intentionally uses guiding language - for example, words such as 'should' rather than 'must' - given that nuanced responses may well be required given the range of development types that this Technical Supplement applies to.

The SIA Guideline itself emphasises the need for proponents to ensure a high-quality process that achieves a high-quality output. This then allows the information gleaned during the process to be used for other purposes such as engagement, project risk assessment or project benefit realisation.

SIA practice uses terms that may have a different meaning in everyday language - see **Table 1** (also included in the SIA Guideline) to understand these terms in the context of this document.

¹State Significant Projects are development that is declared to be SSD, SSI and CSSI under the EP&A Act. Categories of development, and specific projects which may be declared SSD and SSI are listed in Schedules 1 -5 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). The Minister may also exercise 'call in powers' as described in the EP&A Act.

Term	Meaning for the purposes of Technical Supplement
Application	An application seeking development consent/approval for a State significant project or an application to modify an approved State significant project consent/ approval (including concept plan) under the EP&A Act.
Community	Anyone affected by or interested in State-significant projects in NSW, including individuals, community groups, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, representative bodies, businesses, local government and stakeholder groups (defined below).
Engagement	Actions to encourage community participation in the assessment of State significant projects.
Management-based mitigation	Actions or measures that satisfactorily avoid or mitigate potential negative social impacts by implementing known management approaches.
Matter	An element of the environment that may be affected by a State-significant project (for example, air, amenity, biodiversity or economic or social matters).
Mitigation	Actions or measures to reduce adverse social impacts of a State-significant project.
People	Individuals, households, groups, communities, businesses and organisations.
Performance-based mitigation	Actions or measures that achieve an appropriate social outcome without specifying how the outcome will be achieved.
Prescriptive-based mitigation	Actions or measures that must be taken, such as a known best-practice technology, design or management approach, to mitigate the social impact.
Proponents	Those seeking approval for a State-significant project, including applicants.
Scoping worksheet	A tool to identify likely impacts and the level of assessment required to evaluate the significance of impacts including social impacts.
Secretary	The Planning Secretary of the Department or their delegate.
Scoping meeting	A meeting between the proponent and the Department at the start of a State- significant project.
Scoping report	A report submitted by the proponent to the Department after the scoping meeting, accompanied by a request for SEARs.
Social impacts	The matters listed in Section 3.3.2 and Section 3.3.4 of the SIA Guideline.
Stakeholder group	A group or organisation that represents several people with an interest in a State- significant project.

2 How to identify and evaluate social impacts

2.1 Understanding characteristics

The SIA Guideline contains definitions and categories you should consider when during an SIA. Social impacts can have different characteristics, such as positive or negative – see **Table 2** for examples. Consider these characteristics for each of the categories to understand the full range of possible impacts and how they might be experienced.

The list of multiple possible characteristics does not mean all will apply to all projects; rather, they will help you to understand the characteristics of social impacts in different contexts, and thereby to tailor the scope of the SIA to the scale of each project. They illustrate possible impacts for various different development types, and are not intended to relate to any single project or to each other.

For example, a project may present no obvious physical, tangible or direct social impacts, but the indirect and/or intangible impacts may be less obvious, and only identified when the different possible characteristics are deliberately investigated.

This may mean some impacts are directly quantifiable, while others are best assessed through qualitative methods or by considering the potential different experiences of different groups.

Characteristics	Examples
Sharing information	Physically observable impacts
	More paths and cycleways
	Acquisition of residential properties
	Fears
	Psychological stress regarding the future resilience and sustainability of a community
	Aspirations
	Hopes for better personal and social wellbeing
A social impact may be	Positive
experienced positively by some people, and	Improved livelihoods owing to more work opportunities
negatively by others.	Negative
	Increased prevalence of adverse health conditions
A social impact may be	Tangible
tangible or intangible.	Availability of affordable housing
	Intangible
	Community cohesion
	Perceptions of procedural fairness

Table 2 Understanding the different characteristics of social impacts

A social impact may be caused by one project activity directly, by one project activity indirectly, or it may be cumulative, i.e. successive, incremental, or combined impacts of the project alone or of the project combined with other project(s).

Direct

Sleep disturbance caused by construction noise

Indirect

Strain on family relations and health from sleep disturbance caused by construction noise

Cumulative

Experience of living with sleep disturbance due to increased noise, poor air quality creating health conditions, changes in access due to significantly reduced street parking and strained family relations

A social impact may be best assessed using quantitative methods or	Directly quantitative
	Changes in population demographics
qualitative methods.	Partially/indirectly quantitative
	Incidence of voluntary work among a community as a proxy indicator of community
	cohesion
	Qualitative (may be measured e.g. through perception surveys)
	Cultural values
	Sense of place
	Connection to Country
A social impact may be	Different experiences within a community
experienced differently	An increase in the value/cost of housing may be positive for homeowners wanting to
within a community, by different communities,	rent out or sell their properties, but negative for individuals and families wanting to
and at different times/	buy or rent.
stages of the project.	Different experiences for different communities
	People living near a project may experience most of the noise and dust impacts, while
	people in the region's nearest town may benefit from most of the job opportunities.
	Different experiences over time
	People's experiences of impacts during project construction may be quite negative,
	whereas experiences during operation may be more positive.

Note: the examples above illustrate possible impacts for various different development types, and are not intended to relate to any single project or to each other.

2.2 Identifying and scoping social impacts

The SIA process is scalable and proportionate to a project's likely impacts. This section explains how you can methodically identify social impacts so that the SIA focuses on the impacts that matter most to people. This process will principally help you identify likely impacts during scoping but can be used again to evaluate them during the environmental impact statement (EIS) phase. Of course, the level of detail will differ at these different phases but using the same process throughout provides for a simpler, consistent approach.

This process aims to:

- help you capture and characterise the likely potential social impacts to inform project planning before social impacts start occurring
- support a consistent but scalable approach to SIA where the volume of work is proportionate to the scale and nature of the likely social impacts
- promote discussion on the information that should be provided at the Scoping Meeting, presented in the Phase 1 SIA (following the Scoping Meeting), and the community engagement uring the scoping phase
- help identify potential project refinements, and possible mitigation and enhancement measures
- help identify the impacts that may require further assessment in the EIS and the possible level of assessment for each of these impacts. Matters to be addressed in the EIS will be outlined in the SEARs.

When you identify likely social impacts you should then propose an appropriate level of assessment for each impact for the Phase 2 SIA (which includes a more detailed SIA than Phase 1). After you discuss your early findings at the Scoping Meeting you can submit the Scoping Report to the Department.

The proposed level of assessment for each social impact will not necessarily determine the required level of assessment but we may consider these aspects when preparing the SEARs.

You may use a different scoping process if you can show that you will:

- achieve the same SIA objectives
- produce the same outcomes in preparing for the request for SEARs (if required)
- discuss and justify your approach at the Scoping Meeting
- describe and justify it in the Scoping Report (or the attached Phase 1 SIA report).



2.2.1 How to scope social impacts

Categories of social impacts

Think about each category of social impact, and whether the project might cause some form of impact (positive or negative, tangible or intangible etc.) within that category. If there is any ambiguity about which category to choose for a predicted impact, either select the most relevant category or include the impact in more than one category to avoid missing some aspect of it.

Project activities

Identify specific project activities that could have social impacts within each of the relevant categories. For example, an activity might be 'drilling during construction', or 'transport of materials and goods to/from site'.



Potential impacts on people

In some instances, early stakeholder consultation may have occurred during the scoping stage; if so, use the findings from this work, or from similar recent projects, to inform the analysis of potential impacts. This may be appropriate if it is not possible or appropriate to conduct early stakeholder consultation.

Summarise how each stakeholder group may experience impacts, whether positively and/or negatively, how impacts may be distributed (i.e. evenly or unevenly), or how people within each stakeholder group including individuals, groups or subset of a group may experience social impacts differently.

Remember that some stakeholder views might be based on misperceptions about how the project will be carried out. Still record these views, as they will inform communication and relationship-building initiatives rather than, or in addition to, project refinement.

Previous investigations

Some impacts may have been considered already for this project (before the planning process commences) or for comparable projects. This could mean you can rely on existing data if similar projects have already considered similar impacts and the projects are comparable. Essentially, you will be capturing the lessons learned from other projects. If you do this, briefly refer to the previous investigation or the other project.

Cumulative impacts

Consider whether multiple activities (of this project alone, or of this project and other projects together) may produce cumulative impacts and whether a cumulative impact changes the nature or intensity of any identified social impacts. Cumulative impacts can take three forms:

- **'Spatial' impacts** occur over the same area, e.g. trucks from multiple operations may produce a cumulative noise impact along a common haulage route.
- **'Temporal' impacts** vary over time, e.g. the construction of multiple large projects over the same timeframe may produce a spike in temporary workers in an area, creating a cumulative shortage of accommodation.
- 'Linked' impacts involve more complex interactions – one impact may trigger another or a single activity may have multiple impacts, e.g. a mining project may generate noise and dust, consume local water resources, and increase traffic on local roads.

Assess the effect of cumulative impacts on people by considering these impacts from the points of view of the people experiencing them. Possible responses include:

- Yes there are cumulative impacts which affect people in these ways [specify]
- No this particular social impact is isolated from cumulative impacts
- Unknown it is unclear whether there will be cumulative impacts which affect people.
- N/A the impact is not applicable to the project.

Where the answer is 'Yes' or 'Unknown', specify what impacts may combine to produce cumulative impacts; where relevant, identify reasonably foreseeable and relevant future projects and/or activities. Outline the proposed approach to assessing these cumulative impacts in the Phase 1 SIA.

Assess all publicly available information (including proposed and determined approvals) when considering nearby projects.

Characteristics

Consider whether the potential social impacts (without mitigation/enhancement) are likely to be significant having regard to the extent of people affected, duration of impacts, severity/ scale of impacts, sensitivity of the people affected, and their level of concern or interest. See **Table 5** for more explanation of these characteristics. Possible responses include:

- **Yes** the social impact is likely to be significant.
- No the social impact is unlikely to be significant.
- **Unknown** it is unknown whether the social impact is likely to be significant.

If you are progressing from a Phase 1 SIA to a Phase 2 SIA, conduct a preliminary evaluation in the early stage of a Phase 1 and refine this throughout Phase 2.

Assessment levels

A thorough scoping exercise requires a commensurate level of assessment for each social impact based on the characteristics. Throughout this process, use your professional judgement, based on evidence, of how people might experience the project. If there is any doubt, apply caution and apportion a higher level of assessment for the impact.

The level of assessment determines the extent of effort and data required to assess the impact in the Phase 2 SIA – see **Table 3**. Note that the thresholds in **Table 3** serve as a general rule; consider each project impact on its merits. In some cases, a higher or lower level of assessment than is indicated might be justified.

Threshold	Level of assessment of the impact	Meaning
Three or more 'yes' or 'unknown' significant characteristics	Detailed assessment	Impact will not be assessed in other EIS technical studies and will be primarily assessed by specialists in the Phase 2 SIA.
Two 'yes' or 'unknown' significant characteristics	Standard assessment	Impact will be partially assessed in other EIS technical studies; however; further information and evaluation is required in the SIA to analyse the social dimensions of the impact.
One 'yes' or 'unknown' significant characteristic	Desktop integration assessment	Impact will be mostly assessed in other technical studies in the EIS, and desktop review will cross-reference and integrate those studies in the SIA Report.
No 'yes' or 'unknown' significant characteristics	No further assessment	The social impact is unlikely to be experienced by anyone, although a monitoring framework will incorporate mechanisms to respond to unanticipated impacts.

Table 3 Guide to determining levels of assessment for each social impact

Explain and justify levels of assessment in the Phase 1 SIA. Note that we may reach a different view when setting SEARs due to advice from public authorities.

SIA methods

Outline the research methods (e.g. surveys/interviews with residents; comparative studies; review of recent regional/local plans) you will use to investigate each social impact for the Phase 2 SIA.

Project refinement

Note whether you have identified and adopted opportunities for project refinement in response to stakeholder feedback or impact evaluation. Possible responses are:

- Yes opportunities for project refinement have been identified, considered and adopted in response to preliminary impact evaluation and/or stakeholder feedback.
- No opportunities for project refinement have not been identified, considered nor adopted in response to preliminary impact evaluation and/or stakeholder feedback.

Discuss the options or design refinements that have been considered or progressed to respond to negative social impacts or enhance positive social impacts. Revisit project refinement throughout the development the SIA.

Mitigation/enhancement measures

Identify preliminary mitigation/enhancement measures that may be used to respond to potential impacts. You may elect to undertake this work in Phase 2 and you should revisit mitigation and enhancement measures throughout the development of the SIA.

2.3 Evaluating social impacts

The SIA Guideline describes the process of predicting and analysing social impacts in general. This section provides guidance on how to evaluate how significant each potential social impact will be if there is no mitigation or enhancement. You can use the same process for the Phase 2 SIA to assess the impact after mitigation or enhancement.

Evaluation should be a collaborative exercise, e.g. in a workshop where the significance of each impact is discussed. This approach is more likely to lead to ratings that reflect technical assessment and subjective perceptions.

This process must be rigorous, cautious, evidence-based and impartial. In particular, avoid overstating positive impacts and downplaying negative impacts.

2.3.1 Negative social impacts

Evaluate the significance of each potential negative social impact by considering both the likelihood of it occurring and its potential magnitude (also known in impact assessment as 'consequence'). **Table 4** provides definitions for the five levels of likelihood; **Table 5** provides definitions for the dimensions of magnitude; and **Table 6** provides definitions for its five levels. **Table 7** shows how to integrate likelihood and magnitude levels into an overall social impact significance rating.

The significance of a negative social impact is sometimes known as social risk. In this context, social risk means risk to people. Social risk is therefore assessed from the perspective of those expected to be affected, as opposed to risk to the project.² Where possible, use established measures and standards when establishing the magnitude scale.³

The Phase 2 SIA should explain and justify the logic, evidence and assumptions used to complete the evaluation for each negative social impact.



¹ Kemp D. et al. 2016. Differentiated social risk: Rebound dynamics and sustainability performance in mining. Resources Policy 50, 19-26.
³ The social risk matrix is one approach and is recommended as a useful starting point. Other risk management tools that could be adapted to support a relative assessment of social risk include critical incident response procedures, bow-tie analyses, and trigger actions response plans. See Department of Industry, Innovation and Science and Department of Foreign Affairs and Trade, 2016, pp. 36-39, for an example of the application of bow-tie analysis to community distress caused by reduced visual amenity. If such an alternative is used, the reasons should be explained and justified.

2.3.2 Positive social impacts

A robust assessment of potential positive social impacts will contribute to the overall impact and merits of the project. Evaluate how potential positive social impacts benefit affected communities, not just in terms of individual benefits, but in terms of overall community wellbeing. Always provide evidence for predictions, e.g. referring to comparative studies and/or primary research. Use **Tables 4** to **7** to evaluate the significance of positive, as well as negative, impacts.

Note that all impacts, including positive impacts, must be assessed in social terms. It is not enough to assume that a certain number of jobs, for example, automatically represents a positive social impact. The SIA should evaluate the potential social consequences of those jobs. For example, comparable projects may have shown that such jobs in a similar community indirectly improved people's health and wellbeing, and improved community cohesion and social equity because they were directly targeted at economically marginalised groups.

In evaluating characteristics of positive social impacts, use relevant methodologies or frameworks such as sustainable livelihoods,⁴ community capital,⁵ asset-based community development⁶ or the social framework for projects.⁷ Explain and justify the logic, evidence and assumptions used to complete the evaluation of each positive social impact.

Following evaluation, compare and contrast the negative social impacts and positive social impacts to indicate the expected overall social impact of the project, in an impartial manner.



2.3.3 Social impact tables

Use **Tables 4** to **7** to evaluate the likely significance of both positive and negative social impacts during Phase 1 and Phase 2 (noting the evaluations in the Phase 1 SIA are preliminary). The ratings of likelihood and magnitude – and therefore overall significance – typically have both subjective and objective components, as this will depend on people's individual experiences and/or perceptions as well as technical evaluations.

During Phase 1 SIA, these tables can assist your work to scope social impacts and determine the proposed level of assessment for the Phase 2 SIA. During the Phase 2 SIA, these tables will continue to inform the likely significance of each impact before mitigation or enhancement. You may use them again to assess 'residual' social impacts (i.e. after mitigation/ enhancement), thereby demonstrating the expected effectiveness of proposed mitigation/ enhancement measures.

⁴ For example: Coakes, S. and Sadler, A. 2011. Utilising a sustainable livelihoods approach to inform social impact assessment practice. In: Vanclay F. and Esteves A.M., eds. New directions in social impact assessment: Conceptual and methodological advances. Cheltenham: Edward Elgar; 323–340.
 ⁵ For example: Emery, M. and Flora, C. B. 2006. Spiraling-up: Mapping community transformation with community capitals framework, Community Development, 37(1): 19-35 https://www.uvm.edu/rsenr/rm230/costarica/Emery-Flora-2006.pdf.
 ⁶ For example: Mathie, A. and Cunningham, G. 2003. From clients to citizens: Asset-based community development as a strategy for community-driven development. Development in Practice, 13:5, 474-486.

Table 4 Defining likelihood levels of social impacts

Likelihood level	Meaning
Almost certain	definite or almost definitely expected (e.g. has happened on similar projects)
Likely	high probability
Possible	medium probability
Unlikely	low probability
Very unlikely	improbable or remote probability

Table 5 Characteristics of social impact magnitude

Characteristic		Details needed to enable assessment
	Extent	Who specifically is expected to be affected (directly, indirectly, and/or cumulatively), including any potential vulnerable people? Which location(s) and people are affected? (e.g. near neighbours, local, regional).
	Duration	When is the social impact expected to occur? Will it be time-limited (e.g. over particular project phases) or permanent?
de	Severity or scale	What is the likely scale or degree of change? (e.g. mild, moderate, severe)
Magnitude	Sensitivity or importance	How sensitive/vulnerable (or how adaptable/resilient) are affected people to the impact, or (for positive impacts) how important is it to them? This might depend on the value they attach to the matter; whether it is rare/unique or replaceable; the extent to which it is tied to their identity; and their capacity to cope with or adapt to change.
	Level of concern/ interest	How concerned/interested are people? Sometimes, concerns may be disproportionate to findings from technical assessments of likelihood, duration and/ or severity. Concern itself can lead to negative impacts, while interest can lead to expectations of positive impacts.

Table 6 Defining magnitude levels for social impacts		
Magnitude level	Meaning and examples	
Transformational	Substantial change experienced in community wellbeing, livelihood, amenity, infrastructure, services, health, and/or heritage values; permanent displacement or addition of at least 20% of a community.	
Major	Substantial deterioration/improvement to something that people value highly, either lasting for an indefinite time, or affecting many people in a widespread area.	
Moderate	Noticeable deterioration/improvement to something that people value highly, either lasting for an extensive time, or affecting a group of people.	
Minor	Mild deterioration/improvement, for a reasonably short time, for a small number of people who are generally adaptable and not vulnerable.	
Minimal	No noticeable change experienced by people in the locality.	

	n				
Table 7 Social impact sig	nificano	e ma	atrix	:	Þ

					Magnitude I	evel	
			1 Minimal	2 Minor	3 Moderate	4 Major	5 Transformational
	Α	Almost certain	Medium	Medium	High	Very High	Very High
level	в	Likely	Low	Medium	High	High	Very High
Likelihood	с	Possible	Low	Medium	Medium	High	High
Likeli	D	Unlikely	Low	Low	Medium	Medium	High
	Е	Very unlikely	Low	Low	Low	Medium	Medium

Table 7 refer to the levels of magnitude set out in Tables 5 and 6 and likelihood as defined in Table 4.

⁸ Adapted from Esteves A.M. et al. (2017) Adapting social impact assessment to address a project's human rights impacts and risks, Environmental Impact Assessment Review 67, 73–87.

3 Responses to social impacts

Social impact responses can take many forms. They should be both effective and easy to deliver to increase the likelihood of beneficial community outcomes.

Responses to negative social impacts might include adapting some aspects of project design and/or changing elements of the project work program. Considerations might include designing for gender equity among the project workforce or ensuring it represents local cultural or ethnic groups. Other responses might include adaptively managing traffic, maintaining highlyvalued view lines or protecting public spaces, cultural assets and local character. Actions for each response could include modified traffic controls, tree protection or initiatives that protect, respect and celebrate local cultures.

Explain and justify why you expect each proposed measure to be effective and discuss how acceptable any residual negative social impacts are likely to be for affected people.

If positive impacts are predicted, consider how these can be secured or enhanced, e.g., an urban development might require a temporary pedestrian access route that could be retained if it benefits the community.

Develop responses to both positive and negative social impacts and summarise these responses in a table format such as that in **Table 8**.



Potential impacts on people	Significance rating	Standard mitigation measures	Project-specific mitigation measures	Residual impact significance
Construction noise causes a decline in social amenity, health or way of life for neighbouring residents	Magnitude = moderate Likelihood = likely Significance = High	 Workforce education Discussion of noise at Community Consultative Committee meetings 24-hour complaint hotline and follow- up Use noise- attenuated plant and equipment Real-time noise monitoring, reporting, and response protocol 	 Relocate noise monitors and install of new monitors in discussion with the community Provide temporary alternative accommodation for those with health conditions that make them acutely sensitive to noise. 	Medium (negative)
Improvements for Aboriginal people's livelihoods and wellbeing through meaningful participation in local economy	Magnitude = moderate Likelihood = likely Significance = High	 Adopt ambitious and culturally sensitive Aboriginal employment goals (e.g. Aboriginal Participation in Construction) Give Aboriginal businesses full and fair opportunities to supply goods and services Adopt an 'If not, why not?' approach 	 Employment program for Aboriginal participation including goal of Aboriginal employment at least double the local percentage of population. Develop protocols and systems to ensure Aboriginal employment does not conflict with cultural obligations. 	Very High (positive)

Table 8 Example social impact evaluation and mitigation response table

3.1 Responding to negative social impacts

If the impact is negative, firstly consider measures to avoid, and then minimise, the impact by amending the project design. If neither avoidance nor minimisation are possible, consider measures to mitigate the impact that are either performance-based, prescriptive or management-based. When developing mitigation measures, consider all the factors listed in **Table 9**.

Table 9 Factors to consider when developing mitigation measures

Factors	Notes
Ensuring a clear connection between the mitigation measure and the negative social impact being mitigated.	Trade-offs are not mitigation and should be considered as distinct impacts.
Whether there is an applicable standard that defines what is acceptable.	Applying standards should not preclude additional measures to address residual social impacts, especially if this may help to maximise social acceptance.
Whether the project is the sole or primary cause of the negative social impact, and the scale of its relative contribution to the overall or cumulative impact.	In some cases, it is not appropriate or possible for an individual proponent to bear full responsibility for mitigation, and collaborative, multi-stakeholder measures may be required.
Whether the mitigation measure requires action by another party that you do not fund nor manage.	For instance, a response to potential increased demand for government services could be to notify the relevant agency and collaborate to manage it.
Whether the mitigation measure itself has the potential to cause secondary social impacts.	For instance, if acquired properties are not properly maintained, pest and weed problems may arise for neighbouring properties. Similarly, the loss of the people who lived in those properties may affect community cohesion and viability.
Whether the mitigation measure is cost- effective, reasonable or practicable.	If it is considered not reasonable or practicable, document a clear justification and supporting evidence in the SIA Report.
The extent to which the mitigation measure is acceptable to affected people.	For example, a partnership approach to mitigation that includes affected people can better connect measures to their actual experiences.
Whether the mitigation measure will address all reasonably foreseeable scenarios.	Uncertainties are inevitable in any project; the SIA Report should consider all reasonably foreseeable scenarios, including those relating to cumulative impacts.
Whether the mitigation approach is prescribed in a government policy, or if alternative formalised arrangements are required.	Examples of alternative arrangements include benefit-sharing agreements, training strategies and employment strategies.

Once you identify the proposed mitigation measures, re-evaluate the significance of the negative social impacts after mitigation, and describe the expected residual impact. In this context, 'residual risk' means the risk to people after mitigation.

Also assess the likelihood of achieving the mitigating measure, e.g., it may require more funding, specific approval, changes to the project design or other actions which may not be easy to achieve or which may depend on the cooperation of third parties.

3.2 Responding to positive social impacts

Beyond the SIA Guideline's general guidance on responding to positive social impacts, this section discusses voluntary planning agreements and other initiatives.



3.2.1 Voluntary planning agreements

A voluntary planning agreement (VPA) can provide enhancement and mitigation measures. Under a VPA, you may agree to dedicate land free of cost, pay a monetary contribution, and/ or provide some other material public benefit. A VPA can provide a means to formalise mitigation and enhancement measures. You would offer to enter into a VPA during the development application process.

The EP&A Act requires that the material public benefit to be provided under a VPA be used or applied for a public purpose. It also states that the expenditure on benefits under a VPA need not be wholly related to the development. A 'public purpose' can include:

- provision of, including recoupment of, the cost of public amenities or public services
- provision of, including recoupment of, the cost of affordable housing
- provision of transport or other infrastructure relating to land
- funding of recurrent expenditure relating to the provision of public amenities or public services
- provision of affordable housing or transport or other infrastructure
- monitoring of the planning impacts of development
- conservation or enhancement of the natural environment.

VPAs provide a means for administering community enhancement funds in accordance with clear criteria and transparent processes. VPAs may also provide a means to mitigate direct and indirect negative impacts.

⁴ Parsons R, Moffat K. 2014. Integrating impact and relational dimensions of social licence and social impact assessment. Impact Assessment and Project Appraisal, 32:4, 273-282. http://dx.doi.org/10.1080/14615517.2014.936107

3.2.2 Benefit-sharing agreements, training strategies and other formal mechanisms

Other arrangements for securing positive social impacts and sharing the benefits of development can involve a formal commitment to enter into and abide by a benefit-sharing agreement, a training strategy, and/or other formal mechanism. Some examples include:

- procurement processes that require high social sustainability outcomes
- procurement processes that foster strong 'buy local' initiatives
- agreements and corporate undertakings to promote employment diversity (e.g. cultural, age or gender)
- agreements and tender requirements for successful parties to have agreements with minority groups or potentially vulnerable people to foster training, cadetship or employment opportunities
- partnership agreements to share financial or other benefits, achieve socially equitable outcomes, provide community services or maximise community cohesion.

For more information on benefit-sharing, see the International Finance Corporation's 2019 discussion paper, Local benefit sharing in largescale wind and solar projects.¹⁰

3.2.3 Community investments

If you choose to invest in the local community, you should choose an appropriate project in close consultation with community members. Effective community investments can enhance a project's ongoing community approval (or social licence) by building trusting and mutually beneficial relationships.

In terms of the SIA, you need to distinguish between funding that will directly mitigate

identified negative impacts on specific communities from those that will benefit communities not experiencing negative impacts. Community funding initiatives often aim to benefit a community at a general level, but may not necessarily address social impacts as experienced by groups or individuals. General community funding can provide enduring value at a broader level, but this differs from community investments and mitigation measures that directly target people experiencing negative impacts.

3.2.4 Temporary project opportunities

Some State-significant projects may create temporary opportunities for the community to engage with the site or the project in ways that will not be possible before the project starts or after completion.

Temporary activation may allow for the community to engage positively with the project prior to completion. This is specifically useful for large-scale transformative projects, such as:

- temporary activation events as a part of the Newcastle Revitalisation, associated with the truncation of the existing railway and construction of the Newcastle light rail
- the opening of Sydney Harbour tunnel to pedestrians a day before it officially opened to traffic in 1992.

A smaller-scale example includes temporary view corridors when old buildings are demolished, prior to construction.

Temporary activity may require development approval and would be subject to feasibility.

¹⁰ https://www.commdev.org/publications/local-benefit-sharing-in-large-scale-wind-and-solar-projects/

4 Monitoring and management plan

In most cases the SIA Report will comprise a preliminary plan for monitoring and adaptively managing social impacts. If a project is approved, conditions of consent may include a requirement for the proponent to submit a social impact management plan (SIMP) for approval by the Planning Secretary. Conditions of consent might also require actions to prevent, minimise, mitigate and/or enhance social impacts; or set standards and performance measures for monitoring and/or change components of the project.

You can integrate the practical arrangements for monitoring and managing social impacts into the overarching environmental management systems. Use the SIA Report to specify preliminary arrangements for:

- a program to monitor predicted social impacts against actual impacts (see **Table 10** for an example) which describes, for each impact area:
 - o the desired outcomes in social terms
 - the indicator(s) that will be used to monitor change
 - o the targets against which performance will be assessed
 - the methods that will be used to monitor the social impact
 - o the frequency of monitoring
 - o the person(s) responsible for monitoring
 - the methods that will be used to respond to monitoring results
- an incident notification and reporting process, including mechanisms for responding to complaints, breaches and grievances and for providing information to the community. If the conditions of consent require you to undertake incident notification processes record this information in the SIMP

- a program for the ongoing analysis of social risks and opportunities arising from the project, including timing and frequency of reviews
- **research to reduce uncertainties**, if needed, setting out why further research is needed; when and how it will be carried out (and by whom); and how the results will be used
- **a process for reviewing** these elements to assess if they are still appropriate, and whether any new issues should be included in ongoing monitoring
- **a process** to publicly release monitoring results and associated information for periodic audit of monitoring activities and for reviewing the plan itself.
- **data-sharing** mechanisms across projects where cumulative impacts are identified.

A monitoring and management plan may include a series of the overarching commitments you will stick to during construction and operational phases, such as principles that guide project decision-making with community involvement for unforeseen matters that may arise over time. You may wish to include a charter to this effect.

Monitoring and adaptive management should include practical mechanisms for the community to collaborate wherever possible and to easily access monitoring information. This will build transparency and trust in the monitoring process and outcomes.

The community can collaborate in monitoring processes through 'participatory' or 'community-based' monitoring programs that enable people to record their observations and experiences of social impacts. These processes should be supported by adequate training and resources.¹¹

¹¹ For guidance on community-based monitoring, see, for example, Gibson, G. and O'Faircheallaigh, C. (2010). IBA Community Toolkit - Negotiation and Implementation of Impact and Benefit Agreements. Walter and Duncan Gordon Foundation. http://www.ibacommunitytoolkit.ca/index.html

Desired outcomes	Indicators	Target	Methodology	Frequency	Monitoring responsibility
The permanent resident population has stabilised and grown.	Change in population size over time	Increase of 10% per annum, averaged over 3 years	Source data from ABS, Council and local service providers		
Social connections have developed between existing and new residents.	Workforce participation in community events and initiatives	40% of locally- residing workers involved in an event or initiative after 1 year, 50% after 2 years, 60% after 3 years	Workforce survey	Annually	Community engagement team
	Perceived sense of community	Increase in aggregate measure of 5% per annum for the first 3 years of the project (to be reviewed thereafter)	Independent survey of community perceptions	n S	

Table 10 Example of monitoring arrangements (community cohesion)

Report findings on the project website and to the Department to support compliance with conditions. Findings will also be presented at Community Consultative Committee meeting and annual community meetings, which can be used to review and seek feedback on the monitoring program and whether actions, strategies or targets should be revised.

International Finance Corporation. 2010. International lessons of experience and best practice in participatory monitoring in extractive industry projects. http://commdev.org/international-lessons-experience-and-best-practice-participatory-monitoring-extractive-industry Lennie J, Tacchi J, Koirala B, Wilmore M, Skuse A. 2011. Equal access participatory monitoring and evaluation toolkit. BetterEvaluation. http:// betterevaluation.org/toolkits/equal_access_participatory_monitoring

United Cities and Local Governments. 2013. Basic principles of community based monitoring.

https://issuu.com/uclgcglu/docs/community-based_monitoring

5 Data validation

5.1 Considerations

Research data, and the processes for collecting it, are integral to the SIA process. However, the qualitative, intangible and perception-based nature of some SIA work makes data validation a challenge.

Regardless of the source, you should use a systematic approach to all data collection throughout the SIA process. Exercise care and professional judgement when interpreting and deciding the value of data, with attention paid to:

- whether it was collected in a credible and rigorous way
- any potential limitations and the degree of uncertainty in the data
- differences in definitions and/or collection conditions and methods
 between sources
- the qualifications and expertise of the author and any potential biases
- what other sources say on the matter, especially if the verifiability of the data is unclear
- ensuring data used is quoted and interpreted at the correct geographical scale (i.e. avoiding projecting data onto broader or narrower populations)
- avoiding the use of averages and medians when more specific or nuanced data will better profile the issue and give more meaning to the SIA and ongoing monitoring
- data privacy considerations
- cultural protocols regarding the use of knowledge, especially traditional Aboriginal knowledge¹²
- capturing the different ways in which a social impact may be distributed or experienced, rather than just reporting an average or dominant view.

If any shortcomings with the data present uncertainties, identify these and discuss the data and its limitations in the SIA Report.



¹² For more guidance on using Indigenous knowledge in environmental management and social research, see for example: Ross A, Sherman KP, Snodgrass JG, Delcore HD, Sherman R. 2016. Indigenous peoples and the collaborative stewardship of nature. Abingdon: Routledge. Smith LT. 2012. Decolonizing methodologies: Research and Indigenous peoples. 2nd ed., London: Zed Books.

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6 Appendix A – Recommended structure of a SIA Report □

Sect	Sections			
	Executive summary			
1	Introduction, project description and context			
2	The Project's social locality (alternatively this may be included in item 5 - Social baseline)			
3	Methodology			
4	Stakeholder engagement for SIA			
5	Social baseline			
6	Expected and perceived impacts			
7	Impact assessment and prediction			
8	Social impact enhancement, mitigation, and residual impacts			
9	Monitoring and management framework			
	References			
	Appendices			
А	Community profiles			
B	Supporting information, e.g. outcomes of primary research, engagement or other			

7 Appendix B – Examples of social impacts for different development types

This Appendix considers various Statesignificant development in terms of industries or sectors and identifies the social impacts that may require assessment in the EIS. You can use this during the scoping phase to identify likely social impacts.

This helps to illustrate the principle that the scope of a SIA should be proportionate to the scale of the social impacts. This means that the work – and cost – involved in preparing a SIA for a remotely-located solar farm, for example, or a small commercial development, will be less than that for a hospital or school development, which in turn will be less than that for a motorway or a new open-cut coal mine.

These examples of 'typical' projects across a variety of development types are based on real projects but adapted for general application. For each 'typical' project, there is a list of impact categories likely to require assessment, using the categories in the SIA Guideline. Impacts are then listed within each category, with notes, examples and questions to consider. In practice, of course, all projects are different in terms of their social, cultural, environmental and economic contexts. No two communities are the same, and no two projects are the same. You should consider the unique characteristics of the project's social context; some projects may have more impacts than indicated here, and some may have less.

The inclusion of a certain impact category simply means that this category, and the associated notes, examples and questions may be relevant; they do not necessarily require comprehensive assessment.

This is an indicative guide only, not a universallyapplicable checklist.

Resource projects				
Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider		
Mining (coal or min	erals)			
New mine in greenfield location	Way of life	 How the mine (construction and operation) will affect how residents get around daily, and how they use the land for work and play. Impacts on how people work – will there be benefits or just changes? Cumulative effects of the multiple impacts on people's way of life when considered in combination. 		
This type of project is likely to involve impacts on several matters for multiple groups. Detailed assessment across all categories is therefore likely to be required, including careful consideration	Community	 Changes to character of the area, including quiet enjoyment, or the sense of place. Impact on local community compared to impact on broader or regional community. Impacts on relations with neighbours and other community members if the proposal causes divisions and conflict. Changes to community composition and character during construction, especially if composition of workforce is substantially different to that of the existing community. Impacts on community cohesion depending on the distribution of impacts and benefits - will those experiencing the adverse impacts also receive any benefits? 		
of how impacts may be experienced cumulatively.	Access to and use of infrastructure, services and facilities	 Impacts on roads and how people use them. Will truck movements and/or rail haulage affect school buses or pedestrians? Will construction and/or operation affect people's access to the things they need and value? 		
	Culture	 Will the mine affect people's values, customs and beliefs associated with the locality? Could the project cause intangible harm through 'cultural or spiritual loss' (i.e., loss or diminution of traditional attachment to the land or connection to country, or loss of rights to gain spiritual sustenance from the land)? 		
	Health and wellbeing	 Health impacts, and concerns/fears about health impacts, associated with noise, dust, vibration, and lighting. Stress and uncertainty about proposal, changes to adjacent uses, and cumulative change. Psychological stress and fears/hopes for the future. 		
	Surroundings	 Changes to landforms and visual aesthetics, including post-mining. Visual impacts of mine equipment and infrastructure. Will operations affect public safety, or perceptions of safety, especially for women, pedestrians, children, drivers, and cyclists? 		

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Modification to existing underground mine to extend operations by 15 years	Livelihoods	 Will the mine increase people's ability to sustain themselves through employment and business opportunities? Distributive equity of economic benefits, e.g. between local and regional communities. Aboriginal people's ability to gain sustenance (spiritual or otherwise) from the land.
by 15 years	Decision-making systems	 How can residents influence decisions about design and operations, and post-mine land uses? How can residents get involved in community funding agreements and decisions about investments and needs? People's capacity to determine their futures.
	Community	 Especially community cohesion and legacy of historical mining in the area. Impacts on community of closure transitioning.
	Culture	 For example, if the project causes impacts on landforms. and/or water, consider flow-on impacts on shared values and connection to country.
	Livelihoods	 Consider especially people's ability to sustain themselves from the operation or from other land uses Distributive equity of economic benefits, e.g. between local and regional communities.
	Decision-making systems	 Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design. People's capacity to determine their futures and to implement post-closure transition plans.
Quarry		
New quarry in locality with two other quarries, including processing facilities and road haulage	Way of life	 Will the quarry affect how adjacent residents get around daily, or how they use the land? Impacts on how people work - will there be benefits or just changes? Cumulative impacts of multiple operations on people's general way of life - will a further operation trigger a 'breaking point'?
	Community	 Changes to character of the area, including quiet enjoyment, or the sense of place. Impacts on relations with neighbours and other community members.

Resource projects

Resource projects

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Access to and use of infrastructure, services and facilities	 Impacts on roads and how people use them. Will quarry truck movements affect school buses or pedestrians? Will quarry activities affect people's access to the things they need and value?
	Culture	 Will the quarry affect people's values and beliefs associated with the locality? Aboriginal cultural heritage values: is there any potential for the project to cause intangible harm through 'cultural or spiritual loss' (i.e., loss or diminution of traditional attachment to the land or connection to country, or loss of rights to gain spiritual sustenance from the land)?
	Health and wellbeing	 Health impacts, and concerns about health impacts, associated with noise, dust, vibration, and lighting. Stress and uncertainty about proposal, changes to adjacent uses, and cumulative change.
	Surroundings	 Changes to landforms and visual aesthetics. Visual impacts of quarry equipment and infrastructure. Will operations affect public safety, or perceptions of safety, especially for pedestrians, children, drivers,
	Livelihoods	 Will the quarry increase people's ability to sustain themselves through employment and business opportunities?
		 Distributive equity of economic benefits, e.g. between local and regional communities. Aboriginal people's ability to gain sustenance (spiritual or otherwise) from the land.
Modification to existing quarry to expand operations, increase extraction per annum threefold, and upgrade roads and bridges for haulage	Way of life	 Will the modification affect how adjacent residents get around daily, or how they use the land?
	Community	 Impacts on relations with neighbours and other community members, especially if the modification conflicts with some people's expectations of the project's scale.
	Access to and use of infrastructure, services and facilities	 Impacts on roads, especially if more truck movements are proposed. Will the modification change people's current accessibility to the things they need and value?

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Culture	Impacts on Aboriginal cultural heritage values caused by the expanded project footprint
	Health and wellbeing	 Health impacts associated with noise, dust, vibration, lighting impacts at adjacent premises. Safety of pedestrians, children, drivers, cyclists. Stress and uncertainty about proposal, changes to adjacent uses, cumulative change.
	Surroundings	 What do further changes to landforms mean for people? What do further changes to the visual landscape mean for people? Does the modification change perceptions of safety?
	Livelihoods	• Will the modification increase people's ability to sustain themselves through employment and business opportunities?
	Decision-making systems	Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.
Wind farm		ITTOOSAS
New wind farm in rural area	Community	• Will the making of private landholder agreements affect community cohesion? Will the project cause community division?
10km from town, including overhead		 Sense of place, e.g. How might the project affect the values/character that people associate with their community?
transmission lines to the grid		 Benefit-sharing, i.e. identifying benefits to the local community specifically, during both construction and operations, beyond reducing emissions.
	Access to and use of infrastructure, services and facilities	 Impacts on people's access to roads and other services, especially during construction.
	Culture	• Will the project affect people's values associated with landscapes and/or connection to country?
	Health and wellbeing	• Do people have fears for their health, whether supported by technical evidence or otherwise ('psycho-social' impacts)?

Resource projects
Resource projects

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Surroundings	 Whether the project might change how people experience their environment, e.g. change to landscape and nature values through perceived industrialisation. If near an existing wind farm(s), also consider likely experiences of cumulative impacts.
	Livelihoods	 Will anyone experience personal advantage or disadvantage? Aboriginal people's ability to gain sustenance (spiritual or otherwise) from the land.
	Decision-making systems	Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.
Modification to raise total height of turbines (e.g. from 150m to 200m) and extend vegetation clearing	Surroundings	• Will the modification materially change how some people experience their surroundings, particularly in terms of noise, visual amenity, and aesthetic values?
Solar farm		<u> </u>
Large-scale solar farm with battery storage,	Community	 Sense of place, e.g. How might the project affect the values/character that people associate with their community? Benefit-sharing, i.e. identifying benefits to the local community specifically, during both construction
transmission infrastructure and	. <u></u>	and operations, beyond reducing emissions.
substation, 5km from town	Surroundings	 Will the project affect landscape aesthetics? Will the project affect access to ecosystem services and the natural environment, especially during construction, e.g. perceived industrialisation of landscape?
	Livelihoods	 Whether anyone's ability to sustain themselves is affected (positively or negatively), and whether the distribution of impacts and benefits is equitable.
		Consider options such as revenue-sharing and shared ownership.
		• Aboriginal people's ability to gain sustenance (spiritual or otherwise) from the land.
	Decision-making systems	 Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.

Resource projects		
Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Modification to solar farm to install battery storage and alter road access	No material social impacts likely, unl	ess anyone is materially disadvantaged by changes to road access.
Infrastructure and	transport projects	Draft for
Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Education infrastru	icture	
New school in a growing neighbourhood	Way of life	 Privacy, peace, and quiet enjoyment for neighbours and the local area, particularly changes to people's daily lives and activities (during both construction and operation). How people get around if traffic/parking demands or noise levels increase.
	Community	 Changes to community composition and character caused by new residents and families. Changes to demand for support services, e.g. childcare, social infrastructure. Community cohesion, identity, and sense of place. Potential changes to the community over time as the school attracts new residents.
	Access to and use of infrastructure, services and facilities	 Equity of access to education and associated services for different social and cultural groups. Accessibility of school facilities for the broader community outside school hours. Will there be any restrictions on residents accessing local services during construction?
	Culture	Opportunities for (multi)cultural expression through design

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Health and wellbeing	 Will community health be improved by public access to school facilities (e.g. sports facilities)? Safety of children/pedestrians, especially with increased traffic. Stress and uncertainty, or hope, around neighbourhood change.
	Surroundings	 Will there be loss or enhancement of public space? Changes to environmental values, visual landscape, aesthetic values, and amenity.
	Livelihoods	 Impacts on neighbours, including their ability to sustain themselves. Will anyone experience personal advantage or disadvantage?
	Decision-making systems	• Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.
Expansion of campus in residential and light industrial neighbourhood	Way of life	 Privacy, peace, and quiet enjoyment for neighbours and the local area, particularly changes to people's daily lives and activities (during both construction and operation). Will the expansion displace people and/or businesses? Will the expansion affect how people get around?
	Community	Changes to the community composition and character caused by change in land use.
	Access to and use of infrastructure,	Will the expansion enhance equity of access to facilities?
	services and facilities	 Will the expansion enhance accessibility of school facilities for the broader community outside school hours?
		Will there be any restrictions on residents accessing local services during construction?
	Culture	• Will the expansion enhance opportunities for (multi)cultural expression through design?
	Health and wellbeing	 Safety of children/pedestrians, especially with increased traffic. Health concerns of using former industrial land for school activities. Health improvements from displacing industrial uses. Will community health be improved by enhanced public access to school facilities?

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Surroundings	Potential improvements to noise, dust, light, and visual impacts, compared to light industry.Changes to aesthetic values and privacy.
	Livelihoods	• Impacts on the ability of those working in existing industries to sustain themselves.
Expansion of existing school	Way of life	• Privacy, peace, and quiet enjoyment for neighbours and the local area, particularly changes to people's daily lives and activities, during demolition and construction.
vertically, including demolition of existing buildings	Access to and use of infrastructure, services and facilities	 Will there be any restrictions on residents accessing local services during demolition and construction?
	Culture	 Will the expansion enhance opportunities for (multi)cultural expression through design? Impacts on culture and values associated with existing school buildings.
	Surroundings	 Changes to aesthetic values, amenity, and privacy, especially for anyone who may be overlooked or overshadowed by the higher buildings. Changes to environmental values of existing landscaping.
	Health and wellbeing	 Health concerns of noise and dust during demolition and construction. Stress and uncertainty, or optimism, around neighbourhood change. Enhancing community wellbeing by maximising accessibility via public transport and reducing the need for local children to travel outside the neighbourhood for school. Health concerns if the expansion will generate additional local traffic.
New university campus in a regional city	Way of life	 Improvements to way of life, especially for young people, from increased educational opportunities available locally. Privacy, peace, and quiet enjoyment for neighbours and the local area, particularly changes to people's daily lives and activities, during construction.
	Community	Changes to the community composition and character (e.g. a more vibrant community) caused by influx of students

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Access to and use of infrastructure, services and facilities	 Improved accessibility of higher education among local residents. Will there be any restrictions on residents accessing local services during construction? Concerns about increased traffic in the neighbourhood, especially if there are no/few public transport options.
	Culture	• Will the campus enhance opportunities for (multi)cultural expression through design?
	Health and wellbeing	Health effects of noise and dust during construction.Health concerns from increased local traffic.
	Surroundings	 Changes to environmental values, visual landscape, aesthetic values, and amenity. Opportunities to enhance people's experience and use of their surroundings through sensitive landscaping.
Health infrastructu	ire	
New hospital to replace existing hospital	Way of life	 Privacy, peace, and quiet enjoyment for neighbours and the local area, particularly changes to people's daily lives and activities How people get around if traffic/parking demands or noise levels increase, especially during construction.
		Changes to how people work and get to/from their workplace.
	Community	 Loss/gain of social networks associated with existing jobs, services, and activities in area. Changes to community composition and character induced by new resident influx and demand for supporting goods and services.
		Impacts on community networks and relationships if people need to move location.
	Access to and use of infrastructure, services and facilities	 Availability/loss of valued facilities and allied services for residents and employees. Loss of other valued services on existing site.
		 Equity of access to hospital services for all groups in the community, especially for culturally and linguistically diverse and other potentially vulnerable groups.
	Culture	• Alignment of new hospital design and services with community values and Aboriginal connections to country.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Health and wellbeing	 Potential improvement to community health resulting from modernised facilities and programs. Stress and uncertainty relating to project impacts on normal home and work routines, especially during construction.
	Surroundings	 Effects of transformation of new precinct from previous land uses. Uncertainties over land acquisition and planning processes, including timing. Environmental changes and relation to valued community resources.
	Livelihoods	 Whether anyone's ability to sustain themselves is affected (positively or negatively). Whether the distribution of impacts and benefits is equitable.
Water infrastructu	re 🔶	
Raising of dam height	Way of life	 Changes to people's daily lives, and how they get around, particularly during construction. Access to affordable housing if construction induces large influx of workers. Is anyone vulnerable to relocation and resettlement?
	Community	 Potentially substantial changes to people's sense of place. Loss of community cohesion, especially if the project causes divisions. Changes to community composition and character during construction, especially if composition of workforce is substantially different to that of the existing community.
	Access to and use of infrastructure, services and facilities	 Capacity of local services (e.g. health, education, community services, and local businesses) to respond adequately and equitably to demand from construction workforce.
	Culture	 Impacts on cultural values (Aboriginal and non-Aboriginal) associated with the landforms and waterways. Impacts on values attached to any significant buildings.
	Health and wellbeing	 Impacts on health from construction noise, dust, and lighting. Will the project affect people's overall sense of wellbeing embodied in the landscape? Psychological loss associated with change to surroundings.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Surroundings	Potentially improved access to water for everyday needs.
		Changes to natural environmental and its aesthetic values and visual amenity.
	Livelihoods	 Whether anyone's ability to sustain themselves is affected (positively or negatively). Whether the distribution of impacts and benefits is equitable. Aboriginal people's ability to gain sustenance (spiritual or otherwise) from the land.
	Decision-making systems	 Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design. People's capacity to determine their futures, particularly if the project appears a foregone conclusion.
Road transport infr	rastructure	$\rightarrow \times$ () () () () ()
New motorway through urban and light industrial area This type of project is likely to involve impacts on several matters for multiple groups which will differ between the construction and operational phases. Detailed assessment across all categories is therefore likely to be required.	Way of life	 Planning and construction For those living near - uncertainty around timing and location of road and infrastructure, uncertainty and direct impacts of acquisitions and changes to neighbours/neighbourhoods. Changes to how people live as a result of needing to relocate temporarily or permanently, including finding new accommodation, schools and other facilities. Construction For those living near - changes in the timing, frequency, access arrangements of people's daily movements. Disruption to travel patterns and ability to move freely around local area. Impacts on ability to access essential services, facilities and support networks. Stresses and uncertainty, including sleep disruption and consequent effects on family life and other relationships. For those with businesses or activities near the new motorway - potential disruption to access by customers and clients. For those living at a distance - may be some delays or changes to movement patterns or interactions during construction.
		 Operation For those living near - changes in the timing, frequency, access arrangements of people's daily movements. Disruption to travel patterns and ability to move freely around local area. Impacts on ability to access essential services, facilities and support networks. For those with businesses or activities near the new motorway - changes to access and parking arrangements may affect viability positively or negatively.
		• For those living at a distance – may reduce travel times once operational and bring benefits to users.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Community	 Impacts on community cohesion during planning and construction, especially if the proposal causes division.
		Changes to community composition and character if residents leave or are relocated, and/or if businesses close.
		• Changes to community composition and character during construction if composition of workforce is substantially different to that of the existing community.
		Community divisions caused by acquisition policies and practices.
		 Changes to sense of place if new motorway physically severs quiet streets or communities, and/or creates an unpleasant environment.
	Access to and use of infrastructure, services and facilities	• During construction – restrictions on access and movement, or additional time to access services and facilities such as local schools, workplaces, shops, medical and other facilities, community centres.
		• During operation - potential improvement to local and regional access and travel times.
	Culture	 Impacts on community values where a suburban community is lost to the motorway.
		• Impacts on cultural heritage values (Aboriginal and non-Aboriginal) associated with the localities.
	Health and wellbeing	 Stress and uncertainty around project planning, construction and operation, especially for neighbouring residences and businesses.
		 Disturbance to sleep, work, and normal daily activities during construction, including disturbances owing to relocations and noise that is unexpected or considered unreasonable.
		 Cumulative impacts on physical health, and overall wellbeing, from dust and noise emissions as well as ongoing stress and uncertainty.
	Surroundings	• Experiences of living with noise, dust, lighting, and visual impacts during construction.
		 Experiences of physical changes to neighbourhoods and public space.
		 Road safety for cyclists and pedestrians, especially children
		• Quality and characteristics of natural and built environment, aesthetic qualities and amenity.
	Livelihoods	• Will the construction affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities?
		• Whether the distribution of impacts and benefits is equitable.
		Will anyone experience personal advantage or disadvantage?

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Decision-making systems	 Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design. Access to a responsive complaints and remedy process. People's capacity to determine their futures.
New motorway through mostly rural land	Way of life	 Severance in accessing friends, work, and leisure on the other side of the new motorway, depending on location of exits. Ongoing viability for local communities bypassed by the motorway.
connecting regional communities <i>This type of project</i> <i>is likely to involve</i> <i>impacts on several</i>	Community	 Changes to community character, rural values, and sense of place induced by the insertion of a major road. Impacts of town bypasses on how communities function. Potential revitalisation of town centres no longer clogged with heavy traffic.
matters for multiple groups. Detailed assessment across all categories is	Access to and use of infrastructure, services and facilities	 Changes to access arrangements across motorway to reach services and facilities Benefits in reduced travel times to major centres. Potential decongestion of small towns as through traffic is displaced to motorway.
therefore likely to	Culture	Impacts on cultural values (Aboriginal and non-Aboriginal) caused by changes to landforms.
be required, but probably considering fewer people than for an urban motorway. Additional or alternative considerations may include:	Health and wellbeing	 Changes to exposure to emissions depending on location of motorway, and traffic volumes, relative to existing roads. Fears for health from the introduction of a motorway. Effects on overall wellbeing of changes to noise profile, especially for those nearest the motorway.
	Surroundings	 Public safety. Rural amenity and environmental qualities, especially noise and visual aesthetics.
	Livelihoods	 Severance of or impacts on properties owing to acquisition. Changes to farming or rural livelihoods owing to changed property configurations. Will the construction affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities? Whether the distribution of impacts and benefits is equitable. Aboriginal people's ability to gain sustenance (spiritual or otherwise) from the land.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Decision-making systems	 Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design. Access to a responsive complaints and remedy process. People's capacity to determine their futures.
Rail transport infra	structure	Iratt tor
Heavy rail development in	Way of life	• Whether the rail line (construction and operation) will materially change how people live and get around, e.g. by severing the community.
rural/regional NSW	Community	• Community cohesion and character, and how the community functions, and whether the rail line materially affects the sense of place.
is likely to involve impacts on several matters for multiple	Access to and use of infrastructure, services and facilities	• How the rail line and associated infrastructure (e.g. bridges) will reduce or enhance people's access to things they need and value.
groups during both construction and operational phases. Detailed assessment	Culture	 Community values associated with the landscape, and traditional attachment to the land or connection to country. Capacity to gain spiritual sustenance from the land.
across all categories	Health and wellbeing	People's ability to sleep, and psychological stress.
is therefore likely to be required.	Surroundings	Public safety.Rural amenity and aesthetic values associated with the natural environment.
	Livelihoods	 Severance of or impacts on properties owing to acquisition. Changes to farming or rural livelihoods owing to changed property configurations. Will the construction affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities? Whether the distribution of impacts and benefits is equitable. Aboriginal people's ability to gain sustenance (spiritual or otherwise) from the land. Potential for an improved transport network to improve livelihoods by increasing accessibility of work opportunities for disadvantaged communities.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Decision-making systems	 Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design. Access to a responsive complaints and remedy process. People's capacity to determine their futures.
Light rail development in urban area This type of project	Way of life	 Whether the light rail line will materially change how people move around, how or where they work, and/or how they interact with one another. During construction - potential for significant disruption to people's daily lives. During operation - potential improvements to how people get around.
is likely to involve impacts on several matters for multiple	Community	 Impacts on sense of place, community cohesion, and community composition if people/businesses move in or out in response to the project.
groups which will differ between the construction and	Access to and use of infrastructure, services and facilities	 Severance within local neighbourhood during construction Improvements in accessibility to local services and infrastructure during operation.
operational phases.	Culture	Impacts on cultural heritage values.
Detailed assessment across all categories is therefore likely to be required.	Health and wellbeing	 Physical and mental health impacts of noise and dust on local residents during construction. Safety issues during construction. Benefits of improved public transport for health and wellbeing of broader community.
	Surroundings	 Amenity changes, specifically improvements associated with upgrade to public spaces. Background operational noise levels.
	Livelihoods	 Will the construction affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities? Whether the distribution of impacts and benefits is equitable. Will anyone experience personal advantage or disadvantage? Disruption to private and business property during construction. Impacts on people's livelihoods owing to reduced accessibility and general disruption during construction.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
	Decision-making systems	• Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.
		 Access to a responsive complaints and remedy process.
		People's capacity to determine their futures.
		Jratt tor
Industry & urban d	evelopment projects	
Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Tourism		
Modification to existing tourist	Way of life	Disruptions to people's daily lives during construction.
resort to increase accommodation units and add a	Community	 Changes to community character, composition, and sense of place following development - does the modification trigger a 'tipping point' of cumulative impacts?
helipad		• Changes to community cohesion if the resort is only affordable for an exclusive customer base.
	Access to and use of infrastructure, services, and facilities	 If the location is remote, could the helipad be used for social benefit (e.g. by getting people to hospital in an emergency) rather than just private benefit?
	Surroundings	Changes to the natural and built environment, and how people use them.
		Effects of helicopter noise on people's enjoyment of the locality.
	Livelihoods	 Will the project affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities?
		Whether the distribution of impacts and benefits is equitable.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Residential and con	nmercial	
Redevelopment of urban estate with new residential units and a retail precinct	Way of life	 Disruptions to people's daily lives during construction. Long-term impacts (potentially positive and negative) of altered urban form on how people live, work, get around, and interact socially.
	Community	 Disruption to community cohesion during construction. Changes to community character, composition, and sense of place following development.
	Access to and use of infrastructure, services, and facilities	 Disruptions to accessibility of services during construction. Potential improvements in accessibility of services following development.
	Culture	 Changes to cultural composition of community. Impacts on cultural heritage values. Opportunities for (multi)cultural expression in development.
	Health and wellbeing	 Impacts of urban densification on people's psychological health. Potential of development to either exacerbate or reduce social exclusion of marginalised groups.
	Surroundings	Changes to the natural and built environment, and how people use them.
	Livelihoods	Will anyone experience personal disadvantage, e.g. loss of solar access, disproportionate share of adverse impacts?
	Decision-making systems	• Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Waste facilities		
New waste recycling and transfer facility on a greenfield site adjacent to residential and industrial neighbourhood	Way of life	 Disruption to people's lives from daily operations and truck movements to and from the site, especially if night-time operations are proposed.
	Community	 Changes to residents' sense of place resulting from intensified industrial activity. Cumulative impacts of multiple industrial sites.
	Culture	Impacts on cultural heritage values associated with the site.
	Health and wellbeing	 Physical and mental health impacts of noise and dust on local residents during construction. Fears of adverse health impacts from processing toxic and hazardous materials. Fears for long-term mental health and wellbeing impacts caused by living with ongoing noise, dust, and night-time light pollution. Fears for community safety in the event of a fire or other accident at the facility.
	Surroundings	 Loss of access to the natural environment. Fears of harm to air quality. Fears of pollution to local waterways. Opportunities to enhance surroundings through diverting recyclable wastes from landfill
	Livelihoods	 Will the project affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities? Whether the distribution of impacts and benefits is equitable. Will anyone experience personal advantage or disadvantage?
	Decision-making systems	 Whether adequate, responsive grievance and remedy mechanisms exist in the event of complaints. Whether affected people can make informed decisions and feel they have power to influence projec decisions, including elements of project design.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Residential and con	nmercial	
Redevelopment of urban estate with new residential units and a retail precinct	Way of life	 Disruptions to people's daily lives during construction. Long-term impacts (potentially positive and negative) of altered urban form on how people live, work, get around, and interact socially.
	Community	 Disruption to community cohesion during construction. Changes to community character, composition, and sense of place following development.
	Access to and use of infrastructure, services, and facilities	 Disruptions to accessibility of services during construction. Potential improvements in accessibility of services following development.
	Culture	 Changes to cultural composition of community. Impacts on cultural heritage values. Opportunities for (multi)cultural expression in development.
	Health and wellbeing	 Impacts of urban densification on people's psychological health. Potential of development to either exacerbate or reduce social exclusion of marginalised groups.
	Surroundings	Changes to the natural and built environment, and how people use them.
	Livelihoods	Will anyone experience personal disadvantage, e.g. loss of solar access, disproportionate share of adverse impacts?
	Decision-making systems	• Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
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	Surroundings	 Loss of access to the natural environment. Fears of harm to air quality. Fears of pollution to local waterways. Opportunities to enhance surroundings through diverting recyclable wastes from landfill
	Livelihoods	 Will the project affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities? Whether the distribution of impacts and benefits is equitable. Will anyone experience personal advantage or disadvantage?
	Decision-making systems	 Whether adequate, responsive grievance and remedy mechanisms exist in the event of complaints. Whether affected people can make informed decisions and feel they have power to influence project decisions, including elements of project design.

Project summary	Impact categories likely to require assessment	Notes, examples and questions to consider
Agricultural indust	ries	
Poultry farm and/or processing facility	Culture	Whether the methods of operation (e.g. animal welfare practices) are consistent with community values.
	Health and wellbeing	 Impacts (actual or feared) on physical health from farm odours and noise, either for neighbours or those near roads where poultry is transported.
	Surroundings	Impacts on local air quality and soundscape.
		 Pollution (actual or feared) of local waterways used by other residents and businesses.
	\bigcirc	• Opportunities to enhance surroundings through diverting recyclable wastes from landfill
	Livelihoods	 Will the project affect people's ability to sustain themselves (positively or negatively) through employment and business opportunities?
		Will anyone experience personal advantage or disadvantage?
		ourposes



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Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022 Parramatta NSW 2124

27 November 2020

Re: Draft Social Impact Assessment Guideline

Dear Director

NSW Minerals Council (NSWMC) appreciates the opportunity to comment on the Draft Social Impact Assessment Guideline (SIA Guideline) proposing to standardise the SIA approach across all State Significant projects, including State Significant Development (SSD), State Significant Infrastructure (SSI) and Critical State Significant Infrastructure projects.

NSWMC is the peak industry organisation representing the State's \$36 billion minerals industry. NSWMC provides a single, united voice on behalf of almost 100 members, ranging from junior exploration companies to international mining companies, as well as associated service providers.

Mining is and will continue to be a key economic driver for NSW. NSWMC works closely with government, industry groups, stakeholders and the community to foster a strong and sustainable minerals industry in NSW.

As noted in the consultation material, the Department's current SIA Guideline applies to State Significant resource projects only. NSWMC welcomed the 2017 SIA Guideline, noting its potential to add clarity around the policy of social impact assessment (SIA) for communities and proponents, while providing guidance for decision makers and practitioners. This view is generally maintained.

The following feedback has been obtained from NSWMC members, including proponents and practitioners, and is based on first-hand experience using the 2017 Guideline for mining projects. The suggestions are put forward for consideration, and outline areas where the draft SIA Guideline could be further refined or improved.

Based on the feedback, a consistent theme relates to managing community and stakeholder expectations around how feedback provided through consultation processes will be used to influence or manage the design and/or outcomes of a project. As noted, the general intent of the SIA process is supported, specifically providing a platform to understand the broad concerns of the community, and identifying strategies to address relevant concerns.

However, concerns have been raised around circumstances where issues are raised through the SIA process that aren't necessarily relevant or related to the specific project, or are beyond the control or responsibility of a proponent.

In some cases there is an expectation that because an issue was raised during consultation processes the proponent will manage this impact and/or make changes to a project, when in practice it may not be a relevant matter that is under their control or may in some cases, be an unavoidable impact of the particular project. In some cases, whilst impacts may be predicted to occur as a result of a project, those impacts may be consistent with the applicable assessment guidelines (for example, the Noise Policy for Industry) and therefore acceptable from an environmental impact assessment perspective.

Suggestions have been identified that include some additional notes being included in the SIA Guideline to assist the community, practitioners and proponents in managing expectations through the SIA process, and development and implementation of the Social Impact Management Plan (SIMP).

Once the SIA Guideline has been expanded to other types of SSD and SSI projects, periodic monitoring and review of the policy should be established to ensure the efficacy of the policy, particularly around consistency of application and rigour around ensuring SIAs and SIMPs are focused on key issues relevant to a project.

NSWMC and its members, particularly proponents of mining projects, would welcome the opportunity to meet with the Department of Planning, Industry and Environment (DPIE or Department) to provide feedback based on its practical experience to assist the Department in the expansion of the Guideline to other projects.

Appropriate scope/scale for Social Impact Assessment

NSWMC notes the SIA Guideline states "SIA is not a one-size fits-all process" and "The SIA should be targeted and proportionate to the nature and scale of likely project impacts, and to the project's context."

This approach is strongly supported. As a general principle, any application of the SIA Guideline to the mining industry and other industries should ensure the level of work/investigation required is commensurate to the level of risk associated with the project.

Experience preparing SIAs for mining projects has shown the process is often very resource intensive, costly and takes significant time, including for relatively low impact projects. For low impact projects like modifications this often imposes significant additional cost for little if any discernible improvement of outcome.

To ensure the intent of a targeted assessment is delivered, it is critical that DPIE maintains a rigorous and consistent approach that SIAs are fit for purpose and proportionate to the project's context when setting Secretary's Environmental Assessment Requirements (SEARs). Where appropriate, this may result in SEARs requiring only minimal or targeted assessment being conducted by a proponent for a particular project (including a modification) rather than an excessively risk averse approach of adding additional assessment requirements that are not warranted in the particular case.

In addition, it should be clear that the level of detail in the Phase 1 SIA (prepared during the scoping study phase) is to be proportionate to the project's context, and that the work done for the purpose of the Phase 1 report is considered in preparing the SEARs. For example, if extensive work has been done during the Phase 1, the level of work required in Phase 2 may be less so that the Phase 1 and 2 reports are seen as a true continuum rather than stand-alone reports.

For this approach to be successful, all stakeholders in the assessment and determination process must practice this approach, including consultants, DPIE, the Independent Planning Commission and the Land & Environment Court. For this reason it is important that the approach is set out clearly in the Guidelines.

The scalable complexity of SIA

Page 14 of the SIA Guideline notes a SIA for a complex project should be a maximum of 100 pages. Currently SIA reports for mining projects typically significantly exceed this page limit. If the 100 page maximum is to be a genuine guideline target, this will require proponents and practitioners to take a rigorous approach to focussing on relevant matters, and avoiding requiring assessment of matters of low risk or issues which are irrelevant, particularly assessment and determination bodies. As per the comment above, issues that are not relevant or are low risk should be excluded or discounted through the SEARs process, including when setting requirements for the SIA.

Consistent application of the SIA Guideline

NSWMC supports the intent of the SIA Guideline to provide proponents and the community greater certainty and transparency around SIA assessment.

Industry experience suggests the level of SIA assessment required for projects through SEARs, including for modifications, can be inconsistent. Whilst the assessment will always be tailored on a project specific basis, concerns have been raised that the scale of SIA assessment required for similar projects is not always consistently applied.

While this is a practice and process issue, internal monitoring, evaluation and improvement measures should be established in the interests of increasing consistency of application. Also education improvement programs and routine feedback sessions should be made available for practitioners and proponents to provide feedback to DPIE on the application of the SIA Guideline.

Referencing existing or early work/engagement

The SIA Guidelines should make it explicit that early work and consultation already undertaken can be used to inform Phase 1 and Phase 2 stages of the SIA process.

Often years of detailed environmental investigations and consultation/engagement have been undertaken with stakeholders for mining projects to help define project scope before the formal SIA process is commenced.

It's noted that the Technical Guidelines include references (p10) to early stakeholder consultation and previous investigations being able to be used to inform the scoping of the project. This approach is strongly supported. It is suggested that this should be made explicit in the Guidelines themselves.

Furthermore, where early or pre SIA environmental investigations and extensive consultation with community stakeholders have already taken place and this has influenced the scope of the project, there may be circumstances where this genuinely affects the ability for further material changes to a project being achieved as a proponent has already tailored the scope of the project in response to issues raised.

The Guideline could include additional notes that reflect this approach in practice. For example, the statement in the SIA Guideline (pg 32) "A successful SIA process would enable the proponent to demonstrate how Phase 1 has influenced the project design (i.e. project refinement). Consequently the study team should have the ability to influence the project design and a level of seniority to objectively consider social impacts in accordance with Section 3.3.9 to section 3.3.11" could be updated to note the validity of early or pre-SIA work or consultation undertaken that has already influenced the scope of the project.

Maintaining a genuine focus on relevant issues

The intent of ensuring proponents of a project have effectively engaged with the communities within which they operate, and providing a forum to understand all of the concerns of communities and interested stakeholders, no matter how broad or relevant for a project, is understood and supported.

A significant challenge experienced by proponents when preparing SIAs and SIMPs is dealing with issues raised by the community and other stakeholders which may not be directly relevant to a project and/or to the development application assessment process, matters that are effectively already addressed through the technical environmental impact assessment, or matters that a proponent has no control or responsibility over.

Experience has shown these matters are often raised through the SIA process with limited effective ability for objective or critical analysis by a proponent in the context of the particular project being considered. This can lead to raised community, stakeholder and even consent authority expectations, that the raising of these types of issues will result in further management of the issue through the SIMP, or even material changes to the project.

Some examples of issues raised in the Glendell Continued Operations Project SIA that are beyond the control of the proponent:

- Impacts of drought
- Allocation of royalties (and not enough going to local communities)
- Concerns around government regulations relating to offset areas

Whilst the SIA process provides a useful opportunity for proponents and assessment officers to understand the breadth of community views on a project, the SIA Guideline should provide clear guidance for practitioners, proponents, community and stakeholders that some matters raised or identified by community stakeholders may not be a relevant matter for consideration as part of the technical environmental assessment process under the

Environmental Planning and Assessment Act 1979 (EP&A Act), or may not fall under the control or responsibility of the proponent of the project. Under those circumstances, those types of matters may not require further detailed consideration or attention through the SIA process or within the SIMP, and are unlikely to result in changes to a project.

In order to manage expectations of stakeholders, the SIA Guideline should make it clear that practitioners and proponents have a responsibility when engaging with stakeholders to ensure they are aware of these circumstances from the outset. This will assist in ensuring the engagement process is transparent, meaningful and does not falsely raise expectations on how certain types of issues which may be unrelated to a project and/or the development application environmental impact assessment process, or beyond the control of the proponent are likely to be addressed going forward.

The SIA Guideline should also make it clearer through simple statements or notes that the consultant and proponent will further review all the comments, test the relevance and reasonableness of issues raised through the engagement process, and this will be used to inform risk ratings and what matters require further action through the SIMP (noting that not all matters may require further action). Similarly the SIA Guideline could also suggest both practitioners and proponents have a responsibility to ensure stakeholders are made aware of this through the consultation and engagement process.

Clarifying SIA requirements for Modification Applications

NSWMC generally supports section 3.2 of the SIA Guideline which seeks to clarify when a SIA will be required for modifications of a project.

Following the repeal of Part 3A of the EP&A Act, which included Section 75W modifications, mining projects are now assessed and determined under Part 4 of the EP&A Act as State Significant Development (SSD). SSD modification applications are assessed under section 4.55 which allows a project to be modified if the consent authority is "*satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted*".

Given modifications of SSD projects are required to be substantially the same development, they should be classified as Scenario B development and not require any further comprehensive SIA, irrespective of whether the existing project included a SIA.

As a matter of principle, comprehensive SIAs should only be required where the project is new, or there is a substantial change to a project. Minor modification applications where the project will remain substantially the same development should not require a full SIA assessment.

Measures to be included in a Social Impact Management Plan

Section 4.2 of the SIA Guideline provides guidance on *Preparing a SIMP*. SIMPs for mining projects are currently imposed through conditions of consent. NSWMC broadly supports clarification of SIMP requirements, particularly the reference that *"If the SIMP incorporates mitigation measures through other plans such as noise or air quality management plans, provide cross-references to these commitments, and avoid duplication."*

The SIMP should generally focus on managing issues which are identified as high or very high risk under the risk based assessment, and are practical and achievable. This will ensure focus is placed on areas of genuine concern related to impacts of the project, and mitigation measures can actually be monitored and improvements achieved.

As outlined above, and based on industry experience when preparing SIMPs, concerns have been raised that some matters identified through the SIA process and included in the SIMP are difficult to monitor, measure and report on as they may be based on subjective values or emotional experiences. Furthermore, issues have been raised that are not necessarily directly relevant to environmental impact assessment requirements under the EP&A Act, or under the control or responsibility of the proponent.

Under these circumstances it's difficult to "provide measurable and defined targets and actions for monitoring, reporting, auditing and reviewing progress, with clear numbering, wording and commitments to locations, timing, frequency, method and responsibilities".

Similar to comments raised around ensuring there's a focus on relevant issues in the SIA, the SIA Guideline should include notes for practitioners and proponents in the SIMP section to ensure they avoid including requirements around irrelevant matters, matters unrelated to the project and/or development assessment process and matters that are beyond the control or responsibility of the proponent. Also, the Guideline should make it clear any matters that are included in a SIMP are practical and achievable in terms of monitoring and measuring.

Making it clear in the Guidelines around how to deal with matters that are beyond the control or responsibility of the proponent will assist in managing stakeholder expectations, as well as providing clear guidance to practitioners when undertaking the SIA process.

Link to the EIA Improvement Project

It is noted DPIE has been reviewing policies for environmental impact assessment (EIA) for State significant projects in NSW as part of the EIA Improvement Project.

As noted in the NSWMC 2017 submission, the updated SIA Guideline should link to any changes implemented through EIA Improvement Project, particularly those related to a more confined or focussed assessment, consultation and engagement requirements, and peer review of technical reports.

Recommendations of the NSW Productivity Commissioner - Contributions

The NSW Productivity Commissioner is in the process of reviewing infrastructure contributions in NSW. An Issues Paper was released by the NSW Productivity Commission in July 2020 entitled *Review of the Infrastructure Contributions in New South Wales.* The Final Report is due to be submitted to the Minister for Planning and Public Spaces on 24 November 2020. The Issues Paper included references to deficiencies around Voluntary Planning Agreements (VPAs).

The SIA Guideline and the SIA Technical Document both include references to the use of VPAs to provide "enhancement and mitigation measures".

Given the Commissioner is due to report shortly on the NSW contribution framework and this is likely to include recommendations relating to VPAs, it's suggested that the SIA Guideline should be finalised once there is clarity around the Commissioner's recommendations and the NSW Government's response.

Transitioning to the new SIA Guideline 2020

A document has been release entitled *Transitioning to the new SIA Guideline 2020 Frequently asked questions*. This document makes no mention of the transitional arrangements for modifications (including modifications where SEARs may not be required). The document should also make clear that if an EIS has been lodged for a resources project using the 2017 SIA Guideline (and not yet determined) that the 2020 SIA Guideline not apply, unless proponents elect to 'opt in' to some or all of the 2020 SIA Guideline.

Periodic review and update of the Guidelines

It's recommended that the updated SIA Guideline include a commitment for periodic review to monitor effectiveness, as well as provide opportunities to update the SIA Guideline based on experience and practice. Any periodic review should include engagement with practitioners and proponents.

NSWMC and its members would welcome the opportunity to discuss these matters as required.

Yours sincerely

Stephen Galilee Chief Executive Officer

7305/137 Victoria Street ASHFIELD NSW 2131 26 November 2020

(Sent via Planning Portal)

Ms Felicity Greenway Executive Director, State Policies and Strategic Advice Department of Planning, Industry and Environment

Dear Ms Greenway

Social Impact Assessment Guidelines

Thank you for providing an opportunity to comment.

We expect that these new guidelines will/may strengthen the need for better evaluations of social impacts on individuals, communities and reinforce the need for meaningful engagements and interactions between all parties during the planning process. However, the guidelines do not provide accountability and authority for action if a negative impact is not addressed by a proponent or dealt with in a timely manner.

The NSW State Government has unprecedented discretion and authority over State significant projects and we understand that Councils and Police are denied rights to act in defence of a community or individuals in relation to negative social impacts.

Our experiences over almost 10 years (October 2010-March 2020) of living through the renewal of the East Darling Harbour site proved to us that authorities were not effective in handling social impact complaints. Both the then Barangaroo Delivery Authority and later the Department of Planning, Industry and Environment were unable to act in a timely and thoughtful manner when unresolved negative impact issues were escalated for their attention. If the Department of Planning, Industry and Environment does not act in defence of an individual or community then there is no public body or individual that has the authority to do so.

We hope as part of the current improvements effective enforcement of compliance will be embodied.

Yours faithfully

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27 November 2020

Attention: Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022 Parramatta NSW 2124

Submitted Online

Dear Ms Richardson,

RE: MACH Energy Mount Pleasant Operation – Submission on Draft Social Impact Assessment Guideline and Technical Supplement

MACH Energy recognises the efforts made by the Department of Planning, Industry and Environment (the Department) to improve the consistency and practice of Social Impact Assessments (SIAs) in support of State Significant Projects.

MACH Energy is well placed to comment on the Draft Social Impact Assessment Guideline (Draft Guideline) and Technical Supplement to support the Social Impact Assessment Guideline for State-significant projects (Draft Technical Supplement). MACH Energy is in the process of finalising a comprehensive SIA for its Mount Pleasant Optimisation Project in accordance with the Social impact assessment guideline for State significant mining, petroleum production and extractive industry development (2017 Guideline).

MACH Energy understands the importance of having an open and constructive dialogue with the local community and our stakeholders. It is important that the views of a broad cross-section of the community are heard and documented. MACH Energy is proud to have a strong level of support in our local community in recognition of our significant contributions to local employment, businesses and community groups and our proactive engagement with our neighbours.

MACH Energy is an active member of the NSW Mineral Council (NSWMC) and considers the NSWMC's submission comprehensively reflects industry's views on the Draft Guideline. As such, MACH Energy supports the NSWMC's submission.

MACH Energy makes the following observations, which are specifically relevant to our experience and operations.

Length of the SIA

MACH Energy considers that, ideally, the SIA should be concise, so that it is easy for the community to engage with the final document. We note and support the aspirational goal to limit the final SIA report to 100 pages (Figure 4).

In our experience, several hundreds of pages are required to comply with the strict requirements of the 2017 Guideline.

The Draft Guideline would benefit from further detail on how the proposed page limit could be met. For example, through the provision of indicative page limits in Appendix A of the Draft Technical Notes or more guidance on the level of detail expected.

SIA Principles

MACH Energy notes that the principles to guide the SIA process (Table 2) are broadly similar to the principles in the 2017 Guideline, with the inclusion of an additional principle of "human-rights orientated". The Draft Guideline provides no further guidance or reference material on the proposed definition of "human-rights" for the purposes of the Draft Guideline or the implementation of this principle in practice. This leaves the Draft Guideline open to broad interpretation and SIAs vulnerable to challenge.

Categorising Impacts

Section 3.3.4 should provide further guidance on the treatment "reasonable fears and aspirations" and how these should be differentiated from misperceptions that are heard during stakeholder engagement.

Modifications

The requirement for an SIA to accompany a Modification involving minimal environmental impact (referred to as "Scenario B") does not appear to be warranted. This additional requirement will act as a deterrent to lodging Modifications and will stifle efficiencies and job creation. It is not clear at what stage of the Modification process "Phase 1" and "Phase 2" would be conducted for "Scenario B" Modifications, and the level of detail that would be expected in practice.

Evaluating Social Impacts – Social Impact Tables

MACH Energy is pleased with the additional clarity provided on consequence definitions in the Draft Technical Notes on the risk assessment process (compared to the information in the 2017 Guideline).

MACH Energy suggests the following improvements to the use and description of the social impact table process:

- Section 2.3.3 of the Draft Technical Notes should provide further context on the purpose
 of the social impact tables. MACH Energy considers the ratings should be used to
 prioritise the identified social impacts for management. A social impact ranking of "high" or
 "very high" indicates that due consideration should be given to opportunities to apply
 mitigation (for negative impacts) or enhancement measures (for positive impacts). The
 rankings should not be used as a threshold of acceptability in isolation to the remainder to
 the SIA and environmental impact assessment process.
- Any minimal impact (defined as "no noticeable change experienced by people in the locality") should represent a "low" level of significance. The Draft Technical Notes (Table 7) propose a "medium" significance for almost certain minimal impacts, which would unnecessarily elevate these impacts above risks with more material consequences.

- Proponents should not be required to present full risk tables in the Phase 1 SIA. The risk
 assessment should be fully informed by stakeholder engagement and the outcomes of
 other environmental impact assessments. The presentation of "preliminary" risk tables
 has the potential to create confusion and pre-empt or pre-determine the outcomes of
 comprehensive engagement and assessment. The other scoping methods described in
 the Draft Guideline should be sufficient to develop the scope and methodology for the
 Phase 2 SIA.
- Section 3.3.10 of the Draft Guideline and Table 8 of the Draft Technical Notes should clarify that measures that are inherent in the project design and execution (e.g. modified hours and noise attenuated plant) should be considered as part of the project and be reflected in the evaluation of the potential social impacts "without mitigation". Attempting to assess social impacts in the absence of measures that have been modelled and assessed in other specialist studies is hypothetical, speculative, and confusing.

Scoping – Phase 1 SIA

The Draft Guideline and Draft Technical Notes would benefit from more clarity over the intent and scope of the "Phase 1 SIA" that is submitted with the Scoping Report, in particular:

- Section 3.1 should provide further guidance (e.g. maximum number of pages) on the level of detail required for a Phase 1 SIA that will support a comprehensive and complex Phase 2 SIA.
- Appendix C should include an additional table with review questions that are specific to a Phase 1 SIA (e.g. Questions 17 to 22 may not be addressed in a Phase 1 SIA where a comprehensive and complex Phase 2 SIA is proposed).
- The Draft Guideline refers to the Scoping Worksheet, however this remains in draft form and has not been released for further comment. The Draft Guideline should be finalised at the same time as, and in an integrated manner with, the *Draft Scoping an Environmental Impact Statement Guideline* (2017).

In summary, MACH Energy supports the continued use of SIA as a component of the environmental impact assessment process. It is considered that the above improvements would clarify the intent and scope of the process.

MACH Energy looks forward to the Department's consideration of the above submission.

If you wish to discuss this matter further, please do not hesitate to contact the undersigned.

Yours sincerely,

Chris Lauritzen General Manager – Resource Development



Jennifer Richardson Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124

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Draft Social Impact Assessment Guideline

26 November 2020

Dear Jennifer

It is encouraging to see the Department of Planning, Infrastructure and Environment ("the Department") proactively seeking feedback on the Social Impact Assessment process to inform decisions related to proposed State significant projects.

At Mott MacDonald, social purpose is at the heart of our practice. In line with a global commitment, we now have a Social Practice committed to embedding social outcomes through our projects and service offerings in Australia. Key themes are accessibility, equity, empowerment, resilience and wellbeing. With this in mind, we would like to share our perspective of better leveraging the social impact assessment process to mitigate impact and sow the seeds for enduring community outcomes.

The importance of clear and consistent guidance for social impact cannot be understated. It is particularly important to ensure the objectives of the *Environmental Planning and Assessment Act 1979* are realised.

Considering economic benefits beyond jobs growth

Social outcomes and economic activity are intrinsically linked. We deeply value nurturing local economies and supporting local communities to retain connection to their livelihood and cultural ways of working where we can. Whilst evaluation of jobs that may be generated by projects during construction and operations is important, there are other metrics that can be considered. The role of State significant projects in supporting local businesses is large. Conversely, potential impacts during construction and operation can be devastating. The adjustment to new market conditions (separate to opportunity) and capacity building mechanisms must be considered to mitigate business loss during transition bought about by major projects and city-shaping infrastructure. Please refer to the <u>Bright business program</u> in Sydney Darling Square development that I set up for Lendlease, which works to support community led economic outcomes and build social cohesion, weaving into the surrounding community of Haymarket, Darling Harbour and Ultimo.

Digital impact of State significant projects

New projects are really interventions to existing systems. Optimising how they perform overall is vital for enabling fulfilled lives on a healthy planet. Taking a digital strategy will guide project assessment through this complexity with simple, problem-driven solutions supporting better decisions based on data-rich information.

Connecting people and data through a common data environment is at the heart of digital delivery and effective collaboration. It may help to solve issues raised during social impact assessment such as a lag on new projects populating into Google, service disruptions (NBN etc), wayfinding issues, or place identity. More importantly still, harnessing appropriate Ochre Grid (traditional knowledge networked systems) will ensure these assessments are First Nations led, where possible.

Mechanisms identified in Social Impact Assessment must have effective digital approaches to report back at key stages of project and dovetail into community development or stakeholder engagement. A strategy that takes participants through the whole of life journey can provide powerful insights for citizens and project teams. Inclusive engagement tools, such as Share My View, empower the silent majority to have an influence on change in their neighbourhood over the full project life cycle (https://www.givemyview.com/).



Innovative methodologies

The Social Impact Assessment Guidelines provide a robust approach. However, there may be value in considering some more innovative methodologies to ensure that the Guidelines maintain currency as the social evaluation techniques evolve over time. The Guidelines could flag options to use different methodologies shifting the focus from impact rating (duration, severity and extent) to "magnitude of impact", which uses these concepts to come to an evidence-based conclusion.

There are broader toolkits being developed by industry and academics that encompass a variety of methodologies, such as Equality Impact Assessment, Integrated Impact Assessment, Environmental Impact Assessment, and Diversity and Inclusion. These may provide more agile options for different project typologies and locations.

Methodologies that combine social and environmental assessment may add value to the evaluation of State significant projects. Impact assessment for megaprojects traditionally generate huge volumes of "impenetrable" documentation, numerous stakeholders and mountains of correspondence wasting time and money. In response, the digital environment impact assessment approach taken for the UK's Crossrail 2 mega-project drew on cross-sector experience and connected thinking to develop an innovative reusable platform for immediate client benefit and future reuse.

Mott MacDonald has also established a similar approach in the UK, incorporating social impact assessments as part of broader integrated impact assessments. These are used as a tool to develop policy by assessing and presenting the likely costs and benefits and the associated risks of a proposal that might have an impact on the public, private or third sector, the environment and wider society of over the long term. The social aspect in particular focuses on conducting equality assessments aiming to:

- Eliminate unlawful discrimination, harassment, and victimisation and other conduct prohibited under the UK Equality Act,
- Advance equality of opportunity between people who share a protected characteristic and those who do
 not, and
- · Foster good relations between people who share protected characteristics and those who do not.

Other impact assessment areas that may be conducted in conjunction with the equality assessment include health, travel and access, and wider sustainability.

Social impact assessment provides important evidence for decision making throughout the different stages of the project lifecycle and can deliver social outcomes. However, a wider a Social Outcomes Framework that includes additional activities and other methodologies, may support opportunities to contribute to enduring community outcomes.

We would love to discuss the Guidelines with you and your team, should the opportunity present itself.

egards

Cara Wood Technical Director - Social Outcomes D 02 8090 4065 cara.wood@mottmac.com



HILLS OF GOLD PRESERVATION INC. 87 JENKINS STREET NUNDLE NSW 2340

November 27th, 2020

To whom it may concern,

I write on behalf of the Hills of Gold Preservation Inc regarding the NSW Government Draft Social Impact Assessment Guideline for State significant projects (October 2020).

Hills of Gold Preservation Inc is a resident and landholder group formed in response to a proposal by Wind Energy Partners Pty Ltd (now owned by Engie Australia New Zealand) for a wind farm near Nundle and Hanging Rock, NSW.

Our members have first-hand experience of the preparation of a Preliminary Environmental Assessment and SEARS, and Development Application/Environmental Impact Study (not yet public).

We offer the following ideas to improve the experience of communities that become the target of a proposed state significant project:

- 1. **Independent online information**. Where a state significant project is controversial, there can be community division. Those members of the community who oppose a proposal may not trust a proponent or its representatives. There is a vital need for independent factual information to be made proactively available by the state government on the assessment process. This is not always easy to find and community members may not be aware of the associated guidelines for an industry. In our case the community obtained information from our state MP's office and local DPIE office who put us in contact with Sydney DPIE staff. The proponent published an incorrect assessment timeline on its website, and it was only corrected after it was reported to the DPIE.
- 2. **Independent public meeting**. In our proactive community our first response to a state significant project being proposed in our area was to hold a public meeting to inform as many people in the community as possible. This was followed by public meetings convened by the

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proponent. The most valuable public meeting was hosted by DPIE. Community members with anxiety and concerns about the proposal trusted the DPIE staff and their information. It was a useful exercise in fact checking and educating the community about the assessment process.

- 3. Industry benchmark. An area of frustration for our members has been establishing accountability for information disseminated by the proponent and project involved landholders. With state significant projects promises can be made regarding construction and ongoing jobs, and in our case a Community Enhancement Fund. When a proposal is first made public, proponents can overpromise on these aspects, when it is common for a proposal to reduce in size during the assessment process (consequently reducing benefits). Our members are disappointed there doesn't appear to be an industry benchmark for project jobs figures and it may not be until the determination phase that overstating figures is picked up by DPIE. This potentially exposes communities to disappointment when promised jobs numbers and shared financial benefit in the form of Community Enhancement Fund (paid per turbine) are not realised.
- 4. **Independent arbitrator**. While the National Wind Farm Commissioner has been an excellent source of information about the wind industry, the complaints process is still lacking when it comes to accountability for sub-ideal behaviour of the wind industry, including proponents, Australian Wind Alliance, and project involved landholders.
- 5. **Respectful language.** Our members' concern and anxiety has been heightened by the proponent and DPIE staff using language that suggests a state significant project is a done deal. We suggest describing a state significant project as a proposal, not a project. Similarly, sensitivity should be exercised when distributing maps inferring landholder consent or project involvement when that is not the case.
- 6. **Pre-empting concerns**. Our members have been worried about whether land can be resumed for a state significant project. Pre-empting a significant concern like this and providing an answer on a DPIE website would provide factual information and help alleviate anxiety.
- 7. **Provide hard copies of guidelines and documents.** Our members have experienced the assumption of computer literacy during the assessment process. In reality in our ageing community many community members do not have access to a computer or have the skills to use a computer. We have requested hard copies of guidelines, and proponent assessments to be made available in the library to help increase accessibility in the community. However not all the proponent's newsletters or CCC minutes were made available in hard copy for community members to access.
- 8. **Explicit communication.** When community members meet with a proponent, the proponent must be explicit about the capacity they want to

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meet them. When some community members met with the proponent in our experience, the community members believed they were meeting as individual landholders when the proponent later used the experience as evidence of community consultation with community groups.

- 9. On the ground consultants. Our members have been consistently disappointed that consultants' reports have been prepared as desk top studies. Our members have picked up many errors due to consultants not being on the ground. We object to our members' properties, landscape character and community impacts being assessed by a consultant who has not stepped foot in the town.
- 10. **Best practice.** The Draft Social Assessment Guideline goes some way to establishing expectations of proponents when consulting with communities. The guideline could go further to explain what Best Practice community consultation looks like. In our members' experience a proponent can tick all the boxes, yet still not listen, because they want the proposal approved at any cost, while members want them to go away.
- **11.Independent CCC.** Having a Community Consultative Committee has been a valuable part of community consultation. However, with the Independent Chair funded by the proponent there can't be true independence. In our experience the chair did very well in difficult circumstances, but the minutes were often edited to favour the proponent and edits proposed by community members were sometimes not included. A CCC aims to provide a balance of community views, but in our experience when community members in favour of the proposed state significant project were unable to attend a meeting, they were not replaced meaning there was not a full component of community representation. Community members opposing the state significant project were limited to three, with another three alternatives in the wings.

Thank you for the opportunity to comment on the Draft Social Assessment Guideline. At the heart of social assessment with integrity is trust. When a proposed state significant project is controversial there may not be trust between a proponent and community members with concerns and anxiety. This is when community members need to be able to source independent information, most likely from the state government, and there need to be safeguards in place for realistic estimates of benefits and protecting social cohesion.

Yours sincerely,

Megan Trousdale Hills of Gold Preservation Inc



26 November 2020

NSW Department of Planning, Industry and Environment

Submission Draft Social Impact Assessment Guidelines – State Significant Projects

Thank you for the opportunity to review and provide feedback on the Draft Social Impact Assessment Guidelines for State Significant Projects.

The following comments are provided:

- The Draft Guidelines and Toolkit are comprehensive and welcomed for state significant projects. They require a fair amount of rigour in the SIA process as is appropriate for these types of developments. Having a clear and consistent process to guide SIAs will assist in ensuring all social impacts of a state significant development/project are considered and addressed, social benefits are identified, and any negative outcomes can be mitigated, managed or resolved.
- P12 Process and timeline It is not clear at what stages in the process local Council's would be involved. Council's Social Planners have a significant knowledge of the local community, key stakeholders, social locality and relevant Council plans and have a key role to play as both a data source and stakeholder. Is it intended that social planning staff within Council review and provide comment on SEARS and/or adequacy of Phase 1 SIA reports, review and assessment of Phase 2 SIA reports?
- P22 include local Council as a data source
- P28 include local Council as a stakeholder to engage with
- P14 of the Guidelines states "if you expect the Phase 1 SIA will be the end of the SIA process, create the Phase 1 SIA report as a standalone document...". It then goes on to explain the minimum requirements for a phase 1 SIA. However, if a proponent only does a Phase 1 SIA, the minimums listed are inadequate/inappropriate. The guidelines should specify the minimums for a Phase 1 SIA where no other SIA process will be done (this is mentioned vaguely on page 12 but should be included on p14 for clarity). Further, as shown on Figure 4, a minimum 2 pages for a Phase 1 SIA report is not considered to be appropriate for a state significant development/project.
- P 27 Toolkit suggest including recommended structure for both a Phase 1 and Phase 2 SIA report
- It is good that the cumulative impacts of developments are included in the Guideline as this is usually missed out in SIAs where there is a cumulative social impact.
- P31 talks about engaging with Aboriginal people and it is good to have that specifically identified.
 However, this section states that "a key objective of engaging with Aboriginal peoples for SIA...is to help identify intangible harm through cultural or spiritual loss". This reads like that is the only impact



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to consider when engaging with Aboriginal people. However, all impacts on Aboriginal peoples and communities should be identified, not only the cultural ones.

- P32 states that for projects with minimal social impacts, an SIA specialist may not be required and that a member of the study team can undertake a Phase 1 SIA. It is strongly argued that an SIA specialist should be required to undertake the social impact assessment for all State Significant projects, both during scoping and Phase 1, as well as Phase 2. There is a specialist skill set required to undertaken social science research, demographic profiling, community engagement and initial assessment and evaluation of potential social impacts and outlining the proposed approach for undertaking Phase 2 and a SIMP (as stated on page 15).
- Amend text "Suitable qualifications in a relevant social science discipline (eg. social or community planning, sociology, human geography)"
- From our experience, SIAs tend to be of poor quality largely as a result of being prepared by practitioners who are not qualified, experienced or competent in social science combined with a lack of value or understanding by the project proponent of the importance of an SIA and hence, minimal costs are allowed for preparation including a lack of appropriate community engagement.
- The identification of potential social impacts in the SIA should be been informed by local stakeholder consultation that commences in Phase 1. Consultation with relevant stakeholders and community representatives would identify issues and any affected groups regarding potential social impact. This can lead to suggested improvements to the proposal as well as the opportunity to address potential problems through mitigation measures.

Please contact me if you would like to discuss further.

Yours sincerely,

KeccieForcest

Kerrie Forrest Section Manager Community Planning & Services

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Too who this may concern, as time was seemingly cut short by the DPIE getting this information out to the community, received 1 week ago today from Mr Nic Carmody Chair of the Coppabella Wind Farm CCC where I am a member of that committee, asking for community comments of the Draft Social Impact Assessment in NSW

To save time tonight as it is late, I will address the dot points below;

Our draft Guideline aims to:

Our draft Guideline aims to:

• help proponents understand how to meet the department's expectations

Help who understand the "Departments" expectations?

- The department from where many people in areas affected by for instance industrial wind driven electrical power generationers, seemingly only get trodden down by the DPIE. As an example, so called Conroy's Gap Wind farm has been approved now since March 2005? In that time the DPIE claims to have seen an order for wind turbines, the concerned affected community are not privy to that document, thus we only have the word of a DPIE representative that such document exists? Apparently, this said document is enough to keep the project alive even though it has been reduced to 15 small, approved turbines. This said document is classed by the DPIE to the now proponent EPURON as physical work? Since March 2005 the only physical work that has been allocated to this fiasco is 1 more wind monitoring tower now well outside the footprint of the remaining 15 towers? Considering that the only work since has been often belated (time frame had expired) application for extension of time to complete this project, on multiple occasions? Does this constitute in the DPIE's eyes "help proponents understand how to meet the department's expectations?"
- give the community comfort that their concerns and perspectives are considered early and build community trust

Please name 1 instance where the DPIE has ever given <u>"the community</u> comfort that their concerns and perspectives are considered early and <u>build community trust?</u>" Please explain that to the neighbours to installation being constructed across NSW and ensure that they have been consulted and their perspectives ever listen too? The DPIE PANDER endlessly to the proponents for installations such as wind and solar farms?
• build higher levels of community 'social licence' for projects

What are higher levels of "social licence" for projects-aiding and abetting proponents that do not engage in any consultation whatsoever with affected neighbours?

• reduce risks and costs to the project as a result of unplanned or reactive management of social impacts

What does this mean approve a project without community consultation face to face with affected neighbours?

• streamline assessment processes by reducing departmental requests for more information

This statement is blatantly obvious? We the DPIE cannot be seen to impede foreign owned proponent companies taking over the electrical infrastructure in NSW?

 create better proponent-community relations and more socially sustainable outcomes

I suggest that the DPIE are "dreaming" if they believe this? There has never been a socially sustainable outcome for the affected community unless the proponent for instance of a wind farm has withdrew, their application. Jupiter for example.

Otherwise the DPIE generally seems to aid the proponents even when the IPC decision to align with the DPIE's initial decision to reject the project on Crookwell 3 was recently overturned has the DPIE jumped in to assist the impacted community? No.

Going back even further the fiasco that was Gullen Range wind farm, when the proponents arrogantly placed 69 of 73 turbine towers off the agreed GPS position, the DPE as it was then did not have the **intestinal fortitude** to follow through and make the proponent dismantle and relocate those towers to the correct position? Simply put it was too hard so "rubber stamping" this major violation of planning was the easy answer?

Regarding a conversation I had with a DPIE representative regarding the approved Rye Park industrial wind driven generation estate, when addressing the DPIE's compliance team. This representative emphatically attempted to explain that the compliance team would sort out any issues that arose where a proponent was not doing the right thing?

<u>That statement is clearly untrue</u> as Goldwind prematurely, even with DPIE authorisation cut down hollow bearing trees along White Fields Road prior to either having a connection agreement in place and finance.

More than 12 months elapsed before Goldwind even gained the TransGrid agreement.

Within that period there is still no finance for the Coppabella project.

Back in August 2019 when these trees were levelled the DPIE Compliance team arrived after the trees had been cut down, and like the Gullen Range debacle belatedly "rubber stamped" the work.

Are acts like these "creating better proponent-community relations and more socially sustainable outcomes?"

I find that hard to believe?

Thus, very quickly and easierly I have addressed the DPIE asking for community comments of the Draft Social Impact Assessment in NSW

Regards

John McGrath "Yowerweena" Black Range Road Yass NSW 2582 Phone. 0408268173



Social Impact Assessment - Exhibition Submission Response Form

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#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil
1	Technical Supplement	Other - please describe	oppose (explaining objective/reasons)	32, 33, 34	Appendix B - Examples of social impacts for different development types' focuses on wind farms and solar farms requiring transmission line works to connect to the grid, which in many cases does not exceed 10 km of linear infrastructure works. The technical supplement has overlooked the large- scale transmission line projects, which can cover hundreds of kilometres and have the potential to impact (positively and negatively) thousands of landholders along its route.	lt wou transi exam
2	SIA Guideline	Social Locality	oppose (explaining objective/reasons)	34	Appendix C - Review Questions - Does the SIA Report identify and describe historical, current, and expected social trends or social changes for people in the locality, including their experiences with this project and other major development projects?' Some of our transmission line projects could range over hundreds of kilometres, and given the 100 page limit on Phase 1 and Phase 2 SIAs, could be very difficult to describe in detail the historic, current and expected social trends of various localities the transmission line may traverse.	Althor precis SIA re challe





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example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of Nil assessment
1	SIA Guideline	Social Locality	support as is	16	Support the emphasis on appropriate/consideration/rational for social locality and data reflecting this
2	SIA Guideline	EIS Assessment Alignment	support as is	21	Support the examples of how to integrate specialist study outcomes into the SIA
3	SIA Guideline	Data collection/validation	support as is	22	Support the empathises on ABS and government supported data sets
4	SIA Guideline	Data collection/validation	support as is	22	Support the inclusion of stakeholder interviews, community engagement outco
5	SIA Guideline	SIA Authors	support as is	32	Support clearer clarification around 'who' is qualified to undertake SIAs
6	SIA Guideline	Other - please describe	support as is	34 & 35	Review questions in Appendix C seem to be a good resource for self review a
7	Technical Supplement	Evaluation impacts (+ & -) incl matrix	support as is	17	Support the rewording of 'catastrophic' to 'transformative' in magnitude level in
8	Technical Supplement	Data collection/validation	support as is	25	Supportive of all considerations in data validation section
9	SIA Guideline	Consultation	support as is		Generally supportive of empathises on community engagement throughout the Seemingly unsupportive of data from 'other' publishers.
10	SIA Guideline	Data collection/validation	support in principle (with suggested changes)	22	Question the feasibility of this as some key sources are really useful: oErofile id oEorecast id oHousing data (domain etc.)
11	SIA Guideline	Phase 1	support in principle (with suggested changes)	12	The assumption that consultants or SIA practitioners are included in the proje

Suggested amendment (if any)

utcomes, oral and resident experience, and community su

v and evaluation

l in social risk matrix

the Guidline

pject pre SEARs does not reflect the reality of when they



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example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	N
1	SIA Guideline	Approach	oppose (explaining objective/reasons)	entire document, particularl y p 24	Document does not provide guidance on what is an unacceptable social impact. The implication is that any and all social impacts are acceptable provided there is some level of mitigation.	In ar
2	SIA Guideline	Approach	support in principle (with suggested changes)		Broadens the document to cover all state significant development	Th th af re of
3	SIA Guideline	Timing/implementation	support in principle (with suggested changes)	pp 28 and folowing	Inadequate implementation of the previous guideline gives little confirdence that the current guideline will be appropriately implemented.	D
4	SIA Guideline	SIA Authors	oppose (explaining objective/reasons)	Appendix B	SIA authors should be independent of the proponent	D S
5	SIA Guideline	Responding to social impacts (+ & -)	support in principle (with suggested changes)	25	Social Impact Management Plans sometimes do not adequately address identified social impacts and are often not implemented or monitored effectively. The interaction of SIMPs with voluntary planning agreements is not adequately addressed.	D in C V(
6	SIA Guideline	Responding to social impacts (+ & -)	support in principle (with suggested changes)	31	Although the SIAG addresses the social impacts with respect to First Nations peoples, it does not deal with the use of methods of dealing with social impacts as a way of sowing division within First Nations Communities,	
7	SIA Guideline	Categorising impacts (+ & -)	support in principle (with suggested changes)	15-20	The social impact of the climate crisis is not acknowledged or even referred to.	lť cl
8	SIA Guideline	Categorising impacts (+ & -)	oppose (explaining objective/reasons)	19	The change of terms from 'personal and property rights' to 'livelihood' devalues and limits impacts on individuals and the community.	TI

Suggested amendment (if any)

Nil

Include in the document some indication of the what is an acceptable and an unacceptabe social impact.

The document should be split into two acknowledging that resource projects are a special category of SSD, affecting first nations people, and rural, regional and remote communities. The voices of these groups are often drowned out and the SIAG must give them a voice.

Development of an effective implementation plan

Development of a method of implementing independent SIA

, Development of an effective method of reviewing,

implementing and monitoring SIMPs.

Clearer description of the link between SIMPs and voluntary planning agreements

It's not clear how this could/should be incorporated, but clearly it should be.

This change should be reversed.



27 November 2020

Attention: Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022 Parramatta NSW 2124

By online submission and email: <u>SIA.project@planning.nsw.gov.au</u>

Dear Director Infrastructure Policy and Assessment Practice,

Draft Social Impact Assessment Guideline for State significant projects

Thank you for the opportunity to comment on the draft *Social Impact Assessment Guideline State significant projects October 2020* (**draft SIA Guideline**) and the associated *Technical Supplement to support the Social Impact Assessment Guideline for State-significant projects October 2020* (**Technical Supplement**). Environmental Defenders Office (**EDO**) has engaged extensively in the Department of Planning, Industry and Environment's (**Department's**) processes to strengthen environmental impact assessment. Our previous submissions on this topic are available on request.

As a community legal centre we are not specialists in social impact assessment (**SIA**). We have therefore limited our comments to areas where the draft SIA Guideline and Technical Supplement interact with the broader planning and project assessment framework, including concerns that have been raised with us by individuals and community groups who have experienced the application of the current *Social Impact Assessment Guideline for State significant mining, petroleum production, and extractive industry developments (State significant resource projects)* (**current SIA Guideline**). We are aware that a number of technical specialists intend to make submissions on the draft SIA Guideline and Technical Supplement and encourage the Department to appropriately incorporate that feedback.

Scope of Draft SIA Guideline

A significant change between the current SIA Guideline and the draft SIA Guideline and Technical Supplement is that the updated guideline is intended to apply to all state significant projects, rather than just extractive industries. While EDO supports changes designed to strengthen SIA in a broader range of project assessments, broadening the audience for the draft SIA Guideline necessarily means that the draft SIA Guideline cannot be as targeted at the social impacts likely to be experienced by communities as a result of extractive industries. This has led to statements in the draft SIA Guideline such as "*This Guideline uses words such as 'should' or 'suggested', rather than prescriptive terms such as 'must' or 'will'. This allows for a nuanced approach and reflects the*

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range of development types that the Guideline applies to." As a result, there are no strict requirements in the draft SIA Guideline and so the community has no certainty as to what they can expect from an application of the draft SIA Guideline.

Independent SIA Assessment

The draft SIA Guideline states that it is intended to give community confidence in the environmental assessment process and build social licence. There a number of reasons why the draft SIA Guideline will fail to achieve that objective.

A key issue is the fact that SIAs are done by proponents and applicants. This inherently creates a bias in the process. There is significant community concern about proponent-led engagement and whether this results in appropriate and objective consideration of community issues. This includes presentation of technical assessment information, but also relates to the assessment process where the proponent controls how community input, submissions and concerns (and responses to them) are expressed. Proponents should bear the costs of engagement, but they must not be able to compromise its objectivity. There must be safeguards in the system so that community members feel respected and can trust the process.

EDO has written extensively about the need for genuine independence in appointing consultants that are engaged to prepare assessment materials for development applications, and strongly recommends a system whereby the Department, rather than a proponent is responsible for independently allocating consultants to major projects. This is necessary to reduce the potential risk of proponent pressure on consultants to develop more favourable assessments and to reduce public perceptions of bias. Perceptions of bias are also obvious in the draft SIA Guideline with the language used focussed on project approval rather than genuine assessment that may lead to refusal of a project, including on social impact grounds.

The lack of a clear independent review process for SIAs conducted as part of assessments for state significant projects is also problematic. Unlike other areas of environmental assessment such as air or water pollution where the Department can seek specialist advice from specialist Government agencies or branches, the Department's review of SIAs will only be informed by an independent review if a project is one of a small number that can be referred to the single internal staff member responsible for SIA, or if an external peer review is conducted. To date, there has been little evidence of meaningful peer review of SIA's by Government prior to the consultation on and determinations of project applications. This places the burden of assessing the adequacy of a SIA on communities. Independent consultants engaged by communities have regularly identified significant flaws in SIAs provided to support applications for state significant projects. There must be a clear process for assessing the independence and adequacy of SIAs submitted as part of assessment of state significant projects.

Community members regularly raise concerns with EDO that mitigation strategies proposed during state significant project assessment processes are not tangible, deliverable by the proponent, durably effective, or directly related to the respective impact - requirements which are acknowledged by the Department to be important for effective mitigation of social impacts. There is no evidence that the Department plays a role in ensuring that these requirements are achieved and, in the absence of independent assessment or meaningful peer review, there is nothing in the draft SIA Guideline that is likely to change this situation.

Free, Prior, and Informed Consent

EDO welcomes the statement in the draft SIA Guideline that "*Engagement with Aboriginal people for SIA should recognise and respect their rights and be culturally appropriate. In practice, this means… ensuring free, prior, and informed consent*". However, neither the draft SIA Guideline or the Technical Supplement provide information on the standards to be met in terms of obtaining free, prior and informed consent (**FPIC**) or any implications of failing to do so. States are required to obtain Indigenous peoples' FPIC when the preservation of cultural resources, especially those associated with their way of life and cultural expression are at risk.¹ In these circumstances, FPIC requires affirmative consent (i.e. is a right to veto). The basis for this right to veto is derived from the right to culture and the prohibition on State's destroying Indigenous culture that risks indigenous cultural survival. In other words, FPIC is not an aspiration or a process, but a right in itself. The draft SIA Guideline needs to ensure that references to FPIC are not tokenistic and meaningless but instead provide for full implementation of our international obligations to provide FPIC.

Social Impact Management Plans

The draft SIA Guideline and Technical Supplement have a strong focus on Social Impact Management Plans (**SIMPs**) as a means of mitigating negative social impacts. While the draft SIA Guideline suggests that a draft SIMP may be developed as part of the assessment of a state significant project, this is not mandated. A condition of consent requiring the development of a SIMP after approval can provide no certainty to the community of what mitigation and management measures can be expected from a project. A SIMP finalised after the fact, generally to the satisfaction of the Secretary of the Department, provides no recourse for affected community members if the approved SIMP fails to deliver adequate mitigation and management outcomes. Unless a condition of consent requires specific social impact mitigation measures, rather than simply the development of a management plan, there are no enforcement options available for a community if a proponent's promises in relation to social impact mitigation are not met.

Additional Issues for Consideration

There are a number of key issues that are missing from or inadequately addressed in the draft SIA Guideline. The first is climate change. There is no mention of climate change in the draft SIA Guideline or Technical Supplement, despite state significant projects being both a significant potential source of greenhouse gas emissions, and impacting on the community's ability to adapt to climate change. It is clear from modelling conducted by CSIRO and the Bureau of Meteorology²

¹ For more information on this see: EDO NT, *Submission to the Northern Territory Department of Environment and Natural Resources on draft Environment Protection Bill and draft Environment Protection Regulations* (2018), Attachment B: Australia's obligations under International Law to Consult with, and to Ensure the Free, Prior and Informed Consent of, Indigenous Communities,

https://denr.nt.gov.au/__data/assets/pdf_file/0004/669739/21-submission.pdf.

² https://www.climatechangeinaustralia.gov.au/en/

that climate change will cause, and is already causing, impacts that will have substantial social implications. The potential to exacerbate these impacts or affect people's ability to adapt should form an important consideration in SIA for state significant projects. Climate change impacts are particularly relevant to the consideration of intergenerational and distributive equity – both issues which are insufficiently considered in the draft SIA Guideline.

Equally, while 'health and wellbeing' is one of the categories of impacts considered in the draft SIA Guideline, the proposed requirements fall well short of best practice in health impact assessment. For example, Figure 7 of the draft SIA Guideline refers to air quality as a specialist study that may be conducted and that "concern" about air quality should be considered as part of the SIA. This approach in no way considers the public health implications of a project and references to cumulative impacts on health in the Technical Supplement are inadequate.

Technical Supplement

We provide the following specific comments in relation to aspects of the Technical Supplement:

- "Table 3 Guide to determining levels of assessment for each social impact" assumes that the scoping exercise in Phase 1 of an assessment will be sufficiently robust to adequately identify social impacts. However, the draft SIA Guideline suggests that a Phase 1 SIA can be undertaken by the Proponent/proponent's study team. Taken together, the draft SIA Guideline and the Technical Supplement suggest that it is not necessary for a SIA specialist to investigate a project's social impacts prior to determining whether and what level of further assessment is required.
- We note that "Table 6 Defining magnitude levels for social impacts" has changed the categorisation of the most significant impacts in the current SIA Guideline from "catastrophic" to "transformational" in draft SIA Guideline. This change in language creates an inherent change in the context of the draft SIA Guideline, moving away from a clear focus on the importance of understanding and responding to negative community impacts to a more neutral consideration of impact. This risks undermining the focus of an environmental assessment of the need to understand and response to negative social impacts arising from a proposal.

If you would like to discuss this submission further, please contact the author on ph: 9262 6989 or email: rachel.walmsley@edo.org.au.

Yours sincerely, Environmental Defenders Office

RWalaf

Rachel Walmsley Head of Policy and Law Reform

27 November 2020

Jane Munday PhD candidate; social and community engagement practitioner Member of the national SIA community of practice with EIANZ PO Box 632 Parap NT 0804 jane@janemunday.com.au

Thanks for the opportunity to comment on these guidelines.

Overall, the guidelines are excellent and set a benchmark for Australia. They are widely cited by SIA practitioners and were recently cited by the Northern Territory Environment Protection Authority in terms of reference for a social impact assessment. So NSW is setting standards for the country.

Dr Richard Parsons' role has been particularly important. Not only has he led the development of these guidelines, but he has been generous in sharing his knowledge and insights on webinars and seminars around the country and is highly respected in the industry.

As an overall comment, it is critical that the guidelines strike the right balance between setting rigorous standards and guiding practical application in the real world. The ideal is great as an aspirational goal, but not always acceptable in the real world of clients, time and budget pressures. Everyone project operates in a different context. Although I hear what some of the academics are saying about what the guidelines should include, it is important the guidelines are acceptable to industry or they will be resisted as 'red tape'.

Positive comments:

- This is a valuable document and very welcome. It provides the clarity and certainty needed by practitioners and development proponents alike as to what is expected of them. I congratulate NSW for its efforts in preparing the three guidelines documents (2016, 2017 and 2020. They are world-class. I particularly congratulate Dr Richard Parsons. His contribution to these guidelines and many presentations on them has put NSW at the forefront of reform.
- 2. I particularly welcome the need for practitioners to be suitably qualified. Quality, proportionate social impact assessment requires people to be trained and experienced in social research. It would be great for NSW to push for this as a national approach.
- 3. The technical document is a great idea and better written than the Guideline. I suppose the purpose was to separate process of lodging with how to go about doing an SIA.
- 4. The diagrams showing the process are clear.
- 5. The review questions are good.
- 6. I think it is excellent to require a scoping document and discuss with the department before launching into doing an SIA. This is a great opportunity to provide feedback and ensure the SIA is proportionate and focussed on what matters.
- 7. It is important to recognise the scalability of guidelines. Not all projects have the same level of impacts.
- 8. We all want to see practice driven by independent, impartial studies.

Areas of concern:

- 9. As an overall reaction, however, while many aspects have been improved (eg the diagrams) I don't think the latest version is as good as the 2017 Guidelines, which were better expressed and more to the point. This latest document seems very focussed on process and a little overwritten, where before there were dot points. Some of the valuable material in the earlier version now seems to missing or reduced.
- 10. Some specific examples of the above:
 - It takes a long time to get to what a social impact assessment is. In fact, it doesn't really. This was covered in the first section of the 2016 and 2017 documents. It now starts at 3.3.4 with categorising impacts. An impact is a measurable consequence of a change process not the change itself – it was better worded on p.19 of the 2017 document.
 - The objectives of the 2017 document are now 'benefits'. Benefits are not the same as
 objectives. The 2016 and 2017 documents started with the purpose, objectives and
 application of the guideline, then described social impacts. The 'benefits' are a bit more
 diffuse. I don't think social licence to operate should be there, for example. Too many
 proponents seem to conflate a regulatory tick with the importance of company
 reputation and behaviour across the life cycle of a project. A good SIA informs a
 company's social performance and helps build good community relations.
 - I preferred p.36 of the 2017 document that outlined extent, duration, severity and sensitivity. Level of community concern has been added. I think this is unnecessary. Community concern reflects sensitivity to disturbance.
 - There was more focus in the 2016 and 2017 document on incorporating issues as part of scoping.
 - There were lots more useful footnotes in the 2017 document. This is important for practitioners.
 - It has lost comments about the importance of integrated approaches, eg Part 2 of 2016 version on how ecological losses are valued (a social impact), p.40 of the 2017 report links to economic impact assessment guidelines.
 - I disagree with some of the changes to Vanclay's 2003 dimensions: I believe 'fears and aspirations' should remain as a separate dimension. Impacts start with rumours and include psychosocial impacts. I don't agree with changing 'human and property rights' to 'livelihoods'.
 - I don't agree with changing 'consequence' to 'magnitude'. That isn't the same thing. That is akin to saying projects are only consequential if they are big.
- 9. Some generally minor comments:
 - a. In section 1.2 on using the guideline, could this include a yardstick or evaluation tool for institutions such as land courts considering merit and judicial reviews.
 - b. The references at the bottom of the pages are difficult to read (light and small font);
 - c. The emphasis on community engagement is great. But there is no reference to IAP2 in the section on engagement. IAP2 is generally regarded as the gold standard for engagement.
 - d. The document would benefit from a list of references and best practice guidelines (eg IAIA, IFC, World Bank, Sustainable Development Goals)
 - e. P.14 seems to suggest that the maximum number of pages for an SIA is 100? While I support any push to make SIAs proportionate and scalable, length should be determined by the number and consequence of issues and not prescribed. You can have a 100-page data dump and a 200-page report that captures valuable community insights. A linear project that passes through a lot of communities may need to deal with each separately. Does this include the SIMP and consultation report? Is a similar length imposed on all other technical studies? A good middle ground might be to prescribe a short and readable overarching report, with detailed analysis and data in appendices.

- f. It would be useful to include a couple of case studies, in particular Justice Preston's judgement for Rocky Hill, which give enormous credibility to the NSW Guidelines and Vanclay's categorisation of impacts.
- g. Fig 8 doesn't really accommodate positive impacts. Eg refine project to avoid negative impacts and enhance positive impacts (an important aspect of social impact assessment is to improve project planning), minimise negative impacts and maximise positives, mitigate and enhance.
- h. P.31 A suggestion. Consideration of cultural impacts should accommodate not just 'cultural and spiritual growth' but different worldviews and values, livelihoods, cultural authority, lost ability to pass on knowledge etc. Cultural impact assessment looks at 'living' culture.
- i. Engagement with Aboriginal people also needs to ensure appropriate time and resources to properly inform and consult. Aboriginal people often get left out because everyone is in a rush and formal regulatory processes make little proactive provision for accommodating hard to reach audiences.
- j. Table 6 in the technical note: I would suggest separate tables and descriptors for positive and negative impacts. Transformational is usually associated with positive change (dictionary definition = something that is an improvement). Catastrophic with negative.
- k. Could practitioners be expanded to include expert witnesses for judicial reviews to protect practitioners who do good work, then find their SIAs being torn apart by 'experts' based their pet areas of expertise?
- I. Just an idea: could the diagram on page 7 have 'people's wellbeing' or 'human wellbeing' at its centre? See ACT and New Zealand wellbeing frameworks.
- Rather than 'social locality', could it be 'social area of influence'. People might have left
 a location but still have social and cultural connections, particularly Aboriginal people. A
 regional town might have links to distant regional centres for services and supplies.
 Social area of influence considers all people (individuals, families, communities)
 positively or negatively affected by a proposal or project.
- n. There is no reference to human rights, which is part of IAIA best practice. Even if this is not felt to be a State responsibility, there could be reference to Australia's Human Rights obligations, eg UNDRIP and Free, Prior and Informed Consent.

And finally, successful implementation will require the appropriate resources to ensure adequate assessment and monitoring of what happens after the assessment process, as well as professional development of practitioners and regulators so they can meet the expectations of these generally excellent guidelines.

https://www.act.gov.au/__data/assets/pdf_file/0004/1498198/ACT-wellbeing-framework.pdf https://www.treasury.govt.nz/information-and-services/nz-economy/higher-living-standards/ourliving-standards-framework

Thanks for the chance to comment

JANE MUNDAY



Social Impact Assessment - Exhibition Submission Response Form

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#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Λ
1	SIA Guideline	Phase 1	support in principle (with suggested changes)	15	The requirements for a stand-alone Phase 1 SIA could be clarified - where it is determined that n Phase 2 is necessary	lı h
2	Technical Supplement	Phase 1	support in principle (with suggested changes)	12-13	There is an opportunity in this section of the Supplement to point out the distinction between a stand-alone Phase 1 report and a Phase 1 that leads to a Phase 2.	C s
3	SIA Guideline	Consultation	support in principle (with suggested changes)	22 & 27- 31	Be explicit in the expectations for proponents to consult. Consultation is seen as expensive, causes delays, and carries inherent risks to the politicisation of the project. Proponents will avoid consultation wherever possible, so if we want it we must make it a mndatory part of the process and send tis message out clearly. Consultation must be mandated at scoping stage so that community concerns can legitimately influence the project outcomes. If left too late, it is a tick-box exercise with no ability to influence projct outcomes. Project modifications arising from consultation should be assessed at early design stages, otherwise they will be difficult and costly to accommodate.	e it Sacccasp
4	Technical Supplement	Other - please describe	support in principle (with suggested changes)	12	Cumulative impacts: A range of equity and management dilemmas arise from consideration of cumulative impacts. I supor this being a prominent part of the Guideline and Technical Supplement. More consideration could be given to the resolution of cumulative impacts through a SIMP. Consider whether alleviation of cumulative impacts places an unfair burden on proponents, or acts as a barrier to further development. Consider whether proposals under consideration should form part of the cumulative consideration - particularly if there is every chance they could be refused. Consider who is responsible to alleviate cumulative impacts, role of the governing authorities / agencies	А
5	Technical Supplement	Categorising impacts (+ & -)	support in principle (with suggested changes)	20	Suggestions to link document components to table 9	lı a ir a
6	Technical Supplement	Post approvals	support in principle (with suggested changes)	23	I would like to see an expansion on the discussion on data sharing to a broad database that can be used for ex-post analysis - to build our capacity across the State to keep record of common impacts, mitigations that work, mitigations that don't work.	A

Suggested amendment (if any)

Nil

Include a decision-tree or further explanation around how to determine whether a Phase 2 is necessary.

Clarify distinction between the Phase 1 report that is stand-alone, and that which should lead to a Phase 2. include a clear statement on when community engagement is an expected part of the SIA, and when it is not (eg "Consultation is an expected part of all SIA. A consultation strategy should be submitted with a scoping report, cearly indicating ht has already been carried out as partof Phase 1 and how the community's concerns are reflected in any design changes. A project may be exempted from consultation requirements when there are minor anticipated impacts supported by evidence from similar projects elsewhere ... ") - put the onus on the proponent to demonstrate that they do not need to concult

Add more detailed consideration of social impacts

Include in summary table a reference to "Likelihood of achieving the mitigation measure" from page 21. Also include VPA as an example of alternative arrangements (last row of table)

Additional discussion or later development of a SIMP database for State-wide data sharing between practitioners and assessors.



Document

SIA Guideline

Technical

Supplement

Technical

Technical

Technical

Supplement

Supplement

Supplement

SIA Guideline SIA Authors

SIA Guideline Post approvals

Evaluation impacts (+

Engaging with different

Evaluation impacts (+

& -) incl matrix

Language and

EIS Assessment

collection/validation

collection/validation

collection/validation

Responding to social

Evaluation impacts (+

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impacts (+ & -)

Post approvals

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SIA Guideline Post approvals

impacts (+ & -)

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SIA Guideline Social Baseline

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Categorising impacts oppose (explaining

Evaluation impacts (+ oppose (explaining

& -) incl matrix objective/reasons)

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changes)

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changes)

Alignment

terminology

& -) incl matrix

KPMG 2020 Appendix B - Social Impact Assessment - Exhibition Submission Response Form This template has been provided by the Department of Planning, Industry and Environment to assist with submission lodgement and analysis. Please do not reformat this document. Please complete this excel form and submit it to the Department (in excel format) with your formal submission. Category of comment Summary Response Comment Suggested amendment (if any) support approach that is scalable recognising there are small and example SIA Guideline Scalability support as is 4 & 10 large state significant projects which require different levels of Nil assessment We recommend that the Guideline be reviewed with a focus on condensing the content to create a more streamlined, accessible and user-friendly guidance document. The Guideline is quite comprehensive, perhaps overly so. Simple steps could be taken to support this, for example: There is an opportunity to reduce the length and complexity - Introducing a simple flow chart at the beginning of the Guideline that links the SIA steps to the relevant so as to focus the Guideline on the intent, objectives and sections of the Guideline, Technical Supplement or to separate appendices - thus helping readers easily support in principle Other - please (with suggested overall approach of SIA. navigate to the appropriate section. describe changes) - Including more references to existing national or global guidance materials or technical materials, thus As an example, Section 3.3.3 could be revised and moved to removing the need to create new material or repeat content that is available elsewhere. the Technical Supplement. - Amending or removing discrete sections. For example, Section 3.3.3 begins with a focus on positive (enhancement) opportunities and then discusses the reference to the scoping worksheet. We suggest the first paragraph of Section 3.3.3 be amended/removed and the detail on the Scoping Worksheet be removed and included only in the Technical Supplement. The opening paragraph uses the phrase "capitalise on support in principle Language and (with suggested positive impacts". This language feels business-centric We suggest a wording change to "support and enhance positive impacts". terminology changes) rather than people-centric. Final sentence on p7 should also refer to monitoring, support in principle considering that SIA is a process (as per, e.g. Vanclay 2003, We suggest the inclusion of a reference to monitoring, e.g. "evaluated, responded to and monitored". Language and (with suggested terminology changes) the Guideline emphasises adaptive management. We recommend that this term be defined and some explanation provided as to how proponents or the SIA process can contribute to social sustainability (e.g. through including social sustainability as a guiding The Guideline twice refers to the term "socially sustainable" principle in Table 2 of the Guideline or using social sustainability as a way of categorising potential social support in principle Language and terminology (with suggested 7&8 with little context provided as to how the SIA process impacts in Section 3.3.4). changes) contributes to this.

We are pleased to see the inclusion of the principle, 'humanrights oriented', however, there is limited explanation or guidance as to what a 'human-rights oriented' SIA should Evaluation impacts (+ support in principle (with suggested 10 look like. changes) At the same time, there are limited other references to the -Examples of where a social impact may also constitute a human rights impact (e.g. in Section 3.3.4, intersection between social impacts and human rights in the Section 3.3.9 and/or in the Technical Supplement in Section 2.3), emphasising that there is a need for a Guideline. We are pleased to see the inclusion of the principle, support in principle 'distributive equity', however, there is limited reference to Consider referring to future generations in Section 3.3.9 and the Technical Supplement in Table 5 - 'Extent'. (with suggested changes) assessing potential impacts for future generations. We are pleased to see that the Guideline emphasises that SIA Guideline Project refinements support as is Phase 1 should be used to refine a project during the early NA 15 design stage. We are pleased to see the emphasis on vulnerable and marginalised people in the Guideline, and the definition provided (although note, see comment below re suggested amendment to the Technical Supplement, p17). The Guideline does not, however, provide guidance on: Consider including additional guidance (or references to existing guidance) on the identification of and support as is * How to identify or assess impacts specific to vulnerable or responses to impacts on vulnerable or marginalised groups of people. marginalised groups of people; * How to identify whether identified impacts are experienced differently by vulnerable or marginalised groups; or * How to respond to identified impacts on vulnerable or marginalised groups in social impact management plans. The concept of 'net impact' (first sentence) is challenging to 20 (also, consider while simultaneously focusing on vulnerable and We emphasis that the concept of 'net impact' should not be applied in a way that provides proponents with support in principle p15 of the experience negative impacts more acutely. Note also, the (with suggested Tech Tech Supplement states "indicate the overall social impact to rely on 'offsets'. changes) Suppleme of the project", which should also be approached carefully. We are pleased to see the concept of cumulative social impacts included throughout the guideline, however, under 'cumulative social impacts', we suggest additional detail be In addition, we wonder whether the NSW Government will We recommend amending the sentence to read "Cumulative impacts should be considered if ... same place support in principle also conduct its own assessment of cumulative impacts (with suggested considering it may be difficult for a single proponent who does not have access to information on other developments. The scening meeting provides an opportunity for the The scening meeting provides an opportunity for the changes) Department to support proponents to understand the wider context in which their planned development will occur, which may not yet be on the public record. Figure 7 reduces the social impact component to community perceptions of environmental/economic impacts. We recommend amending the examples provided in the dark blue boxes so that they refer to perceptions. - is this sufficient? I.e. wouldn't the SIA for the economic support in principle example be more meaningful if it considers the capacity of We also recommend amending these examples, e.g. re Specialist Study C, to align with the opportunity (with suggested the community to actually engage with and realise these provided by SIA to draw on the results of the social baseline study and to consider the capacity of the changes) benefits by considering current capacity and desirability to community to engage with and realise these benefits by assessing current capacity and desirability to work work on the development in local area and or identify on the development in local areas and/or identify barriers to this being realised. barriers to this being realised....? Given that some stakeholder engagement may be required support in principle in Phase 1, as would some understanding of the social In addition, Figure 3 could be amended to highlight how each step of the SIA process links to the various (with suggested baseline, it seems quite late to include data collection and sections in the Guideline and Technical Supplement, and to clarify the process. A simple flow chart linking changes) social baseline considerations in Sections 3.3.7 and 3.3.8. SIA steps to the relevant guidance would increase the usability of the Guideline and Technical Supplement. Section 3.3.7 notes the types of data sources to consider. It doesn't, however, address the lack of access to academic we recommend providing some guidance on when and how to use academic research (e.g. in Phase 1 to identify similar projects and their social impacts). support in principle (with suggested changes) research by proponents and practitioners.

Social impacts can begin from when a project (or any We recommend providing some guidance on the timing of primary data collection (and stakeholder change) is announced, or even when rumours begin. engagement more generally). Section 3.3.7 does not highlight that the timing of primary (with suggested data collection can therefore influence people's perceptions For example, "the timing of primary data collection that involves telling stakeholders about the planned of a potential project or modification, and the social impacts project should be carefully considered, as social impacts associated with fears or raised expectations they experience, e.g. due to fear or raised expectations. commence from when a project is announced, or rumours begin". support in principle Section 3.3.8 Social baseline is quite short. (with suggested 22 support in principle Figure 8 caption refers to positive and negative social impacts, but the figure itself refers to managing negative (with suggested 23 impacts only support in principle The reference to sensitivity analysis requires further + (with suggested 23, 35 changes) explanation. Section 3.3.11.2 states 'Ideally, affected communities should We recommend moving this sentence to section 3.3.11 and amending it to say: "Ideally, affected support in principle

> and monitoring processes'. This is equally applicable to 24 negative social impacts. Consider the sentence: 'Strategies to enhance positive social impact may also help to offset negative impacts' The first sentence in Section 4.1 says 'process of mitigating, We suggest that this sentence should refer more generally to 'continuous process of managing and monitoring and managing social impacts'. This is not monitoring social impacts', or use language such as that used in section 4.2.1 'mitigation, enhancement, consistent with the Guideline's focus on both positive and monitoring and management'. negative impacts. Section 4.1 suggests that monitoring and management commitments can be integrated into overarching environmental management systems such as ISO 14001.' There is a risk that using an environment-focused management system could reduce the visibility of the social We recommend removing the reference to the use of environmental management systems, or including a impact management requirements, particularly as ISO caveat - for example, "provided the proponent has the capability and oversight to integrate social impact 14001 is predominantly quant-focused, and monitoring and management into their broader environmental impact management approach and use an appropriate managing social impacts requires a balance of qualitative balance of qualitative and quantitative based metrics and monitoring". and quantitative approaches. In addition, managing the social impacts of development, and undertaking aspects such as stakeholder engagement, requires specialised

Section 4 focuses on monitoring and adaptive management. In some cases, SIA should be undertaken on a regular basis, as is often seen in good practice in the mining There is reference to 'unanticipated impacts', which is a critical part of monitoring, however the Section's focus on monitoring could be taken to refer only to monitoring based on the SIMP.

cocial calonee and community consultant skills

Under 'How to engage' there is an opportunity to direct Proponents to leading practice examples and expectations - the IAP2's resources including the IAP2 Public Participation Spectrum. on stakeholder engagement, which are already used by skilled SIA practioners

and cultural practices (for example, 'sorry business')'. approach and could be read by some as implying that Aboriginal cultural practices are an obstacle to 'get we agree that community engagement should continue throughout the project lifecycle, for example, to identify anticipated impacts and understand stakeholder perceptions. We also note that 'When to engage', states that 'Engagement will then generally continue ...'. without We are concerned that Table 5 suggests that the Proponent/proponent's study team will author the Phase 1 We suggest that Table 5 be amended to include a tick in both columns, to encourage proponents to consider SIA, as those with the capability may not have appropriate engaging a SIA specialist from the beginning. We also suggest the introduction of a process of peer review

Under 'Responses, monitoring and management', there is sufficient we recommend including an additional question this section, for example, "Has the Proponent adopted sufficient ownership and provided sufficient resourcing of the SIMP management responses by assigning an opportunity to assess whether there is sufficient Proponent-ownership of the SIMP. Review and amend Table 2, for example, to clarify what "sharing information" means - as it is not clear how it related We recommend reviewing Table 2 to ensure clarity of language and examples. to paths etc (noting, is this an example about increased/reduced accessibility?)

appropriate capability (etc).

Table 6 includes reference to the number of people affected, e.g. "at least 20% of a community" (transformational) and "many people in a widespread area" (major). These We recommend amending the definitions of 'Transformational', 'Major' and 'Moderate' to refer to a lesser definitions do not take into account the disproportionate threshold for vulnerable stakeholders. affect that some changes such as displacement have on vulnerable or marginalised groups within the community.

Review the use of the term "characteristics" or make it

As 2020 has shown us, there are cases in which face-toface engagement may not be possible.

at the same time or over an extended period of time".

We recommend pulling forward Sections 3.3.7 and 3.3.8. See comment #1 above. We recommend including additional guidance detail on the compilation of social baselines, e.g. example data sources and indicators (this may be added to the Technical Supplement). We suggest that Figure 8 is revised so that it refers to managing both negative and positive impacts, or that the captions are updated so it only refers to negative impacts. We recommending providing further explanation as to what sensitivity analysis is and how it relates to the use of scenarios during scoping and impact assessment - as well as providing further explanation in the Technical Supplement (or references to existing guidance) on how to undertake scenario analysis.

be involved in the identification, design and implementation of positive social impacts and help to set relevant indicators implementation of measures to manage positive and negative social impacts and help to set relevant indicators and monitoring processes". Similarly to our comment re 'net impact' (p20 and re comment #9 above), we recommend that any reference to 'offsets' be considered or clarified. Any offset would need to be targeted at the directly (negatively) impacted group, and not be an overall benefit to NSW.

> We recommend that Section 4 be amended to provide specific focus on the monitoring on actual vs predicted impacts over time, for example, via perception surveys or monitoring of grievances or complaints provided via a grievance mechanism. In addition, Section 1.3 could also be amended to highlight that, in some situations, a SIA may be conducted in the context of a Modification or to undertake in-depth monitoring to identify, prioritise and management unanticipated impacts, and these Guidelines can be used to support these processes. There is an opportunity to reference existing resources and guiding principles to uplift the quality of stakeholder engagement and consultation undertaken as part of SIAs. For example, resources such as:

 Global and Federal guidance on engaging with Indigenous peoples. Refer to comment #1 above in relation to condensing the content of the Guideline through use of references to existing guidance or material. we recommend that this sentence be revised so that it is framed positively, for example, by wording it as Reword 'avoiding conflict between engagement activities "being cognisant of and respecting local cultural practices". The current wording takes a more negative We recommend that this requirement be highlighted by adding an additional dot point on page 27 that reads: 'continue community engagement throughout the project lifecycle to monitor the community's experiences of social impacts and community perceptions, and update the SIMP as necessary to respond to learnings'. Note, any wording change should reflect the final wording as per our comment on page 25. influence, and those with influence may not have the (which may also be extended to the review of social impact management plans).

- AccountAbility's AA1000 Stakeholder Engagement Standard.

- the IFC's Environmental and Social Performance Standards.

owners to each of the proposed responses, and provided an appropriate timeline for management responses to be commenced and/or completed (as appropriate)?" We recommend rephasing the term 'characteristics' to make it clearer how it relates to the project description, social context and social baseline (which should be established first) and the elements clearer how it relates to the elements described in Tables 4 -Additionally, we recommend that the Technical Supplement provide more guidance on how the project description and social baseline are vital in informing the identification of impacts.

> We suggest the Technical Supplement provide advice and guidance on how to engage with stakeholder remotely, where face-to-face engagement is not possible. For example, in terms of potential use of technology-enabled platforms, systems and/or phone calls; while ensuring that technology or a lack of face-to-face engagement does not become a barrier to engaging with vulnerable stakeholders.

DPIE to consider the discussion on 'sustainable social development' on p11, Vanclay et al (2015) 'Social Impact Assessment: Guidance for assessing and managing the social impacts of projects'. We suggest that the principle that SIA be 'human-rights oriented' needs to be clarified. If human rights is to be specifically outlined as a guiding principle, then there is an opportunity to include, for example: -A reference to existing and widely recognised human rights-based resources to consider alignment with,

such as the United Nations Global Principles on Business and Human Rights (UNGPs), the Voluntary Principles on Security and Human Rights (VPSHR) and/or the IFC Performance Standards; and human rights lens to be placed over identified social impacts, and that a stand alone human rights impact assessment may be triggered if the identified social impacts also constitute human rights impacts.

Page 1 of 3

Data values for form

Exhibition Document	Category of comment/issue
SIA Guideline	Approach
Technical Supplement	Scalability
Practice Note 1	Language and terminology
Practice Note 2	Project refinements
Practice Note 3	Phase 1
Practice Note 4	Phase 2
Practice Note 5	EIS Assessment Alignment
Practice Note 6	Alignment with business/government processes
Practice Note 7	Modifications
Practice Note 8	Social Licence
Transitional Arrangements FAQ	Social Locality
-	Social science concepts
	Social Baseline
	Categorising impacts (+ & -)
	Evaluation impacts (+ & -) incl matrix
	Responding to social impacts (+ & -)
	Post approvals
	Consultation
	Engaging with different people
	Confidentiality/Sensitivity
	SIA Authors
	Data collection/validation
	Timing/implementation
	Other - please describe
	Other - picase describe

summary response support in principle (with suggested changes) support as is oppose (explaining objective/reasons)





27 November 2020

Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022 Parramatta NSW 2124

Dear Ms Richardson

Response to NSW draft Social Impact Assessment Guideline

The Clean Energy Council (**CEC**) is pleased to have the opportunity to make a submission to the Department of Planning, Industry and Development on the draft Social Impact Assessment Guideline for State Significant Developments (**the Draft Guideline**).

The CEC is the peak body for the renewable energy industry in Australia, representing over 800 businesses working across the energy sector from distributed energy to large-scale solar, wind and hydro energy, and energy storage. We are committed to accelerating Australia's clean energy transition.

Approximately \$8.9 billion worth of large-scale renewable energy projects (meaning projects >5 MW) have been commissioned, or are under construction or financially committed since 2017, making a large contribution to economic activity and employment opportunities across New South Wales – particularly within regional communities. The vast majority of these projects are valued at in excess of \$30 million in capital value, and as such, are considered State Significant Developments (**SSDs**) and will therefore be subject to the Draft Guideline.

The industry is committed to working and engaging with local communities in the planning, development and operation of utility-scale assets. This commitment is reflected in the CEC's *Best Practice Charter for Renewable Energy Developments*, which outlines a commitment by signatories to engage respectfully with the communities in which they plan and operate projects, to be sensitive to environmental and cultural values and to make a positive contribution to the regions in which they operate. There are now almost 50 signatories to the charter, representing a large proportion of the firms involved in building and operating Australia's new clean energy generation assets. The CEC has also recently established a Community Engagement and Social Licence Working Group to focus on key priorities within the industry.

The CEC welcomes the State Government's efforts to provide clarity around the Social Impact Assessment (**SIA**) process. Overall, the CEC finds the Draft Guideline is useful and well structured. However, we do have some concerns about a number of practical implications of the Draft Guideline, and have some recommendations regarding:

- 1. Duplication with existing guidelines and other assessments,
- 2. Data collection requirements, and

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3. The technical supplements.

1. Duplication with Wind Guidelines and the EIA should be avoided

The Draft Guideline appears to overlap with sections of the Environmental Impact Assessment, such as the noise, cultural heritage, traffic and landscape assessments. In addition, the Draft Guideline also covers similar obligations under the NSW 'Wind Energy Guidelines for State Significant Development' (**Wind Guidelines**), a leading practice assessment framework which already incorporates many aspects of a social impact assessment such as visual and noise impacts.

The Draft Guideline aims to streamline assessment processes, however the CEC is concerned that these overlaps will lead to duplication of obligations or assessments which will be both confusing and time consuming. Specifically, the CEC considers that the following sections potentially overlap with the EIA and the Wind Guidelines:

- 1. Section 3.3.9 Predicting and analysing social impacts: This section potentially overlaps with the Wind Guidelines clear framework for common social impact matters that require assessment.
- 2. Section 3.3.6 Incorporating EIA elements: This section could provide more clarity in describing the incorporation of EIA elements in the SIA and how any duplication is avoided. In addition, Figure 7 should be amended to explain the SIA elements in more detail, for instance, whether these are concerns that have arisen from consultation with the community.
- 3. Appendix A, Engaging with Aboriginal People: This section potentially overlaps with Cultural Heritage Assessments. Furthermore, while the CEC understands that there are benefits in having a broad definition of 'cultural or spiritual loss', more clarity and education around these terms is recommended for proponents to better understand what is required.

The CEC recommends that the Draft Guideline be streamlined in accordance with the EIA and Wind Guidelines and that the Department addresses any overlap by indicating what assessments can be shared between different processes or by specifying which assessment/guideline takes precedence.

2. Data collection requirements should be proportionate to stage of development

The CEC considers that the level of data collection required by the Draft Guideline to define the 'social baseline' is unreasonable and impractical for proponents at an early stage of development. Engagement at this stage for wind and solar proponents is often very tailored as the project details and plans are high level and still tentative. Therefore, requiring a scoping stage that involves workshops, focus groups and surveys would be disproportionate to the information available and unproductive as it may either cause community concern that desired detail is not yet available, or feed community expectations before it is prudent to do so. The CEC submits that it would be more appropriate to allow the social baseline to be determined by a desk-based analysis with some targeted community feedback. Comprehensive data could then be collected through the methods such as workshops, focus groups and surveys during the EIA process.

In regard to data collection techniques, the CEC supports the range of options listed in Table 4 of the Draft Guideline, however we suggest the following minor changes to further encourage flexibility in engaging with the community:

• The term 'survey' is changed to 'targeted surveys' to remove an implication that all community members may be subject to a wide-spread survey.

 The category 'Consulting to collect information and insights' should be expanded to include a wider variety of information gathering methods, such as face-to-face meetings, letters and emails, telephone/video calls or hardcopy feedback forms.

3. The Technical supplements should include more objective and flexible examples

The CEC welcomes the acknowledgement in Appendix B of the Technical Supplements that each project's circumstances are unique and that the impacts vary. However, the CEC submits that some examples in the Appendix are overly prescriptive for wind and solar farm proponents.

The CEC supports and promotes the use of benefits sharing practices across the renewable energy sector but submits that the form of benefit sharing should not be prescriptive and should be designed in accordance with the project and community context. We note that the Livelihood category for solar farms, unlike the guidance for any other infrastructure projects or assets, suggests '*revenue sharing or shared ownership*'. The State Government should not establish expectations about specific forms of benefit sharing for the solar industry, which it does not promote for any other forms of private infrastructure. Therefore, this suggestion should be removed completely as the note in the solar farm Community category '*Benefit-sharing, i.e. identifying benefits to the local community specifically…*' is sufficient and consistent across different industries.

Furthermore, in the Livelihoods category for wind farms, the question '*will anyone experience personal advantage or disadvantage*' is extremely broad and onerous. The example should be heavily qualified or removed completely.

Regarding Appendix B, the CEC also has the following minor recommendations:

- In the Community category for wind farms, the question '*Will the making of private landholder agreements affect community cohesion?*' is a sufficient description of the potential issue. The following sentence, '*Will the project cause community division?*' is unnecessary, overly negative and should be removed.
- In the Health and Wellbeing category for wind farms, the mention of '*fears for their health*' should be replaced with '*perceived potential health impacts*' to take a more objective stance on this contentious issue for wind farms.

Thank you for this opportunity to provide feedback on NSW's Draft Guideline, and please don't hesitate to contact me on 0417 033 752 or at <u>afreeman@cleanenergycouncil.org.au</u> if you wish to discuss further.

Yours sincerely,

Anna Freeman Policy Director – Energy Generation



Social Impact Assessment - Exhibition Submission Response Form

This template has been provided by the Department of Planning, Industry and Environment to assist with submission lodgement and analysis. Please do not reformat this document. Please complete this excel form and submit it to the Department (in excel format) with your formal submission.

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#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	Suggested amendment (if any)
1	SIA Guideline	EIS Assessment Alignment	support in principle (with suggested changes)	21	There is potential duplication with the EIA process and this section could provide more clarity.	This section could provide more clarity in describing the incorporation of EIA elements in the SIA and how any duplication is avoided. In addition, Figure 7 should be amended to explain the SIA elements in more detail, for instance, whether these are concerns that have arisen from consultation with the community.
2	SIA Guideline	Language and terminology	support in principle (with suggested changes)	31	Broad definition of ' <i>cultural or spiritual loss</i> '	More clarity and education around these terms is recommended for proponents to better understand what is required.
3	SIA Guideline	Social Baseline	support in principle (with suggested changes)	22	The level of data collection required to define the 'social baseline' is unreasonable and impractical for proponents at an early stage of development. Engagement at this stage for wind and solar proponents is often very tailored as the project details and plans are high level and still tentative. Therefore, requiring a scoping stage that involves workshops, focus groups and surveys would be disproportionate to the information available and unproductive as it may either cause community concern that desired detail is not yet available, or feed community expectations before it is prudent to do so.	It would be more appropriate to allow the social baseline to be determined by a desk-based analysis with some targeted community feedback. Comprehensive data could then be collected through the methods such as workshops, focus groups and surveys during the EIA process.
4	SIA Guideline	Data collection/validatio n	support in principle (with suggested changes)	30	Table 4 - The term 'survey' implies that all community members may be subject to a wide-spread survey.	Suggest the term 'survey' is changed to 'targeted surveys' to remove an implication that all community members may be subject to a wide-spread survey.
5	SIA Guideline	Data collection/validatio n	support in principle (with suggested changes)	30	Table 4 - Category 'Consulting to collect information and insights' should be expanded to include a wider variety of information gathering methods.	Include options such as face-to-face meetings, letters and emails, telephone/video calls or hardcopy feedback forms.
6	Technical Supplement	Language and terminology	oppose (explaining objective/reasons)	33	The Livelihood category for solar farms, unlike the guidance for any other infrastructure projects or assets, suggests 'revenue sharing or shared ownership'. The State Government should not establish expectations about specific forms of benefit sharing for the solar industry, which it does not promote for any other forms of private infrastructure.	The example of 'revenue sharing or shared ownership' should be removed completely as the note in the solar farm Community category 'Benefit-sharing, i.e. identifying benefits to the local community specifically' is sufficient and consistent across different industries.
7	Technical Supplement	Language and terminology	oppose (explaining objective/reasons)	33	In the Livelihoods category for wind farms, the question 'will anyone experience personal advantage or disadvantage' is extremely broad and onerous.	The example should be heavily qualified or removed completely.
8	Technical Supplement	Language and terminology	oppose (explaining objective/reasons)	32	In the Community category for wind farms, the question 'Will the making of private landholder agreements affect community cohesion?' is sufficient to describe the situation and example. The following sentence, 'Will the project cause community division?' is unnecessary and overly negative.	The sentence, 'Will the project cause community division?' should be removed.
9	Technical Supplement	Language and terminology	oppose (explaining objective/reasons)	33	In the Health and Wellbeing category for wind farms, the mention of ' <i>fears for their health</i> '.	The words 'fears for their health' should be replaced with 'perceived potential health impacts' to take a more objective stance on this contentious issue for wind farms.



#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	Suggested amendment (if any)
ample	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil
	SIA Guideline	Approach	support in principle (with suggested changes)	all	refer to accompanying written submission and recommendations for amendments from ILWS	see submission
	Technical Supplement	Approach	support in principle (with suggested changes)	all	refer to accompanying written submission and recommendations for amendments from ILWS	see submission
	Technical Supplement	Modifications	support in principle (with suggested changes)	2.2 / Appendix B	Balance the systems needs for procedural rigour with practitioner demand for content specificity requirements and the technical apparatus of an SIA report	
	SIA Guideline	Modifications	support in principle (with suggested changes)	2.2	amend the Guideline and Technical Supplement to frame the investigation of social issues documented in an SIA by adapting relevant United Nations Sustainable Development Goals (SDGs) as baseline measures for reporting amond the Guideline and Technical Supplement to frame the	amend the policy domains
	Technical Supplement	Modifications	support in principle (with suggested changes)		amend the Guideline and Technical Supplement to frame the investigation of social issues documented in an SIA by adapting relevant United Nations Sustainable Development Goals (SDGs) as baseline measures for reporting	amend the policy domains
	SIA Guideline	Project refinements	support in principle (with suggested changes)		develop a communications strategy	see submission
	SIA Guideline	Approach	support in principle (with suggested changes)	Section 1 and Section 2	expand methodological paramaters to other forms of IA	see submission
	SIA Guideline	Approach	support in principle (with suggested changes)	20	investigate aspects of cumulative impacts more broadly	see submission
	SIA Guideline	Timing/implementation	support in principle (with suggested changes)		commit resources to a ten year program of SIA monitoring and evaluation to assess the efficacy of implementing SIA and SIMP	see submission
)	SIA Guideline	Other - please describe	support in principle (with suggested changes)		embed outputs from SIA / SIMP into future policy and developments	see submission
l		Language and terminology	oppose (explaining objective/reasons)	various	amending use of the word 'predict' and change to 'projection'	see submission
2	SIA Guideline	SIA Authors	support in principle (with suggested changes)	32	amend the qualifications, membership and expertise of lead authors in preparing or reviewing an SIA	see submission

SOCIAL IMPACT ASSESSMENT GUIDELINE, STATE SIGNIFICANT PROJECTS (OCT 2020)

SUBMISSION TO

NSW Department of Planning, Industry & Environment 27 NOVEMBER 2020

Authorised by: Associate Professor Andrew Hall

Director, Institute for Land, Water and Society

Submission author: Dr Andrew Manning, BA (Soc Sci) (Hons) MPPM PhD

Adjunct Research Fellow - Institute for Land, Water and Society



For the attention of:

Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124

Preamble

On behalf of the Institute for Land, Water and Society (ILWS) at Charles Sturt University (CSU), I am pleased to provide this submission to the NSW Department of Planning, Industry & Environment (DPIE) in response to the public exhibition of the draft *Social Impact Assessment Guideline* and accompanying *Technical Supplement*.

To begin, the NSW Government is to be congratulated for its leadership in implementing social impact considerations for major land use and development projects. There is much to admire in the SIA guideline. It is evident that considerable thought and effort has been directed to the documentation.

This initiative is viewed as a very positive step in furthering the depth of decision making relating to sustainable development. Moreover, the adoption of SIA into practice is consistent with international good practice and standards for investment of public resources and decision making by the public sector.

The documents reviewed in making this submission are:

- Social Impact Assessment Guideline; State significant projects, October 2020, NSW Government, retrieved from <u>www.dpie.nsw.gov.au</u>
- Technical Supplement, Technical supplement to support the Social Impact Assessment Guideline for State-significant projects, October 2020, NSW Government, retrieved from www.dpie.nsw.gov.au

The following outlines our key comments as materially relevant to the review task. Due to time constraints and pressures, a comprehensive review was not possible. Should there be interest in any follow up contact seeking further information on each of the key points made, the ILWS welcomes your approach. Please direct any enquiries to Andrew Manning in the first instance.

Associate Professor Andrew Hall Director Institute for Land, Water and Society Charles Sturt University, Albury NSW 2640

Summary of Key Comments

- 1. Balance the systems needs for procedural rigour with practitioner demand for content specificity requirements and the technical apparatus of an SIA report.
- 2. Amend the Guideline and Technical Supplement to frame the investigation of social issues documented in an SIA by adapting relevant United Nations Sustainable Development Goals (SDGs) as baseline measures for reporting.
- 3. Advocate the utility of SIA to stakeholders as a contributor to decision making, noting it does not have the authority to dictate an outcome or determine a development given its location as an input to the EIA process. Secure buy-in of senior executive and political leadership, developer sector and communities more broadly.
- 4. Provide methodological flexibility to apply aspects and a blending of SIA, HIA and other complementary IA models depending upon the needs of the project under consideration.
- 5. Explore further issues associated with the cumulative impact of developments where projects do not meet the threshold for an SIA.
- 6. Seek commitment and resources to a ten year program of SIA monitoring and evaluation to assess the efficacy of implementing SIA and SIMP.
- 7. Articulate in the guideline the potential to embed outputs from SIA / SIMP into future policy and developments.
- 8. Emphasise this documentation is a 'guide' that serves to assist in 'projecting' possible future state/s. Consider amending use of the word 'predict' and change to 'project' throughout.
- 9. Amend the qualifications, membership and expertise of lead authors preparing or reviewing an SIA.

Detailed Comments

1. Balancing procedural rigour with content specificity

In reviewing the guideline and supplement, as an overall comment it is clear that the focus of the documentation is concerned with advancing procedural rigour. This rigour appears grounded in the international literature on methodological processes for undertaking an SIA. The documentation aligns with the accepted IAIA standards as well as findings on this topic by leading researchers.

Practitioner calls for greater content specificity are valid and yet the guideline has the challenge of balancing flexibility with prescription as too much prescription can stifle innovation and creativity. Section 2.2 and Appendix B of the Technical Supplement provides good guidance on examples of the type of policy domains that may be considered in an SIA. Notwithstanding, at point #2, an opportunity is outlined in relation to expanding baseline measures for incorporation into an SIA report. Methodologically, enabling flexibility of approach to embrace practices from other impact assessment techniques, for example Health Impact Assessment (HIA) application of epidemiological data, is likewise encouraged. Please see point #4 below for more detail on this aspect.

Key comment - balance the systems needs for procedural rigour with practitioner demand for content specificity requirements and the technical apparatus of an SIA report.

2. Adapting the UN Sustainable Development Goals

The United Nations 17 SDGs were declared in September 2015. The 17 goals and accompanying 169 targets (sub Goals) and 232 indicators, were endorsed by 193 countries including Australia as a mechanism to address social justice through sustainable development. The SDGs came into effect on 1 January 2016 and all countries that have endorsed the SDGs have agreed to achieve them by 2030. Australia is thus obligated to work towards achieving the SDGs.

Led by Prof Manohar Pawar, an inter-disciplinary team of ILWS academics have prepared a detailed review of the Australian Senate Inquiry into the UN Sustainable Development Goals (SDGs); and suggests strategies to achieving the SDGs within and beyond Australia (Pawar et al, 20201). The group's main finding is a concern for the lack of consistency and a planned approach to implementing actions that contribute to achieving the SDGs. Our findings illustrate disjointed planning and implementation as well as limited monitoring and evaluation of progress.

In recognising the value of SIA for contributing knowledge regards social justice concerns vis a vis sustainable development outcomes and the call for greater practitioner guidance on social issues in an SIA, it is recommended that the guideline could be strengthened by integrating relevant SDGs as the baseline of measures. As a minimum, the guideline could be subject to amendment at Section 2.2 and the Technical Supplement 3.3.6 and Appendix B.

The benefits of harnessing the SDGs for the SIA are many fold - as a complementary activity in response to social justice needs; a demonstration of leadership by government in accountability for decision making grounded in the advancement of sustainable development; knowledge of social impacts can be generated from the ground up; and there is an avenue for government to report up domestically and internationally progress on sustainable development. Please see the Australian public reporting forum as an illustration - <u>https://sdgs.org.au/projects/</u>

¹ Pawar, M., O'Sullivan, D., Cash, B., Culas, R., Langat, K., Manning, A., Mungai, N., Rafferty, J., Rajamani, R. and Ward, W. S. (2020). The Sustainable Development Goals: An Australian response. *The International Journal of Community and Social Development* (Under review).

Actioning this recommendation in the guidelines may seem complex. However, we contend this change represents that important point of difference and relevance stakeholders seek from an SIA.

We would be welcome an opportunity to engage further with the department beyond this exhibition phase in relation to demonstrating the potential adaptation and integration of SDGs into the SIA guideline and methodology.

Key comment - amend the Guideline and Technical Supplement to frame the investigation of social issues documented in an SIA by adapting relevant United Nations Sustainable Development Goals (SDGs) as baseline measures for reporting.

3. Communication focused on Advocacy

This comment raises the potential for the guideline to advance a dialogue centred on advocacy and for it to be couched in a way that impresses upon the reader that the SIA is not there as a 'cure all of social problems' (paraphrasing a comment made at the online briefing 19 Nov).

As subscribers to the practice of SIA, we are rightfully passionate about our discipline and its contribution. So this comment is linked to the concluding advice at point #10 - simply because an SIA may say something about an issue, it doesn't translate that the issue has universal acceptance or that the mitigation action is embraced on and up a decision making line.

A communication approach that is conscious of the terminology appropriate to describing the benefits and reach potential of an SIA is worthwhile. Revising the guideline to reflect this pitch is recommended.

Key comment - advocate the utility of SIA as a contributor to decision making, noting it does not have the authority to dictate an outcome or determine a development given it is an input to the EIA / EIS. Secure buy-in of senior executive and political leadership, developer sector and communities.

4. Methodological flexibility

It is acknowledged that in Section's 1 and 2, the Guideline recognises that SIA exists within a wider suite of activity headlined by EIA as the overarching process for project impact statement. By extension, other models for impact assessment exist such as policy IA, economic IA, hazard & risk IA and Health IA for instance. Each model has its commonalities and differences in respect of each other. As the concern here in commenting on the SIA guideline is process and content, and bolstered by teaching and practitioner experience, it is suggested that there is utility to provide practitioners with the flexibility to apply techniques and data analyses from other complementary impact assessment methodologies such as HIA.

It is noted that NSW Health in collaboration with UNSW, published a comprehensive Health Impact Assessment Guide in 2007. Similar to the draft SIA guideline, the NSW Health document provides a detailed 'how to' for undertaking a health impact assessment in evaluating impacts based on the burden of disease model. It is understood HIA is currently subject to further development in NSW.

Moreover, this author's teaching experience involved the delivery of SIA alongside HIA. It illustrated the utility of both methods when having the flexibility to modify an approach that complements the matter under investigation. The present impacts of the Covid 19 pandemic illustrates this point well.

It is recommended the guideline acknowledge differing IA methodologies and the opportunity for SIA authors to consider and apply such when scoping a project management proposal.

Key comment - provide methodological flexibility to apply aspects and a blending of SIA, HIA and other complementary IA models depending upon the needs of the project under consideration.

5. Investigate cumulative impacts

Cumulative issues are acknowledged briefly in the guideline at p.20. This comment presents two additional arguments about cumulative impacts that sit outside of the need to articulate a view in the guide. First is that projects that do not qualify as 'state significant', are not mandated to require an SIA. The issue is when a series of projects occur – usually over time and space - that do not meet the threshold for an SIA, yet if they were packaged up would meet the warrant.

The author's practitioner experience occurred mainly in brownfield development examples, that is, a multi-unit development abuts another one and another and so on, leading to the situation where the character of an urban community through renewal is gradually altered over time. Had an SIA been undertaken at an earlier precinct level with developers contributing, many of the issues the incremental change generated could have been addressed in the planning phase.

The next matter regarding cumulative impacts is the value in capturing information as an ongoing activity and applying findings or recommendations to other latter projects that take place. Spatial techniques for documenting those impacts is a useful mechanism to achieve this.

Key comments - explore further issues associated with cumulative impact of developments where projects do not meet the threshold for an SIA.

6. Long term commitment

It is commended that the guideline recognises the importance and value of an SIA management plan (SIMP). The very nature of an SIA is that it has the potential for actions that extend beyond influencing the built form or service model. However, long term monitoring is needed to document and evaluate the benefits or otherwise of an SIA, and, as previously set out, in many situations this takes time. Good practice and research into policy change tells us that a decade of implementation is needed to materially assess change. So the message to decision makers is respectfully, an SIA is not a 'quick fix', patience is the key.

Yet to track change, positive or negative as presented on p20 of the guide, requires a long term commitment to evaluation and the resources to do this task effectively. Unfortunately again practitioner experience indicates that structural interest in long term thinking and action when working in government is limited. It is more the case that evaluation is an after-thought, whereas it ought to be built in at the commencement of scoping.

Key comment - seek commitment and resources to a ten year program of SIA monitoring and evaluation to assess the efficacy of implementing SIA and SIMP.

7. Future policy reflexivity

Building on the thrust of advice in #6 and earlier in #2, the outputs of an SIA process ought be built into methods for policy review and change. Experience as a policy practitioner, sees the value of integrating learning and findings from social activity into the policy review process. Mechanisms to capture and apply new knowledge are beyond the scope of this review however, the guideline would benefit from a brief acknowledgment that SIAs provide value add for future policy development.

Key comment – articulate in the guideline the potential to embed outputs from SIA / SIMP into future policy and developments.

8. Efficacy

The use of the term 'predict' throughout the documentation is problematic as by default, it implies an SIA is able to tell us what *will* happen. The value of an SIA lies in its ability to contribute knowledge to a wider process of knowledge generation about issues by articulating 'projections' about future possible consequences. It is then by its very nature, a task that may deal with uncertainty of outcomes. Amending the term 'predict' to 'projection' may seem minor in the scheme of things however, it aligns with terminology commonly applied in demography and land use planning – to illustrate, 'population projections' – this modification would assist in promoting further clarity and consistency to stakeholders of the approach in applying the social sciences to SIA.

The prompt for this comment is also about managing stakeholder expectations about what an SIA can do and equally what it cannot do – as suggested earlier in point #3. Communication and messaging to stakeholders of the value of projections and the need for SIA methodological and technical flexibility as embedded in its implementation is key. SIA is not a 'tick a box' exercise and so it is important to avoid terms that invoke assumption or prescription.

Key comment - emphasise this documentation is a 'guide' that serves to assist in 'projecting' possible future state/s. Consider amending use of the word 'predict' and change to 'projection' throughout.

9. SIA Practitioner expertise

This comment is directed at Appendix B (p.32) of the guideline relating to qualifications of SIA document authors. The statement "while it is not necessary for this person to have substantial competence in social sciences" is presumed to apply to the lead person project managing the preparation of an SIA report. This instruction is viewed as inconsistent with the following statements relating to "a suitably qualified person". It is recommended the text relating to competence is amended to align with the qualification statement, that is, expertise and competence in social science is critical to managing a professional, robust and technically thorough SIA project and report.

In addition, the section regarding membership of professional organisations would benefit from refinement to include "... or other such recognised professional / academic entity." For example, it is our view that researchers from the ILWS have suitable expertise that would qualify them in SIA.

Key comment – amend the qualifications, membership and expertise of lead authors preparing or reviewing an SIA.

10. Concluding Remarks

Practitioner experience in other jurisdictions (Victoria specifically), shows that a critical success factor requires SIA must address and overcome resistance – from elected leaders, communities, planners, developers and executive administrators of the public service, particularly where stakeholders demand or have a need for immediate results.

Historically and beyond its present converts, SIA and other related IA forms has struggled to articulate a fundamental point of difference, that is, its relevance and utility to making a difference to a development decision and outcome rather than through traditional methods.

That point of difference can be achieved by integrating the approach to SIA with a reflexivity to the UNs SDGs.

The application of intrinsic values and subjective data, is often derided as holding lesser importance and is accorded less weight compared to instrumentally driven value outcomes and empirical material.

It is contended that when dealing with human aspects of development and its consequences, only a long term commitment to applying, evolving and evaluating SIA will reveal the tangible benefits and influences that an SIA can provide.

Our strongest encouragement is given to the NSW State Government in its efforts to implement SIA as a valuable contributor to sustainable development.

Thank you for your time and interest in considering the advice outlined in this submission.

END OF FORMAL SUBMISSION FEEDBACK

The Institute for Land, Water & Society – Who We Are

We are a multi and trans-disciplinary Research Centre at Charles Sturt University, Australia's largest regional university. In partnership with government and others, we undertake biophysical, social and economic research to address local, regional, national and global issues. Our mission is to undertake internationally recognised integrated environmental, social and economic research for rural and regional areas.

The Institute has 245 members who are involved in individual, collaborative and commissioned work around Australia and globally which provides opportunities to influence local, regional, national and academic communities. Our researchers are involved in individual, collaborative and commissioned work around Australia and the world.

Research is undertaken within four the thematic (not mutually exclusive) areas of:

- 1 Biodiversity Conservation,
- 2 Environmental Water,
- 3 Rural and Regional Communities, &
- 4 Sustainable Development.

Our relevant themes of communities and sustainable development provide a platform for a wide range of research projects where the main focus is enhancing the well-being and livelihoods of rural and regional communities. Many past and current projects include a strong social component.

Additional information in relation to the purpose and activities of the ILWS can be obtained here - <u>https://www.csu.edu.au/research/ilws</u>

Submission Author Biography – Who I Am

Dr Andrew Manning has a Master's degree in public policy and a PhD from Monash University with a specialisation in Sociology. Andrew has worked in local government as a senior manager in metropolitan and rural settings and is the former Victorian Community Advocate on Gambling. He has worked in a range of social policy and strategic planning roles with the Victorian state government including *Regional Development Victoria* and the *Department of Environment, Land, Water and Planning*.

Andrew has additional academic experience with Deakin University (Health Impact Assessment Unit) and Charles Sturt University (Faculty of Arts / Faculty of Science). He is an Adjunct Research Fellow at CSU's Institute for Land, Water & Society. His expertise is in the social sciences with over twenty years teaching, including Social and Health Impact Assessment at undergraduate and post graduate level. As a practitioner, Andrew has achieved significant experience with the integration of SIA in social policy and strategic planning more broadly across the public sector.

Contact details for Andrew Manning:

Dr Andrew Manning BA (Soc Sci) (Hons), MPPM, PhD Monash Mob: 0458 939 650 E: <u>amanning@csu.edu.au</u> Profile: <u>https://researchoutput.csu.edu.au/en/persons/andrew-manning</u>



Re: Draft Social Impact Assessment Guidelines

We welcome the extension from extractive industries of the SIA requirements to SSD and SSI and wish to make some feedback on the proposal.

Public Housing – The focus of our concerns

Back in 2017, REDWatch suggested to DPIE in briefings, that in the same way that mining represented a particular type of development throwing up unique issues, that similarly some inner city public housing redevelopments threw up different unique issues for SIA policy in the planning system. At that time, it looked like planning for Waterloo would be handled by DPIE; however, changes subsequently mean that Council will handle this project.

Irrespective of this change, we still maintain that the SIA Guidelines need to consider the unique issues presented by social housing redevelopments. At any time, these developments could go back to having DPIE as the consent authority and other developments where DPIE is the consent authority may present challenges similar to public housing redevelopments.

What makes public housing redevelopment, as a class, unique is that the redevelopment usually (Redfern "Build to Rent" being an exception) involves the relocation of the existing community. From the vary announcement of the redevelopment plan the resident community is placed under substantial pressure and uncertainty. In Waterloo following the announcement we saw some tenants pack their goods waiting for the removalists, we saw people stop their normal life of replacing furniture and home items, putting on internet and worried about where they may be relocated to, or where their child might go to school.

This was at Ministerial announcement time long before we got even to the SSP requirements and even longer before we would get to gateway and for there to be a basis for an SSDA where the draft SIA Guidelines would kick in, if it was under DPIE. On current progress, there is likely to be around a seven-year gap between the initial announcement and when a DA SIA would be required.

Land and Housing Corporation (LAHC) who own the land, focus in their dealing with tenants, on the relocation support for tenants that will be provided by the department of Communities and Justice. This only starts around DA stage when LAHC need tenants to move out for the redevelopment. In the interim, there is no support for tenants and particularly for those not able to readily deal with the possibility of change.

Even at relocation stage, with a relocations officer, many issues arise about the suitability of the offers made. Other issues include the discovery of new support needs previously provided informally by neighbours, establishing new networks and the uncertainty about what they might return to if they have a "right to return" and if a suitable premises is actually available for them to return to.

Sydney Local Health District (SLHD), have undertaken a Health Impact Assessment (HIA) of Waterloo which is in the process of being signed off by the SLHD CEO. That study finds that psychological distress and waiting impacts had a significant impact on tenants. Much more for those that are older, in poor physical and mental health, who hold place attachment and attachment to their social networks, lack of preparedness for change or who have had previous experience of forced relocations.

It has to be remembered, that a shortage of suitable social housing stock and a growing need for housing is seeing vulnerable people with complex needs concentrated in public housing, meaning that many of the characteristics identified by SLHD are more pronounced in the public housing community than in the wider Sydney community.

In response to such issues the Tenants Union and Shelter NSW with City Futures at UNSW have been trying unsuccessfully to establish "A Compact for Renewal" to deal with many of the issues raised by tenants in decisions to redevelop public housing estates. You can see that compact and the issues of concern <u>here.</u>

Recommendations

Following from our concerns above we would like to make some recommendations to DPIE for consideration regarding the SIA Guidelines and Technical Supplement.

Recommendation 1 – The issues raised in "A Compact for Renewal" should be covered in any SIA and / or SIMP dealing with social housing renewal.

Recommendation 2 – DPIE should study Social housing redevelopments with a view to ensure the SIA guidelines deal adequately with the complexities of social housing redevelopment. That study should look at SLHD, community and NGO views and not just that of LAHC as the proponent.

Recommendation 3 – The SIA Guidelines should ensure that an equity lens is applied to SIAs and ensure that the most marginalised and least able to participate are guaranteed a voice in the process

Recommendation 4 – Ideally, the SIA Guidelines should ensure that those directly impacted by a development are not left to carry the cost and impact of the development while the benefit accrues to the developer and the future community. Adequate steps should be made in the SIA and SIMP to ensure those most impacted are assisted and compensated for the impact i.e. They are no worse off because of the redevelopment. There is likely to be less resistance to development if those directly impacted are seen to be looked after.

Recommendation 5 – The SIA guidelines should ensure that anyone relocated as a result of the redevelopment are covered by the SIA and a detailed SIMP.

Recommendation 6 – That the SIA and SIMP should ensure that any need for relocations are weighted against future benefit from the redevelopment and that any impacts, including long term, on those relocated are mitigated as far as it is possible.

Recommendation 7 –That Government bodies should prepare at least a Phase 1 SIA and have an initial SIMP to deal with the impact of a project announcement and to handle its social impacts. This should be required for all projects presented for Ministerial announcement.

Recommendation 8 – The likely social impacts need to be considered as part of all strategic planning.

Recommendation 9 – SSP and other state driven rezonings should require a SIA with the application for DPIE / Secretary's Requirements and depending on the likely social impact of the SSP assessment a SIMP if the SSP assessment may itself create social impacts. This may be a basic or complex SIA depending on the significance of social impacts expected from the rezoning and any social impacts from its announcement.

Recommendation 10 – SSP and other state driven rezoning should require a SIA in the study requirements.

Recommendation 11 – In SSP and other state driven rezoning where potential health concerns are recognised there should also be an Equity Focused Health Impact Assessment (HIA) undertaken preferably by the Local Health District.

Recommendation 12 – Applications for Gateway determinations from Councils should include a SIA and if significant social impacts are identified a draft SIMP for dealing with the social impacts identified.

Recommendation 13 – SIAs and any SIMP in applications for Gateway determinations from Councils should be part of the adequacy assessment by DPIE for exhibition.

Recommendation 14 – Exhibition of a Gateway approved proposal should be included in the exhibition the DPIE approved SIA and a SIMP if the social impacts require it.

Recommendation 15 –Councils and Government proponents should be encouraged to adopt the DPIE Social Impact Assessment Guidelines for all projects, not just those where DPIE has a consent or gateway role.

Recommendation 16 – SIMPs should be prepared for all public housing redevelopments. The current LAHC social impact responses that LAHC will address any issues during relocation or procurement is not a sufficient SIMP.

Conclusion

In general, REDWatch is keen to see the introduction of SIAs at the beginning of the planning process and not just at SSDA and SSI stages as is currently proposed. In public housing redevelopments, and potentially in other communities, social impacts start from the announcement of the project not just from the DA. We have suggested a number of ways in which SIAs could be required earlier in the planning system to address the problems we have encountered.

While early SIAs may not be relevant for some forms of development, we submit it is highly relevant for the redevelopment of vulnerable public housing communities.

We have also argued that SIAs should be required at Ministerial announcement stage for projects where the proponent is a Government agency. This is especially important if the development is for a

public housing estate.

We have also argued SIAs should form a part of the rezoning gateway process and ideally be adopted across local government.

We believe that our concerns for how SIAs handle marginalised and vulnerable communities should be able to be handled under the exhibited guidelines. However, we think that some further amplification of how the Guidelines and Technical Supplement relates to those relocated by redevelopment and social housing redevelopments would improve the quality of the SIAs produced in these circumstances.

To that end, we encourage DPIE to do a study on public housing redevelopment and its complexities to ensure that the issues raised will be picked up in SIAs and SIMPs for such projects in the future by those using the Guideline and Technical Supplement.

We trust our experience in working with public housing communities provides some useful input into the future of SIAs in the planning system and how marginalised and impacted communities can be protects as far as possible by the SIA provisions in the NSW planning system.

I am happy to provide further information or discuss any of the issues raised in this submission.

Yours Faithfully,

Geoffrey Turnbull Co-Spokesperson On behalf of REDWatch Inc c/- PO Box 1567 Strawberry Hills NSW 2012 Ph Wk: (02) 9318 0824 email: <u>mail@redwatch.org.au</u> web: <u>www.redwatch.org.au</u>

REDWatch is a residents and friends group covering Redfern Eveleigh Darlington and Waterloo (the same area originally covered by the Redfern Waterloo Authority). REDWatch monitors government activities in the area and seeks to ensure community involvement in all decisions made about the area. More details can be found at <u>www.redwatch.org.au</u>.



AGL Energy Limited T 02 9921 2999 F 02 9921 2552 agl.com.au ABN: 74 115 061 375

Level 24, 200 George St Sydney NSW 2000 Locked Bag 3013 Australia Square NSW 1215

NSW Department of Planning, Industry and Environment

Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124

27th November 2020

Dear Sir / Madam,

Re: Draft Social Impact Assessment (SIA) Guideline for State significant projects

1. Introduction

AGL Energy (AGL) welcomes the opportunity to provide a submission to the NSW Department of Planning, Industry and Environment (DPIE) in response to the exhibition of the Draft Social Impact Assessment Guideline for State significant projects.

AGL operates the largest electricity portfolio in the National Electricity Market (NEM) made up of traditional coal and gas-fired generation, and renewables such as wind, solar and hydro, along with gas storage and production assets.

Generating energy for millions of Australians means AGL has operations in local communities across Australia, including NSW. AGL is proudly part of those communities and is committed to delivering a shared value in continuation of its social licence¹, one of AGL's three strategic priorities alongside growth and transformation.

We are committed to playing a leading role in developing a pathway to a modern, decarbonised generation sector; and developing and investing in new renewable and near-zero emission technologies.

According to the Australian Energy Market Operator (AEMO), this new energy system will be based on a portfolio of utility-scale renewable generation, energy storage, distributed energy resources, flexible thermal capacity including gas-powered generation, and transmission².

As Australia's largest ASX-listed investor in renewables, AGL has vast experience in developing renewable energy projects throughout the country with a strong pipeline of future projects. The transition to a modern decarbonised energy sector is changing the nature and location of energy generation, with a move away from a small number of generation assets located close to population centres to a more dispersed portfolio of generation often located in regional and rural areas.

This transition must be carefully planned and supported by robust assessment, community engagement and appropriate regulation to achieve an orderly transition to the new energy system, integrating environmental, social and economic factors and recognising the changing nature of the energy market as well as location of energy projects.

¹ <u>https://thehub.agl.com.au/articles/2020/03/developing-shared-value-with-our-communities</u>

² Australian Energy Market Operator, Integrated System Plan for the National Electricity Market, July 2018



With a stated objective to 'facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making', *the Environmental Planning and Assessment Act 1979* (EP&A Act) recognises the need to plan and assess projects in an integrated way.

The integrated assessment of social impacts alongside environmental and economic impacts is an established practice for projects assessed within the framework of the EP&A Act including State significant projects. However, with variable practice across project type and sectors as well as uncertain expectations from regulators, AGL acknowledges the potential for the Draft Social Impact Assessment Guidelines (the Guideline) to implement a consistent framework within which social impacts can be assessed and managed and benefits realised.

2. Draft Social Impact Assessment Guideline

The remaining sections of this submission set out AGL's commentary regarding the Guideline. It provides recommendations on how the Guideline could be clarified or refined to better support the integration objectives of the Act, providing certainty to developers, communities and regulators while allowing flexibility to deal with the broad range of projects that make up the State significant system.

The review comments and recommendations are presented under headings consistent with the headings identified in the submission spreadsheet, attached separately to this submission.

Environmental impact assessment (EIA) alignment

The Guideline acknowledges that SIA is a component of the EIA process (Section 2). It notes that each study undertaken for an EIA involves discrete processes and therefore emphasises the role of SIA in integrating the results of these assessments into the SIA Report (Section 3.3.6).

While the methodologies for each assessment matter, for example noise and air quality, are discrete, one of the important roles of an EIA project manager or lead author is to identify and assess the relationship between different impacts. For some EIAs, the cumulative impact assessment will consider the relationship between impacts – for example; noise, dust, traffic – to assess the combined effect in a particular area or whether there will be any impact to a group of people such as a community.

SIA as proposed in the Guideline will bring a more structured and detailed assessment of how people experience impacts or changes. However, the current wording in the Guideline has the potential to misrepresent the existing role of EIA in integrating the assessment of the project as a whole in accordance with the objects of the Act, compared to the role of the SIA which is to assess how people experience impacts or changes, which includes integrating the findings of other assessments.

Recommendation 1: Refine wording to clearly explain the existing role of EIA to integrate a wide range of assessments, including SIA, into an evaluation of the project as a whole. Whereas SIA assesses impacts from the perspective of people, which may also consider other assessments undertaken for the EIA where they are relevant to understanding social impacts.

Evaluating impacts

Section 2.3 of the Technical Supplement describes an approach to evaluating social impacts based on a risk assessment method combining estimates of impact likelihood with impact magnitude or consequence. This is a common approach to risk assessment where there is uncertainty regarding impacts, no established assessment methodology or where the impacts cannot be easily quantified.

It is likely that social impacts evaluated using this approach will be a combination of impacts that are assessed exclusively by the SIA (e.g. decision-making systems) and impacts that are assessed elsewhere in the EIA but are used to inform the SIA (e.g. noise). In the latter case, impacts are likely to be assessed by:



- a quantitative criteria-based assessment in accordance with approved assessment methods, for example a noise impact assessment in accordance with the Environmental Protection Authority's (EPA) Noise Policy for Industry, or;
- a qualitative assessment using industry accepted standards such as a landscape and visual impact assessment using the UK Landscape Institute Guidelines for Landscape and Visual Assessment or Roads and Maritime Services (RMS) Environmental Impact Assessment Practice Note Guideline for Landscape Character and Visual Impact Assessment, both of which use a risk assessment approach similar to that proposed by the Technical Supplement.

While the SIA is focused on assessing impacts from the experience of people, introducing an assessment methodology that re-assesses impacts already assessed elsewhere in the EIA creates potential for confusion, particularly where the assessments reach different conclusions.

It is important that the Draft SIA Guideline and Technical Supplement clearly explain the difference between the conclusions reached in an SIA that relies on an assessment undertaken in the EIA, such as a noise assessment, and the conclusions of the assessment itself, to avoid any confusion about the nature of those impacts and management of expectations about what action should be taken in response to the assessed impacts.

Recommendation 2: To avoid confusion and manage expectations, provide a clear explanation in the Draft SIA Guideline and Technical Supplement about the difference between impacts assessed through the SIA risk assessment method, which focuses on how people experience impacts, and impacts assessed through an approved or industry recognised standard specific to the assessment matter.

The social impact risk assessment method also requires the assessment to be undertaken prior to and following mitigation (also referred to as residual impacts). For many State significant projects, mitigation is integral to the project design or the need for 'add-on' mitigation is well understood early in the project with the detailed impact assessment used to test the effectiveness of mitigation or to refine the design.

In many cases, presenting impacts without mitigation will overstate the impacts and misrepresent the reality of how projects are developed. Presenting the 'without mitigation' impacts in the Scoping Report, which is the first planning document to be made publicly available on the Department's Major Projects website, followed several months later by the residual impacts in the Phase 2 SIA, has the potential to create confusion and anxiety about the actual nature of project impacts.

Recommendation 3: refine the risk assessment methodology to allow for the assessment of impacts in Phase 1 to include 'with mitigation' where that mitigation is integral to the project design or reasonably understood.

Project refinement (including mitigation)

Section 3 of the Draft SIA Guideline describes potential response to negative social impacts which include avoiding and minimising impacts by refining the project design. Where this is not possible or reasonably practicable, the Draft Guideline suggests consideration of measures to mitigate impacts such as physical barriers to reduce noise or visual impacts.

As noted in the previous section, a social risk assessment of impacts that draws on other assessments (e.g. noise) may reach different conclusions to the other assessment as it is assessing how people experience those impacts. In this case, responses to the social impact should be focused on strategies to better explain the results of the other assessment and commitments to monitor and verify impacts during implementation of


the project. Responses that involve refinements to the project design or incorporation of additional mitigation measures should be based on those impacts assessed in accordance with an approved or industry recognised assessment method for the matter.

Recommendation 4: Reword Section 3 to emphasise that where the SIA is using the outcomes of another EIA assessment (eg. noise) to inform the SIA, management responses to address SIA impacts should focus on strategies to better explain the results of the other assessment and commitments to monitor and verify impacts during implementation of the project, rather than changes to the design or mitigation measures.

Engagement

Community and stakeholder engagement is an important part of EIA practice, helping to inform those who have an interest in or may be impacted by a project, and obtaining feedback on issues of concern which should be addressed in the assessment.

The Draft SIA Guideline also notes that engagement is a component of SIA and should be used to identify and assess social impacts but emphasises that engagement is not a substitute for evidence-based SIA. SIA goes beyond engagement particularly when primary data collection such as community surveys and interviews are needed to assess social impacts for more complex projects.

Given the overlap between engagement and SIA, there is an opportunity to integrate these activities to avoid potential confusion amongst the community and reduce duplication of engagement activities. The Draft SIA Guideline would benefit from further explanation of how, in practical terms, engagement can be integrated with SIA including how the outcomes of engagement can be used to inform the SIA and in what circumstances additional social survey or research is required. This could be supported by case studies or examples to demonstrate the relationship between engagement and SIA.

Recommendation 5: Provide additional practical guidance on how engagement and SIA can be better integrated, how engagement activities can be used to inform SIA and in what circumstances additional social survey / research is required, supported by case studies.

SIA authors and capacity

Appendix B of the Draft SIA Guideline recommends suitably qualified and experienced practitioners should be involved in the project scoping and planning phase of SIA.

A Suitably Qualified Person is identified in the Guideline as someone who must have:

- suitable qualifications in a relevant social science discipline (e.g. sociology, human geography, anthropology, communication), and/or;
- proven experience over multiple years and substantial competence in social science research methods and SIA practices.

They should also be a member of a relevant professional organisation.

The NSW State significant system assesses approximately a hundred projects per year. While not all of these will require a full SIA prepared by a Suitably Qualified Person, the implementation of the SIA Guideline is likely to place pressure on available resources which could take several years to address. Suitable resources would also be required by DPIE to review SIAs when carrying out its assessment function.



Further expansion of the transitional arrangements could provide an indicative timeframe for the finalisation of the SIA Guideline and limiting its application to the larger, more complex projects initially followed by broader application to all State significant projects over time.

In addition, further guidance on the integration of engagement and SIA, as noted earlier, may allow the social impact assessment requirements for less complex projects to be met primarily through the engagement activities typically undertaken for an EIS.

Recommendation 6: Provide further consideration to transitional arrangements to ease pressure on social impact assessment resources and consider relying on existing engagement and assessment activities to meet social impact assessment requirements for less complex projects.

Phase 1 SIA

Section 3 of the Draft SIA Guideline notes that a Phase 1 SIA Report may be submitted with the Scoping Report or incorporated into the Scoping Report. Section 3.3.1 expands on what information should be provided in a Phase 1 SIA which includes information on the social baseline, initial evaluation of likely social impacts, approaches to project refinement to reduce impacts and the approach to the detailed Phase 2 SIA.

The scope of the Phase 1 SIA, including impact evaluation and project refinements to reduce impacts, appears to go beyond the traditional approach to scoping and its emphasis on impact identification and subsequent EIS assessment method. The option to include a separate Phase 1 Report also implies a greater level of detail or importance compared to other assessment matters, which are typically documented in the Scoping Report without the need for a specialist report appended to the Scoping Report.

Recommendation 7: Amend the Guideline so that Phase 1 is limited to social baseline and initial evaluation of likely social impacts. Details relating to impact evaluation and project refinements to reduce impacts should be detailed in Phase 2 similar to other assessments undertaken as part of the EIA.

Recommendation 8: Amend the guideline so that the Phase 1 SIA is to be documented in the Scoping Report, consistent with the approach to other assessment matters, rather than as an appended specialist report. This will help to avoid confusion regarding the purpose and scope of the Phase 1 SIA and better integrate the consideration of the social impacts with other assessment matters.

3. Conclusion

AGL operates the largest electricity portfolio in the National Electricity Market (NEM) made up of traditional coal and gas-fired generation, and renewables such as wind, solar and hydro, along with gas storage and production assets.

AGL is proudly part of the communities in which we operate and is committed to delivering shared value for those communities.

Social licence is one of AGL's three strategic priorities alongside growth and transformation. It is a core focus for the business in developing a pathway to a modern, decarbonised generation sector; and developing and investing in new renewable and near-zero emission technologies.

This submission draws on AGL's experience in delivering State significant projects in NSW. It makes practical recommendations to support the further development of the Draft SIA Guidelines with the aim of



providing certainty to developers, communities and regulators while allowing flexibility to deal with the broad range of projects that make up the State significant system.

Achieving this balance is critical in securing the necessary private sector investment that will underpin an orderly transition to an energy sector that provides sustainable, secure, reliable and affordable energy.

AGL welcomes the opportunity to make this submission to the NSW Department of Planning, Industry and Environment and looks forward to continuing its contribution to the development of assessment practices for State significant projects.

Feel free to contact me at sgalway@agl.com.au or 0407 788 412 should you wish to discuss further.

Yours sincerely,

for *)*,

Stuart Galway Group Manager Land and Approvals Major Projects



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Exhibition						n your formal submission.	
#	Exhibition Document	Category of comment	Summary Response	Page numbe		Suggested amendment (if any)	
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil	
1	SIA Guideline	EIS Assessment Alignment	oppose (explaining objective/reasons)		21 Wording has the potential to misrepresent the role of EIA in integrating a wide range of assessment matters into an assessment of the project as a whole	Refine wording to clearly explain the existing role of EIA to integrate a wide range of assessments, including SIA, into an evaluation of the project as a whole. Whereas SIA assesses impacts from the perspective of people, which ma also consider other assessments undertaken for the EIA where they are relevant to understanding social impacts.	
2	2 Technical Supplement	Evaluation impacts (+ & -) incl matrix	oppose (explaining objective/reasons)		17 While the SIA is focused on assessing impacts from the experience of people, introducing an assessment methodology that re-assesses impacts already assessed elsewhere in the EIA creates potential for confusion, particularly where the assessments reach different conclusions.	To avoid confusion and manage expectations, provide a clear explanation in the Draft SIA Guideline and Technical Supplement about the difference between impacts assesses through the SIA risk assessment method, which focuses on how people experience impacts, and impacts assessed through an approved or industry recognised standard specific to the assessment matter.	
з	3 Technical Supplement	Evaluation impacts (+ & -) incl matrix	oppose (explaining objective/reasons)		15 For many State significant projects, mitigation is integral to the project design or the need for 'add-on' mitigation is well understood early in the project with the detailed impact assessment used to test the effectiveness of mitigation or to refine the design. In many cases, presenting impacts without mitigation are developed. Presenting the 'without mitigation' impacts in the Scoping Report, which is the first planning document to be made publicly available on the Department's Major Projects website, followed several months later by the residual impacts in the Phase 2 SIA, has the potential to create confusion and anxiety about the actual nature of project impacts.	refine the risk assessment methodology to allow for the assessment of impacts in Phase 1 to include 'with mitigation where that mitigation is integral to the project design or reasonably understood.	
4	SIA Guideline	Project refinements	oppose (explaining objective/reasons)		24 A social risk assessment of impacts that draws on other assessments (e.g. noise) may reach different conclusions to the other assessment as it is assessing how people experience those impacts. In this case, responses to the social impact should be focused on strategies to better explain the results of the other assessment and commitments to monitor and verify impacts during implementation of the project. Responses that involve refinements to the project design or incorporation of additional mitigation measures should be based on those impacts assessed in accordance with an approved or industry recognised assessment method for the matter.	Reword Section 3 to emphasise that where the SIA is using the outcomes of another EIA assessment (e.g. noise) to inform the SIA, management responses to address SIA impacts should focus on strategies to better explain the results of the other assessment and commitments to monito and verify impacts during implementation of the project, rather than changes to the design or miligation measures.	
5	5 SIA Guideline	Consultation	support in principle (with suggested changes)	Арр А	Given the overlap between engagement and SIA, there is an opportunity to integrate these activities to avoid potential confusion amongst the community and reduce duplication of engagement activities. The Draft SIA Guideline would benefit from further explanation of how, in practical terms, engagement can be integrated with SIA including how the outcomes of engagement can be used to inform the SIA and in what circumstances additional social survey or research is required. This could be supported by case studies or examples to demonstrate the relationship between engagement and SIA.	Provide additional practical guidance on how engagement and SIA can be better integrated, how engagement activities can be used to inform SIA and in what circumstances additional social survey / research is required, supported by case studies.	
6	SIA Guideline	SIA Authors	support in principle (with suggested changes)	Арр В	The NSW State significant system assesses approximately a hundred projects per year. While not all of these will require a full SIA prepared by a Suitably Qualified Person, the implementation of the SIA Guideline is likely to place pressure on available resources which could take several years to address. Suitable resources would also be required by DPIE to review SIAs when carrying out its assessment function.	Provide further consideration to transitional arrangements to ease pressure on social impact assessment resources and consider relying on existing engagement and assessment activities to meet social impact assessment requirements fo less complex projects.	
7	7 SIA Guideline	Phase 1	oppose (explaining objective/reasons)		15 The scope of the Phase 1 SIA, including impact evaluation and project refinements to reduce impacts, appears to go beyond the traditional approach to scoping and its emphasis on impact identification and subsequent EIS assessment method.	Amend the Guideline so that Phase 1 is limited to social baseline and initial evaluation of likely social impacts. Detail relating to impact evaluation and project refinements to reduce impacts should be detailed in Phase 2 similar to othe assessments undertaken as part of the EIA.	
8	3 SIA Guideline	Phase 1	oppose (explaining objective/reasons)		14 The option to include a separate Phase 1 Report also implies a greater level of detail or importance compared to other assessment matters, which are typically documented in the Scoping Report without the need for a specialist report appended to the Scoping Report.	Amend the guideline so that the Phase 1 SIA is to be documented in the Scoping Report, consistent with the approach to other assessment matters, rather than as an appended specialist report. This will help to avoid confusio regarding the purpose and scope of the Phase 1 SIA and better integrate the consideration of the social impacts with other assessment matters.	

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Our Ref: DT:20229

27 November 2020

Felicity Greenway Executive Director, State Policies and Strategic Advice NSW Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124

By email: SIA.project@planning.nsw.gov.au

Dear Ms Greenway

Re: Draft Social Impact Assessment Guideline dated October 2020

Thank you for inviting me to make a submission on the department's draft Social Impact Assessment Guideline 2020 (**Draft SIA Guideline**). I confirm that I have read the document.

I have a number of concerns with the Draft SIA Guideline, as it stands, based on my significant experience acting for people and communities on the fenceline of wind farm projects in Victoria, NSW, Tasmania and South Australia.

The Draft SIA Guideline is said to have been designed to help *proponents* of a State significant project with the mandatory SIA process.¹ But it should be designed to help both *proponents and people* who may be impacted, thereby giving both proponents and the community greater certainty and transparency of their rights and responsibilities in order to potentially achieve a variety of *mutually* beneficial outcomes.

The introduction defines "social impacts" and "people" for the purpose of the SIA process. Both should be amended. My suggestion is that "social impacts" should be changed to "the <u>anticipated</u> consequences that people <u>are likely</u> to experience <u>if</u> when a project brings change is approved and developed". My suggestion is that "people" could be "individuals, households, groups, communities, businesses or organisations, <u>especially those who live and/or work in the vicinity of where a project</u> is proposed to be developed".

¹ Draft SIA Guideline, page 7

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In my experience, positive social impacts are too often described by proponents in flowering and vague terms of "jobs creation", "community benefit fund", "renewable energy powering X households". While these social impacts are commendable, they are so general and repeated so often by proponents that they have become meaningless, motherhood statements to "people". SIA reports should require proponents to include specific information of the anticipated positive social impacts, as <u>known to the proponent</u> at the date of lodgement of the application based on a proper evaluation.

An evaluation of negative social impacts should also include consideration of the potential divisiveness of the project, which may be unintentional but does occur in otherwise small, cohesive communities. The negative social impact should consider the prospect of people leaving their communities due to the unacceptable impacts of the project. It should also include an evaluation of the project's negative impact on property values which is often a concern of people living on the fenceline.

I cannot emphasise enough how important it is that the authors of SIA documents must be <u>independent of the proponent and have integrity</u>. Authors should be required to set out their qualifications and experience, their relationship with the proponent, any conflicts of interest, and their fees.

Thank you again for giving me the opportunity to contribute to this important issue. I hope the insights contained in this letter are of assistance to you.

Yours faithfully

Jonunie Jannoch

Dominica Tannock



PO Box 398, Parramatta NSW 2124 Level 14, 169 Macquarie Street Parramatta NSW 2150 www.waternsw.com.au ABN 21 147 934 787

27 November 2020

Contact: Stuart Little Telephone: 02 9865 2449 Our ref: D2020/125229

Director Infrastructure Policy and Practice Department of Planning, Industry & Environment Locked Bag 5022 PARRAMATTA NSW 2124

Dear Sir/ Madam,

SOCIAL IMPACT ASSESSMENT GUIDELINE: STATE SIGNIFICANT PROJECTS

I refer to the recent public exhibition of the Social Impact Assessment Guideline for State Significant Projects (October 2020). WaterNSW understands that the Guideline is designed for use in the State Significant project process.

WaterNSW is Australia's largest supplier of raw water, delivering bulk raw water from 42 large dams, pipelines, canals and rivers across the State. WaterNSW is established under the *Water NSW Act 2014*. The principal objectives of WaterNSW are to:

- (a) capture, store and release water in an efficient, effective, safe and financially responsible manner,
- (b) to supply water in compliance with appropriate standards of quality, and
- (c) to ensure that declared catchment areas and water management works in such areas are managed and protected so as to promote water quality, the protection of public health and public safety, and the protection of the environment.

WaterNSW has an interest in the Guideline due to our role in facilitating the delivery of water supply related State Significant Infrastructure and Critical Infrastructure projects. WaterNSW also has responsibilities for protecting water quality and catchment health in the Sydney Drinking Water Catchment (SDWC). This includes administering concurrence and other functions under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, which establishes requirements for developments and activities in the SDWC to have a neutral or beneficial effect on water quality. WaterNSW has a dedicated team of environmental assessment professionals who assist in the organisation's environmental assessment functions and responsibilities.

WaterNSW is supportive of the Guideline. We note that it provides a strong basis for preparing SIA reports, including the categorising of impacts, identifying the nature and scale of impacts, and advocating communication with residents, businesses, Aboriginal people and groups, community, industry, business, cultural and environmental organisations, and Government agencies. We suggest that the Guideline may be improved by more specifically referencing consideration of implications for emergency services personnel when State Significant Projects are proposed in, or affected by, access arrangements that pass through, areas of natural hazards (e.g. bushfire-prone or flood liable land). It would also benefit by considering the social impacts of projects in a water catchment context, by including consideration of potential

downstream effects on different water users, communities, industries, and land-owners. Detailed comments are provided in Attachment 1.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at <u>stuart.little@waternsw.com.au</u>.

Yours sincerely

per CLAY PRESHAW Manager Catchment Protection

ATTACHMENT 1 - DETAIL

Structure

The Guideline would benefit by including an Executive Summary of Foreword describing the purpose and function of the document.

SIA Reports

Section 3 SIA Reports opens with a statement about how SIA reports describe how a project may positively or negatively impact people early in the process. The document would benefit by recognising that this requires an accurate description and understanding of the project, its scale and duration, and the works required during its construction and operational phases.

Required Information

Section 3.3.1 talks about Phase 1 SIA and how this is framed around a project's social locality and impact on communities within the social locality. However, consideration also needs to be given to the social characteristics of the proposed development and the impact of the social locality on those social characteristics.

Social Locality

Section 3.3.2 Social Locality (page 16) would benefit by considering the following:

- Including reference for proponents to take into account the scale, nature and duration of the project, taking into account both the construction and operational stages of the development. This is because the social impacts and communities affected by the construction of the development may be different to that affected by the development once completed and operating. This could be integrated into the second or third paragraph under Section 3.2.2 Social locality, on page 16.
- Providing some examples of different scales in connection with the last paragraph of the first column on page 16. For example, a 100 km water pipeline might benefit a town or 20,000 people whereas the immediate impact during construction might only directly affect several hundred immediate landholders and communities surrounding the pipeline route.
- Adding an additional point for 'natural hazards' and encouraging the consideration of the development in the context of any natural hazards affecting the site or access to the site. This should then reference communication with emergency service organisations with regard to considerations such as potential impacts on residents, emergency access and egress, community resilience and defensibility of the site (having regard to the social characteristics of persons housed by the proposed project), and whether the proposal will increase demand on, or difficulty for, emergency services.
- Adding an additional dot point for catchment impacts including on downstream users, communities, land uses, and industries. This is particularly relevant if the development is located on or near a watercourse. This may require the footprint of the social locality to be skewed so it covers a larger greater area downstream rather than just a standard radius or polygon centred on the development site. Similar consideration should be given to groundwater impacts which may derive a different social locality (footprint) based on the extent of groundwater sources. In this regard, inclusion of the topic of groundwater in section 3.3.2 might benefit by cross-referencing Figure 7 (discussed below).
- Cross-refencing Appendix A with regard to the types of community groups to be engaged.

Categorising Impacts

Section 3.3.4 Categorising impacts. This section would benefit by an adding a new category 'increased risk' to the dot points of the first column. This would relate to whether the development is exposing its future occupants or nearby or downstream communities to increased risk from natural or man-made hazards as a result of the project.

Incorporating EIA Elements

Section 3.3.6 Incorporating EIA Elements includes Figure 7 (page 21). We note and support the inclusion of the hypothetical assessment presented in Figure 7 which shows the relationship of specialist environmental impact studies with respective social impact assessment issue. Figure 7 includes reference to Specialist Study B, identifying community concerns for water quality and people who may be dependent on groundwater for their livelihoods. It would be useful for Figure 7 to be accompanied by a diagram showing the 'social locality' for each of three SIA issues raised for the three the Specialist studies respectively. This would help people understand the footprint of the 'social locality' with respect to the three specialist studies presented and give a better indication of the different scales relevant to SIA on different environmental topics. Such a diagram could be presented in a similar way to Figures 5 and 6.

Appendix A – Community Engagement

It would be useful to add emergency service organisations to the dot points in Appendix A which lists the categories of people to engage with (page 28).

Other

References to 'local government' could be followed by stating '(councils)'.

Page 14 refers to a link to a scoping worksheet, however the link is absent from the current document.

The document would benefit by including a glossary listing the acronyms used and explanations.



7

Social Impact Assessment - Exhibition Submission Response Form

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Page 1 of 1

#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	Su
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil
1						

Suggested amendment (if any)



27 November 2020

Ms Jennifer Richardson Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022, PARRAMATTA NSW 2124

Dear Ms Richardson

SUBJECT: SOCIAL IMPACT ANALYSIS GUIDE

Cement Concrete & Aggregates Australia (CCAA) is the peak industry body for cement manufacturers, concrete suppliers and extractive operators in New South Wales and throughout Australia.

Collectively known as the heavy construction materials industry, our members are engaged in the quarrying of sand, stone and gravel, the manufacture of cement and the supply of pre-mixed concrete to meet New South Wales' building and construction needs. These businesses range from large global companies, to SMEs and family operated businesses.

Heavy construction materials are vital to delivering the infrastructure required to supporting New South Wales' built economy which underpins the development of our nation's physical infrastructure. More than 63 Million tonnes of sand, stone and gravel are used in the construction of NSW homes, workplaces, public buildings and roads each year. On average, each NSW resident requires over 8 tonnes of extractive material each year.

CCAA thanks the Department of Industry and Environment NSW for the opportunity to provide our thoughts on the proposed guideline. We have consulted with members of our Planning & Environment Subcommittee and provide the following thoughts while contrasting "on the ground" experience with regards to applications and assessments.

- In principle, we support the creation of a more equitable planning system beyond resource projects that ensures that large scale development objectively considers the surrounding environment and social demographics;
- Transitional arrangements, particularly for those DA's already in the system and substantially progressed, are unnecessarily and unreasonably punitive whilst also being ambiguous as to the degree to which DPIE will be able to retrospectively apply the standard and unreasonably delay and contribute to development costs;
- A lack of suitable or clear guideline for the limit of an assessment. We recognise this may be an intentional choice to support a flexible and organic exploration of social issues that may arise in relation to a project, however, the practical impacts of this are that the system and process lacks consistency and certainty for proponents, which significantly increases costs in the commissioning of the necessary engagement reach, research and reports;



- While the guidelines state that the response should be tailored in response to the scale of a
 project, CCAA members experience suggests that assessors push for large impact areas to be
 assessed without having regard to the cost impact that this places on proponents or
 whether diminishing relationship of the project to the larger geographical area;
- Concerns remain that the guideline operates as a disincentive to development due to the significant and unrealistic costs associated with undertaking additional work;
- While the guideline is framed as a legislated set of rules, there seems to be a lack of flexibility or ability to apply a performance-based approach to planning practice.
- A maximum 100-page limit for Phases 1 and 2 is unrealistic in the context of published technical guidelines; and
- Requirement for modifications where the original DA was not the subject of a SIA to be supported by a new SIA – The line between modifications of a (1A) and (2) nature is objective and arbitrary as ultimately the consent authority must form the opinion of the minimal impact. It is noted that language of section 3.3.1, when using the term "must" with regards to mandating compliance matters, contradicts other sections of the document which allude to a more flexible approach and does not provide guidance to the proponents on DPIE expectations.

Once again, CCAA is thankful for the opportunity to comment upon the proposed Social Impact Assessment Guidelines. For further discussion about our submission, please contact Andrew Jefferies (NSW Industry Relations Manager) at andrew.jefferies@ccaa.com.au or 02 9667 8325.

Yours sincerely,

Hubel

JASON KUCHEL STATE DIRECTOR – NSW & SA CEMENT CONCRETE & AGGREGATES AUSTRALIA



Social Impact Assessment - Exhibition Submission Response Form

This template has been provided by the Department of Planning, Industry and Environment to assist with submission lodgement and analysis. Please do not reformat this document. Please complete this excel form and submit it to the Department (in excel format) with your formal submission.

#	Exhibition Document	Category of comment	Summary Response	Page number	Comment
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large Nil state significant projects which require different levels of assessment
1	Technical Supplement			11	Flexibility and best practice planning not achieved through document.
2	Technical Supplement			15	document language does not reflect flexibility
3	Technical Supplement			14	100 page maximum limit too confined given technical guidelines increase

Suggested amendment (if any)

ase limit size





27 November 2020

Department of Planning, Industry and Environment

Submission to Draft Social Impact Assessment Guideline

This submission is based on the authors' work on an on-going research project with Sydney Environment Institute and The Australia Institute investigating the socioeconomic impact of renewable energy projects in two NSW Renewable Energy Zones (REZs), as well as our involvement in social research on energy and climate change with the Climate Justice Research Centre at University of Technology Sydney. Our forthcoming report on the SEI-TAI project will be made available to the Department (expected early next year). In this submission we raise a few preliminary findings relevant to the Draft Guidelines.

First, large-scale (energy) projects almost always have notable social and local economy impacts, and the SIA Guideline encompassing <u>all</u> State Significant Developments is a welcome initiative of DPIE.

At the moment, lacking any SIA requirement for renewable energy projects, there is variable social impact management and community engagement, dependent on each developer's practices and experience. Unifying expectations and procedures, introducing best practice examples and putting more emphasis on social impact assessment as an integral part of the EIS process is beneficial to all communities in NSW, promoting constructive long-term engagement between industries and their social localities.

In our research on renewable energy projects, we have found that communities wish to be informed and expect to be meaningfully included in planning processes. The emphasis on the comprehensive nature of the SIA in the Draft Guideline and the good readability of the text are a step in the right direction.

Below we highlight three key findings that we think will be helpful for the SIA Guideline, particularly in relation to major projects which are occurring in rural NSW such as such as renewable energy developments and grid transmission upgrades.

1. Impacts and consultation with Aboriginal communities

Aboriginal cultural heritage assessment is generally included in the SEARS for major projects such as renewable energy projects. Detailed guidelines for consultation and reporting, archaeological investigations, and a heritage manual, are attached to the SEARs. Even so, the standard of Aboriginal

heritage consultation is often patchy, as evidenced in the frequent negative comments in public and organisation submissions to EISs.

Social impact assessment that includes Aboriginal residents is absent in the current requirements and procedures, despite socioeconomic and cultural attributes of these groups that should be prioritised as part of positive outcomes for projects. The Draft Guideline recognises this but could go further in incorporating Aboriginal residents into SIA processes, including opportunities for socioeconomic benefits from projects. This would encourage project developers to consult earlier and more comprehensively. For example, the Guideline could include a best practice case example where Aboriginal organizations had a central role in the SIA process. As is noted in the Guideline, there is a diversity of Aboriginal organisations and affiliations in each locality, with different and sometimes contradictory concerns and priorities.

EIS consultants are rarely Aboriginal people, and generally do not have the cultural understandings or social skills to effectively engage with the internal diversity and organisational complexity of Aboriginal people in social localities of projects. This accounts for the poor quality of much consultation. There are now Aboriginal-run and Aboriginal-focussed businesses that can be contracted to undertake the full range of Aboriginal community liaison for the SIA and cultural heritage assessment. We recommend this provision should be included in the section on *Engaging with Aboriginal people* on p.31.

2. Importance of local economy stimulus and community benefit sharing

Incorporation of local economic stimulus and continuous improvement of benefit-sharing practices is an important element of assessing and managing social impacts of State Significant Developments, especially of large-scale energy projects. In our experience renewable energy projects, while having less harmful impacts on land use, local environment and population displacement compared to extractive energy projects, can still have significant adverse social impacts. Conflicts and anxieties often become prominently aired in media and other forums, from the early stages of project scoping.

Strategic approaches to communicating positive impacts to residents is most likely to be successful when incorporated early on in the project lifecycle. For example, estimating workforce via FTE (full-time equivalent) work years in the construction phase requires more fine grain assessment of what kind of jobs the project offers, and what sort of local workers/suppliers are likely to be employed or contracted.

Meaningful benefit sharing is also best achieved if the discussion and planning is started early on in project development, in consultation with residents. This should be conducted as an iterative process in which social and economic equity concerns are uppermost. Offering rents to a few fortunate landowners combined with a small annual community benefit fund is no longer best practice internationally or in NSW. The Guideline could include more detail on purpose and expectations of community benefits, and an appended compilation of best practice examples, many of which are currently operational in NSW and other states.

3. Cumulative impacts and community concerns

Assessment of cumulative social impacts of multiple developments in a geographic area should be given extra emphasis and additional requirements in the Guideline. The build-up of major projects on agricultural land such as wind and solar installations arouses farmers' concerns about the loss of quality assets for primary production. In the case of renewable energy developments, as both wind and solar farms become larger, more numerous, and more densely located in designated zones where grid infrastructure will be upgraded, residents' concerns about adverse changes to loved and familiar landscapes and threats to natural/historical heritage can come to the fore.

Very tall wind turbines and inadequate offsets are a particular focus of resident concern. The community reception may be quite different for projects regarded as a community asset, such as bridge upgrades, but renewable energy projects are not necessarily perceived as bringing benefits to all residents.

In any case, large imported construction workforces for major rural-based projects put high demands on housing in nearby smaller towns, which can exclude lower SES residents from the rental market. Similar concerns arise among tourism operators when cabin parks and motels are booked long-term for construction crews, and vacancy rates become very low. If not planned well, a major projects can lead to a 'boom and bust' economy in affected localities without good prospects of ongoing development.

Local councils have Development Control Plans and Local Environment Plans that can be overruled by SSD procedures, and these bodies can suffer from ratepayers' grievances misdirected at local government representatives, and divisive community lobbying.

Councils are well-placed to understand cumulative impacts at local level, but personnel and resources are not sufficient to deal with multiple assessments, and currently are not part of Council's role in SSD approvals.

It is not feasible or reasonable for any developer of a specific project to be required to assess cumulative social impacts of SSDs in areas of intense project development. DPIE needs to have a stronger set of provisions in place over and above the requirements for individual projects, and this is not evident in the Draft Guideline.

Yours sincerely,

M.Phil Riikka Heikkinen Climate Justice Research Center Faculty of Arts and Social Sciences University of Technology Sydney

Professor Emeritus Linda Connor Department of Anthropology School of Social and Political Sciences University of Sydney

Anne Mithieux

From:	noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au></noreply@feedback.planningportal.nsw.gov.au>
Sent:	Tuesday, 1 December 2020 12:21 PM
То:	Anne Mithieux
Cc:	DPE PS ePlanning Exhibitions Mailbox
Subject:	Webform submission from: Draft Social Impact Assessment Guideline
Follow Up Flag:	Follow up
Flag Status:	Flagged

Submitted on Tue, 03/11/2020 - 09:28

Submitted by: Anonymous

Submitted values are:

Submission Type I am making a personal submission

Name

First name Carlo

Last name Di Giulio

I would like my submission to remain confidential No

Info

Email carlod@cityplan.com.au

Suburb/Town & Postcode Sydney

Submission

Great initiative. Whilst not definitive, data analysis (e.g. population change) is important for a comprehensive SIA. The guidelines severely lack reference to this analysis.

e.g.: Overall change in pop Change is households Change in age structure

I agree to the above statement Yes



SWD20/128569

Ms Jennifer Richardson Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022 Parramatta NSW 2124 <u>SIA.project@planning.nsw.gov.au</u>

Dear Ms Richardson

Thank you for the opportunity to provide comment on the exhibited draft Social Impact Assessment Guideline and Technical Supplement that will apply to all State significant projects.

South Western Sydney Local Health District (SWSLHD) recognises that the built and social environments can significantly influence health outcomes and acknowledges the important role the guideline and supplement will have in creating more socially equitable, healthy and liveable communities in NSW.

In considering your Social Impact Assessment Guidelines we referred to a new assessment tool that Population Health, SWSLHD and Wollondilly Shire Council have developed and piloted to combine Social and Health Impact Assessment (SHIA) for development applications (DAs) and planning proposals in Wollondilly. The tool supports council planners assessing the social and health implications of proposals and DAs.

Please find following comments on the draft Guideline and Technical Supplement in the attached table.

For further information, please contact Jennie Pry, Manager Healthy Places, Population Health, SWSLHD on 8738 5702 or <u>Jennie.pry@health.nsw.gov.au</u>.

Regards,

Mandy Williams Acting Director Population Health

Date: 26/11/2020

South Western Sydney Local Health District acknowledges the traditional owners of the land.

Draft Social Impact Assessment

Section/Heading/ Page Number	Comments/Recommendations We commend the initiative to develop/update the SIA guidelines and in particular the strong focus on 'person centred' planning. This is in line with a welcome commitment to creating <i>great public spaces</i> within the department. We are encouraged to see a range of development types/projects included (broadening the focus for SIA beyond the extractive industry).				
General comments					
Focus on process	The document focuses heavily on process. While we encourage the development of a strong process to guide the development and assessment of SIAs, it should not replace the merit assessment itself.				
	We also note that the SIA process outlined on page.12 (guideline) does not clearly articulate the option of refusal of a proposal, rather focusing on 'social impact management'. As with Health Impact Assessment (HIA), we support a process that identifies ways to <i>mitigate</i> negative impacts but understand that some proposals will ultimately be refused due to social impact – this is not clearly outlined as an option in Figure 3. (p.12).				
Social Impact Management	It is not clear in the draft guideline who is responsible for the 'monitoring and management' of Social Impact Management Plans (SIMPs). We understand that DPIE has limited resources to do this effectively and encourage a greater investment in this area. Additionally, strengthening of 'conditions of consent' could also be beneficial in terms of giving the guidelines greater overall impact or ' <i>teeth</i> '.				
Climate Change	We are disappointed to see that climate change is not mentioned in the guideline. Given the clear links and impact that our changing climate will have on public health, SIAs should clearly identify how a proposal will both manage/adapt to current climate impacts as well as mitigate any potential future impact.				
(Technical Supplement) –	Examples could better reflect some of the broader health impacts of developments.				
Appendix B examples for different development types	In particular, impacts (positive or negative) on the ability of people (women, children, seniors, mobility impaired) to walk, cycle and use public transport. This is vitally important for health not just because of road safety, but because it directly affects physical activity levels, and also impacts on access to education, employment and social connectivity.				
	People's ability to walk, cycle and use public transport is important for most of the development types listed, but particularly for Infrastructure and Transport projects such as schools, universities, hospitals,				

Section/Heading/ Page Number	Comments/Recommendations		
	roads/motorways, railways, light rail, residential and commercial developments.		
	An example question is:		
	'Will the proposed development improve or reduce people's ability to walk, cycle or use public transport?'		
	Examples should also consider likely health and social impacts from changes to the surroundings such access to public open space, shade trees, and green space which have heating/cooling effects on surroundings, and impact on physical and mental wellbeing.		
	This is important for all the development types listed, but particularly for infrastructure and transport projects where green space can be substantially altered and mitigations take decades to resolve impacts in large populations. Developments may also change the number of people using local public open spaces or green spaces and subsequently impact on their access to and the quality of these spaces.		
	An example question is:		
	'Will the proposed development improve or reduce access to trees, green space and public open space?'		





SUBMISSION FROM DHARUG STRATEGIC MANAGEMENT GROUP LTD

Social Impact Assessment Guideline State Significant Projects, October 2020

Dharug Strategic Management Group¹ is making this submission on the *SIA Guideline* to draw attention to the ongoing failure of major projects, including government-sponsored projects and State Significant Projects (SSPs), to act responsibly towards the impacts of such projects on First Nations communities in general, and in the case of Western Sydney, Dharug communities in particular.

We are painfully aware that governments and developers will seek to accelerate and amplify the transformation of Western Sydney in the wake of the current pandemic in order to support post-Covid economic recovery. We also recognise that very substantial damage to Dharug Nura (Country) and yura (people) has been caused by previous phases of rapid development that has occurred under inadequate regulatory oversight. We hope that the *SIA Guideline* might be a positive step towards rapid state-supported post-Covid development producing another period of damage, trauma and disadvantage for Dharug yura and Dharug Nura.

DSMG's recent (and ongoing) experience in addressing the regulatory oversight of SSPs has focused on the Powerhouse at Parramatta. DSMG's submission on that project's EIS highlighted a number inadequacies and concerns, including identifying social impacts that were not addressed in the project's EIS. DSMG has experienced that project's consultative process and the formal response to EIS submissions as dismissive, damaging and woefully inadequate against good practice standards.

Therefore, in drawing attention to the inadequacies of the oversight of the Powerhouse at Parramatta project, we seek to draw a number of conclusions relevant to the review of the *SIA Guideline*.

1. Integration of social, cultural and natural environmental values in the context of economic drivers

First Nations have long asserted that Country is the foundation of wellbeing and identity. Perhaps this can be seen by the regulatory system as instance on recognising that all economic value is underpinned by environmental capital and made real by social capital.

¹ Dharug Strategic Management Group Ltd (DSMG) is a not-for-profit company and registered charity that operates as an organisation for Dharug people, managed by Dharug people. DSMG was established in early-2018 after more than seven years of community consultation and negotiation about management of the site of the Blacktown Native Institution in Oakhurst in Western Sydney. The BNI site has cultural and historical significance for Dharug people and its return to Dharug ownership in 2018 was the first return of Nura to Dharug care since colonial times.

DSMG is immensely proud to accept the role of caring for the BNI site and developing a range of activities that will commemorate the site's colonial history, recognise and celebrate its much longer Dharug history and foster its ongoing place in Dharug futures.





Dharug yura have been rendered powerless to stop the transformation of our Nura into money.

Despite this, we recognise that understanding, respecting and listening to Nura is the basis for sustainable communities in the Sydney Basin. We hope the *SIA Guideline* offers a chance to incorporate this recognition into standard regulatory and reporting systems for SSPs.

Classifying a development project as "State Significant" does not mean it has inherent meaning, significance or value as part of a just and sustainable future for the communities with whom we share Nura.

We welcome the *SIA Guideline*'s requirement that SSPs should be accountable to triple bottom line criteria. In framing criteria that would secure project accountability to a social (and cultural) bottom line, **DSMG insists that**:

- SSPs should demonstrate that they will not require consent to destroy remaining Indigenous cultural property
- SSPs should not require the removal of any existing cultural or natural heritage protections to proceed
- SSPs should be required to demonstrate that project design, construction, operation, closure are all consistent with First Nation values in relation to affected sites (including responding to storying, environmental relations and historical experiences related to affected sites)
- SSPs should ensure that First Nation involvement is supported throughout the process and that projects' social impacts on affected First Nations are discussed and Social Impact Management Plans negotiated respectfully with community groups.

DSMG recognises that project business plans are influential, and often decisive in government evaluation of SSPs, and that these business plans are typically driven by economic factors and assessed by government economic agencies prior to even preliminary consideration of social impacts, and that early-stage environmental assessments proceed without being informed by First Nations' holistic perspectives on Country, Kin and Wellbeing. We acknowledge that the *SIA Guideline*'s requirement for an SIA Worksheet prior to a Scoping Meeting that would inform the terms of the Secretary's Environmental Assessment Requirements (SEARs) document, but the *Guideline* does not specify any requirement for early and appropriate engagement with affected First Nations.

DSMG therefore recommends adding a requirement to the *SIA Guideline* for early and appropriate engagement with affected First Nations as part of the production of the SIA Worksheet for any proposed SSP or any project that seeks SSP status.

2. Political and economic influence that denies First Nation interests

DSMG's experience has been that development projects in Western Sydney are subject to a level of political and economic influence that marginalises First Nations people and perspectives and makes it ever more difficult for economic and social outcomes to be harnessed to First Nation benefit.

In the case of the Powerhouse at Parramatta, the design competition intended to produce international standard excellence simply failed to respond to the site and its environmental, social or cultural context in ways that have subsequently imposed significant social and financial costs and may ultimately jeopardise the project.





The project design competition included no cultural criteria requiring designs to respond to cultural storying of the site. This saw international participants in the design competition treat the site as a *tabula rasa* – a place where value was to be created only by the creation of a new architectural element. For international entrants to that competition, the state government's excellence criteria simply reimposed a status of *terra nullius* on the site in terms of Dharug history and experience.

Absence of a requirement for heritage protections to be respected in the project saw the NSW Government insist on removal of heritage listing of the existing buildings on the site as a condition of purchase of the site – and imposed a silencing and overruling Dharug values in the site on the project.

The inadequate understanding of the site reflected in shortlisted entrants – which would have been overcome in a single site inspection with appropriate Dharug yura – also meant that many submitted designs, including the winning entry, simply failed to understand the cultural and environmental connections between the site and the river and its ecological, geomorphological and hydrological processes. Like so many NSW rivers, our deeply significant story places relating to deeper histories of belonging and becoming as well as more recent colonial and modern histories of place, were simply replaced with an engineering formulation of place that treated it as *terra nullius* and able to be manipulated to produce profit and economic opportunity to those already made wealthy in the district.

In our view, the SSP that looks likely to proceed is more driven by economic influences that will drive increased business profitability in the Parramatta CBD than securing the community benefit of a major cultural institution in the area.

The initial business plan for the Powerhouse at Parramatta anticipated sale of an inner-city site as the basis for financing at least some project costs. That proposal was withdrawn after community opposition to the sale required a policy change by the state government. This political misjudgement imposed a financial burden on the project. We assume it was supported as an SSP on the basis of the approved on the basis of a business plan that equated a certain level of government investment with a certain level of community benefit. Similarly, the project has seen ongoing political misjudgement about community values in the heritage buildings and values in the site. This has required retrofitting of a salvage proposal to alter the design, preserve the St Georges Terrace building and relocate a demolished Willow Grove. The relocation site is anathema to Dharug yura. It is in the vicinity of the Parramatta Gaol, whose colonial and more recent heritage is a narrative of violence, cruelty and inhumanity that belies the positive narratives of Willow Grove in Dharug histories. The proposal to transfer ownership of the restored building to the Local Land Council that has a long history of antagonism to Dharug yura creates a further level of social trauma that remains to be addressed.

Our point is that this level of political and economic influence on the Powerhouse at Parramatta project is all happening post-EIS. We are certainly deeply dissatisfied with the failure of the formal response to submissions on that EIS (and the woeful inadequacy of the SIA for the project, the ongoing community consultation process, and aspects of the cultural, heritage and environmental planning for the project) and see these post-assessment processes producing very significant social impacts. In our reading, the *SIA Guideline* as currently proposed would not require any acknowledgement, assessment or mitigation of these impacts if the project proceeds.





DSMG therefore recommends adding a process requirement for periodic reporting with power to halt a project and require amendment to a project if significant and unanticipated (or unreported) social impacts arise after final approval of an EIS.

Such a requirement would go a long way to giving voice to First Nations and other affected communities and to ensuring that developers, governments and regulators take social impacts more seriously and are able to be held accountable for the consequences of their actions (and inactions).

3. SSP assessment that imposes and reinforces community trauma

There is poor understanding among developers and regulators of intergenerational trauma affecting First Nations. Where it is acknowledged, our sense is that it is seen as something that is past history. Yet our experience is that the trauma of erasure, denial dispossession, displacement, family separation, lateral violence and disempowerment continues to be layered on top of previous trauma in our communities. Professor Judy Atkinson's account of *Trauma Trails*² long ago pointed to the importance of listening deeply to Indigenous experience, and recognising its impacts. Dharug Nura was a starting point for many of the trauma trails that have been traced across the Australian continent. This creates a particularly heavy burden upon Dharug people and our neighbours.

Our experience of the design, assessment and approval of the Powerhouse at Parramatta has retraumatised our community. It has reinscribed us as unimportant in the occupation of our Nura by the powerful forces of NSW society. It has reinforced our inability to protect and care for our Nura, to maintain culture, to continue connections to place and kin. It has reminded us that even when we are acknowledged and recognised, that recognition is tokenistic and conditional on not disrupting the plans that powerful institutions have for our Nura.

The SIA process should not reproduce historical trauma for First Nations, nor should it create new trauma that will affect future generations of our communities. DSMG appreciates the guidance offered on page 31 of the *SIA Guideline* and the advice to recognise that "cultural or spiritual loss" is a source of real, if intangible, harm. Yet this relegates many of our concerns to an Appendix in the *SIA Guideline* and locates our place in the process in terms of post-design and even post-SEARs engagement.

DSMG recommends amendment of the *SIA Guideline* to ensure that issues of historical and ongoing trauma in First Nations experience are considered early in the SIA process and are identified as an issue to be reported against even at the initial phase of the SIA Worksheet and as a requirement in subsequent SIA reporting and management proposals.

4. SSP assessment that relies on voluntary contributions from affected communities to produce adequate understanding of project impacts

First Nation communities experience social impacts as defined in the SIA Guideline arising from SSPs. They are, however, poorly supported by community participation and consultation processes. Community input is often restricted until negative impacts are being experienced and projects are unable to be modified to avoid or mitigate those impacts. DSMG's experience as a small, volunteerdependent organisation is that the rapid growth in demand for input to project proposals (including SSPs) is already overwhelming.

² Atkinson, J (2002) *Trauma Trails, Recreating Songlines: The Transgenerational Effects of Trauma in Indigenous Australia.* Geelong, Spinifex Press.





There is an implicit expectation in existing processes that affected communities can provide input as needed and against timing that suits wealthy and powerful developers, government agencies and businesses. It seems ironic and reprehensible that the high costs of meeting environmental requirements for project approvals have generally been factored into business plans and project budgeting while any expenses in addressing SIA requirements are treated by many developers as unexpected and unreasonable.

Th *SIA Guideline* should ensure that developers understand that community capacity to respond to multiple and simultaneous demands for input to project assessment processes is limited. DSMG would suggest that funding community groups, including First Nations groups, to develop that capacity would be highly desirable. Further, ensuring that First Nations communities were able to present a formidable response to inadequate or inaccurate SIA reporting would actually improve triple bottom line outcomes from SSPs.

Therefore, DSMG suggests development of a funding mechanism to support community preparation of input to and participation in SIA processes as they evolve in response to the *SIA Guideline*.

5. Conclusion

DSMG supports introduction of strong guidelines to ensure that social impacts of SSPs are understood, reported and addressed. SSPs are intended to produce public benefit, but often impose social and cultural risk and cost on First Nation communities. The *SIA Guideline* represents an historic opportunity to address these risks and costs and entrench accountability for the social, cultural and environmental costs imposed on First Nations communities by economically-driven projects considered to be of state significance.



Canadian Solar (Australia) Pty Ltd 44 Stephenson Street, Cremorne Victoria, Australia 3121 www.canadiansolar.com

30 November 2020

Ms. Jennifer Richardson Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022 Parramatta NSW 2124

Re: Submission to the NSW draft Social Impact Assessment Guidelines

Dear Ms. Richardson

Canadian Solar Australia (CSAU) appreciate the Department of Planning, Industry and Environment affording us the opportunity to review the draft Social Impact Assessment Guideline for State Significant Development projects and make our submission for your consideration.

Canadian Solar is one of the largest and foremost solar power companies globally having manufactured more than 46 GW of PV modules. In addition to being a leading manufacturer, Canadian Solar has successfully developed and constructed 5.6 GW of solar farms worldwide and a further almost 1GW of plants under construction.

Since CSAU was established in Australia back in 2011, we have developed and constructed five solar farms in Australia. At present, Canadian Solar has two large solar farms under construction in NSW---the 150MWac Suntop project (near Wellington) and the 110MWac Gunnedah Solar Farm.

CSAU have demonstrated our commitment to working with the communities in which we develop and construct our projects. Community consultation and stakeholder engagement are a fundamental part of our development process. In general, we support the concept of Social Impact Assessments if they add significant value to the development process and this value clearly exceeds the additional costs of the SIA.

We appreciate the State Government taking the time to provide more clarity on the Social Impact Assessment process, but we do have some reservations on the recommendations made by the guidelines which are:

- 1. The timing of the of the data collection.
- 2. Possible duplication of studies and reports.
- 3. Size of projects
- 4. Modifications
- 5. Battery Energy Storage Systems (BESS)

1. Concerns regarding the timing of the of the data collection.

We believe that the requirement to commence with engagement and related assessments as early in the process as specified by the Draft Guidelines is impractical. CSAU considers that the level of data required at the early stages of the proposed development under the Draft Guidelines is too onerous and could result in the proponents being forced to provide information, which is then changed later on as the project design progresses, causing stakeholders to potentially think the proponent was misleading them. If the proponents are to facilitate workshops or distribute information to the community groups at a stage when a proposed development is still in a very preliminary design stage, it might create unrealistic expectations or lead to unnecessary concerns within the community. To prevent this from happening and to avoid engagement fatigue, engagement is usually undertaken at a more advanced stage of the development to ensure accurate, relevant and concise discussions can be held to best address any matters applicable to that development.

We would like to request that the requirements and timing for engagements and assessments be streamlined to reduce the likelihood of unrefined information being distributed, unnecessary duplication of workshops and assessments as well as possible engagement fatigue. This could be achieved with more emphasis placed on the inclusion of the relevant socio-economic impacts/findings and recommendations of Phase 1 of the SIA in the scoping report. These would then be covered in the SEARs allowing for further guidance on the way forward from the Department at an appropriate stage.

2. Uncertainty regarding possible duplication of studies and reports.

As the collection of data which has a social impact such as visual, heritage, noise, socioeconomic etc. is collected and consultation is already undertaken as part of the EIA process (some as early as the Scoping stage), we consider that some of the studies and assessments required by the EIA and SIA processes could be undertaken at a more aligned timeline. If required to undertake similar investigations, we would recommend that it be conducted at the most appropriate time which might not necessarily be as early in the process as stipulated by the Guidelines and that their findings can be incorporated into the other assessment process where possible.

3. Size of Projects

Small to medium size projects located at a minimum distance away from identified receptors will have a substantially reduced Social Impact. For example, a 40MW solar farm located a few km's away from the nearest receptor will have nowhere near the social impact of a 400MW wind farm. This is particularly important for solar energy as it's more scalable than wind energy---a 40MW solar farm in NSW is likely to be much more economic than a 40MW wind farm. This is substantiated by the very few, if any, 30-40MW wind farm projects being proposed in NSW.

CSAU considers that the Department should scale the need and requirements for small and medium sized renewable energy projects and should:

- Make Social Impact Assessments optional for solar (and wind) farms below, say 60MWac
- Have reduced SIA requirements for projects less than 120MWac

While this is would be a simple criteria, CSAU consider the amenity and social impact of a proposed solar (or wind) farm is not predominately determined by the MW capacity of the project. Therefore, the

Department could consider other criteria with regards to the size and necessity of the SIA such as proximity to nearby residences, likely visual and acoustic impacts, etc.

4. Modifications

We agree with the Department on the requirements of an SIA for Modifications only in certain cases. However, we suggest that more clarity be provided on the lack of a requirement for a SIA for a Type 1 and Type 1(A) in the Guidelines. It should be clear that Type 1A (and Type 1) modifications would not require an SIA as the modifications have been deemed to be minor.

The Guidelines did not address the SIA requirement for a Type 1 modification. One would assume that an SIA would not be required, but this needs to be stated to avoid potential confusion.

It might also avoid possible confusion by updating the scenarios to better reflect the order captured in the Act as a Scenario A would be a Type 2 modification, but Scenario B would be a Type 1 or Type 1(A) modification.

5. Battery Energy Storage Systems (BESS)

In addition, the minimal environmental and social impacts of large-scale standalone battery projects should be recognised in the Guidelines. A 250MWac battery would likely only require an area of less than 5Ha - a very small fraction of the land needed for a similarly sized wind or solar farm. Assuming they are appropriately sited, a large BESS will have negligible amenity and social impacts for the community compared to a 250MW solar or wind farm.

CSAU therefore considers that the Department should make Social Impact Assessments optional for standalone BESS projects further than 1km from the nearest non-related receptor / community group.

Canadian Solar Australia would be pleased to discuss our submission with the Department and answer any questions that may have. Thank you again for the opportunity to provide our feedback.

Kind regards,

Matt van der Merwe Project Development Manager, Energy Project



Canadian Solar (Australia) Pty Ltd. 44 Stephenson St., Cremorne, Victoria, 3121 Mobile: +61 475 838 975



1 December 2020 Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124

Draft Social Impact Assessment Guideline State significant projects

Submission from:

Fairfield City Council 86 Avoca Road Wakeley NSW 2176

For more information contact <u>mail@fairfieldcity.nsw.gov.au</u> or phone 9725 0222.

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Introduction

Fairfield City Council welcomes the Department of Planning, Industry and Environment's (DPIE) draft Social Impact Assessment (SIA) Guideline for all State significant projects. Council supports an improved and standardised SIA approach across all State significant development, including State significant infrastructure and Critical State significant infrastructure projects. When the potential social impacts, both positive and negative, are identified and understood, the right measures can be taken to avoid, mitigate or reduce negative impacts and capitalise on positive impacts.

Enhanced community engagement and stakeholder consultation throughout the SIA process will build higher levels of community appreciation or 'social licence' for projects, particularly those of significant scale and potential social impact.

This submission will provide feedback on the draft SIA Guideline and associated Technical Supplement and will include the following recommendations:

- 1. That the principles *People Focused, Participatory, Committed to Social Justice, Culturally Appropriate for First Nations communities* and *Accessible for People with Disability* be included in Table 2 'Principles to guide the SIA process'
- 2. That the Guideline emphasise the benefits of engaging with councils early in the SIA process with particular regard to social locality (section 3.3.2), data collection (section 3.3.7) and social baseline (section 3.3.8)
- 3. That DPIE work with the Office of Local Government to develop a framework for councils, developers, proponents and consultants to undertake SIA
- 4. That the Guideline reinforce the need for credible data sources to form the basis for justifications in SIA
- 5. That the Guideline and DPIE reinforce the re-evaluation of proposed mitigation measures if negative social impacts are identified and reiterate the proponent's accountability to the implementation of their Social Impact Management Plan.

Principles of Social Impact Assessment

The draft Guidelines include 'Principles to guide the SIA process', and they are described in an active tense, however, there is little emphasis on the merit and value of SIA as part of the planning process. It is recommended that the following Principles also be included:

- *People focused* that the impact on the lives of individuals and communities is the core tenet guiding all SIA considerations
- *Participatory* ensuring that community is genuinely engaged and making contributions as part of the SIA process
- Committed to Social Justice That fairness and equity are considered when identifying the impacts on communities and appropriate consideration is given to reducing negative impacts on disadvantaged/vulnerable people
- *Culturally appropriate for First Nations communities* This needs to be considered as a separate principle to ensure the process undertakes respectful, culturally appropriate engagement with Aboriginal and Torres Strait Islander communities

 Accessible for people with disability – That consideration is given to ensuring that people with disability are engaged with the development of SIAs and that accessibility is considered throughout the life of the project

Recommendation 1: That the principles *People Focused, Participatory, Committed* to Social Justice, Culturally Appropriate for First Nations communities and Accessible for People with Disability be included in Table 2 'Principles to guide the SIA process'.

Engagement with local government

The draft guideline does not make many references to local government, even though councils are a primary stakeholder in most developments. Councils are the closest level of government to the community and hold significant local knowledge and connections to local community that can be beneficial for proponents to understand when undertaking SIA.

Section 3.3.2 Social locality refers to the social baseline study, of which begins with defining the 'social locality'. No reference is made in this section to consult with local councils who can offer critical insight into a locality beyond desktop research or other methods. Councils have a number of divisions, including planning and social/community development divisions with local expertise and an interest in State significant development who could assist with making significant inroads towards community support for a project.

The Guideline presents a thorough list of elements, which need to be considered when preparing SIA reports. These considerations will provide good direction for proponents when defining and describing and the social locality of projects and categorising impacts.

Section 3.3.7 Data collection refers to the review of existing data sources including local, State and Commonwealth strategic plans and policies, however, local or Commonwealth government agencies are not explicitly listed as a primary data source to consult with on the project. Councils operate within an Integrated Planning and Reporting Framework (IPR) with key planning requirements including a 10-year Community Strategic Plan which highlights community priorities. Councils can also have a number of other strategic plans in place that can assist with understanding the community and local priorities (i.e. youth strategy, Reconciliation Action Plan). Proponents should look to engage with councils to have access to the most relevant, up to date planning documentation. Councils may also provide additional insight, including more recent data or forecast data that is not openly available through desktop review. It is evident that local councils could have an integral role and serve as a valuable data source to assist proponents in understanding how positive and negative impacts may be reasonably perceived or experienced by different people in a locality.

Section 3.3.8 Social baseline refers to the documentation of the 'existing social environment, conditions and trends relevant to the impacts identified. The social baseline study is a benchmark against which direct, indirect and cumulative impacts can be predicted and analysed'. It must be reiterated that local councils could assist substantially in this process by offering unique insight into the existing local context that could shape the potential positive and negative social impacts and/or significance

of the impacts. Early engagement can assist with reducing scrutiny from Council at a later stage, and potentially reduce expenditure in refining SIA.

While the above-mentioned sections do not explicitly refer to local government, it is noted that local government regulatory agencies, elected representatives and community leaders are referenced in *Appendix A Community engagement*.

Recommendation 2: That the Guideline emphasises the benefits of engaging with councils early in the SIA process with particular regard to social locality (section 3.3.2), data collection (section 3.3.7) and social baseline (section 3.3.8).

Support for local government participation in SIA

With the new guidelines for State significant developments, it is anticipated that Councils will be approached more frequently to engage in various stages of SIA development. This will require consideration from councils on how they will be able to effectively and efficiently respond to requests from proponents.

State significant developments are only one type of development that councils review and assess for social impact. The requirements for SIAs for proposals other than State significant developments varies from council to council. As these guidelines provide direction for SIA reports for State significant developments, it would similarly be of benefit for all councils to have a SIA policy framework to offer consistent guidance to proponents throughout the development process. Collaboration between the Department and the Office of Local Government could assist with this process.

Recommendation 3: That DPIE work with the Office of Local Government to develop a framework for councils, developers, proponents and consultants to undertake SIA.

Use of data and evidence base

The Department has made clear the considerations on the use of valid data (section 5.1 Technical Supplement). It is the responsibility of the proponent (and the author of the SIA) to ensure that these considerations are adhered to and that any data provided is credible. Assessment by DPIE should appropriately scrutinise the validity of the data and any questionable or unsubstantiated claims should be investigated accordingly. When necessary, they should be rectified by the proponent.

Recommendation 4: That the Guideline reinforce the need for credible data sources to form the basis for justifications in SIA reports.

Re-evaluation of proposed mitigation measures

Section 3.3.11.1 outlines the importance re-evaluating the project after introducing mitigation measures. This is an important process for ensuring that identified negative social impacts are mitigated and present a clear picture of the residual impacts. Any residual impacts should appropriately satisfy the concerns of impacted stakeholders. Any Social Impact Management Plans developed thereafter should manage and monitor these residual impacts accordingly and hold the proponent to account.

Recommendation 5: That the Guideline and DPIE reinforce the re-evaluation of proposed mitigation measures if negative social impacts are identified and reiterate the proponent's accountability for the implementation of their Social Impact Management Plan.

Conclusion

Fairfield City Council welcomes the expansion of the SIA guideline across all State significant developments. An improved and standardised SIA approach across all State significant development should allow for strengthened community engagement throughout the SIA process, allowing the right measures to be taken to avoid, mitigate or reduce negative impacts, and capitalise on positive impacts and build the community appreciation for of proposed projects. The recommendations within this submission highlight some areas where the guideline can be strengthened to ensure that SIA reports by proponents are people focused, have a credible evidence base and are supportive and that proposed mitigations that reduce negative impacts are appropriate managed.



Social Impact Assessment - Exhibition Submission Response Form

This template has been provided by the Department of Planning, Industry and Environment to assist with submission lodgement and analysis. Please do not reformat this document. Please complete this excel form and submit it to the Department (in excel format) with your formal submission.

#	Exhibition Document	Category of comment	Summary Response	Page number	Comment	Suggested amendment (if any)
example	SIA Guideline	Scalability	support as is	4 & 10	support approach that is scalable recognising there are small and large state significant projects which require different levels of assessment	Nil
1		Language and terminology	support in principle (with suggested changes)	No page no. available	It is suggested that additional principles be included	 People focused – that the impact on the lives of individuals and communities is the core tenet guiding all SIA considerations
2		Language and terminology	support in principle (with suggested changes)		It is suggested that additional principles be included	Participatory – ensuring that community is genuinely engaged and making contributions as part of the SIA process
3		Language and terminology	support in principle (with suggested changes)		It is suggested that additional principles be included	 Committed to Social Justice – That fairness and equity are considered when identifying the impacts on communities and appropriate consideration is given to reducing negative impacts on disadvantaged/vulnerable people
4		Language and terminology	support in principle (with suggested changes)		It is suggested that additional principles be included	Culturally appropriate for First Nations communities -This needs to be considered as a separate principle to ensure the process undertakes respectful, culturally appropriate engagement with Aboriginal and Torres Strait Islander communities
5	SIA Guideline	Language and terminology	support in principle (with suggested changes)		It is suggested that additional principles be included	 Accessible for people with disability – That consideration is given to ensuring that people with disability are engaged with the development of SIAs and that accessibility is considered throughout the life of the project
6	SIA Guideline	Consultation	support in principle (with suggested changes)		3.3 2 No reference is made in this section to consult with local councils who can offer critical insight into a locality beyond desktop research or other methods. Councils have a number of divisions, including planning and social/community development divisions with local expertise and an interest in State significant development.	That the Guideline emphasises the benefits of engaging with councils early in the SIA process with particular regard to social locality (section 3.3.2), data collection (section 3.3.7) and social baseline (section 3.3.8).
7		Alignment with business/government processes	support in principle (with suggested changes)		Councils could benefit from an SIA policy framework to offer consistent guidance to proponents throughout the development process.	That DPIE work with the Office of Local Government to develop a councils, developers, proponents and consultants to undertake SIA
8		Data collection/validation	support in principle (with suggested changes)		Assessment by DPIE should appropriately scrutinise the validity of the data and any questionable or unsubstantiated claims should be investigated accordingly. When necessary, they should be rectified by the proponent.	That the Guideline reinforce the need for credible data sources to form the basis for justifications in SIA reports
9	SIA Guideline	Project refinements	support in principle (with suggested changes)		Any residual impacts should appropriately satisfy the concerns of impacted stakeholders. Any Social Impact Management Plans developed thereafter should manage monitor these residual impacts accordingly and hold the proponent to account.	That the Guideline and DPIE reinforce the re-evaluation of proposed mitigation measures if negative social impacts are identified and reiterate the proponent's accountability for the implementation of their Social Impact Management Plan.


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Australia's property industry Creating for Generations

30 November 2020

Ms Jennifer Richardson Director Infrastructure Policy and Assessment Practice Department of Planning, Industry and Environment Locked Bag 5022 PARRAMATTA NSW 2124

Dear Ms Richardson

Draft Social Impact Assessment Guideline

The Property Council welcomes the opportunity to provide comments to the Department of Planning, Industry and Environment (the Department) on the draft Social Impact Assessment Guideline (the Guideline).

As Australia's peak representative of the property and construction industry, the Property Council's members include investors, owners, managers and developers of property across all asset classes.

We provide the attached response for the Department's consideration. Although we support the development of updated social impact assessment guidelines, we do not agree with their broad application to ALL State Significant Development projects, including modifications. We would support using the Secretary's Environmental Assessment Requirements as the basis for triggering the need for a SIA report based on the updated Guidelines.

Should you have any questions regarding the content of this submission, please contact Troy Loveday, NSW Policy Manager, on 0414 265 152 or <u>tloveday@propertycouncil.com.au</u>

Yours sincerely

Jane Fitzgerald NSW Executive Director Property Council of Australia

Submission to the Department of Planning, Industry and Environment

Draft Social Impact Assessment Guidelines

30 November 2020

1.0 Introduction

The Property Council is grateful for the opportunity to provide comments to the Department on the updated Guideline that has been prepared to replace the current guidelines which were issued in 2017. The guidelines are a useful tool to assist proponents with the preparation of Environmental Impact Statements (EIS) required under legislation.

We support the development of guidance material for the purpose of providing proponents and the community with a better understanding of the environmental assessment process and the information that is required for proper consideration of proposals. Guidelines issued by the Department and other State agencies serve a very important role in the assessment of complex projects such as mining, extractive industries, energy generation, manufacturing and transport infrastructure.

Social impact assessment (SIA) is an important planning consideration in respect of many complex projects and we congratulate the Department for updating the guidelines to reflect a broader scope of project types beyond mining, petroleum production and extractive industries. However, we are concerned that the scope of the Guidelines to all State Significant Development (SSD) and State Significant Infrastructure (SSI) will result in unnecessary red tape and delay.

2.0 Application of the Guideline

The current guideline, "Social Impact assessment guideline for State significant mining, petroleum production, and extractive industry development" was developed to be applied only to State significant resources projects and modification applications. It was developed in response to specific concerns regarding social impacts associated with large projects in regional communities. The Department's response to those concerns was the development of guidelines to ensure that environmental assessments addressed the social impacts of those specific projects.

We consider the to be some merit in expanding the Guideline's application to other types of SSD projects, particularly those in regional areas where there is greater opportunity for negative impacts on small communities. The types of development where the Guideline could be applied include large manufacturing industries, large energy projects, major linear transport projects (road/rail) that are currently not subject to any specific guidance regarding social impacts.

Proponents will now need to start thinking about the social impacts associated with their development during the early stages of a development's planning. Section 1.3 of the Guidelines requires the SIA process to being during project scoping. The SIA process outlined in the Guideline requires the mandatory preparation of a SIA report irrespective of the type of development that is being proposed.

There are many SSD projects that will be captured by the Guideline where a full SIA report would be unnecessary and add very little value to the environmental assessment process. In our view, this would include the following types of projects, including the modification of an existing project approval;

- warehouses and distribution centres,
- cultural, recreation and tourist facilities,
- hospitals, medical centres and health research facilities,
- new schools, certain alterations to existing schools, tertiary institutions,
- port facilities including wharves or boating facilities,
- all development within the Sydney Opera House site
- development exceeding \$10m on land at Bays Precinct site, Darling Harbour site, Broadway (CUB) site, Luna Park site, Sydney Olympic Park site, Redfern-Waterloo sites, the Taronga Zoo site
- certain specified development at the Barangaroo site, Royal Randwick Racecourse, Western Sydney Parklands, The Rocks, Moore Park sites (Fox Studios, Showgrounds and Sydney Sports Stadium), certain development and modifications by the NSW Land and Housing Corporation,
- Certain Over Station Developments along the Sydney Metro, and
- Certain minor State Significant Infrastructure projects (pipelines, water treatment facilities).

3.0 Secretary's Environmental Assessment Requirements

We support the consideration of social impacts during the assessment of all projects and encourage the use of a guideline to identify the types of development where social impacts are likely to be significant. We would encourage the Department to use the Secretary's Environmental Assessment Requirements (SEARs) process to identify the need for the level of SIA that needs to be considered in the EIS.

In our view, there would only be very limited or negligible social impacts associated with most of the SSD and SSI projects listed above. Where that is the case, it may be appropriate for the Department to use the SEARS process to identify whether there is a need for the EIS to address potential social impacts. Requiring proponents to undertake a Phase 1 SIA during the initial scoping process for a project for these developments will create additional delay and costs to the development application process.

Recommendation: We suggest the Department reconsider the requirement for Phase 1 SIA until after the SEARS have been issued.

4.0 **Project Modifications**

The Guidelines are intended to also apply to the modification of all SSD and SSI projects irrespective of whether a SIA formed part of the initial project assessment. All modification requests will be required to undertake a Phase 1 SIA report during the initial scoping phase of the modification application.

As indicated above, there would be many SSD and SSI projects modifications with very limited or negligible social impacts.

Recommendation: We suggest that it may be appropriate for the Department to use the SEARS process to identify modification applications where a SIA assessment report will be required.

Richard Parsons Department of Planning, Infrastructure and Environment Locked Bag 5022 Parramatta NSW 2124 Jamie McMahon Associate Director, AECOM 420 George Street Sydney NSW 2000

Dear Richard,

Re: Comments on the NSW state significant development SIA guideline

Thank you for the opportunity to comment on the Draft Social Impact Assessment Guideline. Apologies that this submission is a few days late though I hope it may still be considered in the finalisation of the guideline.

The SIA guideline for state significant development is a massive leap forward for the improvement of social impact assessment, and potentially EIS more generally, in NSW. My overarching view is that this guideline has been long needed in NSW and I sincerely hope it works to improve the standard of social assessment for state significant projects.

I have structured this feedback as a series of points in order to make them easier to understand. Where relevant I have linked these issues to comment on overarching themes and structure.

Main guideline

- The opening paragraphs don't really share a narrative or link together very well. This section should be written with a greater fluency in order to capture the reader and forcefully make the case for why the guideline is so valuable to the state significant (SS) process. This section should be limited to high level principles rather than discussing procedural processes such as SEARs and the specific nature of SIAs prepared for SS projects. Some of the points in '1.1 Benefits' would be good to bring up the front to really emphasise the value of the guideline
- The suggested structure of SIAs prepared under this guideline share the themes named in Figure 1. These are useful headings but also have the unfortunate effect of being perhaps too broad. The (presumably unintended) side effect is that by being so broad people are free to interpret them as they see fit. So for example, 'surroundings' could be construed to requiring an SIA to address climate change, or 'culture' could be seen as a requirement to address indigenous issues. Thus the SIA becomes seen as the part of the EIS to solve all the world's problems. This is clearly not intended by the guideline. This could be addressed through a more targeted approach of the guideline, with more of a focus on procedural issues, rather than broad themes, whilst still ensuring the assessment focuses on relevant detail for each project
- The guideline state that it provides a 'rigorous framework', though I would disagree. The 2stage scoping and assessment framework presented really doesn't depart from other similar processes very much, with the guideline spending much of its time defining terms or principles. The real procedural framework, where I would suggest the most value lies, isn't actually in the guideline but in the technical supplement.

- Section 1.2 spends much of the section discussing the Act, rather than how a practitioner should use the guideline. This is a key comment on the guideline it is less practical and pragmatic than it could or should be
- Section 1.3 is important to sizing the scoping (phase 1) assessment yet the detail here is limited.
- Section 1.4 contains ambiguous guidance 'you may wish to summarise how the SIA adheres to these principles'. Guidance provided in a guideline should be more directed and less ambiguous than this. If this is going to be considered mandatory it should be stated as such up front. In reality when assessing officers are looking at an SIA they are going to be looking for the proponent's addressing of these principles so please provide clear direction for both proponent and officer in this regard
- Principles whilst these are admirable many are so lofty as to be practically unable to be addressed in an EIS of typical length in NSW. No assessment, even with the best will and practitioners in the world, will conclusively meet all of these requirements. As such it potentially encourages the practitioner to stretch their claims in order to demonstrate compliance, which then creates a potentially slippery slope for the remainder of the document. The guideline would benefit from being less 'high minded' in this regard and more practical for implementation and assessment purposes.
- Section 1.5 directly demonstrates my point above about ambiguous language. SIA is sufficiently 'fuzzy' in its definition and scope, and the term means wildly different things in different people's minds – therefore what is needed is black and white process, even if that process is somewhat limited. By providing defined process we can start to bring the community, practitioners and the NSW together around a shared understanding of what SIA means in this state. Doing this will enable productive critique and discussion of SIAs by all participants, hopefully leading to better community outcomes overall. This point is addressed further below.
- The split into phase 1 and phase 2 is potentially productive, though appears to suffer from wanting too much of the assessment to be 'front loaded' into phase 1. Many proponents are still working to define their project at the scoping phase. Phase 1 requires that proponents provide 'initial identification and evaluation of impacts and provide responses'. This seems to want the whole SIA to be completed before any other impact assessment has even commenced. Whilst the benefits of identifying these issues early are clear, this is simply too premature in the EIA process for it to be meaningful. Instead, phase 1 may be better served by having the proponent answer some set fundamental questions about SIA and their project to demonstrate that they have considered key issues early and integrated them from the outset where possible. This would reduce the ambiguity of the process and require proponents to address issues in a proportional manner for their specific project, all whilst clearly integrating SIA right from the start.
- Supporting technical supplement see comments on this document below.
- The guideline refers to a maximum of 100 pages for phase 1 and 2 assessments combined. Whilst this target is admirable, many proponents will inevitably panic that they may not meet the somewhat lofty ideals outlined in this guideline and therefore be inclined to write much longer documents. Such 'panic writing' occurs often when practitioners are new or unsure of a topic. And given the very small number of genuine SIA practitioners working on NSW projects, and the large number of SS projects occurring each year, it will be inevitable that there will be many people writing SIAs that have little to no previous experience. A

good example is in section 2.2. of the technical supplement where it encourage practitioners to 'cover all the bases':

'If there is any ambiguity about which category to choose for a predicted impact, either select the most relevant category or include the impact in more than one category to avoid missing some aspect of it'

Again, a clear and repeatable methodology would go a long way to managing such nervousness in the practitioner community. See my comments relating to process within the technical supplement below.

- Section 3.3.1 outlines what a phase 1 and phase 2 report should contain. This seems to somewhat late in the guideline to be introducing this detail, and also seems out of place in section 3.3 which seems to be more about content of the impact assessment, rather than high level detail on structure
- A good example of the ambiguity I mention above can be found in section 3.3.2:

Some State significant projects may have a relatively focused social locality, while others may be spatially and/or temporally dispersed, involving different timeframes and/or multiple areas that require different considerations for different people and community groups. Some projects may involve a longer duration of impacts over multiple areas.

This information, to some degree, goes without saying (things can be small or large), but critically doesn't really 'guide' the practitioner at all. This is an unfortunate theme of the guideline in that it seeks to generalise far too much, rarely venturing to impose hard process. This is a fundamental problem in that the less solid a stance the guideline takes, the more room for interpretation it leaves. This, in a topic already fraught with ambiguity at the best of times, risks leaving SIA in a more confused state then before. Whilst the high ideals outlined in this document are commendable, ultimately it will be up to practitioners (mostly consultants) and assessing officers to turn it all into black and white. By not defining process clearly enough neither practitioners or assessing officers are provided clear thresholds of quality – something that will become critical when every SS project requires an SIA in accordance with this guideline. Such a situation will inevitably lead to argument and unnecessary negotiation when the two parties (naturally) differ in professional opinion.

- 3.3.2 requests an inordinate amount of detail on the social locality. One could write 100
 pages easily just trying to address the numerous points provided here under each bold
 heading. This is overwhelming and, as outlined above, risks working against the stated aims
 of the guideline by overcomplicating the issue. This could become particularly problematic
 on large linear infrastructure projects where there are multiple and varied 'social localities'
 along the route.
- 3.3.3 not clear why this is discussed here and then impacts are discussed again but in more detail in 3.3.9. Perhaps this is the phase1/2 split, but it's not made obvious by the structure of the headings.
- 3.3.4 noting that these headings make up virtually all examples in Appendix B to the technical supplement, it is clear that these are effectively being mandated by the guideline. As mentioned above, I welcome such solid process, however the issue here is that these headings are too high level and potentially overlapping. Elements can clearly cross over between community, culture, way of life and livelihoods in fact you could probably use all four of those terms interchangeably. As a result, it won't be clear what should specifically go

into any one category, or whether it needs to be assessed in both. As mentioned above, many practitioners new to SIA will take the latter option, leading to mini theses for each SIA.

This section then goes on to add in 'fears and aspirations', which aside from being close to impossible to discern in a coherent way for any group of people, is also so high level as to only instil further confusion. This is further compounded by a request to consider 'fluctuations in local or global economies or changing community expectations that cannot be controlled'. Again, this is far too much to require in an SIA for a SS project in NSW

- 3.3.6 not clear whether this is part of phase 1 or phase 2 or both. This is standard practice in SIA prior to the guideline, and whilst it needs to be addressed, the guideline should commit to *where* it should be addressed. The obvious location is phase 2, as many of these other studies will not have been undertaken at phase 1.
- 3.3.7 I would suggest that this and the social baseline be clearly defined as core elements of Phase 1. This doesn't prevent them being further refined in phase 2, but at the very least requires proponents to start to understand the social background of their locality right up front, which then allows them to make project decisions accordingly.
- 3.3.9 the guidance provided in this section is important to SIA, but as mentioned above, risks asking too much too soon of EIA practitioners in NSW.
- 3.3.10 This section is really only one paragraph, as the second paragraph is about dealing with social impacts. The paragraph about evaluation should be rolled into 3.3.9 and the second paragraph in this section becoming the start to section 3.3.11
- 3.3.12 this section doesn't really provide any guidance and doesn't actually mention what is specifically meant by a 'work plan' in the body text.
- Appendix A whilst the importance of engagement is clear, this section seems to seek to have all proponents of SS projects undertake exhaustive consultation on all projects. There is no mention of proportionality. For example, a new warehouse in an existing industrial area may be state significant by virtue of capital investment value, but arguably holds little social importance to local communities beyond potential job creation. Requiring such a proponent to fully implement the requirements of appendix A is both impractical and unnecessary.
- Appendix B as with the previous resources SIA guideline this section seeks to maintain the role of a 'gatekeeper' for authoring SIAs in NSW. Whilst the intention for quality is clear and commendable, I suggest that the system will become overloaded very rapidly when ALL SS projects will need to lean on a very small pool of 'acceptable' practitioners.
- Appendix C this provides yet another perspective on the requirements of the guideline. As mentioned above, I believe that the requirements should be far more solid and clear so that we don't need to have principles, guidance and then review questions, all aimed at providing the same thing and all implying a slightly different threshold that the SIA will be assessed against. If the relevant threshold was made clear up front the standard wouldn't need to be repeated for the benefit of both practitioners and assessing officers.

Technical supplement

- The supplement should be clearly and unambiguously divided into phase 1 and phase 2 sections. This seems to be what section 2.2. and 2.3 are, but the distinction in terms of phase 1 and 2 is never made clear.
- Section 2.2.1 is ostensibly about scoping yet asks proponents to undertake both project and cumulative impact assessment. As mentioned above, this is clearly too early to properly understand to any real degree what these impacts will be, particularly without the backing

of other technical studies undertaken for the EIS. Scoping should remain as *scoping* and not be a dry run of the impact assessment. This section even asks the practitioner to apply table 5, which is squarely in the impact assessment section of the supplement. Not only this, but it also asks for mitigation and project refinements – both far too premature in the whole process.

Whilst important, there's no reason why SIA should be (prematurely) elevated above all other topics in the EIS to the point that it requires assessment on its own up front of the whole project. As mentioned above, suitable outcomes (forcing proponents to really think about SIA) may be achieved through other means such as a set of structured questions to be answered by the proponent in phase 1.

 Scoping worksheet – this is only mentioned once in the technical supplement, and that's in the definitions. I would've thought that this would form the technical core of the scoping process and therefore be discussed at length. Having applied the previous version for a resources project I found it reasonable to use, though it could have still had some improvements.

At present the guideline and supplement seem 'on the fence' about the application of the worksheet. I would suggest it is either fully embraced in place of most of phase 1, or abandoned completely. My preference would be for the former as it provides a more structured approach to scoping the SIA.

- 2.3 the suggestion that social impacts be evaluated by workshop (presumably with the community) is impractical. This will always be subject to wide amplitudes of personal opinion and is more likely to lead to arguments than better SIA outcomes
- 2.3.1 this section contains perhaps the key outright error of the entire guideline. This section equates significance to risk something that is repeated many times later in the supplement. This is a fundamental confusion of risk assessment (consequence and likelihood) and impact assessment (sensitivity and magnitude). Combining these two methodologies is not only highly confusing, but it also provides a substantially worse outcome than the use of either of these methodologies alone.

Whilst noting that the IAIA guidelines use risk assessment, I suggest that this is inappropriate for SS developments in NSW. Risk assessment brings in a question of likelihood i.e. what are the chances of an impact occurring or not? This is not a question that is asked in any other part of an EIS. Nobody discusses clearing of vegetation and the impact upon biodiversity and then asks whether this is likely or not. This is because the inclusion of the impact in the EIS in the first place clearly implies that it **is** expected to happen. Whilst SIA can be more nuanced than this, I would suggest it is unnecessary to be asking practitioners to add the dimension of likelihood to all potential social impacts. The value derived from doing so is not worth the effort, distraction or valuable pages within the 100 allocated for phase 2 report.

- 2.3.3 the second paragraph of this section suggests that the impact tables are applied at phase 1, phase 2 and then for residual impacts. This is clearly overburdening the practitioner. As outlined above, impacts shouldn't be assessed in phase 1 anyway. And applying this process to residual impacts is impractical and unnecessary. A practitioner should be able to make valid and reasonable summations of residual impact without the need to apply this process.
- Table 5 this table fundamentally misunderstands impact assessment. Magnitude is a function of the **impact**. It is **not** related to the sensitivity of the receptor, yet this table has

both sensitivity and 'level of concern' listed as constituents of magnitude. This not only doesn't assist practitioners, it potentially takes impact assessment in NSW back several steps by confusing them.

I would suggest that the above process be simply clarified through the application of the following framework:



This framework is simple, internationally accepted, easily understood by the community and easily implemented by practitioners. It separates sensitivity and magnitude as they should be and, when supported by a clear matrix, allows proponents and the community to at least agree on the process, if not the outcome. Even when they disagree on outcome the issue can be further explored by seeing whether people disagree with the magnitude assessment or the sensitivity assessment, hence allowing far more productive (and potentially civil) community consultation and involvement.

- Table 7 column 1 and row E are for 'minimal' and 'very unlikely' ratings respectively. It is not clear then how cell A1 can ever be a 'medium' impact, nor how cells E4 and E5 can be the same. Both column 1 and row E need to be Low all the way down/across.
- I have included as an attachment to this response an extract from the EIA methodology from an offshore wind farm in the UK from several years ago that provide a good grounding in impact assessment and the framework of how it should be applied. While this is a different context the concept is the same and is potentially highly informative for how the SIA/EIA process may be developed in NSW.

- Responses to social impacts this section is very long and complicated. It implies a level of work for the practitioner that is likely to be extensive, and again implies that only a long and exhaustive document will be suitable to the department.
- Monitoring and management whilst it is admirable that such a process is included it risks being burdensome to many of the non-contentious SS projects. For example, a warehouse in an existing industrial area – such a development is usually in line with the community's expectations and likely not to be of high interest. Requiring the proponent to undertake ongoing consultation as part of the SIMP is impractical for a proponent. Even for management measures that don't rely on consultation, such as monitoring demographic changes, this is also arguably unnecessary for such non-contentious development. I would suggest that there are levels of management suggested depending on the community's level of interest or the scale of expected social impacts. This may even include a level of 'no ongoing monitoring' for certain developments (which is effectively the current practice for pretty much ALL development in terms of SIA)
- Appendix A this structure does not differentiate between the structure for phase 1 and phase 2. The structure also seems to devote two chapters (6: Expected and perceived impacts and 7: Impact assessment and prediction) to impact assessment. In the context of typical EIA practice this is an odd way to split the impact assessment, and one that few practitioners will understand. Presumably one must discuss the types of impacts in chapter 6, and then assess them in chapter 7. I fail to see what purpose this split achieves other than separating and spreading out key elements of the impact description, assessment and discussion. This would only serve to confuse the reader and unnecessarily extend the length of the document (noting the 100 page limit). These chapters should be combined.
- Appendix B this list of sample issues and questions organised by development type is quite useful and a good feature of the guideline. My only criticism is that some questions seem quite open ended and could induce 'panic writing' in order to ensure the proponent has met the requirements. This may be addressed through some relevant extracts or examples of good practice that the Department may host on their website to give practitioners an idea of what is acceptable, rather than having them guess and prepare unnecessarily large documents.

One residual comment is that the guideline makes no reference to transitional arrangements. It would be impractical for proponents who may have already prepared scoping reports and are on the cusp of submission to be expected to go back implement this guideline. Similarly, projects already scoped and engaged without this guideline may face significant disruption in 'backwards engineering' the guideline into their existing EIS. I would suggest that the guideline is not made mandatory or required in SEARs until it is properly finalised. This will also provide the Department the opportunity to rectify some of the substantial flaws in the application of impact assessment theory, as well as giving proponents sufficient time to prepare for its eventual implementation.

Whilst many of the above issues are suggestions for improvement, I wish to make it clear that I think the guideline is, overall, a massive leap forward for NSW. With some refinement, particularly around methodology and process for practitioners, this guideline could lead to real and substantial change for the better for the people of NSW. Thank you again for your substantial effort in preparing this guideline. I look forward to implementing it soon.

Yours faithfully,

Jamie McMahon

Attachment A: EIA methodology extract from Hornsea 'Project Two' Offshore Wind Farm in the UK.

Hornsea Offshore Wind Farm

Chapter 5 Environmental Impact Assessment Methodology



Project Two

Environmental Statement Volume 1 – Introductory Chapters

> **PINS Document Reference: 7.1.5** APFP Regulation 5(2)(a)

January 2015

smartwind.co.uk

SMart Wind Limited

Hornsea Offshore Wind Farm **Project Two – Environmental Statement**

Volume 1

Chapter 5 – Environmental Impact Assessment Methodology

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mes

ng Commitments



Acronyms

Acronym	Full term		
ADR	Air Defence Radar		
AfL	Area for Lease		
CIA	Cumulative Impact Assessment		
DCO	Development Consent Order		
dML	Deemed Marine Licence		
DMRB	Design Manual for Roads and Bridges		
EEA	European Economic Area		
EIA	Environmental Impact Assessment		
EMF	Electromagnetic Field		
HMR	Helicopter Main Routes		
HVAC	High Voltage Alternating Current		
HVDC	High Voltage Direct Current		
MOD	Ministry of Defence		
NERC	Natural Environment Research Council		
NPS	National Policy Statement		
NPS EN-1	Overarching National Policy Statement for Energy		
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure		
NPS EN-5	National Policy Statement for Electricity Networks Infrastructure		
NSIP	Nationally Significant Infrastructure Project		
NTS	Non-technical Summary		
PEI	Preliminary Environmental Information		
PINS	Planning Inspectorate		
PRoW	Public Right of Way		
PSR	Primary Surveillance Radar		
REC	Regional Environmental Characterisation		
RYA	Royal Yachting Association		
SCANS	Small Cetacean Abundance in the North Sea		
SNSOWF	Southern North Sea Offshore Wind Forum		
UNESCO	United Nations Economic Commission for Europe		





5 ENVIRONMENTAL IMPACT ASSESSMENT METHODOLOGY

5.1 Introduction

- This chapter describes the principles of Environmental Impact Assessment (EIA) and 5.1.1 the approach being taken to identify and evaluate potential impacts associated with Project Two. It outlines the methodologies employed in undertaking the Project Two in-isolation assessments, as well as the cumulative and inter-related impact assessments, including consideration of transboundary issues.
- 5.1.2 This EIA uses a systematic, evidence-based approach in order to evaluate and interpret the potential impacts and subsequent effects of Project Two activities upon physical, biological and human receptors. This document has been prepared in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations) which require that a developer provides a:

"description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development."

Environmental Impact Assessment Guidance 5.2

- 5.2.1 The impact assessment methodology employed in this Environmental Statement follows EIA principles and also draws upon a number of guidance documents and legislation, including:
 - Council Directive 85/337/EEC of 27 June 1985 (as amended) on the assessment of the effects of certain public and private projects on the environment (the EIA Directive);
 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;
 - Overarching National Policy Statement for Energy (NPS EN-1; DECC, 2011a);
 - National Policy Statement for Renewable Energy Infrastructure (NPS EN-3; DECC, 2011b);
 - National Policy Statement for Electricity Networks Infrastructure (NPS EN-5; DECC, 2011c);
 - Advice Note Nine: Rochdale Envelope (PINS, 2012a);
 - Advice Note Twelve: Development with Significant Transboundary Impacts Consultation (PINS, 2012b);

- Assessment (and updates) (Highways Agency et al., 2008);
- birds and wind farms published by COWRIE (King et al., 2009);
- METH-08-08) (Maclean et al., 2009);
- Act 1949 requirements (Cefas, 2004);
- Impacts Assessment In Offshore Wind Farms (RenewableUK, 2013);
- offshore renewable energy projects (Cefas, 2012);
- Guidelines for Environmental Impact Assessment (IEMA, 2004);
- 2006);
- Coastal (IEEM, 2010); and
- and IEMA, 2013).
- 5.2.2 Further details regarding the legislative context of the assessments undertaken in this Environmental Statement are provided in Chapter 2: Policy and Legislation. Where relevant topic specific guidance and legislation exists, this is discussed within the relevant Environmental Statement Chapters (Volume 2 and Volume 3 of this Environmental Statement).

5.3 **Project Two Impact Assessment**

- The assessment of each topic (e.g., marine mammals, traffic and transport, shipping 5.3.1 and navigation etc.) forms a separate chapter of this Environmental Statement. For each topic the following are addressed:
 - Identification of the study area for the topic specific assessments;
 - A description of the planning policy context;
 - Summary of consultation activity undertaken to date;
 - Description of the environmental baseline conditions; and

The Design Manual for Roads and Bridges (DMRB) Volume 11: Environmental

Best practice guidance on how to address cumulative impacts with respect to

A Review of Assessment Methodologies for Offshore Wind farms (COWRIE

Offshore Wind farms: Guidance Note for Environmental Impact Assessment in Respect of Food and Environment Protection Act 1985 and Coastal Protection

Cumulative Impact Assessment Guidelines - Guiding Principles For Cumulative

Guidelines for data acquisition to support marine environmental assessments of

Guidelines for Ecological Impact Assessment in the United Kingdom (IEEM,

Guidelines for Ecological Impact Assessment in Britain and Ireland - Marine and

Guidelines for Landscape and Visual Impact Assessment 3 (Landscape Institute



- Presentation of impact assessment, which includes:
 - Identification of the worst case project design parameters (Design Envelope) for each impact assessment;
 - A description of the measures adopted as part of the project, including • mitigation and design measures that form part of the project's design;
 - Identification of likely impacts and assessment of the significance of identified effects, taking into account any measures designed to reduce or avoid environmental effects which form part of the project's design and to which the developer is committed;
 - Identification of any further mitigation measures (in addition to those measures that form part of the project's design) which have yet to be confirmed:
 - Identification of any future monitoring required; •
 - Assessment of any cumulative effects with other developments planned in the area; and
 - Assessment of any transboundary effects. •
- 5.3.2 Inter-related effects are assessed in a separate chapter in both the offshore volume (Volume 2, Chapter 12) and the onshore volume (Volume 3, Chapter 12).
- 5.3.3 The approach to the principal components of the EIA is described in further detail in the sections below.

The Design Envelope

- 5.3.4 The Project Two EIA has employed the Design Envelope approach, also known as the Rochdale Envelope approach. This approach allows for a project to be assessed on the basis of project design parameters that are not specific at the time of writing, but are indicated with a range of potential values. For each impact assessment the maximum adverse scenario from within the range of potential options for each development parameter is identified, and the assessment is undertaken on this basis. Further details of the legislative context of this approach are included in Chapter 2: Policy and Legislative Context.
- 5.3.5 The Design Envelope approach employed for Project Two is consistent with the Planning Inspectorate's (PINS) Advice Note Nine: Rochdale Envelope (PINS, 2012a).

- 5.3.6 Chapter 3: Project Description sets out the Project Two Design Envelope parameters and identifies the range of potential project design values for all relevant components of the development. Within each of the topic chapters (Volume 2: Chapters 1 to 11 and Volume 3: Chapters 1 to 11) and for each of the impacts assessed, the Design Envelope considered is that which would give rise to the greatest potential impact. For example, if several turbine types remain possible, then the assessment of the project has been based on the turbine type known to have the greatest impact. This may be the turbine type with the largest footprint, the greatest tip height or the largest area of seabed required during construction, depending upon the topic under consideration. If, after undertaking the impact assessment it is shown that no significant effect is anticipated, it can be assumed that any project parameters equal to or less than those assessed in this 'Design Envelope' will have environmental effects of the same level or less and will therefore also have no significant effect upon the receptors for the topic under consideration.
- 5.3.7 By employing the Design Envelope approach the developer retains flexibility in design of the offshore wind farm and associated offshore and onshore infrastructure within certain maximum extents and ranges, all of which are fully assessed in this Environmental Statement.

Measures Adopted as Part of the Project

- 5.3.8 Schedule 4 of the EIA Regulations requires that where significant effects are identified, "a description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment" should be included in the Environmental Statement.
- 5.3.9 SMart Wind has elected to undertake the Project Two assessment using an iterative approach. This approach has been employed in order to demonstrate commitment to appropriate mitigation of project-related impacts by including them in the design of the project. The process of EIA has therefore been used as a means of informing the Project Two design.
- 5.3.10 in Figure 5.1, involves a feedback loop during the impact assessment process. A specific impact is initially assessed for its significance of effect, and if this is deemed to be significant adverse in EIA terms, changes are made (where practicable) to relevant project parameters in order to reduce or offset the magnitude of that impact. The assessment is then repeated and the process continues until the EIA practitioner is satisfied that:
 - The effect has been reduced to a level that is not significant in EIA terms; or
 - effect that is still significant in EIA terms may be presented.



The iterative approach to EIA employed in this Environmental Statement, as outlined

No further changes may be made to project parameters in order to reduce the magnitude of impact (and hence significance of effect). In such cases an overall





Figure 5.1 Iterative approach to mitigation within the Project Two EIA.

- By employing this method, the significance of effect presented for each identified 5.3.11 impact may be presumed to be representative of the maximum residual effect that the development will have, should it be approved and constructed.
- Agreed mitigation will ultimately form part of the requirements included in the 5.3.12 Development Consent Order (DCO) or the conditions within the Deemed Marine Licences (dML).
- 5.3.13 Annex 4.5.5: Enhancement, Mitigation and Monitoring Commitments sets out a summary of the enhancement measures and mitigation commitments, which includes measures adopted as part of the project, detailed within the individual chapters of the Environmental Statement for Project Two. The means of implementation is also specified for each of the enhancement measures and mitigation commitments.

5.3.14 In addition to measures adopted as part of the project, additional mitigation measures have also been considered, where applicable, within the EIA. See paragraphs 5.3.32 and 5.3.33 below for further detail of additional mitigation measures.

Identification of Impacts and Assessment of Significance of Effects

- 5.3.15 Project Two has the potential to create a range of 'impacts' and 'effects' with regard to the physical, biological and human environment. The definitions of impact and effect used in this assessment are drawn from the DMRB (Highways Agency et al., 2008).
- For this assessment the term 'impact' is used to define a change that is caused by an 5.3.16 action. For example, piling of turbine foundations (action) during construction which results in increased levels of subsea noise (impact).
- 5.3.17 Impacts can be classified as direct, indirect, secondary, cumulative and inter-related. They can be either positive or negative, although the relationship between them is not always straightforward. Definitions for each of these terms are provided in Table 5.1.

Table 5.1	Definition of direct, indirect, second
	and negative impacts. Definitions de

Term	De
Direct impact	Occurs as a result of activities und project.
Indirect impact	Occurs as a consequence of a direct of events) and may be experienced removed from the direct impact.
Secondary impact	Socioeconomic and cultural chang in space or time that is removed fr
Cumulative impact	Impacts that result from increment foreseeable actions alongside the impact of all other developments the collection (surveys etc.)
Inter-related impacts	The impacts resulting from the interimpacts upon the same receptor (e impacts from vessels affect a single
Positive or negative impacts	Positive impacts merit just as muc example as international, national projects to deliver positive biodiver considered for all the definitions at



dary, cumulative, inter-related, positive erived from IEEM (2006).

efinition

dertaken in direct connection to the

ect impact (sometimes as part of a chain ed at a point in space or time that is

ges which may be experienced at a point rom both direct and indirect impacts.

tal changes caused by other reasonably project in question. This includes the that were not present at the time of data

er-relationship of different topic-specific e.g., where the impacts from noise and le receptor such as marine fauna).

ch consideration as negative ones, for and local policies increasingly press for ersity outcomes. Positive impacts can be bove.



- 5.3.18 For certain impacts, the reversibility of an impact is relevant to its overall effect. An irreversible (permanent) impact may occur when recovery is not possible within a reasonable timescale, or there is no reasonable chance of action being taken to reverse it. By contrast, a reversible (temporary) impact is one where recovery is possible naturally in a relatively short time period, or where mitigation measures can be effective at reversing the impact. It is possible for the same activity to cause both irreversible and reversible impacts.
- 5.3.19 The term 'effect' is used in this assessment to express the consequence of an impact. For example, in the offshore environment the piling of turbine foundations (activity) results in increased levels of subsea noise (impact), with the potential to disturb marine mammals (effect) or in the onshore environment, the installation of cables using horizontal directional drilling to cross under a road or stream (activity) results in increased levels of noise (impact), and potential disturbance to noise sensitive receptors (i.e., people or ecological receptors (effect)).
- 5.3.20 This is expressed in this document as the 'significance of effect' and is determined by considering the magnitude of the impact alongside the importance, or sensitivity, of the receptor or resource, in accordance with defined significance criteria.

Defining magnitude of impact and sensitivity of receptor

Magnitude of impact

- For all impacts assessed in this Environmental Statement a magnitude has been 5.3.21 assigned. In doing so the spatial extent, duration, frequency and reversibility of the impact have been considered, where applicable.
- Specific scales of magnitudes of impact are defined in each chapter of this 5.3.22 Environmental Statement in a manner that is relevant to that particular assessment. The design of these topic-specific scales draws upon relevant external guidance and other material, including specialist knowledge, which is relevant to that topic. In some chapters, reversibility has not been included as it is not relevant. This is outlined where appropriate.
- Each topic categorises magnitude of impact according to the following scale: 5.3.23
 - No change;
 - Negligible;
 - Low;
 - Medium: and
 - High.

Sensitivity of receptor

5.3.24 For the purpose of this Environmental Statement, receptors are defined as the physical or biological resource or user group that would be affected by the project impacts. This is informed by baseline studies that have been completed in the preparation of this Environmental Statement. In defining sensitivity within each chapter the factors outlined in Table 5.2 have been considered.

Table 5.2 Definition of the vulnerability, recoverability and value/importance when defining the sensitivity of a receptor (IPCC, 2001; MarLIN, 2012; IEEM, 2010).

Term	
Vulnerability of the receptor	The degree to wh damage, or harm
Recoverability of the receptor	The ability of a re close to that whic caused damage.
Value/importance of the receptor	The importance of social/community

- The above terms are used on a basis appropriate to each chapter. Where these 5.3.25 considerations are not included in the assessment this is outlined within the relevant chapter.
- 5.3.26 Sensitivity is defined within each topic according to the following scale:
 - Negligible;
 - Low;
 - Medium; and
 - High;

Evaluation of significance of effect

- 5.3.27 The overall significance of an effect is determined by the consideration of the magnitude of impact alongside the sensitivity of receptor. In order to ensure a consistent approach to this evaluation throughout the EIA, a matrix approach has been adopted.
- An example of the matrix used to inform the topic-specific methodologies in each 5.3.28 topic is set out in Table 5.3 below. This matrix has been adopted from the DMRB (Highways Agency, 2008).



Definition

hich a receptor is susceptible to injury, n from an activity.

eceptor to be able to return to a state ch existed before an activity or event

of the receptor in terms of ecological, v and/or economic value.



Table 5.3 Matrix used for assessment of significance showing the combinations of receptor sensitivity and the magnitude of effect.

Sensitivity	Magnitude of Impact				
of receptor	No Change	Negligible	Low	Medium	High
Negligible	Negligible	Negligible	Negligible or minor	Negligible or minor	Minor
Low	Negligible	Negligible or minor	Negligible or minor	Minor	Minor or moderate
Medium	Negligible	Negligible or minor	Minor	Moderate	Moderate or major
High	Negligible	Minor	Minor or moderate	Moderate or major	Major or substantial
Very High	Negligible	Minor	Moderate or major	Major or substantial	Substantial

- By cross-referring the expected magnitude of impact with the sensitivity of receptor a 5.3.29 significance of effect may be assigned for all project impacts. The significance may be one, or a range of, negligible, minor, moderate, major or substantial. In general, a significance of effect of **moderate** or greater is considered 'significant' in EIA terms and will normally trigger additional analysis and consultation in order to discuss and possibly further mitigate impacts where possible. Where further mitigation is not possible a residual effect may remain.
- In cases where a range is suggested for the significance of effect, there remains the 5.3.30 possibility that this may span the significance threshold (i.e., the range is given as minor to moderate). In such cases the final significance is based upon expert opinion as to which outcome within the range is likely to be closer to the actual significance.
- The definitions for each of the significance levels are shown in Table 5.4 below. 5.3.31

Term	D
Negligible significance	No effects or those that are ber normal bounds of variation or w
Minor significance	These beneficial or adverse eff raised as local factors. They ar making process, but are import design of the project.
Moderate significance	These beneficial or adverse eff likely to be key decision-making such factors may influence dec in the overall adverse or benefi receptor.
Major significance	These beneficial or adverse eff important considerations and a making process.
Substantial significance	Only adverse effects are normal They represent key factors in the effects are generally, but not ex- features of international, nation to suffer a most damaging impa- However, a major change in a salso enter this category. Effects attributed this level of significant

Table 5.4

Additional Mitigation Measures

- In select cases, additional mitigation measures have been outlined within the topic 5.3.32 chapters. This includes mitigation measures where:
 - or
 - sign-off from regulators, stakeholders etc.) as agreed mitigation.
- 5.3.33 In such cases these mitigation measures have been outlined after the assessment of significance in the relevant chapters.



Definition of significance levels for Project Two.

Definition

neath levels of perception, within within the margin of forecasting error.

fects are generally, but not exclusively, re unlikely to be critical in the decision tant in enhancing the subsequent

fects may be important, but are not g factors. The cumulative effects of cision-making if they lead to an increase icial effect on a particular resource or

fects are considered to be very are likely to be material in the decision-

ally assigned this level of significance. he decision-making process. These xclusively, associated with sites or nal or regional importance that are likely act and loss of resource integrity. site or feature of local importance may s upon human receptors may also be nce.

The threshold of significance of effect has been reached (i.e., where an issue is significant in EIA terms) when including designed in mitigation measures, but there are additional mitigation measures available to reduce the level of effect;

Mitigation has been proposed but has not yet been confirmed (i.e., awaiting



5.3.34 Annex 4.5.5: Enhancement, Mitigation and Monitoring Commitments sets out a summary of the enhancement measures and mitigation commitments, which includes additional mitigation measures, detailed within the individual chapters of the Environmental Statement for Project Two. The means of implementation is also specified for each of the enhancement measures and mitigation commitments.

5.4 **Cumulative Impact Assessment**

- 5.4.1 This section describes the approach to Cumulative Impact Assessment (CIA) with regard to Project Two. The CIA takes into account the knowledge of the environment gained by the project team in assessing potential impacts arising from Project Two and considering in that context the potential impacts of other development activities in the vicinity of the development.
- 5.4.2 For the purposes of the Project Two EIA, cumulative effects are defined as those that result from incremental changes caused by other reasonably foreseeable actions alongside the project in question. This includes the impact of other relevant developments that were not present at the time of data collection (surveys etc.).

Cumulative Impact Assessment Guidance

5.4.3 Project Two is being developed within a period of rapid growth in the offshore wind sector. This rapid development includes development of other Round 3 projects, Round 2 projects, together with Round 1 and 2 extension projects in UK waters. As such, the issue of CIA has, over recent years, become an issue of increasing importance for offshore wind developers. In response RenewableUK and the Natural Environment Research Council (NERC) have released Cumulative Impact Assessment Guidelines (RenewableUK, 2013). The guidelines seek to inform and facilitate agreement on a range of concepts arising in planning applications such as those for offshore wind. The approach to CIA presented for Project Two takes into account the principles outlined in this document, together with comments made in response to the Project Two Scoping Report (SMart Wind, 2012a) the Project Two Phase 1 Consultation Document (SMart Wind, 2012b) and the Project Two Draft Environmental Statement (SMart Wind, 2014). In addition, the Project Two development is similar in terms of its nature and location, to that of Project One. As such, the matters relevant to Project Two which were raised in the formal responses from consultees for Project One and issues identified during pre-application consultation on Project One have also been taken into consideration in the approach to the Project Two CIA.

- 5.4.4 PINS Advice Note Nine (PINS, 2012a) sets out initial guidance on the use of the Rochdale Envelope (Design Envelope) approach. This note states that "The potential cumulative impacts with other major developments will also need to be carefully identified such that the likely significant impacts can be shown to have been identified and assessed against the baseline position (which would include built and operational development)." This requirement has been acknowledged and has been built into the CIA approach adopted for Project Two.
- 5.4.5 For the purposes of the Project Two CIA, the relevant project parameters for the projects/plans considered cumulatively have been drawn from Environmental Statements (or other similarly detailed planning documents). Any measures imposed post-consent on the projects/plans have not been included due to the uncertainty surrounding whether these are ultimately implemented or not.
- 5.4.6 The screening process for Project Two has been designed in order to screen the large volume of information available for potential cumulative projects/plans in a manner that is both methodical and transparent. This involves the use of a stepwise process that includes the consideration of the level of detail available, as well as the potential for interactions on a conceptual, physical and temporal basis.

Approach to Cumulative Impact Assessment

Scope of cumulative impact assessment

- 5.4.7 In response to the Project Two Scoping Report (SMart Wind, 2012a), the PINS Scoping Opinion (PINS, 2012c) recommended that, through consultation with local planning authorities and other relevant consenting bodies, other major developments (both onshore and offshore) in the area should be taken into account (PINS, 2012c; Appendix 3), including those which are:
 - Under construction;
 - Permitted application(s), but not yet implemented;
 - Submitted application(s) not yet determined;

 - is reasonably likely to come forward.
- 5.4.8 Projects falling into the above categories have been considered for inclusion within the CIAs presented for each topic chapter within the Environmental Statement based upon several screening criteria, as presented below.



Projects on the National Infrastructure Planning Portal's Programme of Projects;

Identified in the relevant development plan (and emerging development plans with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited; and

Identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development



5.4.9 It should be noted that for the purposes of the Project Two Environmental Statement, projects/plans that were built and operational at the time of Project Two data collection (field surveys etc.) have not been included within the CIA. This is because the effects of these projects have already been captured within Project Two specific surveys, and hence their effects have already been accounted for within the baseline assessment. The exclusion of built and operational projects in this way avoids the double-counting that would occur if projects were to be included within both the baseline and the CIA sections.

Offshore Cumulative Impact Assessment

- 5.4.10 This section refers to the methodology employed for the offshore CIA only. Details of the onshore CIA methodology are presented in paragraph 5.4.52 to 5.4.61.
- 5.4.11 The offshore CIA methodology is divided into two main sections: screening of projects/plans and assessment. These sections and their component parts are detailed further below.

Screening of Projects/Plans

- 5.4.12 A fundamental requirement of undertaking CIA is to identify those developments or activities with which Project Two may interact to produce a cumulative impact. These interactions may arise within the construction, operation or decommissioning phases. This process is referred to as screening.
- 5.4.13 A specialised process has been developed in order to methodically and transparently screen the large number of projects/plans that may be considered cumulatively alongside Project Two. This involves a stepwise process that considers the level of detail available for project/plans, as well as the potential for interactions on a conceptual, physical and temporal basis. This process is broadly divided into a screening stage and an assessment stage, and is outlined in Figure 5.2. Each of the process components are explained in further detail below and a worked example of the screening process is also provided.







Figure 5.2 Methodology within specific topic sections of Project Two for the screening of the potential for projects/plans to provide cumulative impact(s).





Table 5.5 Criteria for allocation of data confidence.

Screening Stage

Cumulative Impact Assessment Long List

- In order to provide a comprehensive CIA of all relevant projects, the Southern North 5.4.14 Sea Offshore Wind Forum (SNSOWF) has produced an extensive list of plans, projects and activities occurring within a large study area encompassing the greater North Sea and beyond (hereafter referred to as the CIA long list).
- The CIA long list comprehensively collates detail of some 1,650+ operational or 5.4.15 proposed projects/plans in the greater North Sea and includes those within both the UK and adjoining international jurisdictions. By starting from this very broad list of available data, projects/plans were screened in or out as relevant to Project Two as a whole, or as relevant to particular topics (such as marine mammals) based on distance or data confidence. This approach is consistent with Guiding Principle 4 of the RenewableUK Cumulative Impact Assessment Guidelines (RenewableUK, 2013) and thereby reduced the overall length of the CIA long list- see Annex 4.5.1: Cumulative Impact Assessment Long List).
- 5.4.16 All projects/plans listed in the CIA long list were then individually screened with specific reference to each topic within the Environmental Statement. Those that are 'screened in' are then carried forward into the relevant topic chapters of the Environmental Statement.

Data Confidence

- This step aims to screen projects/plans based upon the level of detail available within 5.4.17 their specific assessment. The premise here is that projects/plans with a low level of detail in their assessment cannot meaningfully contribute to a CIA and as such are screened out.
- Decisions upon whether to screen a project/plan in or out at this stage are taken on a 5.4.18 topic by topic basis. This allows certain projects/plans to be screened in for certain topics where sufficient detail is present, while the same project/plan may be screened out for another topic.
- In order to categorise data confidence for the purposes of the Project Two 5.4.19 Environmental Statement a three-point scale has been employed (Table 5.5). This scale aims to provide a transparent basis upon which projects/plans may be screened in or out at this step.

Data confidence	Crite
	 Projects/plans with a final Environme detailed planning document) containi adequately detailed CIA to be undert quantitative manner;
High	 Peer reviewed and/or industry standa quantitative or qualitative data; or
	 Detailed project parameters for other project details published in the public accurate by the Project Two develop
	 Projects/plans with a draft or final En equivalently detailed planning docum detail that still allows a CIA to be und
Medium	 Third party data supplied to or obtain subject to peer review and cannot be
	 Peer reviewed and grey literature that and hence potentially not as represent insufficient detail in order to accurate (e.g., European Seabirds at Sea data)
	 Project/plans with a lack of robust inf implementation are scarce or likely to consent/approval;
Low	 Projects/plans that may be developed information is currently available (e.g yet been identified or have very little

- 5.4.20 been automatically screened in to the CIA. Projects/plans with low data confidence have been screened out of the assessment. This category includes projects/plans that the Project Two EIA team is aware may take place in the future, but have no information on how the plan or project will be executed.
- 5.4.21 RenewableUK Cumulative Impact Assessment Guidelines (RenewableUK, 2013).



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ental Statement (or other equivalently ning sufficient topic-specific detail for an rtaken on a quantitative or semi-

lard third party quantitative, semi-

er SMart Wind projects and third party ic domain and confirmed as being ber.

nvironmental Statement (or other ment) containing a moderate level of dertaken on a qualitative basis;

ned by SMart Wind that has not been e quality controlled by SMart Wind; or

at is considered relevant, but either old, entative of the current situation, or of ely inform assessment in its own right ta).

formation and where details of to change before any potential

ed in future, but for which no specific g., future Round 3 projects that have not detailed information published).

For the purposes of screening, projects with High or Medium data confidence have

The application of this screening step is consistent with Guiding Principle 7 of the



Conceptual overlap

- 5.4.22 For a cumulative impact to occur it must be established that a cumulative impact has the potential to directly or indirectly affect the receptor(s) in question. In EIA terms this is described as an impact-receptor pathway, and is hereafter referred to as a conceptual overlap.
- 5.4.23 An example of a conceptual overlap can be clearly seen where increased suspended sediment concentrations from a nearby project (impact) affect fish and shellfish (receptor). Conversely, a conceptual overlap cannot be demonstrated between activities such as the operation of a subsea pipeline and aircraft navigation. It is in cases such as this second example where projects/plans are screened out at this stage.
- 5.4.24 Each project/plan on the CIA long list has been considered on a topic by topic basis in order to evaluate the potential for conceptual overlaps to exist. Projects/plans that clearly do not have such an overlap are screened out of the assessment. In cases where a conceptual overlap is not clear-cut the project/plan in question has been screened in to the CIA in order to maintain the project's adherence to the Design Envelope approach. These projects are then further considered in the topic-specific chapter.

Physical overlap

- 5.4.25 The ability for impacts arising from Project Two to overlap with those from other projects/plans has been assessed on a receptor basis in each topic. This means that, in most examples, an overlap of the physical extents of the impacts arising from the two (or more) projects/plans must be established for a cumulative impact to arise. For example, for a cumulative sedimentation impact to be established between Project Two and another project, it must be established that the extent of sediment release from both projects has the potential to overlap and may affect a receptor at a single physical place. Exceptions to this exist for certain mobile receptors that may move between, and be subject to, two or more separate physical extents of impact from two or more projects. For example, marine mammals may be affected by noise impacts from Project Two, as well as those from other projects whose noise impact extents do not directly overlap with those from Project Two, such as development within the Dogger Bank Zone. Furthermore, individual receptors from the same population may be subject to physically separate impacts occurring at the same time while the population is separated, leading to an effect upon the population as a whole. Where relevant these potential eventualities have been noted in the relevant chapter and included in the CIA.
- 5.4.26 Screening on the basis of physical extent has been carried out for all topics in line with the maximum potential impact (and hence physical extent) that may arise from Project Two, in line with the Design Envelope approach. A listing of the parameters used for screening of physical extent for CIA purposes is shown in Table 5.6.



5.4.27 For the purposes of the Project Two CIA all projects/plans which do not have a physical overlap of impacts, for a given EIA topic, with those of Project Two have been screened out. This approach is consistent with Guiding Principle 5 of the RenewableUK Cumulative Impact Assessment Guidelines (RenewableUK, 2013).



Торіс	Physical extent(s) utilised	Justi
Marine processes	One tidal ellipse for changes relating to seabed disturbance and associated increased suspended sediment concentrations and sediment deposition.	This extent is indicative of the area of sediments and associated deposition
	50 km buffer for additive effects (e.g., long term and temporary habitat loss).	Additive effects are assessed within the benthic habitats present in the w
Benthic subtidal and intertidal ecology	One tidal ellipse for synergistic/interactive effects (e.g., increased suspended sediment concentrations and sediment deposition).	This extent is indicative of the area of sediments and associated deposition
	50 km buffer for additive effects (e.g., long term and temporary habitat loss).	Additive effects are assessed within Two as a representation of the habit southern North Sea region.
Fish and shellfish ecology	100 km buffer from the Project Two boundary for the assessment of noise from piling activities.	Additive effects of underwater noise km buffer of Project Two as a represent in the wider southern North wider extent over which noise impact
	One tidal ellipse for synergistic/interactive effects (e.g., increased suspended sediment concentrations and sediment deposition).	This extent is indicative of the area of sediments and associated deposition
	Seals – Small Cetacean Abundance in the North Sea (SCANS) Block U.	Although reference population is give Unit it is recognised that seals also r therefore Block U represents an app to capture these long distance move key feeding areas within the south co
Marine mammals	Cetaceans – SCANS Block U (represents the south central North Sea).	Many cetacean species Managemer their entirety for the purposes of und SCANS Block U represents the mos reference that covers a sufficiently la patterns in the species, and within w than in other parts of the North Sea.
Ornithology	Seabirds.	Seabird receptors have broad migra- species such as auks disperse wide Non-trivial connectivity between Pro- population is therefore difficult to det UK east coast populations have bee
Seascape and visual impact	100 km for wind farms of similar height, 85 km for smaller wind farms.	An area of influence of 50 km is ado farms> As such the buffer area is 10 large wind farm are considered toge Round 2) the buffer is 35 km, leading considered alongside Project Two.
Marine archaeology and ordnance	The Humber Regional Environmental Characterisation (REC) area.	The REC provides a clear and well-p environment resource due to the hor prehistoric and historic development





tification

of potential overlap for suspended ion.

in a 50 km buffer as a representation of wider southern North Sea region.

of potential overlap for suspended ion.

in a maximum 50 km buffer of Project pitats and species present in the wider

e are assessed within a maximum 100 esentation of the habitats and species h Sea region and to account for the acts would be expected.

of potential overlap for suspended ion.

iven within the Southeast Management make long distance movements and opropriate geographic frame of reference vements between other haul-out sites or central North Sea.

ent Units are too extensive to consider in ndertaking a robust impact assessment. ost appropriate geographic frame of large extent so as to capture ecological which higher densities are recorded

ration zones within the North Sea, and lely rather than having any set migration. roject Two and any particular continental etermine with any confidence. Generally en used.

dopted for large (i.e. Round 3) wind 100 km when Project Two and another gether. For smaller wind farms (e.g. ing to an 85 km buffer when these are

I-presented overview of the historic omogeneity of this area in terms of its nt.



Торіс	Physical extent(s) utilised	Justi
Shipping and navigation	 Disposal sites, marine aggregates, offshore wind farms, offshore energy projects, commercial fisheries: Southern North Sea. Oil and gas: within 50 NM of Subzone 2 and cable route corridor. Cables and pipelines: within 10 NM of Subzone 2 and cable route corridor. Onshore developments: UK east coast. Shipping and navigation: North Sea. 	Area of influence on commercial ship adjacent to Project Two area.
Aviation, military and communications	Impacts on Ministry of Defence (MOD) Danger Area: Southern North Sea.	Influence on operations within Minist
	Helicopter impacts: Southern North Sea, incorporating air space in area between Humberside Airport and Subzone 2, and between Norwich Airport and Subzone 2.	Influence on use of Helicopter Main I influence on access to infrastructure
	Radar impacts: Southern North Sea (other offshore wind farms that are likely to have the potential to be detected by the Claxby Primary Surveillance Radar (PSR) and Cromer PSR, Staxton Wold Air Defence Radar (ADR) and Trimingham ADR.	Influence on radar coverage already
	Microwave links: 30 km radius of two central points within the Subzone 2 boundary.	Influence on microwave links.
Commercial fisheries	Whole North Sea.	Likely catchment of fisherman utilisir
Infrastructure and other marine users	Recreational fishing, recreational sailing and motor cruising, and dive sites: Coast between Robin Hood Bay and Bacton, out to Subzone 2 plus 10 NM.	Influence on recreational area (e.g., sailing routes) already affected by Pr
	Windsurfing, kayaking, surfing: Coastal area from Robin Hood Bay to Bacton.	Influence on recreational area (e.g., by Project Two.
	Aggregate extraction: Tidal ellipse of Subzone 2 and cable route corridor.	Maximum extent of physical process
	Pipelines and cables: within study area for Infrastructure and other marine users chapter.	Influence on cables or pipelines alrea
	Oil and gas: 10 NM buffer from cable route and Subzone 2.	Maximum area that will encompass a affected by Project Two.



tification

hipping routes crossing through or

istry of Defence (MOD) Danger Area.

in Routes (HMR) 3, 4 and 13, and ire with 9 NM overlap with Subzone 2.

dy affected by Subzone 2.

sing Project Two area.

g., Royal Yachting Association (RYA) Project Two.

., RYA sailing routes) already affected

sses.

ready affected by Project Two,

s a licence block which is already



Temporal overlap

- 5.4.28 In order for a cumulative impact to arise from two or more projects, a temporal overlap of impacts arising from each must be established. Given the lifespan of Project Two (likely to be greater than 30 years when construction and decommissioning periods are taken into account), all projects listed on the CIA long list are likely to have been brought forward for development, or dismissed, during this period. As such all projects on the CIA long list have been screened in at this stage.
- 5.4.29 It should be noted that some impacts are active only during certain phases of development, such as piling noise during construction. In these cases it is important to establish the extent to which an overlap may occur between the construction periods for Project Two and other projects/plans. The absence of a strict overlap however may not necessarily preclude a cumulative impact, as receptors may become further affected by additional, non-temporally overlapping projects. For example, deterioration in the hearing ability of marine mammals may be exacerbated by additional projects that are separated by some time.

Hypothetical example of screening process

- 5.4.30 In order to illustrate the stages of the CIA screening process, an example is provided below for a hypothetical marine aggregate extraction project which is consented for a location in the vicinity of Project Two (but not yet operational). In this example the potential for the hypothetical marine aggregate extraction project to contribute to a cumulative impact alongside Project Two is considered, with particular reference to impacts upon benthic intertidal and subtidal ecology.
- 5.4.31 Data confidence: An Environmental Statement must be produced for all marine aggregate extraction projects, which provides detailed information in the public domain for this hypothetical project. Upon examination of the detail in the Environmental Statement relevant to benthic ecology it is deemed that the information present is sufficient for a quantitative CIA and as such data confidence for this project is deemed to be 'high'. The project passes this stage of screening for the benthic intertidal and subtidal ecology topic.
- **Conceptual overlap:** For a project to pass this step it must be established that it has 5.4.32 the potential to contribute to an impact that also arises from Project Two in isolation. In this case we may consider the loss or disruption to benthic habitat as a common impact between both Project Two and the marine aggregate extraction project. As such a conceptual overlap (cumulative impact-receptor pathway) exists and the project passes this stage of screening for the benthic intertidal and subtidal ecology topic.

- 5.4.33 Physical overlap: For the purposes of the benthic ecology assessment the maximum additive long term habitat loss is calculated within a 50 km buffer of Project Two (see Table 5.6). Our hypothetical marine aggregate extraction project exists within this radius and as such a physical overlap between the potential effect and the receptor exists. The project passes this stage of screening for the benthic intertidal and subtidal ecology topic.
- 5.4.34 and operational during the construction of Project Two and as such there is the potential for impacts to temporally overlap. The project passes this stage of screening for the benthic intertidal and subtidal ecology topic.
- 5.4.35 Screen in: As the hypothetical marine aggregate project has passed all of the above stages, it is therefore screened in and would be taken forward for further consideration within the CIA section of the topic-specific chapter (in this case benthic intertidal and subtidal ecology).

Assessment Stage

List of Screened in Projects/Plans

5.4.36 Upon the completion of screening of projects/plans described above, a listing of all projects/plans screened in for assessment was produced. This list is specific to each topic of the Environmental Statement and presents all projects/plans considered in that topic chapter's CIA. The list also includes a summary of relevant detail of each project/plan relevant to the CIA.

Implementing the Project Two Cumulative Impact Assessment

- 5.4.37 The Project Two CIA has been undertaken and presented separately from the standalone assessment within each topic chapter.
- 5.4.38 For the Project Two CIA a tiered approach has been adopted. This approach is intended to provide a framework to assist the decision maker in placing relative weight upon the potential for each project/plan assessed cumulatively to ultimately be realised, based upon the project/plan's current stage of maturity. The allocation of projects/plans into tiers is not affected by the screening process but is merely a categorisation applied to all projects/plans that have been screened in for assessment.
- The tiered approach uses the following categorisations: 5.4.39
 - operational but have an on-going impact; and



Temporal overlap: Our hypothetical marine aggregate extraction project is active

Tier 1: Project Two considered alongside other projects/plans currently under construction and/or those consented but not yet implemented, and/or those submitted but not yet determined and/or those currently operational that were not operational when baseline data was collected, and/or those that are



- **Tier 2:** All projects/plans included in Tier 1, as well as those on relevant plans and programmes that are likely to come forward (the PINS Programme of Projects being the source most relevant for this assessment), but have not yet submitted an application for consent. Specifically, this Tier includes all projects where the developer has advised PINS in writing that they intend to submit an application in the future, or where only a scoping report or Preliminary Environmental Information (PEI) is available (i.e., a full Environmental Statement is not available).
- 5.4.40 This approach is consistent with the RenewableUK Cumulative Impact Assessment Guidelines, specifically Guiding Principle 4 and Guiding Principle 7 (RenewableUK, 2013).
- 5.4.41 The development phase status of all individual projects/plans considered alongside Project Two is indicated within each specific topic assessment.
- 5.4.42 All projects/plans that have been screened in via the previously described screening process are allocated into one of the above Tiers and assessed for cumulative impact. Where practicable, the CIA methodology follows the outline of the standalone assessment methodology as specified in Section 5.3 above. This approach is employed in order to maintain consistency throughout the chapter and to allow relevant comparisons to be made. This approach however differs between topic chapters according to several factors, such as the nature of the topic, the cumulative projects/plans included for that topic, the data available for each project/plan and the specific practicalities around undertaking CIA for that discipline. As such while all topics have, in the first instance, aimed to undertake a full quantitative assessment, this has not been possible throughout and in select cases the assessment presented employs a mix of qualitative and quantitative, or wholly qualitative assessment.
- As part of the CIA process further consideration has been given to the temporal 5.4.43 status of the projects/plans on the CIA long list in order to identify those that may have construction or operational periods that overlap the respective periods of Project Two. Such a consideration is particularly important for receptors such as marine mammals, where the overlap of impacts during construction, such as noise from the piling activities of several large offshore developments, may be important.
- The anticipated construction periods for projects/plans within the CIA long list have 5.4.44 been obtained from their relevant planning documents (e.g., Scoping Reports, Environmental Statements etc.), as well as through consultation with proponents and general industry knowledge. The details provided represent the current understanding of programmes of development though it is recognised that these programmes may be subject to change.
- 5.4.45 Overlap of decommissioning periods with other projects/plans has not been considered within this Environmental Statement due to the extremely long time horizons involved and the uncertainty inherent in such predictions.

- 5.4.46 It is important to note that a key assumption of the screening of cumulative impacts is that those impacts identified via this process will be 'inter-disciplinary' in nature. That is, the CIA will consider impacts arising and receptors within more than one EIA topic. For example, the CIA will consider the effects of increased suspended sediment concentrations (physical process) upon seabed habitats (benthic ecology).
- 5.4.47 Although the approach adopted for Project Two is as generic as possible, due to the specific nature of many EIA topics, individual approaches to CIA are also required. This may include justifiable differences between topics in the spatial scale considered or the conceptual nature of any potential impact-receptor pathway, for example. Any approach to the CIA that is specific to a certain topic is noted in the relevant EIA chapter.
- 5.4.48 The final significance for each cumulative impact is presented independently for each Tier. The only exception to this is where certain topic chapters have assessed Tier 2 only on the basis that this Tier shows no significant impact (and therefore it follows that Tier 1 also shows no significant impact), or where no relevant Tier 1 projects have been screened in.
- 5.4.49 Further detail on the methodologies implemented for the CIA may be found in the relevant sections of the Environmental Statement topic chapters.

Future Southern North Sea Round 3 Wind Farms

- 5.4.50 In line with the RenewableUK Cumulative Impact Assessment Guidelines for offshore wind farms (RenewableUK, 2013), the cumulative assessment of other North Sea Round 3 developments has taken an approach that attempts to incorporate an appropriate level of pragmatism. This is demonstrated in the confidence levels applied to various developments, particularly those that are known but currently lack detailed project application documentation, such as East Anglia Three and Four which are at the scoping stage only. These projects have been considered for CIA only in those chapters where it is considered that the scoping reports contain sufficient detail with which to undertake a meaningful assessment.
- 5.4.51 Due to the lack of specific information in the public domain about these projects and how and when (or if) they will be built it is therefore not possible to undertake a meaningful CIA for these projects and they are therefore excluded from the CIA throughout the Project Two Environmental Statement.

Onshore Cumulative Impact Assessment

- This section refers to the methodology employed for the onshore CIA only. Details of 5.4.52 the offshore CIA methodology are presented in paragraph 5.4.10 to 5.4.51.
- The onshore CIA considers major projects which fall into the categories set out in 5.4.53 PINS Advice Note Nine (see paragraph 5.4.7).





- 5.4.54 The cumulative interactions onshore were generally limited to the construction phase and were not considered to involve such complex interactions as described above in the Offshore Cumulative Impact Assessment Section (paragraphs 5.4.10 to 5.4.51). For this reason it was not necessary to present the results in a tiered manner for the onshore assessment. The approach taken is in line with standard industry approach for assessment of onshore cumulative effects. Nevertheless the status of the onshore cumulative schemes is stated in the cumulative schemes tables in each onshore Environmental Statement chapter; making this information available should it be required.
- The locations of the schemes assessed in the onshore CIA are shown on Figure 5.3 5.4.55 and Figure 5.4.
- 5.4.56 Screening on the basis of physical extent has been carried out for all topics in line with the maximum potential impact (and hence physical extent) that may arise from Project Two, in line with the Design Envelope approach. A listing of the parameters used for screening of physical extent for CIA purposes is shown in Table 5.7.
- 5.4.57 The socio-economic CIA (Volume 3, Chapter 11: Socio-economics) identifies developments based on the extent to which these developments' supply chains might draw on companies in similar sectors and the extent to which the skills requirements of the labour markets may overlap. These include offshore and onshore developments and therefore differ from the other chapters considered in Table 5.7. Relevant developments and the areas of overlap with Project Two are outlined in Volume 3, Chapter 11: Socio-economics at Section 12.7.

Onshore Cumulative Impacts with Project One

- 5.4.58 There are a number of potential scenarios for the timing of construction of Project Two and Project One. This has been taken into account in the onshore cumulative impact assessment of Project Two with Project One. This has been assessed on the basis of the following three potential scenarios:
 - Scenario 1 Project One constructed before Project Two;
 - Scenario 2 Project Two constructed before Project One; and
 - Scenario 3 Project One and Project Two constructed at the same time.

- 5.4.59 In the event of a simultaneous or overlapping construction programme with Project One, or in the event that Project Two construction has completed prior to the commencement of Project One construction (i.e. Scenarios Two and Three), access to and use of some of the temporary construction compounds and work areas authorised by the Project One DCO will be prevented or restricted by the construction of Project Two. In order to reduce the impacts to Project One in these circumstances, the Project Two DCO contains some temporary construction working sites and means of access which are intended for temporary use by Project One to compensate Project One and reduce the impacts of Project Two on Project One. Scenarios Two and Three may require the use of these temporary construction working sites (referred to as "compensation compounds" in the chapter and Annex 4.5.4: Project One/Project Two Interfaces), which will not be required under Scenario One.
- 5.4.60 The plan in Volume 4, Annex 4.5.4: Project One/Project Two Interfaces shows all of the features (side accesses, compounds, etc.) potentially required for all scenarios and identifies which features are required for each scenario.
- The potential cumulative impacts of Project Two with Project One for all topics are 5.4.61 presented, with a potential impact linked to a specific time phase (construction, operation and decommissioning). The potential cumulative effects of Project Two with Project One for all topics for all time phases (construction, operation, decommissioning) are presented in the summary tables. The potential cumulative effects of Project Two with Project One are summarised in tables within the onshore chapters.







Figure 5.3 Onshore cumulative schemes.







Figure 5.4 Onshore cumulative schemes.





Торіс	Physical extent(s) utilised and project types screened in, where relevant	
Geology and Ground Conditions	Within 1 km of the onshore High Voltage Direct Current (HVDC) converter/High Voltage Alternating Current (HVAC) substation and cable route corridor area (including side access and compounds).	Due to the localised nature cumulative impacts and the that cumulative impacts be
Hydrology and Flood Risk	Within 1 km of the onshore HVDC converter/HVAC substation and cable route corridor area (including side access and compounds).	Due to the localised nature cumulative impacts and the that cumulative impacts be
Ecology and Nature Conservation	Within 1 km of the onshore HVDC converter/HVAC substation and cable route corridor area (including side access and compounds) and extending to consider potential cumulative effects on bats and birds 4 km from the cable route corridor and onshore HVDC converter/HVAC substation and 5 km from the landfall.	Due to the localised nature cumulative impacts and the that cumulative impacts be occur.
Landscape and Visual Resources	Within 1 km of the cable route corridor area (including side access and compounds) and extending to 15 km from the onshore HVDC converter/HVAC substation.	This extent is indicative of on landscape and visual re
Historic Environment	Within 1 km of the cable route corridor area and extending to 15 km from the onshore HVDC converter/HVAC substation.	This extent is indicative of on the historic environment
Land Use, Agriculture and Recreation	Within 1 km of the onshore HVDC converter/HVAC substation and cable route corridor area (including side access and compounds).	Due to the localised nature cumulative impacts and the that cumulative impacts be
Traffic and Transport	Within 1 km of the onshore HVDC converter/HVAC substation and cable route corridor area (including side access and compounds) and other schemes beyond this area with the potential to add significant traffic to the proposed transport routes for Project Two.	This extent and these proje potential overlap for effects
Noise and Vibration	Within 1 km of the onshore HVDC converter/HVAC substation and cable route corridor area (including side access and compounds). As noise and vibration impacts can result from traffic movements the cumulative schemes selected for traffic and transport are also included.	Due to the localised nature cumulative impacts and the that cumulative impacts be
	Within 1 km of the onshore HVDC converter/HVAC substation and cable route corridor area (including side access and compounds) for air quality. As air quality impacts can result from traffic movements the cumulative schemes selected for traffic and transport are also included.	Due to the localised nature cumulative impacts and the that cumulative impacts be
Air Quality and Health	For the electromagnetic field (EMF) assessment, cumulative impacts will only be assessed for Project One and Project Two together, as these cables would be immediately adjacent to each other and the onshore HVDC converter/HVAC substation. Cumulative magnetic field strength from HVDC cables and the Earth's static magnetic field will also be assessed.	EMF strength decreases ra

Table 5.7 Maximum extents used for screening of physical extent for cumulative impact assessment purposes for Project Two onshore assessment.



Justification

re of the activities that may result in he nature of receptor(s) it is expected beyond this extent are unlikely to occur.

re of the activities that may result in the nature of receptor(s) it is expected beyond this extent are unlikely to occur.

re of the activities that may result in the nature of receptor(s) it is expected beyond these extents are unlikely to

of the area of potential overlap for effects resources.

of the area of potential overlap for effects ent.

re of the activities that may result in the nature of receptor(s) it is expected beyond this extent are unlikely to occur.

pject types are indicative of the scope for cts on traffic and transport receptors.

re of the activities that may result in he nature of receptor(s) it is expected beyond this extent are unlikely to occur.

re of the activities that may result in he nature of receptor(s) it is expected beyond this extent are unlikely to occur.

rapidly with distance from source.



Торіс	Physical extent(s) utilised and project types screened in, where relevant	
	The potential for cumulative effects extends to the proposed infrastructure of other offshore wind energy developments within the Local Impact Area and other developments that would draw on a similar supply chain or labour market to Project Two. The Local Impact Area is identified as the six local authorities which immediately border the coastline adjacent to the Project Two development area and which surround the Humber Estuary.	This extent and the project scope for potential overlap



Justification

ect types considered are indicative of the ap for socio-economic effects.



5.5 **Transboundary Effects**

Transboundary Effects Guidance

- 5.5.1 Transboundary effects arise when impacts from development within one European Economic Area (EEA) state affect the environment of another EEA state(s).
- 5.5.2 The need to consider such transboundary effects has been embodied by the United Nations Economic Commission for Europe (UNECE) Convention on EIA in a Transboundary Context, adopted in 1991 in the Finnish city of Espoo and commonly referred to as the 'Espoo Convention'. The Convention requires that assessments are extended across borders between Parties of the Convention when a planned activity may cause significant adverse transboundary impacts.
- 5.5.3 The Espoo Convention has been implemented by the EIA Directive and transposed into UK law under the EIA Regulations. Regulation 24 of the EIA Regulations requires that where the Secretary of State is of a view that an EIA application may have significant effect(s) upon the environment of another EEA state, or the Secretary of State receives a request for involvement from another EEA member state, it must undertake a prescribed process of consultation and notification.
- 5.5.4 PINS Advice Note 12: Development with significant transboundary impacts consultation (PINS, 2012b), sets out the procedures for consultation in association with an application for a DCO, where such development may have significant transboundary impacts. The note sets out the roles of PINS, UK Government departments and developers. In respect of the latter, developers are advised to:
 - Undertake consultation with specific EEA states where they believe there may be significant impacts on the environment of that state;
 - Consider consulting with environmental bodies within that state and with relevant interest groups;
 - Undertake any such consultation at an early stage (developers are advised that this may help to avoid any delays at the examination stage or even refusal due to lack of time to fully consider transboundary issues);
 - Where necessary collate the names and contact details for relevant EEA states, working with other developers, to help to ensure consistency of approach and to save time and effort (the Advice Note includes a list of contacts for some member states);
 - Share such contact details with PINS;
 - As part of the scoping process, identify the possible significant transboundary impacts or why they consider that there would not be any significant impacts on another EEA State (the Advice Note advises the use of a screening matrix as a way of presenting this information); and

- measures.
- 5.5.5 PINS will consider certain Nationally Significant Infrastructure Projects (NSIPs) as likely to have significant transboundary impacts, including offshore generating stations in the Renewable Energy Zone, unless developers can demonstrate otherwise. The Advice Note therefore recommends that developers should, when preparing documents for consultation and application, consider that PINS may notify all relevant EEA state(s).
- 5.5.6 The Advice Note sets out the procedure for screening, consulting and assessing transboundary issues. This involves the following broad steps, split into two stages:

Stage 1

- Developer carries out consultation with EEA State(s) (as necessary);
- EEA State(s);
- PINS undertakes transboundary screening for potential significant impacts;
- PINS notifies other relevant EEA State(s), including London Gazette notice;
- Other EEA State(s) notify PINS of wish to participate in consultation;

Stage 2

- (NTS);
- PINS undertakes consultation with other relevant EEA State(s);
- process.



Send a draft application and Draft Environmental Statement to the relevant EEA state(s) and any identified environmental bodies within that state as soon as these are sufficiently detailed to enable meaningful comments to be made to developers about the potential significant impacts and the proposed mitigation

Developer notifies PINS of EIA potentially requiring transboundary assessment;

Developer prepares initial matrix to identify potential significant impacts on other

Developer submits application, including translated Non-technical Summary

Other EEA State(s) consult with their public and provide comments to PINS; and Consultation responses are taken account of by PINS in decision making


Approach to Assessment of Transboundary Effects

Transboundary Screening

- 5.5.7 Consultation with other EEA State(s) in relation to Project Two has been undertaken. This has included consultation with French, Dutch and Danish authorities regarding fisheries, shipping and navigation, birds and marine species issues.
- SMart Wind notified PINS of the potential for transboundary impacts arising from 5.5.8 Project Two through the request for a scoping opinion.
- 5.5.9 Identification and screening of transboundary impacts has been undertaken and is presented in Volume 4, Annex 4.5.2: Transboundary Impacts Screening Note. The screening exercise identified that the following receptors may experience transboundary impacts from the proposed Project Two:
 - Fish and shellfish ecology (Volume 2, Chapter 3);
 - Marine mammals (Volume 2, Chapter 4);
 - Ornithology (Volume 2, Chapter 5);
 - Commercial fisheries (Volume 2, Chapter 6);
 - Shipping and navigation (Volume 2, Chapter 7): and
 - Socio-economics (Volume 3, Chapter 11).
- 5.5.10 Furthermore, a Transboundary Screening was produced by PINS on the basis of the initial Scoping Report submitted by SMart Wind in October 2012. This document was published and disseminated to relevant EEA states by PINS in January 2013. Consultation responses received to date have informed the identification and screening of likely significant transboundary effects addressed in the Environmental Statement.

Transboundary Assessment

5.5.11 With specific regard to transboundary impacts PINS' Scoping Opinion for Project Two states: "The ES [Environmental Statement] will also need to address this matter in each topic area and summarise the position on transboundary effects of the proposed development, taking into account inter-relationships between any impacts in each topic area." In line with this comment the assessment of transboundary effects for each receptor group is included in the relevant chapters of the Environmental Statement, taking into account the inter-relationships between impacts. These assessments are based upon the screening undertaken by PINS (see above), though depart in certain instances where project information has developed or matured in the meantime, or consultation responses have provided further detail or direction. Please see specific topic chapters for further detail.

5.6 **Inter-related Effects**

Inter-related Effects Guidance

- 5.6.1 The EIA Regulations (Schedule 4 Part 1) require consideration of the interrelationships between topics that may lead to environmental effects. For example, the separate impacts of noise and habitat loss may have an effect upon a single receptor such as marine mammals. The need to undertake such an assessment is emphasised in PINS' Scoping Opinion for Project Two (PINS, 2012c) which states that "the Environmental Statement should not be a series of disparate reports" and stressed the importance of considering inter-relationships between factors and cumulative impacts.
- 5.6.2 The approach presented in this Environmental Statement has been developed with specific regard to PINS Rochdale Envelope Advice Note (Advice note Nine):

"Inter-relationships consider impacts of the proposals on the same receptor. These occur where a number of separate impacts, (e.g., noise and air quality), affect a single receptor such as fauna."

5.6.3 The approach taken for Project Two satisfies this guidance while also accommodating comments made in PINS' Project Two Scoping Opinion (PINS, 2012c).

Approach to Assessment of Inter-related Effects

- 5.6.4 The assessment of potential inter-related effects has been carried out concurrently considering two levels of potential effect:
 - in isolation in a single phase; and
 - incorporate longer term effects.
- These elements are assessed separately within the offshore and onshore inter-5.6.5 related effects chapters (see below).



Project lifetime effects: effects that occur throughout more than one phase of the project (construction, operational and decommissioning) interacting to potentially create a more significant effect upon a receptor than if just assessed

Receptor-led effects: effects that interact spatially and/or temporally resulting in inter-related effects upon a single receptor. For example, the effect upon benthic habitat loss or disturbance may be greater when multiple sources of impact interact or combine to produce a different or greater effect upon this receptor than when single sources of impact are considered in isolation. Receptor-led effects might be short term, temporary or transient effects, or



- 5.6.6 The assessment of inter-related effects within Project Two has been undertaken with specific reference to the potential for such effects to arise in relation to key receptors or receptor groups. A descriptive assessment is included outlining the potential for individual effects to combine, incorporating qualitative and, where reasonably possible, quantitative assessments, to potentially create additional effects that may be of greater significance than the individual effects acting in isolation.
- 5.6.7 The term 'receptor group' is used to highlight the fact that the proposed approach to inter-relationships assessment will, in the main, not assess every individual receptor assessed at the EIA stage, but rather potentially sensitive groups of receptors. The 'receptor groups' assessed include:
 - Adjacent coastlines (physical processes assessment including wave regime, tidal regime, seabed sediment regime and seabed morphology);
 - Benthic, subtidal and intertidal ecology;
 - Fish and shellfish;
 - Marine mammals:
 - Sensitive ornithological receptors;
 - Seascape and visual impact;
 - Marine archaeology;
 - Commercial fisheries:
 - Infrastructure and other marine users;
 - People living in dwellings within 350 m of construction activities (e.g., cable route, compounds, cable crossings using trenchless technologies, building construction side access and haul roads) and within 1 km of the HVDC converter/HVAC substation operational site;
 - People using Public Rights of Way (PRoWs; and other linear routes such as the permissive path along the sea defences) within 350 m of construction activities (e.g., cable route, compounds, cable crossings using trenchless technologies, building construction side accesses and haul roads) and within 1 km of the onshore HVDC converter/HVAC substation operational site; and
 - Non-seabird migrants with the potential to be affected by collision risk and other effects offshore and disturbance and displacement impacts within the intertidal and onshore area. The species in question are grey plover, knot, bar-tailed godwit, black tailed godwit, dunlin, golden plover, brent goose, Bewick's swan, shelduck, taiga bean goose and wigeon.

- 5.6.8 In listing potential 'receptor groups', it should be recognised that for certain groups, the inter-related effects assessment will still need to be carried out on a specific receptor case. An example of this is marine mammals, whereby grouping species such as seals and harbour porpoises into a 'receptor group' may not be a valid approach, due to the differing sensitivities of both these species.
- 5.6.9 The approach follows the key steps below:
 - Review of 'effects sections' undertaken for individual EIA topic areas;
 - requiring assessment;
 - sections' across a range of topics;
 - Development of lists for all potential receptor led effects; and
 - related effects.
- 5.6.10 Where significance of effect within the topic-specific assessment has been identified as 'no effect across all stages of the project', the assumption has been made that these effects can not contribute to any inter-related effects. In determining the boundaries of the inter-related assessment, these effects are omitted from the interrelated effects assessment due to there being no effect from Project Two over the life time of the project.
- It is important to note that the inter-relationships assessment considers only effects 5.6.11 produced by the Project Two development and not those from other projects (which are considered within the CIA).
- Further detail on the approach and methodology for the inter-related effects 5.6.12 assessment is available in Inter-related Effects chapters of the Project Two Environmental Statement (Offshore: Volume 2, Chapter 12 and Onshore: Volume 3, Chapter 12).



Review of 'assessment sections' undertaken to identify "receptor groups"

Potential effects on these receptor groups identified via review of 'assessment

Development of tables that list all potential effects on selected receptor in construction, operational and decommissioning phases (project lifetime effects).

Qualitative assessment on how individual effects may combine to create inter-



REFERENCES

Centre for Environment, Fisheries and Aquaculture Science (Cefas) (2004). Offshore Wind Farms: Guidance note for Environmental Impact Assessment In respect of FEPA and CPA requirements. Version 2 - June 2004. . Prepared by Cefas on behalf of the Marine Consents and Environment Unit (MCEU)

Centre for Environment, Fisheries and Aquaculture Science (Cefas) (2012). *Guidelines for data acquisition to support marine environmental assessments of offshore renewable energy projects (Final)*. Cefas. Report reference: ME5403 – Module 15. Issue date: 2 May 2012

Department for Energy and Climate Change (DECC) (2011a). Overarching National Policy Statement for Energy (EN-1). Presented to Parliament pursuant to Section 5(9) of The Planning Act 2008. July 2011. London: The Stationery Office.

DECC (Department for Energy and Climate Change) (2011b). *National Policy Statement for Renewable Energy Infrastructure (EN-3)*. Presented to Parliament pursuant to Section 5(9) of The Planning Act 2008. July 2011. London: The Stationery Office.

DECC (Department for Energy and Climate Change) (2011c). *National Policy Statement for Electricity Networks Infrastructure (EN-5)*. Presented to Parliament pursuant to Section 5(9) of The Planning Act 2008. July 2011. London: The Stationery Office.

Highways Agency Scottish Government, Welsh Assembly Government and the Department for Regional Development Northern Ireland (2008). *Design Manual for Roads and Bridges (DMRB)* Volume 11: Environmental Assessment. [Online] Available at: http://www.dft.gov.uk/ha/standards/dmrb/ [Accessed 01/05/2012]

Institute of Ecology and Environmental Management (IEEM) (2006). *Guidelines for ecological impact assessment in the United Kingdom*. Institute of Ecology and Environmental Management, Winchester Hampshire. [online] available at: http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=08032010130355 [Accessed 12 April 2013].

Institute of Ecology and Environmental Management (IEEM) (2010). *Guidelines for ecological impact assessment in Britain and Ireland - Marine and Coastal.* Institute of Ecology and Environmental Management, Winchester Hampshire. [online] available at: <u>http://www.ieem.net/docs/Final%20EcIA%20Marine%2001%20Dec%202010.pdf</u> [Accessed 11 May 2012].

Institute of Environmental Management and Assessment (IEMA) (2004). *Guidelines for Environmental Impact Assessment*. Institute of Environmental Management and Assessment St Nicholas House, 70 Newport, Lincoln.

Intergovernmental Panel on Climate Change (IPCC) (2001). *Climate Change 2001: Impacts, Adaptation and Vulnerability*. Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change.

King, S., Maclean, I.M.D., Norman, T. and Prior, A. (2009). *Developing guidance on ornithological Cumulative Impact Assessment for offshore wind farm developers*. Report commissioned by COWRIE Ltd., COWRIE, CIBIRD, London.

Maclean I.M.D., Wright L.J., Showler D.A. and Rehfisch M.M. (2009). *A Review of Assessment Methodologies for Offshore Wind farms (COWRIE METH-08-08)*. Report commissioned by COWRIE Ltd., COWRIE, CIBIRD, London.

Marine Life Information Network (MarLIN) (2012). *Sensitivity Assessment Rationale – A summary*. [online] available at: <u>http://www.marlin.ac.uk/sensitivityrationale.php</u> [accessed 14 December 2012]

Landscape Institute and Institute of Environmental Management and Assessment (IEMA) (2013). *Guidelines for Landscape and Visual Impact Assessment*. Third Edition.

Planning Inspectorate (PINS) (2012a) *Advice Note Nine: Rochdale Envelope*. Available at: <u>http://infrastructure.independent.gov.uk/wp-content/uploads/2011/02/Advice-note-9.-Rochdale-envelope-web.pdf</u>

Planning Inspectorate (PINS) (2012b). Advice Note Twelve: Development with Significant Transboundary Impacts Consultation. Available at: http://infrastructure.planningportal.gov.uk/wp-content/uploads/2012/03/Advice-note-12.pdf

Planning Inspectorate (PINS) (2012c). Project Two Scoping Opinion.

RenewableUK (2013) Cumulative Impact Assessment Guidelines: Guiding Principles for Cumulative Impacts Assessment in Offshore Wind Farms. June 2013.

Smart Wind (2010). *Hornsea Project One Environmental Impact Assessment Scoping Report*. November 2010.

SMart Wind (2012a) Project Two Scoping Report.

SMart Wind (2012b) Project Two Phase 1 Consultation Document.

Smart Wind (2012c) Project One Scoping Addendum. March 2012.

Smart Wind (2013a). Project One Draft Environmental Statement. January 2013.

Smart Wind (2013b). Project One Environmental Statement. July 2013.

SMart Wind (2014) Project Two Draft Environmental Statement. July 2014.



n Document. March 2012. I Statement. January 2013 Statement. July 2013. Statement. July 2014.





Submission to the Department of Planning Environment and Industry concerning the Draft 2020 Social Impact Assessment Guideline

3 December 2020

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Introduction

This submission is written by Dr. Rebecca Lawrence, a Senior Research Fellow at the Sydney Environment Institute, University of Sydney.

In 2017 the NSW Department of Planning Industry and Environment (DPIE) released its first Social Impact Assessment (SIA) Guideline. This Guideline applied to all state significant resource projects (i.e. mines and quarries). The draft SIA Guideline (2020) and Technical Supplement (hereafter "Guideline") is an updated version of the 2017 SIA Guideline and is intended to apply to all State Significant Projects (e.g. now also including infrastructure, hospitals, schools etc).

NSW DPIE is to be commended for extending the Guideline to all State Significant Resource projects.

DPIE's intention to improve the standards concerning SIA in NSW is welcomed and it is hoped that the submission below will assist DPIE in further developing these standards.

Key concerns with the 2020 Guideline are outlined below, many of which pertained also to the 2017 Guideline. In short, there is a concern that the 2020 Guideline will not be sufficient to strengthen good SIA practice or good planning decisions. This has partly to do with the content of the 2020 Guideline, but mainly to do with a lack of implementation mechanisms. In order for this roll out to be effective, SIA must be made a statutory requirement, and the Guideline must make clear how it will be implemented.

The following submission is divided in two parts, although there is some overlap between the two. Part 1 generally focusses on implementation and process issues with the Guideline. Part 2 generally focusses on content issues with the Guideline.

1. Implementation and process issues with the Guideline

1.1 Lack of legal requirements for SIA

While the Guidelines provide substantive and much-needed guidance to proponents, there are no specific and enforceable legal requirements to undertake independent and rigorous SIA in NSW:

- In the context of major projects, there is a critical need for the EPA Act and Regulations to provide specific obligations in relation to SIA. Social impact assessment is currently subsumed within an EIA process that imposes minimal obligations in relation to the content of an EIS and gives a broad discretion to the Planning Secretary in setting the Environmental Assessment Requirements of a project. The statutory framework should require approval decisions under the EPA Act to implement the Guidelines, including the assessment methods contained in the Guidelines.
- In short, social impacts still fail to be assessed under the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) and the Environmental Planning and Assessment Regulations 2000 (NSW) (Regulation) as part of the environmental impact assessment process alongside economic and environmental impacts, and communities have limited scope to ensure that relevant social impacts are identified, assessed and managed in an ongoing wayⁱ.
- Proponents are not required to consult the community during the development of the project and prior to lodgement in a way that would enable communities to identify all relevant impacts and contribute to the development of alternatives or solutions (see The Hon Justice Brian J Preston, 'The adequacy of the law in satisfying society's expectations for major projects' (2015) 32 EPLJ 182, 189). In addition, there is no legal requirement to ensure the free, prior and informed consent of affected social groups.

These legal provisions, combined with restrictions on appeal rights for major projects, are not sufficient to ensure a targeted, comprehensive and independent assessment of the relevant social impacts of state significant projects. The Chief Judge of the Land and Environment Court, Justice Brian Preston, has remarked that the: 'The result is often that social impacts are inadequately assessed in practice' (Preston, above, 191).

Justice Preston's assessment makes clear that there is a need for the statutory requirements to impose formal procedures under the EPA Act and the Regulation for SIA of major projects. These statutory provisions should require approval decisions under the EPA Act to implement the Guideline, including the assessment methods contained in the Guideline and Technical Supplement.

1.2 DPIE should develop and make public an implementation plan for the Guideline.

A key challenge facing DPIE is that the 2017 Guideline does not seem to have made any substantial difference the way DPIE is assessing social impactsⁱⁱ. If this is correct, and the 2017 Guideline hasn't made a difference, the question must be asked: what difference will the 2020 Guideline make?

The next question is this: why? Is the problem that the content of the Guideline is too weak, or because it is simply not being implemented? This submission contends it is primarily a case of poor implementation, although issues with the content are also discussed below.

The following implementation issues appear exist:

- a. There has been a tendency for proponents to state that they have "applied" the 2017 Guideline, and for DPIE to take this as fact. A case in point is the Narrabri Gas project, where the proponent stated they had applied the Guideline, DPIE accepted this at face value without actually assessing, yet in SEI's own review of the process found that neither claims were supported by evidence (<u>https://sei.sydney.edu.au/wp-content/uploads/2020/07/2020-</u> 07-23-SEI-IPC-Submission.pdf pg 25).
- b. Communities have sought access to DPIE's peer reviews, but they have largely remained internal documents, raising questions around the transparency and legitimacy of the Guideline and its implementation in-house. This lack of transparency further restricts the capacity of communities to observe and rectify instances in which impact mitigation measures fail or are not properly implemented.
- c. When DPIE has sought external peer reviews, questions have been raised as to DPIE's ability to interpret this SIA advice accurately (see more below).
- d. The Guideline has an overwhelming focus on process, at the expense of requiring that SIA's actually assess the social impact merits of a case. For example, according to the Guideline and DPIE's general approach to SIA, it would seem that an SIA could theoretically tick the box because community consultation was undertaken, but the fact that a proposed project would have unmanageable adverse social impacts may not be assessed. That is, at no point in DPIE's own assessment process, does it appear that there is a requirement that the social impact merits of a case actually be assessed.
- e. In light of this, the guideline fails to provide a means of recourse for communities should proponent's fail to implement the guideline, nor is it apparent that there are any ramifications for the absence of or failure to achieve best practice. The emphasis on process results in a front-focused explanation of how an SIA should be undertaken, without

sufficiently addressing what should happen if these processes are not properly adhered to. Given the guideline identifies community members wishing to 'understand SIA requirements and how to participate in the SIA process', any avenues for monitoring SIA implementation and proponent accountability should also be made clear.

DPIE should therefore develop and make public an implementation plan for the Guideline. This could be included as an appendix to the Guideline or separate. Either way, the Guideline should refer to the implementation plan and DPIE's commitment to update, make public and follow its own implementation plan. For example, the implantation plan could state that 1) an SIA will be peer reviewed (more on this below) 2) the proponent will be required to amend the SIA according to the peer review 3) DPIE will assess whether the amended SIA meets the standards and criteria set out in the Guideline and 4) DPIE will assess the social impact merits of the proposal.

In order to operationalise this, the Guideline should describe methodological failures that will be considered unacceptable (i.e. standards) and state the criteria against which a SIA as a merit assessment will be reviewed. These do not appear currently in the Guideline. Most importantly, assessing whether a SIA appears to have conformed with process requirements is not the same as assessing the document's adequacy as an assessment of the social merits of what it proposed.

1.3 The Guideline should make clear that all SIAs will be peer reviewed

The Guideline avoids the fundamental dilemma that SIAs are funded by the proponent and that the content will likely reflect this by way of downplaying or ignoring key social impact issues. These problems with proponent funded SIAs have been comprehensively discussed in the academic literatureⁱⁱⁱ.

Consequently, proponent funded SIAs are not a reliable source of evidence for assessment and DPIE must ensure that it receives balanced advice by way of undertaking independent peer reviews of all significant SIAs. This would be in line with routines for other EIS studies: DPIE frequently commissions and receives independent reviews and advice regarding other technical studies throughout the assessment process. The same should apply to SIA.

Peer reviews should be undertaken by independent SIA specialists with skill and experience in detecting omissions and misuse of data, and the knowledge to identify the social impact merit of a proposal^{iv}.

However, a peer review process is only useful if DPIE staff have sufficient skill to interpret the peer review advice they receive. This means that if DPIE commissions peer reviews, they need to upskill staff so that the advice is correctly interpreted. We mention this, because in the recent case of the

Narrabri Gas Project, DPIE commissioned a peer review but misinterpreted the peer review advice in their assessment report to the IPC (<u>https://sei.sydney.edu.au/wp-content/uploads/2020/07/2020-07-</u>23-SEI-IPC-Submission.pdf).

<u>The goal of a peer review process is multiple. It provides DPIE assessment officers with a clear</u> <u>recommendation based on the social impact merits of the proposal.</u> It also provides greater legitimacy to the process, particularly in the case of community division or opposition to a project. It also provides clear feedback to proponents and SIA practitioners and sends a clear message about the standards expected.

Connected to this is the issue of community resources and capacity. It is becoming more and more common for communities to commission their own SIAs or peer reviews of proponent SIAs. Most of this work is undertaken pro-bono by researchers (such as this author) but this is not a sustainable model, and DPIE should consider better resourcing communities to more fully engage in the planning process. We also note that community-controlled impact assessments are at the cutting edge of best practice^v, and in order to achieve proper procedural fairness, DPIE may wish to consider commissioning these types of SIA, or at least encourage them as an alternative model.

1.4 It should be made clear how FPIC and personal and property rights will be guaranteed

Another example regarding the lack of clarity around the issue of implementation, is the question of Free Prior and Informed Consent. The Guideline states that engagement with Aboriginal people "should recognise and respect their rights and be culturally appropriate. In practice, this means: "[...]ensuring free, prior, and informed consent" Guideline, pg 31). This recognition of Indigenous rights is commendable and in line with developments in international law. However, FPIC was also referenced in the 2017 Guideline, yet there is no evidence of this ever being implemented.

First, without legal accountability mechanisms, and a clear implementation framework to attain FPIC, this standard may only be applicable to Native Titleholders rather than Aboriginal peoples generally who are not yet recognised as Traditional owners. Second, FPIC represents a vital opportunity and tool, when applied effectively, to provide self-determination for Aboriginal communities. Therefore, a fundamental link and acknowledgement between self-determination as an outcome of FPIC is needed in the Guidelines. Such an approach also adheres to the 'human-rights orientated' approach the Guideline seeks to support. Particular requirements to ensure psycho-social impacts and vulnerabilities of First Nations communities (including those who are not recognised as Traditional Owners) are recognised, addressed and eliminated is also needed in the context of FPIC within the Guideline.

Moreover, it is unclear why 'personal and property rights' as an impact category been changed to 'livelihoods'. Personal and property rights are a standard impact category in internationally accepted SIA guidelines and the SIA literature more generally. There is no evidence or logic given in the draft Guideline as to why this should be changed. This constitutes a serious watering down of the Guideline and personal and property rights should be reinstated as an impact category.

1.5 The intended audience for the Guideline is unclear

The Guideline states that it is intended for:

- a. Proponents preparing SIA reports for State significant projects
- b. Departmental assessment officers reviewing and assessing an SIA
- c. Community members or interest groups who wish to understand SIA requirements and how to participate in the SIA (pg 9).

Yet the entire Guideline is written as if it is addressed only to the first category, i.e. proponents.

This is a problem because:

- a. The Guideline will presumably be used by DPIE staff when assessing a SIA, but does not contain standards or criteria to be applied in their assessment,
- b. The Guideline tends to imply that any in-house assessment will focus on process rather than merit.

It is therefore recommended that i) the Guideline state that it has been prepared to assist project proponents and, ii) as noted above, the Guideline include methodological standards of adequacy and criteria for a social impacts merit assessment.

1.6 Failure to tailor consultations on the Guideline to Indigenous peoples, other marginalised groups, and civil society organisations

It appears that DPIE has held two information sessions for the public on the draft Guideline: one a general session and one tailored to SIA practitioners. It does not seem that there have been any specific consultations held with Indigenous peoples, other marginalised groups, or civil society organisations. This is highly concerning. DPIE should arguably be modelling the very standard in community consultations that it is itself espousing in the Guideline. If DPIE has not reached out to Indigenous peoples, other marginalised groups, and civil society organisations in specific and tailored ways, this constitutes a significant injustice and undermines the legitimacy of the public submissions process.

2. Issues with the Guideline content

2.1 The Guideline should be clear that SIA is not an "approvals mechanism" or "mitigation smorgasbord"

The Guideline has a very strong focus on how proponents and SIA practitioners can develop mitigations and social impact management plans (SIMP), with the assumption that mitigations and management plans can address all social impacts. What this implies is that that all projects can be approved (with conditions/mitigations/SIMPs). Yet, the Guideline does not acknowledge that the goal of an SIA is to provide the consent authority with an assessment of the likely impacts so they can make an informed determination as to whether it should grant <u>or refuse</u> consent to the application. In short, some projects may be rejected precisely because the social impacts cannot be mitigated or managed^{vi}. The Environment Planning and Assessment Act 1979 (NSW) clearly states that the assessment process has one of two outcomes: approval or refusal (see s.4.16 of the Act). "The Environment Planning and Assessment Act 1979 (NSW) clearly states that the assessment process has one of several outcomes: unconditional consent, grant consent subject to conditions or refuse consent to the application (see s.4.16 of the Act)."

Yet the Guideline evades the issue of SIA being the grounds for a refusal. For example, in figure 8 and section 3.3.11.1, proponents are encouraged to minimise and mitigate social impacts, but nothing is discussed in regard to residual social impacts that may be so great as to render the project socially unsustainable or fundamentally social unjust. The entire Guideline implies that all projects can be approved, and all social impacts can be managed. The words approved, approvals or approve appear 18 times in the document –most times which refer specifically to the "approvals" process –but several do not: they speak of community "approval", post-approvals etc. The word refusal or reject, on the other hand, does not appear once in the Guideline, despite it occurring over 40 times in the EPA Act.

A more accurate picture should therefore be provided of the assessment process, which better reflects the EPA Act. It should be made clear in the Guideline that the assessment process is about understanding the totality of impacts so that planning authorities can make a determination whether to approve or reject the application. The aim of an SIA is not to "comfort" a community (Guideline, pg. 8), expediate the approvals process, or provide a smorgasbord of mitigation options. The goal of SIA is to provide a robust assessment of the social impact issues that matter so that planning authorities can make an evidenced based assessment for determination i.e. whether to approve or refuse the proposal.

It is positive that the Guideline states that mitigations should be tangible, deliverable, and durably effective. But there is a problem in that Guideline provides examples of mitigations that would not fulfill these criteria. For example, a mitigation that states to provide Aboriginal people with business and employment "opportunities" or policy goals to employ more Aboriginal people (pg 19 Technical Supplement), is not the same as actually committing to ensuring that a certain number of jobs or contracts will go to Aboriginal people. This concerns a fundamental difference between an equality of opportunity versus an equality of outcome. The latter is much harder to achieve and monitor, but that should be the goal of social impact mitigations. Social impact mitigations should also be made conditions of consent, but they rarely are, and the Guideline should address this.

2.2 The project's impacts will determine the extent to which negative and positive social impacts require assessment

There is a general sense in the 2020 Draft of DPIE wanting to give more space to positive social impacts in SIA and to provide a more "balanced" view of positive and negative impacts. The issue that DPIE seem to have missed is that the project and its impacts will dictate to what extent positive or negative impacts will require assessment. For example, a project such as a public hospital or school would likely require more attention to positive social impacts than a proposed coal mine would. While the latter may have some positive impacts by way of job creation, the overwhelming majority of social impacts would be negative, and so any blanket suggestion that SIA should give a "balanced" view of both positive and negative social impacts is misplaced.

The newly developed social impacts matrix in the 2020 Guideline is a case in point. "Catastrophic" impacts have now been renamed "Transformational" impacts, in an attempt to make the language more neutral and incorporate the assessment of both positive and negative social impacts. While much can be said of the potential misuse of risk and impact matrixes in general^{vii}, the immediate issue is that draft Guideline has created another problem instead: highly significant negative impacts that are at high risk of occurring cannot be called "transformational". They are, as they were categorised in the 2017 Guideline and in the SIA literature, catastrophic. Maybe the solution is to provide two kinds of matrixes: one for negative and one for positive impacts. Or maybe matrixes need to be done away with all together, as they seem to produce more problems than they solve, particularly when used incorrectly. Apart from any other consideration, the categorisation of impacts is often not amenable to objective classification and is highly vulnerable to being interpreted according to the interests of the proponent. Proponents are reluctant to concede that their project may result in catastrophe, but this should be a key concern for DPIE.

2.3 The Guideline should require a null scenario be developed

A "no go" or "null" alternative is the scenario in which the project does not go ahead, and the social baseline develops according to predicted trends. This is also known as the "without" scenario. The Guideline should require that a robust and realistic no-go alternative should be developed and included in all SIAs. Without this, an SIA analysis is incomplete, as the no-go scenario is a crucial benchmark in understanding how predicted impacts of the project deviate from the predicted baseline^{viii}.

2.4 The Guideline should require that SIAs include impacts on public health

The Guideline makes only minimal reference to public health and this deficit should be addressed. The social determinants of health and the way in which distributional equity underpins public health are not referred to in the current Guideline. The social determinants of health, as a concept, is fundamentally concerned with the operation of distributional equity, which is also an issue in SIA, and this should be addressed in the Guideline.^{ix}

2.5 The Guideline should state that climate change must be assessed in all relevant SIAs

The Guideline does not mention climate change. This is surprising, particularly given the overwhelming scientific consensus that climate change is already changing our environment and having complex social impacts as a result. The Guideline should require that SIA's include the social implications of climate change, and the likely contribution of the proposed project to climate change, in their assessments.

Ideally, this means that any SIA concerning a proposed activity or project likely to contribute to climate change (via scope 1, 2 and 3 emissions), should be required to consider their social impacts. For example, an SIA of a coal-mine should necessarily assess the social impacts of a proposal that further contributes to climate change vis-à-vis a proposed State Significant solar project, for example. Similarly, the climate change implications of large urban housing or infrastructure development should be identified.

The Guideline also lacks reference and consideration of how the foundational concept of intergenerational equity will be scrutinised within an SIA. Intergenerational equity forms one of the key objectives of the EPAA framework^x and provides the legal setting to consider climate change impacts in taking a precautionary approach. At the very least, and even if the contribution of the project per se to climate change is not addressed, the Guideline should require that climate change

be addressed as a cumulative impact in all SIAs. For example, we know that climate change will impact upon how we plan housing and infrastructure – this is because sea-level rise will impact upon urban and coastal development. We also know that increasing global temperatures will lead to extreme climatic events, and adverse weather frequencies, which will impact upon rural land uses. This too will have social impacts and should consequently inform an assessment of the kinds of industries and land-uses prioritised in planning decisions. Extreme heat events will also impact public health, particularly affecting people who are already vulnerable, such as those with chronic respiratory illness^{xi}. This will have social impacts and should inform how we assess the social impacts of dust producing activities, such as mining and construction. Lastly, the recognition of climate change as relevant to regional social impacts is an issue of distributional equity. It is well established that climate change will disproportionately affect the most vulnerable both globally and at more local scales^{xii}. Given the recognition of distributional equity as a guiding principal within the guideline, this should be extended to include the potential risks of a shifting global climate to vulnerable communities – which are brought about in part by emissions solely beneficial to the profitability of the proponent.

Indeed, owing to the recent overhaul of its primary environmental legislation, the Northern Territory now requires all actions that may have a 'have a significant impact on the environment are assessed, planned and carried out taking into account the impacts of a changing climate'.^{xiii} A similar requirement should be recommended within the Guideline.

2.6 Need for social impact monitoring

Social impact assessment is crucial to good planning practice, but only so long as there is a feedback loop so that we learn from monitoring the actual social impacts of comparable projects. The general problem is that social impact practice is heavily focused on predicting impacts rather than actually monitoring them. This means the evidence base from which to predict impacts is not being developed or updated. Without such an evidence base, there is no feedback loop to inform future predictions about social impacts. It also means that projects are being approved on the basis of impact predictions that are not being monitored.

The Guideline should clearly state how social impact monitoring will be required, who will undertake it, how the community will be involved, and how it will inform future SIA and decisions made by DPIE. This would contribute to a growing database of social impacts of different kinds of developments, and would also help to address community concerns that ineffective conditions of consent are being recycled and re-used for multiple projects.

2.7 Need for strategic regional social impact assessments

The Guideline mentions that the cumulative impacts of projects should be assessed but does not say how this will happen. Moreover, it is not just that cumulative impacts are frequently omitted from SIAs, the bigger problem is that social impact assessment and strategic regional planning is not being undertaken by government. Take, for example, coalmining in the Hunter Valley. Each individual proponent undertakes its own SIA, but no government body or authority has undertaken a regional SIA and asked the question: what is the totality of coal mining impacts on these communities and what is socially sustainable/socially just?

There is no incentive (or any real financial possibility) for a single applicant to undertake a cumulative, regional or place-based social impact study of multiple developments. It is the role of government to do this by creating a legally enforceable penalty regime for non-compliance with the Guideline. Currently, there are regional communities who are facing multiple resource and other developments, but there is no assessment being undertaken of the cumulative social impacts or apparent consideration of the point at which a threshold of social sustainability is passed.

DPIE should consider commissioning strategic regional social impact assessments in areas under significant pressure from multiple large-scale developments, such as Narrabri and the Hunter Valley.

2.8 Need to respect Indigenous peoples' rights

It is positive that Aboriginal people's spiritual and cultural loss is counted as a social impact (pg 31 appendix to Guideline) but it should not be in an appendix on community consultation. This needs to be given more prominence and should be included as a matter for consideration in social impacts. This is particularly vital given DPIE's desire to implement FPIC.

2.9 Need to specifically address the social impacts of projects on Indigenous people

The Guideline and Technical Supplement both have an overwhelming focus on impacts relating to Indigenous people as primarily being about "cultural" impacts. While this is certainly an important point, and one that must be addressed in any SIA, the Guideline should state clearly that other key social impacts of projects on Aboriginal people must also be addressed. For example, impacts of projects on Aboriginal people's public health, housing, employment etc must also be addressed. This is very often missing in SIAs and must be required in the Guideline in order to address these common omissions in SIAs.

2.10 Incorrect definition of community and people

It is incorrect and problematic to define "businesses" as "community" and "people". Businesses are stakeholders, not "people" or communities. See standard sociological definitions of <u>community</u>.

2.11 Need for a dynamic social baseline

The Guideline states that for a modification of a project "You will not be expected to compile new social baseline data or complete a new SIA;" (pg 15). This should be changed to "you <u>should</u> not usually be expected to compile new social baseline data or complete a new SIA" as there may be cases where the time lag between the original SIA and the updated SIA is so significant that baseline data has changed.

"The social baseline study describes the social context without the project." (pg 22) This is not entirely correct and should be rephrased to state "the social baseline describes the social context at the time of the SIA being undertaken." This distinction is important because many projects have already had multiple social impacts prior to the formal assessment process beginning, such as the acquisition of land by mining companies prior to formal assessment process. This has social impacts and should be included in the baseline.

2.12 Guideline and Technical Supplement should be combined and considerably reduced

Whereas the 2017 Guideline was one document, the draft 2020 Guideline has been split into 2 documents: the Guideline and a Technical Supplement. The 2020 Guideline is now not so much of a Guideline per se, and most of the material that was in the 2017 Guideline is now in the 2020 Technical Supplement. This creates confusion. Moreover, most of the contents of the 2020 Guideline are high level and vague, making the document disembodied and abstract. Most of the useful material is the Technical Supplement. It is recommended that the two documents be combined and the majority of the material in the 2020 Guideline be significantly reduced.

Biographical Statement

Rebecca Lawrence

Dr Rebecca Lawrence is a Senior Research Fellow at Sydney Environment Institute and the Department of Government and International Relations at the University of Sydney. She is a social impact expert and was the social impact expert in the Rocky Hill case for the Department of Planning, Industry and Environment. She was also recently commissioned by DPIE to evaluate DPIE's SIA Guideline and its implementation. Dr Lawrence's research focusses on the social impacts of resource developments for Indigenous and local communities, particularly with regard to human rights, social conflicts, protests, and the social and environmental legacies of abandoned resource projects.

Dr. Lawrence frequently provides pro-bono advice to resource affected communities, as well as civil society organisations, including EDO, ACF and international Indigenous organisations such as the Sami Council

References

ⁱ The consent authority, in determining a development application for SSD, must take into consideration, among other matters, the 'likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality', public submissions and 'the public interest' (ss 4.15, 4.40, EPA Act). Projects that are SSD or SSI must be accompanied by an EIS that includes (cl 7, Sch 2, the Regulation):

(d) An analysis of the development, activity or infrastructure, including-

(i) A full description of the development, activity or infrastructure, and

(ii) A general description of the environment likely to be affected by the development, activity or infrastructure, together with a detailed description of those aspects of the environment that are likely to be significantly affected, and

(iii) The likely impact on the environment of the development, activity or infrastructure, and

(iv) A full description of the measures proposed to mitigate any adverse effects of the development, activity or infrastructure on the environment, and

(v) A list of any approvals that must be obtained under any other Act or law before the development, activity or infrastructure may lawfully be carried out,

(e) A compilation (in a single section of the environmental impact statement) of the measures referred to in item (d)(iv),

(f) The reasons justifying the carrying out of the development, activity or infrastructure in the manner proposed, having regard to biophysical, economic and social considerations, including the principles of ecologically sustainable development set out in subclause (4).

ⁱⁱ We note that DPIEs 2017 Guideline was skilfully applied and used by Justice Preston in assessing the social impacts of the proposed Rocky Hill case, but we are yet to see evidence of DPIE doing the same in one of their assessment reports.

ⁱⁱⁱ Vanclay F 2020, Reflections on Social Impact Assessment in the 21st century, *Impact Assessment and Project Appraisal* 28,2: 126-131; Smith, Katherine E., Gary Fooks, Gary, Jeff Collin, Heide Weishaar, and Anne B Gilmore, 2010, Is the increasing policy use of Impact Assessment in Europe likely to undermine efforts to achieve healthy public policy? *J Epidemiology and Community Health*, 64, (6) 476; DOI: 10.1136/jech.2009.100370

^{iv} It is crucial that SIA, and the peer review process, is not just a tick-the-box *process*, but that the key social impacts are identified and assessed so that a determination can be made based on the key social impact issues. We emphasise this, because both proponent SIAs, and DPIEs own assessment of them, have had too much focus on process over content.

^v See O'Faircheallaigh, C. (2017). Shaping projects, shaping impacts: community-controlled impact assessments and negotiated agreements. *Third World Quarterly*, *38*(5), 1181-1197 and Lawrence, R., & Larsen, R. K. (2017). The politics of planning: assessing the impacts of mining on Sami lands. *Third World Quarterly*, *38*(5), 1164-1180.

^{vi} That the significant social impacts could not be mitigated was a key ground for refusal in the Rocky Hill case, where Lawrence and Ziller acted as expert SIA witnesses for DPIE.

^{vii}Risk matrixes tend to oversimply impacts and encourage a quantitative/numerical approach that implies some negative impacts can be traded off by more positive ones.

^{viii} Vanclay F, Esteves AM, Aucamp I, et al. (2015) Social Impact Assessment: Guidance for assessing and managing the social impacts of projects.

^{ix} Bambra C, Gibson M, Snowden A, Wright K, whitehead M & Petticrew M, 2010, Tackling the wider social determinants of health and health inequalities: evidence from systematic reviews, J Epidemiology and Community Health 64,4 284e291. doi:10.1136/jech.2008.082743 ; Wilkinson RJ and Pickett K, 2010, The Spirit Level: why more equal societies almost always do better, London Penguin

^x Protection of the Environment Administration Act 1991 (NSW) s 6(2).

^{xi} McMichael AJ, Woodruff RE and Hales S. (2006) Climate change and human health: present and future risks. *The Lancet* 367: 859-869.

xⁱⁱⁱ Schlosberg, D and Collins, L. (2014) From environmental to climate justice: climate change and the discourse of environmental justice. *Wiley Interdisciplinary Reviews. Climate Change*, 5(3): 359-374.
xⁱⁱⁱ Environmental Protection Act 2019 (NT) s 42(b)(v).



DOC20/961668-3

Director, Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124 Email: <u>SIA.project@planning.nsw.gov.au</u>

Attention: Jennifer Richardson

Dear Ms Richardson,

Thank you for the opportunity to comment on the draft Social Impact Assessment (SIA) Guideline (the Guideline), and the Technical Supplement to the Guideline (the Technical Supplement). Thank you also for your flexibility in extending the deadline for the Environment Protection Authority (EPA) to make comment.

The EPA supports the proposed Guideline and Technical Supplement. The proposed approach will help ensure social impacts are adequately considered during development assessment and will likely assist in the work of the EPA.

Please find enclosed detailed comments on the Guideline and Technical Supplement (**Attachment A**). These comments can be broadly summarised as follows:

- There is a need for greater clarity around processes, approvals and implementation. For example, how will the Department of Planning, Industry and Environment (the Department) determine whether the Guideline requirements have been met, and how will it consider cumulative impacts?
- Additional elements should be considered for inclusion. For example, requirements for social impact issues to be included in the Secretary's Environmental Assessment Requirements (SEARs), consideration of how to build in adaptive management, and guidance on whether to provide information on social media.
- Modest structural improvements will make the documents more 'user-friendly'.

The EPA would welcome the opportunity to work with the Department to further develop and refine the Guideline and Technical Supplement. Should you wish to discuss or clarify any of the EPA's comments, please contact Janet Sparrow, Manager Strategic Planning, on 9995 6913 or at Janet.Sparrow@epa.nsw.gov.au.

Yours sincerely

4 December 2020

MICHAEL HOOD Director Environmental Solutions (AWNFG) Regulatory Practice and Environmental Solutions

Encl: Attachment A, Detailed comments

Phone 131 555 Phone +61 2 9995 5555 (from outside NSW) **TTY** 133 677 **ABN** 43 692 285 758 Locked Bag 5022 Parramatta NSW 2124 Australia 4 Parramatta Square 12 Darcy St, Parramatta NSW 2150 Australia info@epa.nsw.gov.au www.epa.nsw.gov.au

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General Comments

- The EPA strongly supports providing greater guidance on how social impact assessments (SIA) should be undertaken across the range of development activities. The Guideline should lead to higher quality Environmental Impact Assessments (EIAs), making for more robust assessments of projects. The EPA would welcome the opportunity to work with the Department on the further development and refinement of the draft Guideline.
- The EPA supports the requirement for all state significant projects to meet the outcomes specified. The simplest way to achieve this would be for the Guideline to be universally applied. However, the EPA notes that proponents will be able to negotiate with the Department on alternative approaches. If alternative approaches are to be considered, the EPA recommends the Department develop and publish the circumstances in which it would consider exempting proponents from applying the Guideline, including making explicit that alternatives would still need to achieve the outcomes in the Guideline.
- An important element of SIAs is a supporting economic and financial study to demonstrate public benefit. The EPA observes that these are often undertaken in ad hoc and inconsistent way, where benefits can be over inflated and confined to jobs and multiplier effects in communities. The Guideline provides an opportunity to recognise a standard methodology in undertaking such economic and financial studies, which could ensure a consistent approach is applied across industry that includes costings on both social and environmental benefit. The Department may wish to discuss this with NSW Treasury as the EPA understands similar discussions are occurring in relation to Strategic Business Cases.
- To help strengthen the role of SIA in the Environmental Impact Statement (EIS) process, it would be beneficial to specify the social outcomes that need to be demonstrated in an EIS and delivered by a project within the SEARs (similar to environmental outcomes). This is likely to set a clear expectation for the community on government expectations of what a project needs to demonstrate in a SIA.
- The EPA recommends that the Department articulate how it intends to drive the practical implementation of the Guideline and the achievement of the stated outcomes throughout the development and operation phases, such as:
 - how the Department will monitor and consider cumulative social impacts, including as they relate to multiple projects, throughout the assessment and monitoring phases;
 - how consent conditions that relate explicitly to social impact assessment and management will be applied; and
 - the monitoring and enforcement mechanisms and programs the Department will use to ensure social impacts are given the ongoing consideration they warrant.
- The EPA notes the challenges posed by cumulative impacts, both social and environmental, and would welcome the opportunity to collaborate with the Department on possible mechanisms to overcome these challenges.
- The Guideline would benefit from discussion on the approval process for an SIA and Social Impact Management Plan (SIMP), and arbitration processes where communities and proponents are unable to resolve issues. In addition, the role of the Independent Planning Assessment Commission in reviewing and supporting these measures should be discussed.
- The Guideline recognises transparency as a guiding principle, which is important as it appears to highlight approaches in the SIMP (including negotiated agreements) involving financial contributions, community projects etc. Any such approaches should not be perceived as a way to reduce the need to mitigate impacts and deliver environmental requirements. It will also be important to ensure there is a level of separation between environmental outcomes and community outcomes, thus it may be beneficial to establish

an independent oversight role, where plans and agreements are established with a level of probity (to help reconcile different beliefs, views and aspirations).

• The EPA notes that the application of the Guideline is limited to state significant projects. EPA interactions suggest that this sort of approach could be helpfully applied in other instances, for example when mining exploration license applications are being assessed.

Comments on Guideline Content

- The challenge in SIA is the need to build trust in a process where good community engagement is at its core and where the proponent and Government work collaboratively with the community. While recognising that the SIA process is scalable and will be influenced by a variety of factors, it would be helpful to be clearer about the expectations and accepted standards for each stage of the process. For example:
 - More information is required upfront about how decisions will be made regarding the scale of SIA required for a project
 - A clear distinction must be between the requirements of phase 1 and phase 2 reports – it would be helpful to articulate only one set of expectations for each, and only in one place.
 - Appendix A of the Guideline states that the proponent should provide a draft engagement strategy for discussion with the Department at the scoping meeting. While this approach is supported, this requirement is not recognised in Section 2 of the Guideline, which provides an overview of the EIA process. The Guideline would benefit from a larger diagram that presents the EIA process and clearly highlights where key elements of the EIA and SIA processes need to be delivered.
- A significant component of the EPA's work is at the intersection of technical environmental impacts and community perceptions and experiences of these. Ensuring that relevant factors are considered upfront in the process and are articulated clearly through the SIA would be an effective tool in removing some elements of conflict from the post approvals space. Ensuring upfront consideration and articulation of community concerns would help the community to adequately assess the proposed responses to their concerns and help community members to inform the Department about their degree of satisfaction with these responses. It would also enable the Department to better respond to outstanding issues during the determination/conditions stage. Consideration of the following elements of the Guideline could help achieve this:
 - s. 3.3.1 (*Required Information*) outlines required information for phases 1 and 2 of the SIA report. Re-ordering and (possibly) re-naming parts of S 3.3.2 (*Social Locality*) onwards to s. 3.3.11 (*Responses*), to make these sections more aligned (both in content and order) with the required information for the SIA report, is likely to be more helpful for practitioners to be able to effectively articulate social impacts and proposed responses.
 - Providing more guidance around what practitioners and community groups can expect during the assessment/determination/conditioning phases – as outlined above, more upfront information in the SIA is likely to lead to more fit-for-purpose conditioning.
 - Including a requirement for a draft SIMP or (at a minimum) the key elements of a SIMP in the SIA report to be submitted during phase 1 (to allow refinement during phase 2 and to help smooth the post-approvals process).
 - Providing greater detail and more guidance on how the management of social impacts will be monitored and enforced by the Department. This is likely to be a significant part of the success of any SIA and SIMP.
 - As areas transform in response to growth and development, the need for an SIA to be adaptive is an important concept. The SIA should be recognised as an important vehicle to continue to work with communities as they change, as values shift and as

new information arises. In particular, the SIMP would benefit from a recognised review stage where the proponent could reach out to the community after 5 - 7 years to review the adequacy and performance of the SIMP. This will ensure that the plan remains contemporary and can adapt and respond to a changing community and demonstrate a commitment to social licence.

- The draft engagement strategy would also benefit from recognising the need for a communication plan. How information is delivered, to whom, when and how is important to all stakeholders; taking a structured approach will help avoid miscommunication.
- Section 3.3.2 (Social Locality) would benefit from a discussion on the role of social media. The application and role of social media in the planning process has resulted in a significant shift in how communities engage in the planning process. This was highlighted recently during the Wollongong Coal proposal where community submissions were received from individuals and environment groups across NSW and interstate. Interest was also expressed by overseas climate change action groups. This highlights how social media has now provided a vehicle for a broader community to express an interest in being involved in the planning of a project. The examples in the Guideline appear to restrict social locality to a specific area. This may be the case for local-based impacts, but in many instances social locality could be a broader concept, perceived at a city, state or national scale (for example climate change). Addressing this more effectively in the Guideline will help keep the process as inclusive as possible.
- The Guideline relies on an existing community, however in some instances, such as green field sites, there may not be a community currently present. The Guideline would benefit from a discussion on this situation and how a SIA can be developed which can help accommodate the needs for a future community. For example, Regional Plans, Local Strategic Planning Statements, councils/community visions for places and Community Participation Plans are important resources that should be recognised as initial data for shaping a SIA.
- The Guideline may benefit from greater consideration of the interests of First Nation peoples – these interests are largely rolled into broader cultural interests, except for Appendix A. The EPA recommends the inclusion of an explicit section upfront with guidance on processes for ensuring Indigenous voices are represented (ie pull out/include parts of Appendix A further up front).

Comments on Guideline Structure

- The document may be more easily digestible with an edit/restructure, including a focus on greater conciseness/removal of duplication. It may be helpful to have the same (or similar) structure in each of the sections, beginning with an upfront part to the section which explains which part of the SIA process this section relates to.
- It would also be helpful to align the sections/headings in the Guideline with the information available in the Technical Supplement for example, Part 2 of the Technical Supplement appears to align with part 3.3 of the Guideline, but this isn't entirely clear. It would be helpful to be able to read the Guideline or the Technical Supplement and understand where you might find aligned/corresponding/supporting information in the other document.

Comments on Technical Supplement

• In Section 3.1 (*Responding to Negative Impacts*), there is reference to collaborative, multistakeholder measures being required in certain circumstances. The EPA recommends the Department provide further guidance on the circumstances in which this would apply and how the Department will implement appropriately-shared mitigation measures in a practical way for individual project proponents.

- In section 4 (*Monitoring and Management Plan*), it would be helpful to proponents if information was provided about the actions the Department may make in response to instances of non-compliance.
- The document would be more easily read with an edit/restructure, including with a focus on greater conciseness/removal of duplication. It might be helpful to have the same (or similar) structure in each of the sections; starting with an upfront part which explains what part of the SIA process the particular section relates to.
- The flow of information could be structured with more of a lineal flow to the phases of the SIA and with greater alignment to the information in the Guideline. The current structure could lead to confusion for the reader. For example:
 - part 2.2.1 references table 3 (on page 13), which requires information referenced on page 12, which in turn is to be developed with reference to table 5 (which is on page 16). This is difficult to follow.
 - There are 2 tables headed 'characteristics' (tables 2 and 5), so when the text references 'characteristics' it's difficult to know which is being referred to.
 - Table 3 references 'yes' or 'unknown' answers (in the threshold column); it's not clear whether this relates to the answers for the cumulative impacts section, or the characteristics section (or something else?).
- If restructuring to this end isn't possible, alternatively, it would be helpful to include a process map/table at the start of both the Guideline and the Technical Supplement, which outlines the different elements of the key stages, the expectations for each stage, and which sections in the documents provide relevant information for each stage.



4 December 2020

Director Infrastructure Policy and Assessment Practice NSW Department of Planning, Industry and Environment Locked Bag 5022 PARRAMATTA NSW 2124 Submitted as requested via email to: <u>sia.project@planning.nsw.gov.au</u>

To Director Infrastructure Policy and Assessment Practice

Re: Draft Social Impact Assessment Guideline for State significant projects

Thank you for the opportunity to make a submission to the consultation regarding Draft Social Impact Assessment Guideline for State significant projects and agreeing to our request for a short extension to 4 December 2020, for SSROC to provide our feedback.

The Southern Sydney Regional Organisation of Councils Inc (SSROC) is an association of eleven local councils in the area south of Sydney Harbour, covering central, inner west, eastern and southern Sydney. SSROC provides a forum for the exchange of ideas between our member councils, and an interface between governments, other councils and key bodies on issues of common interest. Together, our member councils cover a population of about 1.7 million, one third of the population of Sydney.

SSROC seeks to advocate for the needs of our member councils and bring a regional perspective to the issues raised around better assessing projects deemed to be of State significance.

SSROC population and housing data¹, in the period from 2011 to 2016, reveals a very diverse socio-economic area marked by rapidly rising numbers of dwellings and underlying growth in the number of households in the area. The estimated resident population increased by over 150,000 during this five year census period.

As our area has undergone rapid densification, it has increasingly been characterised by mounting numbers of households renting privately, many of whom continue to experience high rental stress. Analysis of weekly rental payments of households in the SSROC region show a larger proportion of households paying high rental payments (\$450 per week or more), and a smaller proportion of households with low rental payments (less than \$250 per week) when compared to Greater Sydney.

SSROC, covering two Districts of Greater Sydney, has been severely impacted by the COVID-19 pandemic and in particular the hard hit areas of tourism, hospitality and tertiary

¹ Source: Australian Bureau of Statistics, Census of population and Housing 2011 and 2016, compiled by id <u>https://profile.id.com.au/ssroc/</u>



education. At this critical juncture projects of State significance that progress to receive planning approval should not only create new local jobs in a timely way but also present long-term value for our communities and businesses.

This Guideline should help to ensure that the long-term social impacts on communities and businesses are rigorously assessed in any determination process of important projects that are anticipated to outlast the pandemic's economic consequences.

Our Understanding

Social Impact Assessment (SIA) is the process of identifying, predicting, evaluating and developing responses to the social impacts of a proposed State significant project.

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires social impacts to be assessed and considered as part of the overall environmental impact assessment of all State significant projects.

The department's current *Social Impact Assessment Guideline* applies to State significant resource projects.

DPIE has been working on an expansion of the 2017 Guideline to standardise the SIA approach across **all** State significant development, including State significant infrastructure and critical State significant infrastructure projects.

The department has exhibited a new draft Social Impact Assessment Guideline that is proposed to apply to all State significant projects.

The DPIE website highlights that the 'draft Guideline aims to:

- help proponents understand how to meet the department's expectations
- give the community comfort that their concerns and perspectives are considered early and build community trust
- build higher levels of community 'social licence' for projects
- reduce risks and costs to the project as a result of unplanned or reactive management of social impacts
- streamline assessment processes by reducing departmental requests for more information
- create better proponent-community relations and more socially sustainable outcomes.'

Overview of the submission

This submission is organised in two sections:

- 1. General Comments
- 2. Project-related issues for specific types of projects.

Each of these sections will focus on the more significant changes being proposed as relevant to SSROC. This submission makes a number of recommendations along with supporting rationales.

1.0 General Comments

SSROC welcomes the opportunity to comment on the Department of Planning and Environment's (DPE) Social Impact Assessment - Draft guidelines for State Significant projects (the guideline). A strengthened approach to social impact assessment (SIA) is supported and seen as an opportunity for proponents of major projects to make a positive and lasting contribution to the social wellbeing of the communities in which they operate.

The state of play



At the development assessment stage, communities have too often been subjected to pressure from proponents to support proposed developments. In addition, community consultation on State significant resource projects often has been poorly managed with the community disenfranchised in the process. At times there is little consistency between how social impacts are considered for different proposals, engendering distrust in the process. Lack of clarity has meant that councils do not have the information required to adequately advise the community about the details and progress of a particular development.

Poor social impact processes have ultimately contributed to significant impacts on communities, including loss of community cohesion due to the presence of non-resident workers; stress on local housing supply, social infrastructure and services; cultural heritage conflicts; marginalisation of vulnerable and minority groups; and worsening community safety and security. Councils can face enormous pressures to ensure that such impacts are properly considered in a development approval system that often seems skewed to granting approval regardless of the resulting social impacts.

Communities have had to be very proactive to gain the regulator's attention to address noncompliance. Conditions of consent are often vague and ill-defined and there have been inadequate mechanisms to enforce them. The views of the community have not always received an adequate hearing resulting in a perception that their views are not valued or respected.

An enhanced and more robust framework for SIA should ensure that there will be demonstrable social benefits to community wellbeing both during the life of the project and after it is completed. The social benefits (or costs) of any proposal should be given equal consideration to any economic and environmental considerations.

SSROC welcomes the decision to expand Social Impact Assessments to all state significant projects. It should help to fill an important policy gap, and this is strongly commended.

The guideline provides a platform from which to evaluate social impacts and then respond to them. The guideline aims to help proponents and other stakeholders understand what type of assessment is needed when and to determine the level and depth of assessment required in a SIA by DPIE. Early consideration of social impacts should enable proponents to achieve better outcomes and build stronger community relationships.

Given these advantages, we recommend that consideration be given to DPIE recommending the use of the Guideline for all projects applying for approval, before the finalisation and adoption of the Guideline.

However, we have identified a number of areas and issues that would benefit from greater attention and has made recommendations about specific improvements to the Guideline and the related arrangements.

Valuing Local Councils

Local councils should be accorded a <u>special and key position</u> within the assessment process articulated by the Guideline.

Accepting the premise that State Significant projects require special planning treatment, there is a strong argument that local councils' views should by virtue of their major role as a legitimate sphere of government be afforded greater importance and given increased prominence in the



overall impact assessment process. Councils as place managers should never be sidelined or relegated to just another voice.

As local representative government, councils have a regularly renewed social licence to look after their local communities, manage their social needs and regulate the impacts of many local activities and enterprises. This status extends far beyond the symbolic and is immensely practical for shaping a social impact assessment and giving weight and merit to local council perspectives.

Unlike other vested sectional interests, local councils perform a wide-ranging integrating function with ongoing responsibility for balancing the needs of their local government area, their communities and organisations doing business in their area. They can bring a unique holistic approach grounded in local evidence with positions informed by mandated public consultations that were specifically geared to informing land use, environmental protections, as well as infrastructure and service planning. Councils routinely take on special responsibilities for addressing local needs arising from inequality and providing assistance to marginalised groups.

Local councils are statutory repositories of past decisions, possess local knowledge of community and place as well as offering a source of specialist staff expertise on many critical social issues informed by service delivery. Importantly councils are the stewards of tested and approved plans for the community's future. As a strategic planner, a consent authority, and multiple service delivery agency, councils manage the dynamic impacts of population and business growth (or decline), the provision of critical community infrastructure and ongoing human services all with finite budgets. Councils play a key role in co-ordinating their local efforts with both state and federal agencies, their respective laws and regulations as well as their multiple strategies and plans.

In relation to social issues and their impacts, special attention should be afforded to relevant recent council studies and documents (e.g., councils' Local Strategic Planning Statements, Community Strategic Plans, Local Housing Strategies and infrastructure plans,). Reliance on these documents should also provide a pathway for streamlining the social impact assessment process especially when there is strong concordance with the council assessment. Alternately, if the proponent's conclusions strongly diverge from council evidences and directions, there should be an onus for the proponent to clearly demonstrate why the claimed social impacts will be realised in preference to the council's previous conclusions.

Councils would like the opportunity to provide greater direction to the mitigation strategies, and to have greater transparency on how issues are monitored and managed.

Recommendation 1

That the SIA Guideline:

- recognise the special status of local councils and the public trust placed in them
- recommend consulting with councils about key demographic groups and seek access to council networks to ensure diverse groups are consulted
- recommend consulting with councils about other known projects which are occurring and will add to the impact of the development on the community
- afford councils a significant role in informing and commenting on the Social Impact Assessment and
- engage councils around securing the compliance conditions identified in the Social Impact Management Plans.

Building Social Licence



Often delivering State significant infrastructure and developments requires substantial change. Change is often hard. But this change becomes easier when the impacted communities understand the reasons for it, and the benefits it will bring.

State significant projects, by their nature, often have heavily concentrated impacts but more diffuse benefits. These factors place the infrastructure and development proponents at the frontier of debate about community support and the concept of 'social licence'.

Where the delivery of infrastructure and developments imposes substantial change and disruption on communities, gaining and maintaining social licence is a critical success factor for a project. Indeed, social licence can have a very direct effect on electoral and commercial fortunes.

It is therefore important to connect the social impacts and their assessment with the securing social licence for the delivery and operations of State Significant projects.

In the context of specific projects, social licence to operate can be defined as the acceptance granted to an organisation (and the combination of proponent organisations and government regulators) by the community, closely linked to meeting community expectations and maintaining trust.

Declining trust in many institutions is a reflection that communities are no longer satisfied with the business-as-usual approach, demanding new levels of accountability and transparency. The SIA should play a major role in demonstrating heightened transparency, analysis and accountability.

Gaining the support of the affected local councils, as the communities elected representatives, will usually be a critical part of gaining social license for a project.

Infrastructure has unique social licence challenges

While infrastructure provides essential services and is a vital component of any society, the assets are often large, noisy, and require large tracts of valuable land.

As Infrastructure Partnerships Australia notes, "The community will also challenge the use of public funding towards projects if they do not see it as appropriate – the high profile debate around the NSW Government's proposal to rebuild Sydney stadiums being a recent example. Where the case is adequately built and the benefits clearly articulated, local communities will support a project."²

Failure to uphold consumer protections and deliver basic service levels, as well as large increases in the price of essential services can lead to significant reputational issues for organisations or entire industry sectors as well as their projects. These issues are amplified in the face of the rise of the empowered consumer, whereby consumers are imposing greater demands regarding the accessibility and quality of services, particularly those that are essential. A proponent's SIA needs to appreciate and help to gain better understand these concerns over and above following the process and producing an output as the means to gaining project approval.

The social licence issues facing the infrastructure sector and other state significant developments are also heightened by Australia's growing population and shifting demographics.

² Infrastructure Partnerships Australia Building Trust: Social Licence for Infrastructure, 2020, page 22 <u>https://infrastructure.org.au/social-license-for-infrastructure/</u>

The NSW Stadiums redevelopment attracted considerable media attention and saw the creation of a major online petition which received over 200,000 signatures.



The resulting construction activity means many communities are experience significant and sustained disruption. The consequences of not gaining and maintaining a social licence in the infrastructure sector can be significant. Extreme community backlash can result in delays and cause changes in the project scope. Infrastructure Australia's 2019 Australian Infrastructure Audit highlighted that community opposition has resulted in the delay or cancellation of roughly \$20 billion of infrastructure projects over the past decade.³ The Audit called out changing community expectations and poor engagement as the most significant issues facing the sector.

Advantages of social licence for proponents

Social licence is not all downside risk. Where governments and businesses have earned the trust of the community, they are able to deliver assets and services in a streamlined manner. Good business practices allow infrastructure organisations to attract and retain customers and provide a robust foundation to garner support from communities for future projects. This also creates a greater likelihood of them winning additional work. When infrastructure developers and operators have the support of the customers they serve, they have more flexibility to innovate and experiment, which creates benefits for government, business and the community.⁴

Recommendation 2

The goal of gaining social licence to operate should be one of the explicit aims and principles underpinning the Social Impact Assessment Guideline.

The aim should be to make building social licence a key consideration for every SIA project at every stage.

While some of the implications of this go beyond the process of undertaking a Social Impact Assessment⁵ they need to inform and support the design of the SIA:

- Implementing an effective governance structure for managing social licence
- Embedding social licence considerations into all decision-making and processes
- Deploying active and tailored engagement to gain the trust of communities
- Ensuring that the project benefits are clearly and frequently communicated to the public
- Improving the experience of infrastructure users
- Establishing methods for monitoring and evaluating social licence
- Working directly with consumer advocates and community groups
- Establishing methods for monitoring and evaluating social licence
- Evolving the approach to keep up with shifting community expectations

Avoiding Red Tape

Assessment processes and outputs disconnected or even poorly connected to outcomes will create red tape. The activity can serve no useful purpose. Processes and outputs linked to the wrong or poorly conceived outcomes are similarly problematic and will create wasted effort and generate red tape for proponents. Fundamentally avoiding and minimising red tape is DPIE's design issue that can be remedied by the Guideline.

It is therefore critical that the SIA Guideline detail clear meritorious outcomes that then inform social impact assessments. The result of a project approval disconnected to merit offers a poor outcome for communities and businesses and unnecessary delays to proponents, even though many project proponents may welcome receiving the approval itself. Where governments and

³ Ibid page 4

⁴ Ibid page 4

⁵ Ibid



businesses have adequately developed and maintained their social licence, and earned the trust of the community, they are able to deliver developments and infrastructure (and related services) in a streamlined manner.

Streamlining also comes from the provision of detailed Technical Notes that help to ensure the proponent adequately delivers a high quality assessment first time by providing clear practical examples of what is required.

Recommendation 3

That the Guideline provide clear indications of the social outcomes that have merit, including social licence, that are then clearly linked to the proponent's social impact assessment processes.

Further instilling a merit based practice approach

Projects deemed to be of State significance require a high calibre, robust Social Impact Assessment. To argue otherwise would seriously undermine public confidence in our shared purpose in promulgating a transparent, fair and trustworthy planning system.

To retain public confidence in the process that gives this level of importance to certain developments, a best practice merit based approach needs to be adopted.

The exhibited Guideline has a focus on process rather than identifying key impacts and how they can be managed.

The key elements of a recommended **merit-based practice approach** would include an assessment process that is:

- proportionate to the risk and likelihood of the development creating positive and negative social impacts during a project's building, operations and remedial/reuse stages.
- outcomes focused so that the likely extent or lack of their achievement can be objectively gauged by the consent authority.
- effective and directly enable project implementation to incorporate improvements
- timely by balancing the need for rigour, and obtaining verifiable evidence about social impacts while ensuring delays to meritorious projects are kept to a minimum so benefits are more fully realised
- subject to a peer review, if a project is identified as seriously contentious or warrant further verification.

This fit-for-purpose approach will help to ensure decision-makers consistently ascribe State Significance status with heightened, deliberative careful consideration. This will have the added benefit of reducing any temptation to use State Significance status as means of avoiding appropriate public scrutiny of a contentious or easing the passage of relatively low importance project.

Recommendation 4

A peer review of a social assessment be automatically initiated in certain limited circumstances where the situation involves one or more of the following:

1. a project is deemed to be highly contentious with the community (citing a public interest test)



- 2. the local council(s) object to project-related social impacts citing major clashes, inconsistencies and conflicts with adopted regional, district and local plans (e.g., Local Strategic Planning Statements)
- the complexity, size and/or cumulative social impact of the development mean that the balance of social costs and the social benefits are not self-evident, contestable or are largely unsubstantiated
- 4. the development is likely to directly have damaging effects Aboriginal land rights and interests
- 5. the State Government is the proponent or partner.

The intention of a peer review that is mandatory (in these circumstances) is to promote a more objective, transparent and strongly evidenced-based approach. More minor omissions should trigger a request by DPIE to the proponent for an amended SIA supplemented by the required information.

The peer review should be undertaken by a consultancy that has strong expertise in relevant areas of social planning and is independent of the proponent. The cost of the peer review would be paid by the proponent. This should create an incentive for the proponent to undertake the initial SIA to a rigorous high standard consistent with, and proportionate to, the scale of the social impacts.

Triggering further studies

One outcome of the peer review could be DPIE commissioning further detailed studies into specific social impacts to achieve a more thorough assessment. In certain complex assessments DPIE should be able to undertake its own SIA, where the proponent's SIA was deemed inadequate or seriously lacking.

As the Guideline is not mentioned in the Environmental Planning and Assessment Act, strong consideration should be given to amending the Act or the making of a Ministerial direction to give it appropriate legal status and effect. A key focus should be the enforceability of mitigations. Enforceability is particularly critical to addressing Aboriginal community needs.

Embedding a focus on gender diversity in social impacts

While SIA is intended to be a process that puts people at the centre, this aspiration needs to be carefully disaggregated. One area that is sometime under-appreciated, as an area of social impact is that of gender diversity.

Changes are experienced differently by men and women. Negative COVID-19 impacts have been shown to fall disproportionately on women.

It is important that the SIA ask questions with gender diversity in mind:

- Is the project going to make it safer for women?
- Will there be different impacts on the local workforce for men and for women?

Recommendation 5

That the Guideline and Technical Notes provide additional guidance about assessing social outcomes for a diverse gendered population.



2.0 Project related issues for specific types of projects

Waste and Recycling Infrastructure projects

Often councils have dual role in relation to the delivery of essential services.

On one hand, councils can be promoters and strong supporters of more community infrastructure to manage essential services like waste management. As Australia deals with a growing waste management challenge and the transition to the circular economy, more transfer stations, as well energy and resource recovery from waste facilities are being proposed at scale in urban areas, with some already under development. Given the nature of the projects and the potential for not-in-my-backyard responses from some local community groups, project proponents will need to be much more conscious of the need to engage with local interests.

Alternately, councils are also representing the interests and needs of communities being directly affected, perhaps adversely, by development projects. Local communities always feel the impact of the construction and operation of infrastructure assets. If assets do not deliver net benefits, or if the benefits are not effectively communicated, communities can withhold social licence and mount significant opposition.

It is here that a social impact assessment can play an important role. Infrastructure organisations must make significant efforts to build social licence through an evidence based SIA, effective community engagement and strong messaging that enables the community to understand long-term benefits.

Local Councils must consider their own social licence with the community at large and ensure ethical and responsible use of ratepayer money and publicly-funded assets. If the community perceives that the investment will provide a net deficit to society or that the funds would deliver more benefits elsewhere, it is less likely to grant a social licence to operate.

Without these it is more likely that communities will use their power to disrupt a potential project or undermine the operation of and/or process of regulatory reform for an existing asset. Managing stakeholder engagement from the time a project is in the early planning phase will mitigate the possibility of local interest groups banding together to create significant opposition. The proposal for the Eastern Creek Energy from Waste facility in Sydney provides an example of the negative consequences of failing to consider stakeholder expectations and impacts on the local community at the planning phase.

SSROC therefore welcomes the provision of the SIA Guideline to improve transparency and to promote open communication with the public about the balance of benefits and impacts of State significant developments.

Cumulative impacts of transport infrastructure projects on lower income renters

The growth of Sydney's population has been predicated on improved public transport with massive long term investment already committed. Many (if not all) major projects are deemed to be state significant projects; the expansion of light rail and new Metro lines being two notable examples.

This has been accompanied by planning for the rapid densification of housing and intensification of commercial and other land uses around the stations and stops along the new transport corridors. Generally, up-zoning of land along the transport corridors is tied to the provision of this new infrastructure that is linked to concepts of the 30 minute city, the promotion of active transport and doing density well with more walkable compact neighbourhoods, all in close proximity to public open space.



There is a strong and concerted attempt at integrated planning. The SIA needs to fully recognise this integration on generating related social impacts and the social impact assessments. When housing rental markets are concerned the scale of the assessment and evaluation process becomes unavoidably large.

One of the challenges for undertaking a social impact assessment is understanding all of the cumulative effects on a range of population groups in the area of such developments both before and after they are built.

One particular area and population group that requires special attention is the cumulative impact on low income renters who reside in the new corridor communities. A key potential impact is large scale displacement of these communities of renters as rapid redevelopment occurs across an entire subregion, triggered by price increases in the rental housing market. As relatively low-rent buildings are demolished for new higher rise housing options for rent and sale, existing low income earners are disrupted, displaced and dislocated from their local communities and children from their schools as they are forced to shift to the city fringe where rents are more affordable. This dynamic is exacerbated by Sydney's continuing status as one of the least affordable cities to live in especially for those on low and moderate incomes.

While existing land-owners are generally well compensated from the windfall of increased land values existing renters are not. Most of the benefits flow to those who move into the new apartments or existing owners. However, the process of gentrification has a generally negative impact on renting households on low and fixed incomes who experience high rents due to the added amenity from the development. The scale of this social impact has often been poorly recognised in the past in EIS processes, in part because a development is often assessed in isolation and is seen to only have incremental affects. It is noted that the NSW Government has opted for a precinct by precinct approach – referred to as State Significant Precinct for the Metro station known as Waterloo Metro Quarter. It is appreciated that in principle the SIA Guideline asks the proponent to take account of the cumulative impacts.

By way of example, City Futures UNSW undertook a study of the potential cumulative impact of redevelopment of the corridor from Sydenham to Bankstown due to the Metro and found tens of thousands of low-income renting households to be particularly vulnerable and at risk of displacement⁶. To help mitigate the impacts of displacement and/or increased rental stress the study recommends a substantial and coordinated approach to affordable rental housing provision through the planning system and other mechanisms.

It needs to be acknowledged that community engagement with displaced and vulnerable households is difficult and often not realistic. In many instances low income renters may have been moved out, once developers take control of sites in anticipation of developments proceeding.

The Social Impact Management Plan should flag options for voluntary planning agreements and the application of an Affordable Housing Contribution Scheme if a rezoning is involved as part of a benefits-sharing agreement.

Recommendation 6

The Guideline notes that SIA for transport-oriented developments should assess the displacement of low income renters collectively and cumulatively across sub-regional housing markets (the catchment related to the entire transport corridor) rather on an individual station basis.

⁶ City Futures Research Centre UNSW Renewing the Sydenham to Bankstown Corridor: A prospectus for Inclusive Renewal July 2018 https://www.savemarrickville.com.au/prospectus_renewing_the_sydenham_to_bankstown_corridor



The Technical Guide should provide advice about how assessments of the cumulative impacts for potentially displaced renters in the catchment should be undertaken. The Guideline and the Technical Guide provide examples of mechanisms and opportunities for providing affordable rental housing options in the Social Impact Management Plans, for the post approval process.

3.0 Conclusion

SSROC member councils cover a large portion of Greater Sydney and have a direct interest in supporting and advocating for changes to improve the assessment of social impacts of State significant projects. It should help to generate community trust in the process and build social licence.

SSROC supports the development of clear outcome-focused guidelines for SIA and the proposed requirement to address social impacts as part of the preliminary assessment process. Councils, as both representatives of their communities and regulators of the local planning environment, support rigorous pre-development assessment for State significant projects. Local councils need to be confident that the significant local and regional impacts of these developments on community wellbeing and amenity are fully recognised and addressed.

In order to make this submission within the timeframe for receiving comments, it has not been possible for it to be reviewed by councils or to be endorsed at a formal meeting of SSROC. I will contact you further should any issues arise as it is reviewed.

If you have any queries please do not hesitate to contact me or Mark Nutting, SSROC's Strategic Planning Manager on 8396 3800.

Again, thank you for the opportunity to comment on the draft Social Impact Assessment Guideline for State significant projects and we are keen to participate in any further consultation stages regarding the introduction of the new Guideline, in particular consultations about changes that will particularly impact on local councils.

Yours sincerely

WHORN.

Helen Sloan Acting General Manager Southern Sydney Regional Organisation of Council


Environment Institute of Australia and New Zealand Inc.

4 December 2020

To whom it may concern

Comments on the SIA Guideline for State Significant Projects

The Environment Institute of Australia and New Zealand (EIANZ) is the leading professional association for environmental practitioners, and an advocate for good environmental policy and practice. Since 2016, EIANZ's NSW Division has been actively involved as a key stakeholder with the NSW Department of Planning, Industry and Environment's through their review of the Social Impact Assessment (SIA) Guideline, as well as for the broader Environmental Impact Assessment Improvement Project (EIA Improvement Project).

In 2017, EIANZ established the SIA Community of Practice. The SIA Community of Practice is part of the Impact Assessment Specialist Interest Section (SIS). The SIA Community of Practice was set up to develop and maintain a community of SIA practitioners, build and share SIA knowledge and lessons learnt and facilitate the improved integration of SIA practice within EIA. The SIA Community of Practice consists of SIA practitioners from around Australia and Aotearoa (New Zealand), working as consultants, academics, regulators and within proponents.

This submission has been developed by SIA Working Group members in response to the public exhibition of the revised SIA Guideline for State Significant Projects, in consultation with the EIANZ NSW Division. Comments received from group members have been collated below in dot point form under key themes relating to the relevant guideline documents, including the technical supplement.

If you have any queries about this submission, please feel free to contact the undersigned on 0410 168 644 or rachel.ohara@aecom.com.

Your sincerely,

Rachel O'Hara Vice-President, EIANZ NSW Division

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EIANZ – SIA WORKING GROUP SUBMISSION

DPIE SOCIAL IMPACT ASSESSMENT REVISED GUIDELINE - STATE SIGNIFICANT PROJECTS (OCTOBER 2020)

This submission has been developed by SIA Working Group members in response to the public exhibition of the revised SIA Guideline for State Significant Projects. Comments received from group members have been collated below in dot point form under key themes relating to the relevant guideline documents, including the technical supplement.

In 2017, EIANZ established the Social Impact Assessment (SIA) Community of Practice. The SIA Community of Practice is part of the Impact Assessment Specialist Interest Section (SIS). The SIA Community of Practice was set up to develop and maintain a community of SIA practitioners, build, and share SIA knowledge and lessons learnt and facilitate the improved integration of SIA practice within EIA. The SIA Community of Practice consists of SIA practitioners from around Australia and Aotearoa (New Zealand), working as consultants, academics, regulators and within proponent organisations.

The EIANZ SIA working group welcome the opportunity to provide feedback on the revised NSW SIA guideline and congratulate the Department on leading the way in the consideration of social impacts more fully in the development of state significant projects within NSW.

Guideline – General

- Valuable document, leading the nation Bravo!
- Good to see a sound emphasis on the key principles that guide SIA practice.
- Improved explanation needed of the intent of the guideline and its objectives. It may also be useful to add in a brief introduction of social impacts in the introduction section.
- Further definition required of the key stakeholders that play a role in the successful implementation of the guideline e.g. proponents, practitioners, community etc.
- Further emphasis required on the importance of process aspects of SIA, as good process increases the chance of achieving improved social outcomes. Also important to clearly articulate that the SIA provides an opportunity for the community to see how the issues that they have raised have been considered and addressed in the assessment process; and to demonstrate how proponents and communities can work together to address ongoing and unexpected social impacts (both positive, negative, direct, indirect, tangible, intangible).
- The guideline should resist trying to solve all the world's problems through SIA, which is what some stakeholders appear to be pushing for. The guideline is a huge leap forward from where things were.
 We need to be careful that in its development we don't alienate developers, practitioners and government assessment officers. The transition needs to be more measured.
- Discussion around scalability is important the extent of SIA required will vary depending upon the scale and nature of the project.
- Discussion around the interaction between SIA, EIA and the regulatory process is good (p.12). The document may benefit from some further detail on the extent to which the outputs of relevant environmental studies are considered in the SIA e.g. noise, air quality, traffic assessments etc.
- A greater use of project case studies throughout the guideline would be useful, where possible, to provide concrete examples of how the guideline should be applied.
- Consider outlining how DPIE and the IPC will use outcomes of the SIA to inform their decision making as a means of reinforcing the value of outputs of the SIA in informing the broader decision-making process.

- Outline the roles and responsibilities of different players in the SIA e.g. proponents, SIA practitioner, DPIE, peer reviewer, IPC, community stakeholders etc.
- Highlight what types of social outcomes the SIA should be aiming to deliver.
- It is noted that there is no reference within the guideline to Human Rights, which is considered by IAIA as best practice this is seen to be a major omission.
- The SIMP (Phase 3) needs to be flexible enough to allow for a changing social environment.
- SIA is too late in the process design decisions are already usually made by the time the EIS is undertaken minimal opportunity to change to avoid impacts, placing more pressure on the SIMP.

Qualifications

- Great to see a requirement for qualified social practitioners to undertake SIAs, this will assist in improving practice and driver the need for appropriate certification of SIA practitioners.
- We welcome the suggestion that SIA's may also be commissioned by DPIE rather than the proponent providing a degree of separation between the practitioner and the proponent (increased independence, less influence).
- Peer review of SIAs should be undertaken for highly conflictual projects.

SIA Overview

- Phased approach as defined in the revised guideline may be confusing may be preferable to refer to Stages – Stage 1, 2 and 3. The methodology of SIA involves a number of distinct phases e.g. Scoping, Profiling, Impact Assessment and Prediction, Impact Management and Enhancement etc. It may also be worth referencing the relevant sections of the SIA phased process to which the stages referred to in the guideline relate.
- Scoping encouraging to see the SIA scoping report requires early stakeholder and community
 engagement to inform the broader project assessment process and that this provides a 'hold-point'
 for proponents to consider project refinements to address anticipated social and environmental
 impacts relating to their project.
- Social baseline may be preferable to outline that the social baseline should be tailored to address the social impacts that are likely to occur or are of highest concern to the community, rather than the social context without the project. This can often be too broad and opens the baseline up to all sorts of unrelated indicators and data.

Stakeholder Engagement

- It is good to see a broader consideration of the range of stakeholders that need to be engaged in relation to a project including those groups that may be more vulnerable and marginalised.
- Important to see engagement with Aboriginal people noted and a recognition that Aboriginal people may have perspectives on a range of social, cultural and economic issues not limiting their input to the more traditional cultural impact assessment within the broader EIS program.
- Further consideration or acknowledgement of the community's capacity to be involved in the SIA and broader EIS process consideration of a' value exchange'.

Evaluating Social Impacts

- Consider replacing likelihood with sensitivity (a greater focus on the receptor).

- Note that community concern has been added, would suggest this is reflected in sensitivity.
- Issues with replacing consequence (importance, significance, value) with magnitude (degree, amount, scale, level) different meaning.
- Further explanation is required on how you balance, weigh up impact characteristics in table 5 (magnitude) to obtain an overall ranking in Table 6?
- Clarification would be useful in relation to the application of different social consequence ratings for differing social impacts this is an area that is very grey, and often comes down to practitioner expertise and judgement. Where standards are available e.g. impacts on health and wellbeing, greater prescription would be helpful.
- The use of the term 'Transformational' in the risk matrix seems out of place tends to imply a positive change. It may be preferable to continue to use the more standard risk matrix terms/definitions likelihood and consequence being the usual terms.
- There is a need to revisit/review the levels of impact e.g. unclear as to how something can be very unlikely, and still result in a medium impact or can have no noticeable change and still have a medium magnitude, though acknowledge that this version of the matrix is improved from the original guideline. The risk matrix appears to be a half-way house between the IAIA guideline and an approach to impact assessment.

Mitigations and Enhancements - Strategy development

- Important to establish a clear nexus between impact and mitigation/enhancement strategies where possible. In this regard, it would be useful to have further detail of case studies that highlight the types of project refinements, mitigation and enhancement strategies that have been implemented to address specific social impacts as a guide.
- Needs to be more clearly specified that Planning Agreements (PA's) need to address project impacts and community needs more centrally – particularly at the local level; and that outcomes of the SIA should be used to inform these agreements, given the social baseline work will have highlighted community needs and values.
- Important to see positive impacts further noted, as projects may also have a range of positive impacts and it is important to outline how such impacts may be further enhanced.

SIA Reporting

- Support the need to be more concise and find improved ways to synthesise, summarise and present social impacts – the assessment needs to be adequate, holistic, and fit for purpose. The SIA could be presented in a concise executive type summary with supporting analysis and data in relevant appendices
- Clarify that supporting data and evidence can be included in appendices of the SIA (additional pages are acceptable in this regard)
- Balance between robust assessment and documentation of issues

Supporting Information

- Technical supplement is well written. The guideline itself appears to have been more watered down than the previous version would like to see a greater balance between the 2017 and revised versions.
- Appendix C Review questions very useful may be further enhanced by further definition of how DPIE will assess e.g. yes / no, Likert scale format, other?

- Further reference to practical SIA examples throughout the guideline and technical supplement
- Development of relevant practice notes to provide working examples of each SIA phase.
- Further listing of types of social impacts by different project type, sector.
- Document would benefit from a list of relevant SIA and engagement references and best practice guidelines e.g. IAIA, IFC, World Bank, SDGs, IAP2, AA1000 SES. It is noted that some of these have been central in informing the development of the guideline.

Detailed Feedback

<u>Guideline</u>

- Figure 1 SIA does not place people at the heart of planning people should be at the heart of the SIA. SIA is a technical process and document as part of a project approval process not planning.
- 1.1 Benefits heading I wonder if there is a better heading... Benefits of a using this SIA guideline?
- Table 3 consider adding a definition for "outcomes".
- Use of the word 'your' in the introduction; the guideline appears to be largely project/ proponent focused. Querying whether this needs to be broadened, or just clarified earlier in the introduction or in a text box, to explain the intent: e.g. "This Guideline is designed to help proponents with the SIA process. It draws on the agreed principles and frameworks of various international institutions, including the International Association for Impact Assessment and the Interorganizational Committee on Principles and Guidelines for Social Impact Assessment."
- Define terms such as 'proponent' in simple language
- Section 2 Insert Figure 2 from the 2017 Guideline useful when talking to community members.
- Section 2 outline that proponents should provide a draft engagement strategy for discussion with the Department at the Scoping Meeting. This requirement is currently sitting in page 31 or in Attachment 1. It would be great to clarify how the proponent's draft engagement strategy fits in with the engagement to be undertaken with the SIA.
- Section 2 should a step in the Phase 1 SIA relate to the proponent developing a list of desired outcomes with the Local Council/s, examples provided in table 10 in technical note.
- Section 3 this section is a bit confusing, much of this information could be popped into the Technical Note. Maybe just have what is in a Phase 1 SIA and Phase 2 SIA Report?
- Section 3, p. 14 there is no link to the Scoping Worksheet.
- Section 3, p. 16 why change the words from area of social influence to social locality? It takes up words and not sure of the purpose of changing it?
- Section 3, Figure 6 I would argue that the middle blue colour should be along the project location, as people who are along a corridor also experience social impacts, especially changes to their surroundings e.g. noise, air quality, visual etc
- Section 3.3.4 The ability to identify 'all social impacts' how long is a piece of string? Need to have some scope definition.
- Section 3, Figure 8 would make more sense to be on the same page as Section 3.3.11.

- Appendix A – include relevant cross references to IAP2

Technical Supplement

- Section 2, Table 2, do not know what 'sharing information' means and how it relates to the examples. I do not think this table helps, it is not technically correct and is confusing. If going to keep, it would be more useful to apply the characteristics to a single project type, even as a hypothetical example that links through to the examples provided in Appendix B).
- Categories of social impacts "include the impact in more than one category to avoid missing some aspect of it" need to be careful of 'double counting'.
- If the Guideline wants to bring in the concept of desired outcomes (Table 10) need to include a step in the process to define what they are, how to develop them and links to social impacts and raise this early in the Guideline.
- Section 2.3.3 Social Impact Tables Table 4 likelihood definitions are not relevant to the SIA process. Would suggest another way of defining likelihood, as set out below

Category	I dentified by SIA stakeholders ¹		I dentified in third party data ²		Identified elsewhere ³
Almost Certain	✓	+	\checkmark		×
Likely	✓	or	✓	+	×
Possible	×		\checkmark	+	\checkmark
Unlikely	✓		×		×
Rare	×		×		\checkmark

- Section 4 - add in clarification that the provisional SIMP will need to be updated prior to construction.

¹ Identified by SIA stakeholders during Scoping SIA or the SIA

² For NSW and include data collected by government departments e.g. ABS, NSW Police or NSW Health; research organisations

e.g. University of Newcastle or University of Sydney.

³ Peer reviewed journal articles or SIA practitioner experience.



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Dr Richard Parsons Social Impact Assessment Specialist Department of Planning, Industry and Environment Bundjalung Country – 1/26 Carrington Street Lismore NSW 2480

Re: Feedback on the draft Social Impact Assessment Guideline

Dear Richard,

2 December 2020

Thank you for the opportunity to provide feedback on the draft Social Impact Assessment (SIA) Guideline and Technical Supplement.

EMM has a team of social scientists and social planners with international and national experience in the delivery of social impact assessments are conducted using social science methodologies. We have experience applying the existing SIA Guideline and have appreciated how this has influenced improved practice and delivery standards for social impact assessment. We are excited to see New South Wales government continuing to raise the standards of social impact assessments and welcome the opportunity to be involved.

A summary of the EMM Social Assessment and Performance Team feedback is attached. If you have any questions for wish to discuss the feedback our team would be happy to meet with you at a suitable time.

Section

Comment

Overarching

- The level of detail within the guidelines and technical supplement may lead to practitioners disregarding certain suggestions due to perceived complexity and challenges that may arise. An example is the issue of defining community as including "anyone affected by or interested in State significant projects in NSW". To comprehensively follow this guideline may be a challenging and difficult task in many cases, potentially leading to practitioners not even attempting to take a more comprehensive approach to community definition, due to the perception that it is unrealistic and too challenging to attempt to consult every individual who is 'interested' in a project. Could these definitions be reworked to provide more realistic and achievable standards for community and stakeholder identification?
- Outlining the requirements for practitioners who have education and experience in the field of SIA and social science is beneficial in my opinion. However, I question if highly prescriptive (and possibly restrictive) guidelines are necessary given this assumed expertise and experience. By specifying the requirement of individuals with social science backgrounds, this should mitigate the need for such detailed and prescriptive guidelines. This may also impact the ability for practitioners to engage in more creative, insightful, and considered methods, when this is arguably the central benefit of engaging social scientists to conduct SIAs.
- There is a risk related to the lack of emphasis on the necessity for SIA to be implemented by a person with adequate qualifications. The guideline is rather vague and only indicates that SIA phase 2 and the SIMP should be completed by a 'suitably qualified person' in the very final pages of the Appendices.
- Whilst there may be historical reasons for social scientists establishing themselves in EIANZ, it does not actually make sense, more does it seem to be of any professional benefit (ongoing development, peer support from the broader social science community) to become a member of a professional body established for environmental scientists. I myself, and many other social scientists would not even think of it and would not see value, fiscally or otherwise, in joining. That said I do think membership in an appropriate body is good for the profession.

Social Impact Assessment Guideline

1. Introduction

	oddetion	
	Figure 1 SIA places people at the heart of planning	The figure does not depict planning it depicts the categories of social impacts. Consider renaming the figure so it accurately reflects the figure or change the figure.
	Term 'socially sustainable" paragraph 2 page 7	Requires definition. This is a concept many Social Scientists can grapple with and from my experience it is a term that is used but not understood.
	"The requirement to undertake an SIA will be explicitly noted within the Planning Secretary's Environmental Assessment Requirements (SEARs); however, undertaking an SIA is considered best practice whether required by the SEARs or not." Pge 7	Agreed that this is best practice. However, is the intent that all State Significant Developments (SSD) are expected to have an SIA? If so, it would be useful to have this said explicitly. This appears to be a loophole for proponents who do not see SIA as a necessary exercise as it implies that if not in the SEARS it is a good to have but not necessary.
	International Association for Impact Assessment and the	Why is this not informed by a broader range of international practice and guidance eg IFC, World Bank, UN, ADB
	Interorganizational Committee on Principles and Guidelines for Social Impact Assessment.	Regarding IAIA, it has its strengths but there are some real flaws with this framework, and it remains unchallenged which is troublesome. We should be seeking to move the practice and adapt (a principle of SIA) our frameworks methodologies based on experience in application. Vanclay proposed the categories of social impacts in 2003 and the fact they have not changed is not a strength but a weakness. We as practitioners often must retrofit data and information to fit into categories that do not really make sense.
1.1 Bene	fits	
	build higher levels of community appreciation, or 'social licence', for projects	Community appreciation and social licence are not necessarily the same thing. Social licence I would think is more to do with social approval and acceptance preferably at a broad level.

Section	Comment		
1.2 Using this Guideline	The guideline is intended to be used by 'proponents preparing SIA reports for State significant projects' (p. 9) however this doesn't indicate that the proponent is required to have any specific qualifications that seem to be assumed, if the guideline is applied to create meaningful and rigorous SIAs.		
	This also contradicts the information provided in Appendix B which requires social science expertise		
1.3 When to undertake an SIA			
The SIA process will begin during project scoping, when you should determine the size and scale of likely social	• This appears to allow the proponent to determine the size and scale of likely social impacts. What would qualify a proponent to do this?		
impacts. Projects likely to have minimal impacts will require a simpler SIA; for other projects a more complex SIA process will be required. Section 3 and Section 4	 This would undermine the move to put rigour in the process. Social Scientists applying social methodologies to impact assessment is a very specific expertise. I cannot imagine that many proponents would be able to do this let alone have the objectivity required to make the call on the scale of social impacts. 		
describe the three phrases of the SIA process.	 In this context, where the guideline is applicable to SIAs for State significant projects, the margin between the recommended size of report is vast and vague. "Projects likely to have minimal impacts will require a simpler SIA" – this instruction could pose a risk to the potential impacts of a project not fully being investigated as they are overlooked from the beginning? 		
1.4 SIA Principles			
You may wish to summarise how the SIA adheres to these principles in the SIA report. If any of these	• I suggest framing this in the positive as opposed to providing an out for using any of the principles. Would be more effective and send the message that it is expected you use and understand their application if the guideline stated:		
principles are not relevant (for example, because of project scale) explain why.	• "You are encouraged to document how each principal adopted has been applied and how in the SIA report".		
1.5 Guideline language			
Community: Anyone affected by or interested in State significant projects in NSW, including individuals,	 potential issues with including 'anyone interested' - what is defined as 'interested' in the project? Is someone who is interested in the project but lives significantly far from the project site considered to be within the community? 		
community groups, Aboriginal and Torres Strait Islander	Clarification on who is considered and included within the community. Community is also a category within the impacts.		
communities, culturally and linguistically diverse communities, representative bodies, businesses, local government and stakeholder groups (defined below)	 Not sure this is a definition of community that fits for SIA. I would suggest that these may be subgroups in a 'community' therefore I am using the sociological definition that bounds this with a geographic boundary that requires them to interact with one another regularly. The 'NSW and 'anyone interested' seems to fly in the face of known definitions of community as well as being so broad as to negate the need to consider the area of influence. A baseline would become unworkable and the ability to assess impacts way too broad. Definition of community I refer to is: 		
	"First, a community is a group of people who interact with one another, for example, as friends or neighbours. Second, this interaction is typically viewed as occurring within a bounded geographic territory, such as a neighbourhood or city. Third, the community's members often share common values, beliefs, or behaviours". Oxford bibliographies https://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384 - https://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384 - https://www.oxfordbibliographies.com/view/document/obo-9780199756384/obo-9780199756384 - https://www.oxfordbibliographies.com/view/document/obo-9780199756384 -		
Social impacts: The matters listed in Section 3.3.2 and	Should be referencing 3.3.3		
Section 3.3.4 of this Guideline.	Are social impact categories now interchangeable with matters?		

Section	Comment
2. Overview	 This section does not provide clarity in the process. This is less clear than the previous diagrams and seems to unnecessarily complicate the interaction between SIA and EIS.
	 This diagram indicates that all the work for SIA occurs at the scoping phase. This is not our experience and given we rely a lot on inputs from other technical reports as well as community engagement this hardly seems likely that we would do most of that prior to receiving SEARS.
	 Figure 2 implies that more work is required for let complex social impacts than for complex ones and that the work would. Important to note that as most people are visual the scale of the boxes for each phase will be interpreted as proportionate to effort and time required. I suggest this diagram be seriously recrafted to ensure it accurately depicts the message you are intending to send. I suspect it was not intended to suggest that the majority of SIA work occurs prior to SEARS being received.
	What is the worksheet, this is not explained?
2.2 Alignment with other process	Agree that this is something that should be considered. Most proponents only undertake SIA when they must ie as part of approvals process. This section would be useful to expand for proponents so they can better understand how and why an SIA would be useful for their other processes. Not sure if this is possible but if so, I would imagine quite useful.
3. SIA reports	
Begin by completing the scoping worksheet (see link to	 I could not find a link to the scoping worksheet.
Scoping Worksheet), a decision support tool, before the scoping meeting.	Is this a requirement or an optional tool?
complex maximum 100 report combined.	 Does the 100 pages include table of contents, references and appendix such as the social baseline study? EMM prepare a stand- alone Baseline study that is appended to the SIA Report and the relevant indicators that inform the impacts are detailed in the main report.
Under 3.3.9 - "proactively include groups that may have been historically marginalised by representing their views in their own words". This statement is perhaps to open and could be better reworded to express exactly what is meant by representing their views in 'their own words'	intent to become lost and practitioners to disregard such points.
	? The vagueness of the complexity spectrum can be confusing. Based on my experience in SIA, I don't perceive solely 'Phase 1' SIAs as way it is depicted in the guideline could be misleading by stating 'impact identification' as sufficient for a meaningful SIA. Phase 1 strategy'. (p. 12)
 Explanation of 'cumulative social impacts' is not very explicit. D of understanding. (p.20) 	epending on who is reading and applying the guideline, it could lead to lesser consideration of cumulative impacts because of a lack

• Description of a Social Impact Management Plan is extremely brief and puts this SIA phase open to a lot of interpretation. I think it should include some suggested methods and strategies for ongoing impact management, rather than just state that it needs to be done. I see this leading to a great deal of diversity among various SIMPs. note: there may be more details in the tech supplement

Section

Comment

Technical Supplement

- The technical supplement is very prescriptive and offers a step-by-step guide to conducting and writing SIAs. My concern is that this approach may prevent critical case-specific assessments, risking a simplistic 'cut-and-paste' approach. This may lead to oversights in assessing more complex and uncommon impacts that have the potential to occur.
- The use of 'magnitude levels for social impacts' and 'significance matrices' may be overlooked by practitioners who are already experienced in this field and not be seen to add value.
- Inconstancies with terminology relating to Aboriginal and Torres Strait Islander peoples and communities (in Technical supplement & guidelines referred to sometimes as just Aboriginal and other times Aboriginal and Torres Strait Islander, should be consistent as they convey different meanings)
- A qualified social scientist should not require a detailed technical guidance rather a set of minimum standards or expectations on what must be included and conducted eg collection of qualitative and quantitative data sources, baseline data that directly relate to, and inform the determination of social impacts, consideration of technical findings and the consequences to the community, clear defining of the study area, identification of vulnerable people, groups and sections/areas of society (ie social services, safe crossings etc)



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EMM Social Assessment and Performance team look forward to continuing to work with you to improve the standard of SIA in New South Wales.

Yours sincerely

Andrea Kanaris SIA National Technical Leader akanaris@emmconsulting.com.au

9 December 2020



Confidential

Email

Anne Mithieux Principal Planning Officer Department of Planning, Industry and Environment PARRAMATTA NSW 2124

Email: SIA.project@planning.nsw.gov.au

Dear Anne

Submission on draft Social Impact Assessment Guideline

Australian Rail Track Corporation Ltd (**ARTC**) would like to thank the Department of Planning, Industry and Environment for the opportunity to provide some comments on the draft Social Impact Assessment Guideline (**Draft Guideline**) and supporting Technical Supplement which are currently on exhibition.

We have set out our submission in relation to the Draft Guideline below.

1. ARTC's role in infrastructure development

As the Department is aware, ARTC is the national freight rail manager, providing a "one stop shop" for freight rail transport across Australia. In this role, ARTC delivers a wide range of rail infrastructure projects and manages the operation of rail infrastructure.

ARTC is currently planning for and delivering the Inland Rail program, a transformational and once in a generation national rail project which will deliver a fast freight rail line from Melbourne to Brisbane. Spanning 1,700 kilometres, and comprising 13 individual projects across 36 local government areas and three States, the Inland Rail program is the largest freight rail project in Australia. It is also among the most significant infrastructure projects in the world.

Once operational, Inland Rail will become part of ARTC's freight rail network and complete the missing link in Australia's supply chain.

ARTC is very focused on the importance of understanding and addressing the social impacts of its projects - both positive and negative - and engaging well with the communities in which it operates. The Inland Rail major infrastructure project design, assessment and approval processes have included extensive community engagement and robust social impact assessment (SIA). ARTC has worked to achieve SIA outcomes which exceed requirements and promote consistency in SIA across all three Inland Rail States.

Inland Rail

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The Australian Government is delivering Inland Rail through the Australian Rail Track Corporation (ARTC), in partnership with the private sector.



2. Overall comment

ARTC commends the Department for what is generally a clear, considered and balanced Draft Guideline. Whilst there are some specific matters identified in this submission which ARTC believes require refinement or further consideration, overall, ARTC is supportive of the Draft Guideline.

3. Formulation of management measures

ARTC believes that there would be benefit in the Draft Guideline providing greater flexibility on how social impact management measures are formulated to better reflect the way in which major infrastructure projects are delivered, and to allow for innovation in how projects are delivered.

The Draft Guideline provides for the preparation and implementation of a Social impact management plan (**SIMP**) to respond actively to the findings and recommendations of a social impact assessment. The current SIA guideline for resources projects, which the Secretary's Environmental Assessment Requirements (**SEARs**) currently adopt for major infrastructure projects of many kinds, do not provide for SIMPs.

ARTC welcomes the addition of the concept of a SIMP. ARTC has been preparing SIMPs for various Inland Rail projects.

ARTC believes that SIMPs should encourage positive outcomes in project delivery. However, ARTC also believes that it is important to allow flexibility in project delivery and that too much prescription in social impact management can be counter-productive.

The Draft Guideline refers to "performance based and prescriptive conditions" to address social impacts, and also states that a SIMP should(emphasis added):

"... provide **measurable and defined targets and actions** for monitoring, reporting, auditing and reviewing progress, with clear numbering, wording and commitments to locations, timing, frequency, method and responsibilities".

(see page 25)

Social impacts, and the measures to address them, are, by their nature, generally less capable of precise definition and numerical assessment than many other impacts. This is partly because of the nature of social impacts, and partly because of the dynamic environment in which they occur. The dynamic nature of social environments is highlighted in the suggestion on page 19 of the Draft Guideline that an SIA should "consider external uncertainties in the economic and social context, such as fluctuations in local or global economies or changing community expectations that cannot be controlled and could alter predicted impacts".

If social impact management measures are specified too prescriptively, they may become unrealistic. This can place considerable pressure on a person carrying out a project, through expectations of particular performance and concerns about legal non-compliance. As a consequence, proponents and others who are assessing and carrying out projects may become more conservative and less innovative in the measures they propose to address social impacts.

It is important here to keep in mind that major project assessment and approval processes are (and should be) based on a concept design, and so they should work within parameters which allow some flexibility in detailed design and implementation.

Too much prescription can also reduce the scope or appetite for innovation in delivery of the project, which is especially important for major projects which are usually carried out (wholly or substantially) by contracted corporations or consortia following extensive tender processes. In a competitive tender context, tenderers will often seek to differentiate themselves through innovation in their proposals.

Social impact management measures should be outcomes-driven and capable of monitoring and evaluation, but should also be flexible enough to allow room for project revision, refinement and innovation through the detailed design and implementation phases of the project, and also to account for the inherent uncertainties in social development.



4. Engaging with Aboriginal communities

The Draft Guideline includes the following proposals on page 31 (emphasis added):

"A key objective of engaging with Aboriginal peoples for SIA – as distinct from Cultural Heritage Assessment – is to help identify the potential for a project to cause intangible harm through 'cultural or spiritual loss'. This is defined as: loss or diminution of traditional attachment to the land or connection to country, or loss of rights to gain spiritual sustenance from the land. **Equally, engaging Aboriginal peoples for SIA should aim to identify opportunities for cultural or spiritual growth".**

The requirement that proponents of major projects should engage Aboriginal peoples for SIA and "identify opportunities for cultural or spiritual growth" is cast very broadly.

ARTC does not see how it would be appropriate or even possible for proponents of major projects to identify and develop opportunities which would lead to the cultural or spiritual growth of Aboriginal peoples. Indeed, ARTC is of the view that any attempts by a proponent to identify how Aboriginal people could experience "cultural and spiritual growth" may not be well received and may indeed be counter-productive to the relationship between proponents and local Aboriginal communities.

ARTC would therefore recommend that sentence highlighted above be removed from the Draft Guideline.

5. Defining the radius for SIA assessment in the context of linear projects

The Draft Guideline states on page 17 (emphasis added):

"Linear projects such as rail lines, roadways or utility services are typically narrow but long, like that illustrated in Figure 6. Analysis should consider the broader area as well as key precincts or areas that will experience a higher level of impact. Surveys of people in a wider region may inform an understanding of their ways of life and livelihoods (for example travel times and employment) and present a broad representation across a larger social locality."

ARTC understands the importance of conducting a social impact assessment on the social locality of an affected area. However the Draft Guideline does not provide any specific guidance as to the physical radius of this "broader area", with the only guidance being areas that "will experience a higher level of impact".

ARTC proposes that the Draft Guideline specifically recognise that an analytical radius of 125km will generally be appropriate for most linear infrastructure projects in regional areas. This is consistent with current practice for linear projects and a 125km radius has been adopted successfully in other jurisdictions.

ARTC is not proposing this as a "hard limit" on the area of social impact assessment, and would encourage some flexibility to allow a larger or smaller radius where this can be justified on a project-by-project basis.

However, including a reference radius, which is subject to adjustment in each case where appropriate, would provide proponents with helpful guidance, while still allowing a level of flexibility having regard to the particular circumstances of the project.

6. Transitional arrangements

The Department has provided some indicative transitional arrangements for the operation of the new SIA guideline (once finalised) in an information sheet on its website. This suggests that the Department will have considerable scope for discretion in applying the new guideline at various points in a proponent's environmental impact assessment process.

ARTC is concerned that this will introduce uncertainty into the social impact assessment process, and could delay the assessment and increase its costs considerably.

For example, the transitional arrangements available on the Department's website state that (emphasis added):



- the Department "can reissue SEARs referring to the SIA Guideline 2020 and may do so if a long time has passed since the SEARs were issued", and this could occur at any time up to the point of the proponent lodging its EIS with the Department; and
- the Department "DPIE may, **if needed**, require **additional information on, or assessment** of, specified social impacts identified in the submitted EIS, public exhibition submissions, or the Submissions Report, in accordance with the SIA Guideline 2020", and this could occur at any time after the proponent has lodged its EIS with the Department, including in the "determination" and "post approval" phases.

Almost invariably, major project proponents will engage consultants to carry out their SIA, usually after a competitive tender process. The consultancy engagement terms will have strict rules about scope variations which affect the timing and cost of their deliverables. These arrangements make it even more important for proponents that they have as much clarity and certainty up front about what will be required for an SIA, and that these requirements not change materially once a proponent has engaged its consultants to carry out the SIA.

ARTC requests that the Department provide clear statements about transitional arrangements, and that the transitional arrangements clearly minimise the situations in which aspects of the new Guideline can be imposed on proponents after they have commenced their SIA.

7. Correction

In Table 2 on page 10 of the Draft Guideline, the principle of "life-cycle focus" is described as (emphasis added):

"Seeks to understand potential impacts (including cumulative impacts) at all project stages, from pre-construction to **post-closure/operation commencement**".

It seems to us that the highlighted words might be a typo. ARTC believes it is important to consider a realistic life cycle scope for SIA on a major infrastructure project, and so this point is worth clarifying.

ARTC suggests the description be revised to read (changes highlighted below):

"Seeks to understand potential impacts (including cumulative impacts) at all project stages **which can be reliably assessed**, from pre-construction to **operation**".

ARTC would welcome the opportunity for further engagement with the Department on the Draft Guideline, and especially on its implementation.

If you have any questions about this submission, or would like to discuss further, please don't hesitate to get in contact with Peta Tucker, Social Performance & Indigenous Participation Manger, ptucker@artc.com.au

Yours sincerely

Jaroh Canvelly

Sarah Connelly Program Environment Manager



9 December 2020

Department of Planning, Industry and Environment Locked Bag 5022, Parramatta NSW 2124

Attention: Director Infrastructure Policy and Assessment Practice

Dear Madam,

RE: SCHOOL INFRASTRUCTURE NSW SUBMISSION TO DRAFT SOCIAL IMPACT ASSESSMENT GUIDELINE

School Infrastructure NSW (SINSW), as part of the Department of Education (DoE), welcomes the opportunity to provide comments on the 'Draft Social Impact Assessment Guideline' (draft Guideline). SINSW works in conjunction with DoE to ensure every school-aged child in NSW has access to high quality education facilities at their local public school.

SINSW has reviewed the draft Guideline and seeks to engage further with the DPIE on the draft Guideline to ensure an appropriate level of social assessment is determined for essential educational facilities. SINSW is committed to working with DPIE to ensure that public education infrastructure continues to be able to support community needs and be constructed in a timely manner to respond to changes to student population and needs.

Application to Education Projects:

While SINSW acknowledges the importance of Social Impact Assessments (SIA) to identify, predict, evaluate and develop responses to potential social impacts of proposed State Significant Development (SSD) and Modifications, SINSW does hold concern with regard to the application of these draft Guidelines to all SSD applications.

SINSW is a unique provider of social infrastructure, being public education facilities. Public education facilities are planned and located based on service needs to ensure all school aged children are able to access these necessary facilities within their local community.

Further, SINSW ensures that service demands are met and schools are designed to support educational learning outcomes. As such, within school boundaries the buildings and facilities are designed and positioned to meet particular standards and safety requirements to ensure teaching outcomes can be maximised. Also, the types of facilities provided at each school are determined at a service needs level.

SINSW is concerned that the full application of this draft Guideline to all public education projects may hold limited value and cause delays, and as such, SINSW



strongly recommends DPIE consider further what projects are captured by the Guideline.

Transitional Arrangements:

SINSW understands from a recent DPIE briefing that:

- Projects that have already had Secretary's Environmental Assessment Requirements (SEARs) issued do not need to consider the draft Guideline.
- Projects where SEARs have been requested, but not yet received; DPIE has discretion to request a SIA under the new draft Guideline.

SINSW advises that projects at SEARs request stage have already been through stringent Treasury funding processes. Requiring the preparation of a SIA at this stage of the project may pose both financial and time concerns which were not accounted for during the assurance review processes. As such, SINSW requests that DPIE not to impose SEARs requirements to prepare SIA for transitional projects.

SIA Principles:

Table 2 of Section 1.4 of the Draft Guidelines outlines the principles which underpin effective SIA practice. SINSW considers these principles to be more aligned to the impacts that may be associated with large infrastructure, manufacturing or industry types projects.

SINSW specifically notes the principles below could create a very onerous process for essential educational facilities:

- <u>Life-Style Focus</u>: SINSW questions the relevance of 'post-closure/operational commencement' impact for essential educational facilities.
- <u>Precautionary</u>: This principle notes 'evidence' is required to prove threat of environmental damage. Any environmental impacts/ damage would be. addressed in the specific technical section of the EIS. Further, it would be unlikely that a school would proceed with a project that would cause harm to people.
- <u>Rigorous</u>: This principle cites the need for appropriate, accepted social science methods and robust evidence from *authoritative* and *trustworthy* sources – SINSW would seek specific clarification regarding who is considered 'authoritative and trustworthy sources'.

Modifications:

The draft Guideline also requires Modifications to existing approvals, where a SIA has not previously been prepared, to prepare an SIA report.

Given the nature of public educational facilities as important and essential community assets, SINSW advises that for the most part, modifications result from



a service or asset need and as such would be unlikely to cause any noticeable social impacts. As such, SINSW seeks to be exempt from these requirements.

Community Engagement:

Appendix A of the draft Guideline address community engagement, specifically engagement with vulnerable and marginalised groups. As public education infrastructure is designed for <u>all</u> school aged children, specific demographic and cultural requirements are considered during the design of all projects.

Further, SINSW maintains both a robust Aboriginal Education and Connected Communities Policy and a Master planning guidelines for schools policy which require Aboriginal cultural significance to be considered in the master planning and design stages of all projects. In addition, SINSW is working with GANSW to ensure both the recently released Connecting with Country and 'Designing with Country' are followed to ensure school designs and buildings reflect their connection to country.

As this consultation and engagement is already occurring, these requirements appear to duplicate current practices.

Suitably Qualified Persons:

Appendix B of the draft Guideline states that authors of SIA documents must be suitably qualified. This is defined as having:

- "Suitable qualifications in a relevant social science discipline (e.g. sociology, human geography, anthropology, communication), and/or
- "Proven experience over multiple years and substantial competence in social science research methods and SIA practices".

SINSW recommends that 'Town Planners' be added to the list of relevant disciplines in Appendix B of the draft Guideline. Social planning is an established specialisation within Town Planning and it is general practice for technical social impact assessments to be prepared by Town Planners with this expertise. Further, the "Planning Institute of Australia" is listed as a recognised 'relevant professional association' within the draft Guideline.

Recommendations:

- DPIE reconsiders the application of the draft Guidelines to SINSW projects given the nature of our projects.
- Should DPIE consider a SIA is required, this should be advised at the SEARs stage, as opposed to requiring a Phase 1 assessment when requesting SEARs.
- Modifications should only be required to prepare SIA with exception.

SINSW seeks further engagement with DPIE regarding this submission. Should our recommendations not be adopted, SINSW would seek to submit a more



specific response. Please contact Alix Carpenter at <u>Alix.Carpenter@det.nsw.edu.au</u> or Katie Weaver at <u>Katie.Weaver@det.nsw.edu.au</u> with regard to further engagement.

Yours Sincerely,

Geoff Waterhouse Executive Director Infrastructure Planning